

Global & Regional Trends in Civil Service Development

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This report has been prepared by the Astana Civil Service Hub in close cooperation with the UNDP Global Centre for Public Service Excellence in Singapore. It aims at identifying global and regional trends in civil service development taking place around the globe. It examines strategies, policies, programmes and other measures deployed across numerous civil service systems around the world in an attempt to identify whether common trends exist. Its focus is on substance of development and change in civil service reform, without, however overlooking the influence of the processes affecting the type, degree and pace of change; taking into consideration the historical context of each system, at the same time.

This paper aspires to become a resource guide to policy makers and practitioners – in the participating countries of the Astana Civil Service Hub (ACSH) and beyond – by informing them on contemporary developments and future trends in civil service transformation efforts, in their quest to make their administration more responsive, transparent, accountable, more proactive and professional, in interactions with citizens, while dispensing public services. It also provides examples of initiatives taking place around the world, which may help in illuminating the way forward.

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FOREWORD

As the development and other challenges facing governments around the world multiply and become more complex, the role of a well-functioning public administration grows ever more important. Indeed, we believe that, in the 21st century, a merit-based, effective and efficient public service will become a nation's most important competitive advantage.

Undoubtedly, there is no universal model or "silver bullet" for strengthening public administration. However, public officials, particularly in developing countries with continuous transformations, need to be regularly informed about the experiences of civil service developments in different regions of the world. This is to enable them to make quality decisions and revisit existing policies if necessary.

For this reason, the Astana Civil Service Hub, in close cooperation with the UNDP Global Centre for Public Service Excellence in Singapore, has developed this review of global and regional trends in civil service development taking place around the world. Our hope is that this publication will serve as a resource informing political leaders, policy makers, public administrators and the public about key trends affecting the public sector. Our ambition is to assist everyone interested in the challenges involved in reforming civil service systems and in understanding the issues they entail. Our aim is to cater for the new expectations of citizens and emerging needs of the economy and align efforts with best-fit governance practices.

We therefore hope that policymakers and practitioners will benefit from the ideas elaborated in this work and make informed decisions in their efforts to achieve civil service excellence. In so doing, we seek to support effective public administration leading to competitiveness and growth. We also want to encourage leaders and citizens to confront the maladministration that leads to uncertainty, corruption and inefficiency. Such problems create citizens' distrust in government that undermines the overall legitimacy of the state.

Other key pressures for change come from social, economic and technological developments taking place as a result of globalisation. Currently, policy makers are under constant pressure for more change, as citizens' expectations from governments keep rising, and "doing more with less" is an ever-present task.

This is relevant to many emerging economies. For instance, even after twenty years of transition in the post-soviet countries, many essential aspects of the civil service modernisation are yet to be completed. Clearly, one of the important lessons learnt is that civil service reforms must be tailored to each individual country's context, social and political specificities if they are to succeed. At the same time, it is possible to see, in different regions of the world, common trends in modernising bureaucracies. Yet, these trends are not often analysed nor compared on a regular basis.

It is, of course, not realistic to provide in a single publication an exhaustive account of all the public administration reforms being implemented across the globe. Nevertheless, we have made an effort here to focus on the major civil service reforms in different regions of the world and uncover common trends.

This is, however, only the first edition. We hope it will become an annual publication, reflecting every year the changes within public administrations happening at the global and regional levels. We welcome future collaboration with experts, practitioners and the public to take this endeavour further together.

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EXECUTIVE SUMMARY

The remarkable developments – political, social, economic and technological – that have occurred over the past thirty or forty years, have placed immense demands on the State, public administration and civil service structures and systems around the world. Globalisation of markets, scientific and technological advances and increased interdependence among States have created complex new relationships and networks that national systems are forced to recognise, embrace in many cases and manage effectively. Furthermore, the emergence of vibrant civil societies exerts, in many instances, considerable pressures both to reduce corruption, with a view to creating a level playing field for private enterprise and raise ethical standards in the conduct of public affairs.

In growing numbers, governments have responded to these pressures, demands and changes, as they have realised that they cannot afford to stay behind in a world of increasingly dynamic and competitive markets, as well as pluralistic, diversified societies where higher expectations give birth to new and progressively more complex challenges. Governments have responded by bringing new ideas and initiatives to bear on the traditional fields of public administration and the civil service profession aiming at making their structures and systems more citizen-oriented, more flexible, more reflective of the values of society and more focused on performance and results.

The *United Nations Sustainable Development Goals* (SDG), recently adopted by the General Assembly, are generally congruent with the initiatives introduced by governments around the world, particularly with Goal 16. In fact, this Goal recognises and supports the need to build peaceful, just and inclusive societies providing equal access to justice. It is based on human rights, including the right to development. It also recognises the critical existence of the rule of law and sound governance at all levels and transparent, effective and accountable institutions. Goal 16 also highlights the corrosive effects on societies of such factors and phenomena as exclusion, inequality, corruption, arbitrariness and illicit financial and arms flows. They damage social capital and public trust but also undermine the desired levels of security and justice for citizens and residents throughout.

This volume explores the direction and scope of civil service reform and development over the recent decades around the world. In so doing, it attempts to determine whether any global and/or regional trends can be detected. It also attempts to discern the degree of convergence or divergence in strategies, policies and programmes applied

to civil service reform and development in coping with the new challenges in public administration and civil service systems.

The overall impression confirms that there is no convergence towards a single model of civil service reform. Rather, substantial variations exist not only between continents and geographical regions but also among countries. The pace and comprehensiveness of most government attempts to modernise their public service varies significantly from one country to another. Reform activities embrace a wide spectrum.

Civil service systems possess distinctive country-specific characteristics and institutional features based on their historical, cultural and administrative traditions. These, in turn, determine the structure of those systems and, moreover, their ability to evolve and develop over time. This may also be attributed to the presence of particular vulnerabilities, political circumstances, historical conjunctures and reform opportunities in different countries. This can hardly be surprising as countries begin with different values and norms and face different contexts, risks and challenges in the course of their development (Verheijen, 2000; Toonen, 1993).

What often emerges is a pattern of different motives, constraints and opportunities charting the course of reform, reflective of the country's institutional configurations. Thus, civil service systems should not be regarded as isolated artefacts, independent and variable *sui generis*, but as systems or sub-systems, which move at a variable pace in an effort to reform (Hood & Lodge, 2005). Accordingly, we may argue that national civil service systems cannot be simply viewed as constructs that are likely to respond, in predictable ways, to exogenous or endogenous pressures for change.

As we look around the world, from one country to another, variations on reform or on development policies and practices is *the rule rather than the exception*. Change in civil service systems hardly represents the process of a *tabula rasa* approach with all countries starting the process of administrative reform from the same point of departure or moving one step at a time on a predetermined course. Given their historical roots and linkages to political, economic and social systems, civil service systems experience "*critical junctures*" that influence the pace and comprehensiveness of key reforms (Page & Wright, 1999).

However, one may also observe some major common trends. In fact, two main trajectories may be discerned. The first group is depicted by civil services preferring to modernise within state traditions, which are rather closed and resistant to external pressures. The second group is more vulnerable to external pressures and more open to new management and personnel concepts. The first group of countries has roots in the *Rechtsstaat* tradition of continental Europe. It has embedded reform in the framework of a tenured merit-based career structure,

with an all-embracing concept of the State representing an important element of the national culture. The second group is the *Anglo-American public interest system* comprised of the United States of America, the United Kingdom and most of the Commonwealth. The members of this group have attempted to reduce the differences between the public and private sectors concerning terms and conditions of civil service, recruitment and promotion practices and mobility schemes. The ultimate purpose of these several initiatives has been to increase managerial autonomy and flexibility by deregulating human resources management, delegating authority and individualising accountability and performance.

The outcome of reforms in these diverse situations have varied over-time. They provide a fund of experience, both positive and negative. All in all, however, civil service and public administration reforms are still regarded essential as: [i] they seek to improve the efficiency, effectiveness and professionalism in public service delivery and by so doing, better the lives of citizens; and [ii] they respond to local, national, regional and global challenges that may affect the very survival of many societies (Satish, 2004).

Even in technologically and politically advanced countries, pressures to change compel development. Pressures range from protecting the environment to restoring faith in government. Challenges also rise from the globalisation of financial and labour markets and call for accelerated economic growth and sustainable development with equity, as the SDG highlight. Changing demands call for a different type of civil servant. Increasingly, the need is for civil servants able to take initiatives in a variety of policy areas and issues and capable to assume an active role, as opposed to traditional bureaucrats. Moreover, they are required to “do more with less”, due to resource constraints. In all too many countries, the latter is further exacerbated by the exponential growth of public services and their delivery. Furthermore, civil servants are required to function in environments where information technologies have transformed the operational modalities. Regardless of these changes and pressures placed upon them, they continue to operate within a framework of laws, which safeguard the rule of law, due process and public sector values. Throughout, they must preserve a proper balance between legality and efficiency.

In sum, a changing world points to the need for officers, who are competent professionals. Increasingly, societies place emphasis on probity in dealing with public funds, service-orientation, adherence to legality, resistance to corruption and a set of high-level skills well above and beyond those previously required. It also requires civil servants who possess and acquire enhanced capacities to work individually or in teams, under pressure in demanding environments, both national and international, in which they must be expected to serve the public good single-mindedly and unequivocally.

Therefore, civil service reform is conceived both in terms of professional development and in terms of an action intended to improve performance at work, by adopting and deploying the policies and instruments to environmental changes in a sustainable manner. Accordingly, reform is not an isolated task. It must be combined with administrative and governance departures taking place in given countries. These involve institutional changes, often in response to developments, regional or international. Experience demonstrates that reforms cannot succeed in any of the closely interrelated realms of governance – civil service and civil society – without sustained commitment from political and administrative leaders. Absence of such commitment may create unmanageable dislocations. Thus, mobilising political and social support within the system remains a critical requisite for success. Viability of serious civil service reform depends on ability to harness national will, energy and creativity. Accordingly, few countries have undertaken comprehensive reforms and in those that have, results have often been mixed. The main challenge remains to determine a proper sequence of actions, reflecting an adherence to well-thought plans and strategies, as well as proper linkages between the governance and civil service components.

Most contemporary reforms have been the result of convergence of variable political and economic factors in the 1980s and 1990s. They led to widespread questioning of the structures and operational modalities of civil service systems across the world. They also invited scepticism viewing public administration and civil service reform in ideological terms in light of managerial and political doctrines, which emerged during this period. One such doctrine, the *“Managerial State”*, which surfaced in the latter part of the twentieth century challenged the fundamentals of existing civil service systems. Antagonism between the Anglo-Saxon management-driven theories and formal continental European approaches has been emphatic in debates during the past three decades. Some States have shown an interest in the corporatist South East Asian models, as a viable alternative. However, such interest has been confined to Central Asia and to a lesser extent in Russia.

In some parts of the world, reforms have been associated with *“structural adjustments”* and economic reform efforts, sponsored and introduced by the Bretton Woods institutions and Western donor countries. Austerity considerations and *“streamlining”* public service have been combined with the drive to modernise, also focused on providing effective responses to needs, demands and circumstances. Management-driven reforms have sometimes introduced new forms of organisation, as well as new systems of management and supervision, motivation and remuneration. These have focused on creating competitive pressures within the civil service, including opening the system up to private sector approaches and lateral recruitment on almost every level.

While the full-scale adoption of this managerial doctrine seemed inappropriate in many countries, a more selective approach, with respect to methods and practices or certain categories of jobs has proved a useful strategy with a view to injecting dynamism in public service systems. Such reforms have taken place in Canada, New Zealand, the United Kingdom and the United States of America, as well as in such rapidly modernising nations as Brazil, Chile, India, Malaysia and Singapore. Some changes have been comprehensive, others limited and circumscribed. While aggregate experience has been mixed, most reforms suggest a degree of support for improving service delivery across the board and reducing the tax burden by streamlining administration. Though difficult to implement, such integrated schemes have led to economic growth in some countries, notably Botswana, Chile, Malaysia, Mexico and Singapore (UNPAN, 2000). A focus of reform has been on legal frameworks, norms and innovative political and administrative relations, but also on the introduction of new methods of performance measurement and assessment, as well as the development of new civil service systems. Some of these innovations clearly reflect the dominance of New Public Management (NPM) at a time when new civil service systems needed to be constructed, notably in Central and Eastern Europe (Peters & Pierre, 2003). The outcome, nonetheless, has been a combination of continental European type structures with an added dose of performance management and measurement.

Under the dominant influence of NPM, the notion of distinctiveness of public sector structures and the concept of the State as a “model employer” began to fragment, leading to a general weakening of the conditions of service in many countries. In States throughout the world the status of civil servants has been largely redefined. Civil service institutions have been attacked and civil servants de-privileged, losing security of tenure. Advancement has been reduced, as the public sector turned to private sector enterprises for inspiration and examples of good practices (OECD, 2005a). Similarly, the invasion of private sector management techniques into the public sector has challenged the notions of career service, lifelong employment patterns and other “acquired” rights.

In light of these developments, traditional employment practices including the priority accorded to internal labour markets and the norm of promotion from within have been rapidly eroded, especially where lateral entry is permitted and encouraged. Additionally, in some countries, employees are encouraged to move between sectors of government or between the government and other sectors. Overall, it would appear that the notion of a single or even dual internal labour market in government is in decline. In many countries, mobility or exchange systems promote movement across traditional borders. This happens in the case of the European Union, where administrative partnerships are seen as a key framework for meeting the challenges of managing the European Public Service Space (Argyriades & Timsit, 2013).

Related to the change in public sector labour markets is the notion of “contractualisation” of top civil servants primarily. The scope and content of contracts varies widely among countries. In some countries, civil servants are placed on short-term contracts with no guarantee of further employment in the civil service. Short-term contracts and performance-related pay are more common among senior managers than among other public service personnel (OECD, 2004b). In a number of countries, specific rules guaranteeing lifelong employment patterns have been phased out and civil servants are placed under the general labour laws. Some countries still prefer lifelong employment, but term contracts have been introduced to increase individual responsibility for performance. In this case, civil servants remain in the public service, but their tenure is not guaranteed.

Similarly, the traditional distinction between closed “career-based” – with centralised recruitment, promotion and training – and open “position-based” – with a decentralised management of appointments, promotion and training – civil service systems has lost its former validity. However, this classification has been useful methodologically in analysing the salient features of civil service systems (Baimenov, 2000). Such countries as Belgium, Canada, Finland, the Netherlands, New Zealand, Norway, Switzerland and the United States have position-based civil service systems, which are open to lateral entry. By contrast, France, Germany, Italy, Japan, Korea, Mexico, Portugal and Spain approximate more closely to a closed career-based civil service. Over the past two decades, the United Kingdom has moved from a tightly career-based to a position-based system. Sweden, by contrast, moved from a position-based to a broad-banded system, with no position descriptions (UNPAN, 2000). In 1999, Korea introduced the Open Position System (OPS) aiming at the introduction of an element of competition within the public sector. The intention was to push for efficiency and productivity in public administration. The system was further designed to recruit outstanding talent and expertise from both the public and private sectors, through diversification of the recruiting methods (Kim, 2000; 2001a).

Such developments are the result of pressures for reform. These have stemmed from assumptions that the traditional career-based and the position-based system have both their flaws, as the former lacks the ability to adapt and the latter lacks collectivity (OECD, 2005a). Thus, the current trend is for career-based systems to introduce external competition for open positions and performance management systems; and to, moreover, delegate responsibility for human resources management to lower levels. Conversely, position-based systems have introduced more competitive and transparent procedures.

Increasingly, in our days, both external and internal recruitment strategies are applied interchangeably with an emphasis on merit and anticipated performance. A movement towards more temporary em-

ployment has also been observed. Fixed-term contracts are often supplemented with detailed individual performance or appraisal contracts. Hence, recruitment and mobility of civil servants have been subject to change due to challenges to tenure. It is becoming normal for top officials to serve on short-term performance-related contracts. However, this trend is stronger in countries like the United Kingdom, than such other as Germany.

In their quest for change and reform some governments around the world have introduced a service “elite” or senior civil service, within their civil service. The majority of countries have either of two groups of senior civil servants. In position-based systems, top managers, together with an identified pool of potential top managers, are given special attention. By contrast in career-based systems a broader senior management pool exists reaching down to lower management levels. Examples of this abound: The Senior Executive Service (SES) in the United States; the Senior Civil Service (SCS) in the United Kingdom; and Corps “A” Civil Service in Kazakhstan. Germany is an example of a country with no separate or distinct senior civil service.

Different forms of senior civil service systems are found in such countries as Canada, New Zealand, the United Kingdom and the United States of America (Pollitt & Bouckaert, 2004). By contrast, such others as Belgium, Ireland, and the Netherlands have taken steps to limit terms of office for senior civil servants (Bekke & Van der Meer, 2000). In some cases, a senior executive service has been successful in showcasing internal mobility, external recruitment, use of performance appraisals and identity building. Australia is an example. In other countries with limited success or failure, it has been more of a failure and it has been terminated, e.g. New Zealand (Halligan, 2003). In Korea, the Senior Civil Service plays a key role in setting and determining the main policies for the Korean government. It is managed separately from the core of general government officials (Kim, 2001a). Recruitment criteria for the senior civil service vary greatly from country to country. It depends on role and scope. Countries, which have a functional definition of senior management, emphasising the management responsibilities of the posts, have an appointment process that increasingly aims at recruiting executives with management and leadership capabilities.

More often than not, members of the senior civil service are required to go through a competency assessment process and compete for vacant positions. In this manner, it is hoped that mobility may increase over time. Moreover, greater emphasis on performance and responsibility has become a major factor in performance agreements. While in years past, pay was determined by the rank and length in service, it is now increasingly pegged to the difficulty and importance of the job performed, as well as to performance in executing responsibilities assigned to the job (Kim, 2010).

Consequently, as most countries are trying to make the civil service more responsive both to policy decisions and to the needs of citizens, they emphasise “performance” rather than process compliance. This has resulted in some decentralisation of management decisions and more emphasis on individual responsibility and performance of top managers. This is operationalised through the introduction of objectives-setting and accountability mechanisms, as well as individually-based rewards or sanctions. However, the extent and effectiveness of implementation of “performance-based” management for senior civil servants vary significantly. This is, to some degree, related to the nature of the system; whether the system is career- or position-based. But, while performance management is more or less the norm, the focus increasingly turns in the direction of leadership and change management, as well as more effective human resources management.

Promotion of senior civil servants is generally based on performance assessment and individual competencies. Different promotion systems are observable. They tend to be closely related to the type of system in place. Countries with primarily career-based systems have a good degree of mobility and sophisticated promotion mechanisms. Their systems reflect definitions of senior civil servants, which frequently reach low in the official hierarchy. A drawback of these systems is the difficulty of maintaining a satisfactory level of competition for senior positions, resulting, in various degrees, to weaker performance criteria for promotion.

Countries with position-based systems experience difficulties in encouraging mobility among senior managers across departments or keeping senior managers over time, creating a so-called “whole-of-government coherence problem”. Turnover may be high. Thus, they have established central databases of senior cadres and potential future senior civil servants with full information on their career. The Netherlands is an example. Some others maintain pools of future candidates, either formal and centralised, as in the United Kingdom or informal and decentralised, as in the United States of America. Candidates are identified at an early stage in their career. They are given special attention in terms of career development, while remaining in competition with potential future staff from outside this group.

Most countries place an emphasis on training and lifelong learning. Still, two categories emerge. Countries with an open position-based system tend to put more emphasis on specific and specialised training. This is hardly surprising, given the greater diversity of candidates with a weaker common culture, who may also need training in government affairs and administrative procedures. Conversely, countries that select potential future leaders soon after university or early in their careers, tend to put a lot of emphasis on pre-entry training. However, a general trend shows an increase in training courses with a focus on development of leadership potential and management skills. Increasingly the

focus is on capacity-building with an emphasis on skills to work and negotiate in a complex international political environment.

Governments have established a variety of talent management schemes in order to attract gifted individuals into their organisations. Examples of these abound: the Senior Executive Service in the United States of America; the Fast Stream Scheme in the United Kingdom; the Senior Civil Service in Korea; the Administrative Services of Singapore; the High Potential Performers in Thailand; and the Administrative and Diplomatic Scheme in Malaysia, to mention just a few.

With varying forms and names, they all have congruent goals, namely how to attract and retain talent and thus cope with adjustments at times of rapid change. The tendency overall is to focus on development of management capacities. Performance management practices, leadership development and change management are integral components of talent management schemes. This tendency is apparent in both the “career-based” and “position-based” civil service systems. Such schemes have been successful in some contexts but less so in some others. Many have been criticised as being inequitable, despite their stated good intentions. They are generally considered as ways out in dealing with an observable shortage of skilled personnel. Two requisites are salient in matters of talent management: **leadership** and **integration**. Do leaders of organizations understand the “Business of Talent; are organizations sufficiently integrated to take a holistic view of talent?”

A competencies-based approach to personnel recruitment and assessment has become widely accepted in developed countries especially. First, Canada, the United Kingdom and the United States of America introduced this competencies approach, as far back as the late 1980s. By now, most of the OECD countries have implemented competencies-based systems as part of their reforms. During the 1990s, competencies management in the public sector gained a lot of traction. It was prominently featured in the Civil Service Act of 1999 in Australia, in the Belgian Copernicus plan and in Korea. More recently, Finland, the Netherlands, Sweden and Estonia also implemented competencies models. In France and Germany, by contrast, these models still remain at an experimental phase.

Competencies Management is usually implemented as part of a broader institutional reform strategy aimed at creating a flexible and efficient work force. *Competencies management systems have been designed to smooth and facilitate a gradual transition from traditional personnel management to the strategic management of human resources in the civil service.* It may be safely assumed that the competencies-based approach will continue to be utilised in the public sector, for it contributes to ensuring its efficient operation.

An example of this tendency can be found in the Dutch Administration. There, introduction of competencies management was intended to transform the bureaucratic culture into a more entrepreneurial one. In the Belgian Federal Administration, competencies management was introduced with the aim of catalysing the broader organisational change and mitigating a strong symbolic break with the bureaucratic past. In both cases, competencies management has been used as a tool to introduce a new customer-oriented, adaptive culture into the public sector. It has also helped prepare leaders for the reform process.

Experience in applying competencies-based approaches to human resources management has grown in developed countries primarily. The process of refining such approaches indicates that a variety of models has been adopted. Nonetheless, common trends may be detected. Thus, in some countries, notably in Western Europe, the competencies management focuses on key requirements of the position and functional responsibilities, rather than on the background of the individual candidates. The presence of some basic characteristic features is normally taken for granted. In other countries, personal qualities play a central role. Evidence would suggest that the focus, in the European Union, tends to be on management competencies. All in all, irrespective of tradition, all countries in recent years, place emphasis on skills; especially “management” skills.

Today, national governments tend to delegate implementation and regulatory activities mainly to national level agencies often completely privatised, at least with respect to managerial affairs, although in name they remain the direct responsibility of a minister. This tendency in the direction of “agencification” is also a shorthand for a process of delegation and devolution of authority, as more autonomy – particularly in personnel and financial issues – is granted to public bodies, which either remain legally part of the State or acquire their own legal personality (Beblavy, 2002b). Within the OECD, the common rationale for setting up agencies is to improve performance or make decision-making more credible by separating it from direct political involvement. Governments give their agencies *management autonomy*, namely, the freedom to allocate resources, to achieve stated political objectives or *policy autonomy*, to interpret or decide in policy specific sectors or cases. Even though the situation differs from country to country, agencification has been the dominant feature of change in central government structures in the past twenty years.

In some South-East Asian countries, the government has delegated macro-economic and strategic policy-making to such powerful elite agencies as the Economic Planning Board of Korea; and, in Thailand, to the Ministry of Finance, the Budget Bureau, the Central Bank and the National Economic and Social Development Board. Staffed by professionals, these agencies, have relative autonomy. Their deliberations are embedded in processes that provide substantial inputs and over-

sight from private sector firms through public / private councils and other fora. Such councils, which exist in Japan, Malaysia, the Republic of Korea and Singapore, scrutinise costly programmes rigorously (Kaul, 1997).

In the core public sector, governments continue to rely on traditional bureaucratic structures but are gradually placing emphasis on the use of objective criteria in recruitment and promotion. They also offer incentives to encourage greater commitment and better performance. Still, the process in adopting new methods of recruitment and promotion continues to hinge on imponderables. Such are informal networks, patronage versus merit issues and the relative importance accorded, in some countries, to ethnic, religious and regional preferences. Even though some of the countries have adopted a merit-based system, practice often militates in favour of these biases.

Several governments in Central Asia and the Caucasus region utilise such technical tools as job descriptions, competencies and work-related skills. They also tend to develop new and more competitive compensation schemes, by taking into account private sector standards and practices. In general, there is growing recognition of the importance of human resources management and development. This is especially true of States with an environment of declining resources and revenues, as well as increasing demands for state-provided services (quantitatively and qualitatively). Thus, the region's governments begin to focus on training needs and dispensing training courses calculated to satisfy such needs as they gradually realise the importance of building capacity in their human resources and capital. Still, training in the region needs to be planned strategically based on a sound needs assessment system – currently in place only in Azerbaijan and Moldova. It needs to be systematic throughout.

Recently, regional governments have also been taking steps to improve public service ethics, because pervasive corruption has resulted in lowering standards. Most have introduced “*compliance-based ethics management*”, or “*integrity-based ethics management*” systems. They focus on compliance, which entails detailed application of descriptive / administrative procedures, control mechanisms and rules about what officers should avoid, what they should do and how they should do it. Systems are implemented through administrative law and rules of procedure and they are supervised by the Administration. They need to be supplemented by integrity-based ethics promoting objectives and principles, as well as due professional socialisation, reinforced by incentives that encourage good behaviour. Needless to emphasise that the cultural, political and administrative traditions should be considered to ensure that ethics management systems are congruent with such traditions.

Likewise, the civil service systems of the South Eastern, Central and Eastern Europe have been undergoing change during the past decades. Thus, all have been subjected to reforms, but substantial variations are observed from country to country. Some have chosen to be aligned with formal – legal rules, rather than the newer trend in European standards in personnel policies and practices. In some others, the European Union common administrative space principles and practices have played a pivotal role in civil service reform. Overall, it may be argued that domestic conditions have been more influential in shaping reform policies than any other factors. However, further analysis may be needed to identify the factors that have shaped the diverse reform pathways of South Eastern and Central and Eastern European countries, over the past three decades. There is still little hard evidence pointing to the success of these reforms. The jury is still out.

In South-East Asia, implementing the reforms was not devoid of challenges. Most countries have been facing significant obstacles in evaluating the outcomes and impact of reforms. A very common challenge has been the size of the government. Downsizing and improving the public service are issues that most reforms have neglected. Furthermore, lack of adequate capacity to implement reforms, inadequate infrastructure, corruption and low level of professionalisation in the public service are some of the commonest challenges that these countries have to face in the attainment of goals proclaimed in their reform agendas.

There have been additional obstacles and limitations. One of the most important is political interference, mostly in the form of intrusion in matters of appointment and promotion. This has been reported with regard to Indonesia. Other factors adversely affecting reform programmes are lack of political will to support reforms and political instability, e.g. in Myanmar and in Thailand. Similarly, ambitious reforms with limited resources, incapable personnel and inadequate technical advice have negatively impacted reform results, e.g. in Cambodia. Another limitation is lack of follow up and accountability mechanisms to ensure the implementation of reforms, e.g. in Brunei-Darussalam. Poor record keeping, internal bureaucratic resistance, risk-averse attitudes and lack of motivation among civil servants have also adversely affected reform implementation in several countries. Indonesia, Malaysia, Philippines, Thailand and Vietnam are cases in point.

Despite such limitations, the ASEAN regional countries have shown praiseworthy performance in terms of both economic development and systems change in governance. This was brought about through the introduction of different reform programmes and governments' commitment to achieving a better living standard for citizens at large. Most of the ASEAN countries are currently planning to reinforce good governance into their civil service systems and to introduce new laws or civil service codes, as well as develop their human capital.

It is obvious that ethics, integrity and professionalism are core issues in civil service development, as they contribute to fighting against public sector corruption. This cannot be accomplished by merely prosecuting corrupt officials. Diverse measures known as “*preventive anti-corruption measures*” or “*good governance*” or “*integrity enhancement*” may also be deployed in order to establish and support a completely different culture in the civil service of every country. Such is a civil service characterised by high levels of performance, integrity and professionalism; not by clientelism, nepotism and partisanship. In this vein, such measures as prevention of conflict of interests, incompatible activities, rules on acceptance of gifts and monitoring of public officials’ assets and systems for assessing and managing corruption risks in public entities have helped to improve the quality and integrity of the civil service. These measures can be accompanied by such mechanisms as anti-corruption strategies, codes of conduct, whistle-blowers’ protection schemes and organisational integrity units to strengthen integrity frameworks further.

By way of concluding remarks, there is clearly no convergence in most areas of civil service reform. However, some salient common trends have emerged. For example, a clear trend is a reduction of the differences between the private and public sectors. There has also been a tendency to increase managerial autonomy, discretion and flexibility by deregulating human resources management, delegating authority and individualising accountability and performance, especially among OECD Member States (OECD, 2005a). Lastly, there is a tendency to focus on the quality and efficiency of civil servants’ performance. Thus, worldwide, priority has been attached to the issues of effectiveness, transparency, accountability, client orientation, integrity and responsiveness.

It should be pointed out, however, that demands for greater flexibility and managerial discretion in hiring and promotion may conflict with such norms as fairness, equity, predictability and impartiality, as they limit flexibility and discretion in appointments. These tensions will be greater in the cases of public managers who must choose between appointing career civil servants or hiring contingent or contractual staff. The extent to which reform in the recruitment, promotion and mobility of civil servants may bring about the erosion of traditional values of equity, objectivity, merit and impartiality remains to be seen. What one should not forget is that, in the final analysis, the fundamental purpose of the public service is government and governance; not management (OECD, 2005a). This implies that it is still essential to address the issue of values that create and strengthen confidence and trust in public sector organisations (Newland, 2015).

It is clearly far too early to conclude that, in this day and age, merit-based bureaucracy is unsustainable, for its adaptive capacity is high and it should not be underestimated (Christensen, 2003). In fact, the

traditional system of centrally controlled bureaucracy has proved to be more enduring, particularly where the existence of a strong and all-encompassing concept of the State remains an important and integral part of the national culture.

A lesson from reviews of human resources management practices is that there is no ideal type of public employment system. There is instead a difficult trade-off between individualisation and delegation of human resources management to improve the adaptability and flexibility of the civil service, on the one hand and the sense of collectivity, shared values and mutual trust relations among civil servants, on the other (OECD, 2005a). How to balance fragmentation and integration, individualisation, common identities and market pressures with cultural cohesion and a sense of common purpose is a very major challenge in human resources management reform throughout the public sector.

In sum, over the recent decades, despite commonalities inherent to many reform processes, it is possible to distinguish two important trends in public management reform, at least in the industrially developed countries. Borrowing the phraseology and rationale provided by Pollitt and Bouckaert (2002), we can refer to the **New Public Management** and the **New Weberian State** as major reform trends (Argyriades & Timsit, 2013). According to these authors, adherents of the New Weberian Model give priority to the modernisation of the Weberian tradition, while New Public Management proponents largely reject this tradition and promote approaches used in the private sector.

Worldwide, experience also demonstrates that reform of civil service systems is a complex task and process involving competing interests. It is subject to a multitude of factors both exogenous and endogenous. An observation made by Pollitt and Bouckaert (2004: 39) aptly sums it all up: *"We are convinced that a conceptually identical, or at least very similar, reform develops differently in one national context as compared with another"*.



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ABOUT THE ASTANA CIVIL SERVICE HUB

The Astana Civil Service Hub (ACSH), an initiative of the Government of Kazakhstan and the United Nations Development Programme, was established in March 2013 by 25 countries and 5 international organisations. It receives financial and institutional support from the Government of Kazakhstan and it relishes the backing of UNDP as the key implementing partner. The ACSH is a multilateral institutional platform for the continuous exchange of knowledge and experience in the field of civil service development, aiming at supporting governments in the region through fostering partnerships, capacity building and peer-to-peer learning development activities; and evidence-based solutions, informed by a comprehensive research agenda. The geographical range of participants – currently encompassing 36 countries – stretches from the Americas and Europe, through the CIS, the Caucasus and Central Asia to ASEAN countries, demonstrating that partnership for civil service excellence is a constant and universal need for all nations.

For more information, please visit: www.regionalhub.org

ABOUT THE GLOBAL CENTRE FOR PUBLIC SERVICE EXCELLENCE IN SINGAPORE

Operational since December 2012, the UNDP Global Centre for Public Service Excellence was founded by the Government of Singapore and UNDP. Its mission is to improve capacities of public services to deliver development goals. As a catalyst for change, GCPSE's approach is to promote evidence on what works for public sector reform, support innovation and reform and convene events that encourage new ways of tackling reform by bringing officials, leaders, policy makers and experts together to debate and collaborate on addressing the public challenges of the day.

For more information, please visit:

<http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/publicservice/>



ACRONYMS & ABBREVIATIONS

ACE	Alliance for Corporate Excellence
ACC	Anti-Corruption Council
ACSH	Astana Civil Service Hub
ASAN	Azerbaijan Network of Simplified Access to Government Services
ASEAN	Association of Southeast Asian Nations
BEEPS	Business Environment & Enterprise Performance Survey
CAF	Common Assessment Framework
CAR	Council for Administrative Reform
CEE	Central and Eastern Europe
CES	Career Executive Service
CIA	Central Intelligence Agency
CIS	Commonwealth of Independent States
CPI	Corruption Perception Index
CPIB	Corrupt Practices Investigation Bureau
CS	Civil Service
CSB	Civil Service Bureau
CSC	Civil Service Commission / Council
CSL	Civil Service Law
CSR	Civil Service Reform
CSS	Civil Service System
EBRD	European Bank for Reconstruction & Development
EDB	Economic Development Board
EGDI	E-government Development Index
E-HRMS	Electronic Human Resources Management System
EIPA	European Institute of Public Administration
ESC	Educational Services Commission
EU	European Union
FDI	Foreign Direct Investment
FSU	Former Soviet Union
FYR	Former Yugoslav Republic
GDP	Gross Domestic Product
GIFT	Genuine, Independent, Free, Transparent
GNI	Gross National Income
GRECO	Group of Council-of-Europe States Against Corruption
GTP	Government Transformation Programme
G2B	Government to Business
G2C	Government to Citizens
HDB	Housing Development Board
HDI	Human Development Index
HRD	Human Resources Development
HRM	Human Resources Management
ICT	Information & Communication Technologies
ILM	Internal Labour Market
IM	Information Management
IMF	International Monetary Fund

KPI	Key Performance Indicators
LEPL	Legal Entities of Public Law
MBPI	Management & Budget Performance Indicators
NAR	Nakhichevan Autonomous Republic
NAUCS	National Agency of Ukraine on Civil Service
NGO	Non-Governmental Organisation
NPM	New Public Management
NPP	New Public Passion
NWS	New Weberian State
ODA	Official Development Assistance
ODIHR	Office for Democratic Institutions & Human Rights
OECD	Organisation for Economic Cooperation & Development
OPS	Open Personnel System
OSCE	Organisation for Security & Cooperation in Europe
OSS	One Stop Shop
PAR	Public Administration Reform
PBB	Performance-Based Budgeting
PDSC	Police & Defence Service Commission
PFM	Public Finance Management
PS	Public Service
PSC	Public Service Commission
PSM	Public Service Motivation
PSP	Public Service Passion
PSR	Public Sector Reform
RA	Republic of Armenia
SE	South East
SEE	South Eastern Europe
SES	Senior Executive Service
SIGMA	Support for Improvement in Governance & Management
SLOTIC	State Law and Order Restoration Council
SCS	Senior Civil Service
SDG	Sustainable Development Goals
TI	Transparency International
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDESA	United Nations Department of Economic & Social Affairs
UNDP	United Nations Development Programme
UNO	United Nations Organisation
UNODC	United Nations Office on Drugs & Crime
UNPAN	United Nations Public Administration Network
UK	United Kingdom
USA	United States of America
USAID	United States Agency for International Development
VCA	Vulnerability to Corruption Assessment
WB	World Bank
WEF	World Economic Forum
WGI	Worldwide Governance Indicators
WTO	World Trade Organisation
WWI	World War I
WWII	World War II



I. INTRODUCTION

In Public Service Reform, over the past two centuries, the student will explore the gradual transformation of the public space, the State and public life in general. Only lack of historical knowledge can obscure the scale and complexity of this historic change whose effects, now widely taken for granted, still came short of reform as originally intended. At the source of this development was the emergence of the concepts of the public or general interest and of the rule of law. These advanced the proposition that public power existed to promote the common good; not the greater glory of monarchs or dictators; that it ought to be exercised in conformity with principles of general application, leaving no one behind and eschewing arbitrariness. Respecting basic rights of citizens and residents without any distinction of status, wealth, religion or race became encapsulated in the motto of the French Revolution: Liberty, Equality and Fraternity, a synonym for Legitimacy and Solidarity.

1. Public Administration as a Discipline and a Profession: The Sources

More than two hundred years have lapsed since the days of the French Revolution and its sister revolution, in the United States, which brought forth the Declaration of Independence (1776) and resulted in the creation of today's pre-eminent power. Remarkably, neither of these events and convulsions, which have shaken human society during the past two centuries, have diminished or obscured the relevance and importance of this revolutionary triptych, which underpins all governance and public administration in democratic societies.

The triumph of these principles – *Liberty, Equality and Fraternity* – in country after country, is powerful testimony to their appeal. They trounced opposing forces, which would have us remain a stratified society of dominant rulers and vassals, mediated by corporations, each endowed with a charter of rights and hereditary privileges. The progress of this change speaks volumes on the virtues of democratic governance which, Winston Churchill for one, described as being the worst, except for the other forms, whose flaws we have come to experience.

The virtues and vitality of democratic governance rest on two essential pillars to which the Age of Lights, during the 18th century, and subsequent developments, added both shape and substance. In fact, they are none other than *State and Civil Society*. Separate and distinct, though closely interconnected, the State and Civil Society are engaged in a constant exchange - a dialogue of sorts – whose effectiveness conditions the overall development of the institutional framework and progress of a country. The experience of two centuries worldwide has clearly demonstrated the paramount significance of a particular body and *institution* required to bring together the forces of Civil Society and those of the State and make them work in harmony towards the common good.

It took the German philosopher, G.W. Hegel, to bring to light the importance of this special body of people and institution. In an age when the focus of discourse rested mostly on the person, role and functions of the monarch, Hegel could argue instead that the new order, borne of the

Age of Lights, called for a new profession: *The Civil Service Profession*. In fact, this was a sequel to the professionalisation of the military, the church, medicine and the law, which preceded it. Thus, invested with the traits, prized in an Age of Reason, notably knowledge and merit, the public service profession was seen as best equipped to supply the essential *bridge* which made the passage possible from the particularism of civil society to the universality of the State (Kim & Argyriades, 2015: 431). This, according to both Hegel and some of the reformers of the 18th and 19th centuries represented a basic prerequisite for ensuring orderly governance and coping with the challenges of rapid change – political, socio-economic, industrial and demographic.

It was no simple task, as eminent leaders and scholars, among them Napoleon in France, Macauley, Trevelyan and Northcote in the United Kingdom and Woodrow Wilson in the United States had to admit (Asmerom & Reis, 1996: 49-51; 115-119). The gradual transformation of a small band of courtiers and title-holders into a merit-based, hierarchically structured career of service to government could not, of course, be accomplished without much trial and error or completed overnight. Nor was the parallel growth of government departments as self-contained repositories of institutional memory and nurseries of policies anything but the outcome of a long gestation process. In fact, the proliferation of such departments of government represented a distinctly 20th century phenomenon; the outgrowth of developments which surfaced and matured during the past two centuries. Emerging during this period, new sciences, methodologies and interest in the study of social phenomena introduced a novel approach to public administration. The well-known British Scholar Graham Wallas described this salient trend in the following terms:

“The conception was gaining ground that it was upon serious and continued thought and not upon opinion that the power to carry out our purposes, whether in politics or elsewhere, must ultimately depend” (Wallas, 1948).

It is to this conception that we owe the phenomenal growth of the public service profession, national and international, during the 20th century but also of fields of study, which trace their sources back many decades or centuries, but whose proliferation, in our days, owed much to the belief in the need for evidence-based responses to pressing social challenges. Law and political science, public administration, sociology, psychology and economics furnished the underpinnings, as well as working tools for the practice of our craft. To be precise, of course, the public service profession has deep roots in antiquity. Its origins are traceable way back to kingdoms and empires that reigned in Ancient Egypt, Mesopotamia, Persia and, to be sure, to Rome, China, India and across the vast steppes of Eurasia (Farazmand, 2001: 33-118).

There can be little doubt, on the other hand, that to the metamorphoses brought forth by the Age of Reason, notably industrialization, advances in science and technology, the rise of people power and socio-political movements; all of which attended the growth of democratic governance, we owe the complex pressures which gave a new direction, as well as a new role to the public service profession. Worldwide, these transformations, though chequered and uneven, proved to be qualitative, as well as quantitative. They brought about convulsions in the form of wars, uprisings, serious economic downturns and related social crises. Indeed, the 20th century reads like a record of crises, which carried in their trail some earnest concerted attempts to right historic wrongs and build a better world or humankind (Mazower, 2012).

Expectedly, the end of two World Wars, during the 20th century, was punctuated by major institutional departures calculated to put an end to wars by giving substance and structure to an emerging new world order. The end of World War I brought forth the re-affirmation of the right to self-determination and, with the League of Nations, the birth of an embryonic International

Secretariat. This attempt to elevate the public service profession and democratic governance on to a global level met with fierce resistance from surging ethnocentrism in the new States, which in the 1930s, was compounded by a Depression in North America and Europe. The lessons from the experience of the 1920s and 1930s prompted the leaders and peoples of the victorious powers, on the morrow of World War II, to revisit and reinforce those embryonic structures for global cooperation and international governance (Langrod, 1963; Mazower, 2012).

In these attempts to build world peace on lasting foundations and to promote development worldwide, new institutions of governance, national and international, assumed a leading role. The United Nations Organisation and its galaxy of global agencies stand out in this respect. But they were not alone. The mid-twentieth century was certainly also an era noteworthy for reforms in the structures and remit of government; it furthered decolonization and independence, as well as economic, political and social development around the world. The membership of the United Nations more than tripled in four decades, which were years of rapid progress in equality and prosperity within and between borders (Inglehart, 2016: 2-10; Bourguignon, 2016: 11-15; Rosanvallon, 2016: 16-22). The *visible* hand of the State and institutions of governance, national or international, must take the major credit for these trends, to which the public service, both as a great profession and as a field of study, training and research contributed immensely. In sum, there was growing realisation that the complexity of challenges confronting society globally required a more effective public sector intervention in all of human affairs.

2. Surge of a Counter-Culture

In a striking reversal of course, the policy concerns that fashioned the New Deal, during the 1930s, guided the “*War on Poverty*” in the USA and shaped the Welfare State in vast swaths of the world, after World War II began to lose their lustre. This started in the wake of the oil embargo and the downturn it produced during the 1970s. A conservative backlash in Britain, North America, Australia and New Zealand ushered a values system, which was the very antithesis of what had just preceded it. Quite suddenly, the State and public administration which, since the 1880s and even earlier still, had been cast in the role of a vanguard of reform, found themselves on the defensive and in the crosshairs. They were portrayed as wasteful, cumbersome, bureaucratic, inimical to freedom and as obstacles to progress. Not only the institutions of the State but also its programmes and policies, as well personnel, its organization and methods came under rigorous scrutiny. They were dismissed as clumsy, counter-productive, inimical to progress, old-fashioned and redundant. In a radical *paradigm shift*, governance was reinvented to distance it from government – “big government” especially – which, in the 1980s and 1990s, came under strident criticism, notably for a deficit in the interface between the governmental and private sectors.

The *Washington Consensus*¹, which emerged in the closing decades of the 20th century, encapsulated the guidelines, which defined the “*Shrinking State*”. Inspired by Milton Friedman (1993), Ayn Rand’s (1957) disciples and the Chicago School of supply-side economics, a new model of governance surged which would roll back the State to the traditional functions of law-and-order government, chiefly national defence, the conduct of foreign affairs, the administration of justice, police and public security. Incursions of the government in the realm

¹ The Washington Consensus is a set of 10 economic policy prescriptions considered to constitute the “standard” reform package promoted for crisis-racked developing countries by Washington, D.C.-based institutions such as the International Monetary Fund (IMF), the World Bank and the US Treasury Department.

of economics were specially proscribed. With the New Public Management (NPM)², as necessary corollary of this new approach to government, *downsizing*, *deregulation*, *de-concentration* and *de-centralization* became the essential tools and hallmarks of governance. Public administration was deconstructed, divorced from public policy, narrowly redefined, reduced to public management, the quest for cost-effectiveness, with instrumental reasoning triumphant and devoid of all social concerns (Pope Francis, 2015: 115, 121).

Significantly, the *scope* of public administration and the public service profession now came under attack. As a school, New Public Management rejected both the discipline of Public Administration and the related principle that service of the State called for a distinct profession. The concept of careers was cast in a negative light, as sanctuaries of privilege and pockets of protectionism. Using “*management is management*” as their motto, the advocates of change took firmly the position that government departments ought to copy the “*best practices*” of private enterprises and follow their examples. Corporate “lingo”, favoured across the board and stress on new technologies added credence to the idea that management itself was merely a technique guided solely by the quest of economy and effectiveness. Little else appeared to matter. Propensity to *outsourcing* and privatization made light of the idea that servicing the public was “different” in kind or subject to proper imperatives and ethos; that “institutional memory” represented a valuable asset, which ought to be safeguarded, and that the rule of law was truly a *sine qua non* of democratic governance, not merely an addendum, an afterthought of sorts. For the New Public Management, sound management came first. Other considerations, including human rights, the rule of law and due process were certainly “nice” to have but should not “interfere with ... efficiency and effectiveness... in economic terms” (IIAS, 2002: 33).

In recent years especially, an economic downturn, which followed the 2008 Great Recession, pushed substantial numbers, in several parts of the world, to misery, unemployment and loss of hope or prospects. This Recession brought into sharp relief the many limitations of a model sold to the world as the “one size fits all” and the “one best way” to freedom, prosperity and good governance. It patently turned out to be a bogus promise leading, in many cases, in the opposite direction. A volume, recently published by the IIAS, explored the numerous flaws of this model and its legacy, showcasing *inter alia* the decline of public services and public trust, the surge of inequality, exclusion and corruption, mostly victimising the poor and those marginalised or otherwise too weak to be able to fend for themselves (Pan Suk Kim, 2015; Newland, 2015).

Rightly, this has been called the “*market model of governance*” in that, in lieu of the State, it posited the markets and their “invisible hand”, as apt to reach decisions and to deliver outcomes that met the people’s needs. As once already stated, the market model of governance was a reversal of sorts; an attempt to arrest and to reverse a century of development towards more democratic, certainly more equitable, fair and constructive forms of governance. It was also a forceful attempt to reject and disestablish what, in several parts of the world, had now become accepted as a Great Profession. Proclaiming, furthermore, that “management was management” and no more than technique, NPM endeavoured to divest Public Administration of inputs deemed extraneous like Law and Political Science, reducing it effectively to a branch of Applied Economics. In the eyes of the NPM, a job was just a “job”. No particular *ethos* was called for – just “competencies”, defined as task-related skills which could equally be found in the public and

² New Public Management (NPM) is a term that was coined in the later 1980s to denote a new stress on the importance of management and production engineering in public service delivery, which is directly linked to doctrines of economic rationalism (Hood, 1989; Pollitt 1993). The basic idea of NPM is that market-inspired and oriented management of the public sector would lead to greater cost-efficiency for governments, without having negative side-effects on other objectives and considerations. Ferlie et al (1996) describe NPM as involving the introduction into public services of the three Ms: Markets, Managers and Measurement. Others describe it as the introduction of the three E in the delivery of public services: Economy, Efficiency and Effectiveness.

private sector jobs. In these and other ways, NPM cast the door wide open to the massive use of outsourcing with “management consultants”, at highly inflated rates for jobs which, in the past, were done by career officials. Indeed, the term “consultant” was really a misnomer, referring to the contract, not the nature of the services which the contractor offered.

One need hardly be surprised that such generic terms and loose definitions of “service” opened the door wide open to corruption and abuse in the form of “sweet deals”, preferential treatment of friends, to patronage appointments but also to arbitrariness and maladministration. The much-vaunted “good housekeeping”, which NPM had promised, remained an empty promise. Thirty years down the road, speaking chiefly of the UK but also of the US, Hood and Dixon had to admit that none of these were true; that the market model of governance and NPM had not produced a government that worked better or cost less. Instead, what it had yielded was serious “*collateral damage*” to traditions and institutions of democratic governance and public service professionalism (Hood & Dixon, 2015). Such damage notwithstanding, we would be ill-advised to discount New Public Management wholesale; wrong, as the saying goes, “*to throw the baby out with the bathwater*”.

3. Assessing New Public Management

There is both good and bad in NPM. On the “plus” side, NPM enriched the field of public administration with concepts and ideas borrowed from Economics. It encouraged greater use of *quantitative* methods and new techniques, as well as tools essential to human resources management and human resources development. On the “minus” side, however, NPM adversely impacted Public Administration by questioning its identity and seriously undermining it. In particular, it questioned: [a] its mission and objectives; [b] its substance and its scope; and [c] the character and values of a profession needed for the pursuit of good governance, but reaching out much further than expediency and effectiveness. The damage that the field sustained as a result has been twofold: [a] in focus and direction; and [b] in the realm of values (Perry, 2016; DeVries & Kim, 2011).

In the realm of ideology, hostility to government and to the State, combined with boundless trust in the virtues of the markets, led to the blanket advocacy of privatization and outsourcing, shrinking the public sector. Such a “one size fits all” hostility to government has been combined with simplistic adulation of the so-called “captains of industry” and private enterprise as pioneers of excellence, as well as of efficiency, effectiveness and innovation. Privatisation of the public sector brought in its wake substitution of private sector ethics for public service ethics. Uncritically, governments surrendered any claim to be leaders in the field, abandoning attempts to act as “*model employers*”; a century-old doctrine underpinning both fair practices in human resource management and treating personnel as a most valuable asset; not just as expendable tools.

Sea changes in how government should treat its employees produced concomitant attitudes among the latter also. The change was slow in coming and certainly not uniform around the world. Glowing reports on the outcomes of NPM reforms and hyperbolic claims on the presumed accomplishments and rumoured superiority of private enterprise had a corrosive influence on public service values and self-esteem. Indeed, it may be argued that, in the realm of values, the damage has been gravest. Equating public service with “just another job” invited civil servants to view the State and government as any other employer and the taxpayer-citizen – patient, student or parent – as no different in kind than any other customer. An adversarial attitude

would thus be allowed to arise in dealings between unions and the State or the public. Strikes were explained away as normal bargaining ploys to force the government's hand, and "quiet corruption", i.e. dereliction of duty in meeting citizens' needs, as in no way more serious than "cheating in business deals" (Argyriades & Timsit, 2013: 197-199).

Not slow to take advantage of this transformative trend, which carried in its wake *erosion of professionalism* (Caiden & Caiden, 2002; Caiden, 2012) were public sector unions, particularly in countries where public sector size gave them distinct advantages. Thus, public sector strikes have grown to be more common, as well as far more costly than private sector strikes, particularly in countries where, due to political pressures, the strikes entailed no loss of income for the strikers (Argyriades, 2013). Abusive strikes compounded the loss of public trust and the devaluation of state-provided services. As expected, in some countries, this added strength and credence to the case for privatization.

Little prompting was required for public service unions to argue that their tactics were merely replicating the practices of lobbies and pressure groups, whose phenomenal growth in our days has gained a lot of traction from socio-political trends and economic developments of these past three decades. Speaking of the USA, Francis Fukuyama detected, in these trends, "the sources" of "decay" and "political dysfunction" (Fukuyama, 2014: 5-26). Of particular concern to Fukuyama and others are the frequency, the militancy, intensity and scale of interventions by such lobbies and pressure groups. In Fukuyama's words:

"The explosion of interest groups and lobbying in Washington has been astonishing, with the number of firms with registered lobbyists rising from 175 in 1971 to roughly 25,000 a decade later, and then to 13,700 lobbyists spending about \$3.5 billion by 2009" (Fukuyama, 2014: 16).

Of course, no less disturbing is the corrosive influence of a range of such activities on the political process and public life in general. From gun sales to climate change, their thrust in the United States has, on the whole, been contrary to the long-term general interest and even to public opinion. It cannot be overlooked that, in the majority of cases, lobbies are the defenders of privilege. They are seldom the friends of the poor, minorities or people on the margins of society and the economy. Few are paragons of virtue and though, in their support, some have argued that their impact on policy-making has overall been limited, the tenor of debates in the ongoing campaign in the United States rather points to the opposite conclusion.

Though one cannot be sanguine about the impact of lobbies on the political process, the tactics of trade unions within the public service take on a wholly different and worrisome complexion. Greece is a case in point. It is a country in a deep crisis, now in its seventh year. As in the years of war, the country might expect its civil servants to take a lead in easing the people's plight, to accept their share of burdens and sacrifices and to prioritise the task of steering the ship of State into less troubled waters. However, union activism stuck to a different agenda. Though public sector strikes were not new to the country, they now reached a new, unprecedented level of frequency and militancy, with strikes paralyzing the country at the rate of one a month, during the critical years 2010-2012, when the crisis reached its peak. Remarkably, these strikes were led by the Public Employees Union (ADEDY) and the Confederation of Employee Unions (GSEE), between them representing the entire public sector and civil service personnel (Argyriades, 2013: 85).

With public sector unions at the very heart of the problem that the country is currently facing and no part of its solution, one may be justified in raising the twin issue of civil servants' right

to engage in political activism and of their right to strike. In Greece, both have been present to an extent, with union representatives, for instance, militating in favour of one side of the debate during the referendum of 5 July 2015³. Although the right to strike has been established by law, in Greece and other countries, it is widely recognized that it must be considered as an action *in extremis*, i.e. as a last resort, when all other available means of settling a dispute have been tried and wholly exhausted. Even so, no public servant can be oblivious of the fact that his status and career both offer job security, mostly denied to workers in the private sector at large and make demands that touch the *raison d'être* of civil service professionalism.

4. Continuity of Government and Pursuit of the General Interest

Two concepts undergirding the concept and significance of civil service careers are those of the *general interest* and *continuity of government*. Both go a long way back but, since the mid-19th century, with alternating parties of very different colour in top positions of power, the need for continuity, stability and inclusion has been increasingly felt, at times of crisis especially. In crisis situations, which many countries experience around the world today, societies greatly suffer from the frequent disruption of services and the absence of predictability essential to security and the welfare of all people. In urban settings, especially, first aid and basic services are now as indispensable as public transportation and sanitation. Furthermore, as on-going wars and conflicts have demonstrated, no country is immune from global trends and threats. Sovereign States must, in our days, cope with porous borders and the effects of globalization, where the problems of one country are soon exported to others, becoming those of its neighbours or beyond.

Greece is a case in point. Still reeling from a crisis due to a spiralling debt, produced by maladministration – its very own – it is hit by another crisis *not of its own creation*. It is easy to contend that the waves of refugees reaching the shores of Greece - in Lesbos, Kos and Chios - are not “its responsibility”. Indeed, even the President of the European Council, Mr. Tusk admitted as much, stating that “Greece and the Greek people are paying a very high price for the problems they themselves did not create” (*The New York Times*, 2016: A7). Still, *countries need to cope*. They may not abdicate their duty to take charge. Bankruptcy is a poor option, although it has been tried and, even *in extremis*, against insurmountable odds, as US President Truman once put it: the buck stops here, i.e., at the door step of governments. The proliferation of countries that have come to be known as *Failed or Fragile States* represents a sad reminder of contemporary challenges facing the world community and the United Nations; challenges that our discipline and our profession are called upon to address.

In this regard, recent history offers pointers that can help. It can hardly be a coincidence that, during times of crisis, the Second World War in particular but also years that followed, most of the major powers and even smaller countries were able to mobilize their populations, firstly for the pressing tasks of warfare but later of Reconstruction, Rehabilitation and Development. In so doing, they could count on the support and active cooperation of public service professionals who, in their vast majority, spared no effort but invariably gave their best as true professionals should. That duly elected governments in democratic countries must at all times be able to count on the allegiance, commitment and support of properly organized and managed civil services should be viewed as *axiomatic*. Neither public sector jobs nor the key institutions of government are like any other jobs. Law and order and democratic governance may be imperilled if civil

³ A referendum that took place for the people of Greece to decide whether their country should remain in the Eurozone or not.

service incumbents can act opportunistically and leverage their positions in order to secure short-term advantages or to evade the burdens that other citizens, shoulder at times of crisis especially.

If one is really serious about civil service reform, one needs to get away from many erroneous notions that, in one way or another, on the Right or on the Left of the political spectrum, the Market Model of Governance has served to advance and sell. One needs to bring to light that the civil service profession is more than the totality of the people and jobs it encompasses. An overarching goal of the institution itself, which far exceeds the multitude of all the tasks discharged, is to infuse *stability, predictability, cohesion, continuity* and *trust* in the various branches of government. Quite apart from the high-level skills and knowledge that they require in order to acquit themselves of those tasks, civil servants need to exemplify an *ethos* which is proper and conducive to the State fulfilling its role. We call it “*overarching*” because it goes beyond the effective performance of functions in discrete fields of activity. *Fragility* begins with patent inability to infuse the requisite *ethos*, secure this goal and thus maintain the loyalty of people at large. When fragility sets in, legitimacy crumbles and with it the potential not only for orderly governance, but also for survival, let alone recovery and social progress.

Corruption and mismanagement or maladministration are often at the root of situations leading to the fragility of States and their eventual failure. A lesser form, however, of corruption and mismanagement is political *clientelism*. This is mostly manifested in the form of government patronage, of nepotism, sweet deals and other underhand practices, which effectively appropriate parcels of the public space for personal and private or party political purposes. The prevalence of such practices during the 19th and early 20th centuries represented one of the causes, as well as major drivers of civil service reform. Concern over such practices inspired progressive movements in several parts of the world, infusing the concerns that went into the study of public administration (Wilson, 1887).

Central to these concerns has been the pressing need to find ways of safeguarding the public purse and space from encroachments by individuals, aspiring political operatives and pressure groups. The tenor of current debates in the United States and several parts of the world strongly suggests that this remains an issue, indeed has taken on a new high level of urgency. It is rendered all the more relevant by opinion leaders arguing that patronage appointments and “sweet deals” are “business as usual”, in political terms. In civil service reform, a beginning must be made in firmly drawing the line between “*public*” and “*private*” and in reasserting the concept of the public or *general interest*; the concept is quite old, going back to the Age of Reason and to Jean-Jacques Rousseau (1762: 364).

Whatever its complexities and limitations in our highly pluralistic diversified societies, the idea remains central to the civil service *ethos* and, in the last analysis, professionalism itself. It underpins the concepts of political neutrality of public servants, of continuity of government but also the twin principles of liberty and equality of all citizens or residents regardless of their views, ethnic origins, income, residence and occupation or indeed, nowadays, their gender and sexual orientation. Equal treatment of all and respect for their rights are embedded in the theory of democratic governance and in most constitutions. They demand of civil servants that they prioritise their duty to all citizens over personal considerations. It can be seen, accordingly, that fidelity and observance of duty both to citizen and to the State represent the core of the *ethos* required of civil servants but also governing principles of public sector management and civil service reform.

5. The Elusive Concept of Merit

What distinguishes a truly performing and professional public service is that professional values are both *internalised* and *institutionalised*. Since the days of Weber and Wilson, in Europe and the USA respectively, administrative reform has been tied to a definition, applications and institutionalisation of these values and the establishment of systems apt at to once embed them and reproduce them throughout the public service, making them operational. A closely related objective was that of bringing together the many occupational groups and staffs of departments of government under one single canopy, as well as the profession, duly imbued with the spirit of serving both the Citizen and the State. It was hypothesized that the State and democratic governance required a great profession, capable of attracting “the best fruits of the educational system as they mature”. In fact, these were the words of the MacDonnell Commission on the British Civil Service, in the early 20th century. Central to this idea has been the concept of **Merit**. Though this has changed with time, the progress of technology and social transformations, merit may still be seen as being the coefficient of knowledge, high-level skills and values appropriate to the status, tasks and responsibilities of a civil servant.

A product of the Enlightenment, the elusive concept of merit has been a signal accomplishment, as well as a principal driver of civil service reform. In theory, at any rate, though not invariably in practice, it underpinned the genesis, as well as legitimation of modern bureaucratic organizations, both in the public sector and beyond. Bureaucratic administration, as we have learned from Max Weber (Gerth & Mills, 1957: 233-240), among others, means the exercise of control and the taking of decisions chiefly on the basis of knowledge, expert knowledge in particular and analytical skills. In bureaucratic systems, *merit* supplanted birth as a source of legitimation for the exercise of power, with expert knowledge forming its very core component. When it all started, knowledge was widely understood either to encompass virtue or to facilitate and lead to a virtuous life and work. With the wisdom of experience, we see differently today. We grant that virtue and knowledge are distinct but complementary in the shaping and the making of any true professional. It is hardly symptomatic that all public service reforms from China in antiquity, through Prussia, France and Britain during the 19th century, to the United States and other parts of the world, began with the institution of competitive examinations aimed at ascertaining knowledge and analytical skills. The systematic growth of in-service training programmes and institutions, as well as education in Public Administration at the university level followed suit and spread worldwide, particularly after the end of World War II (Argyriades, 1996: 44-53; Gerth & Mills, 1957: 416-445).

We need to be reminded, lest we forget, that written and oral examinations have always served two purposes. Borrowed from academia and steeped in the national culture of their respective countries, they have been criticized as very imperfect ways of measuring the depth of work-related knowledge and job-related skills. In Europe, in particular, as in ancient China, they probed expressive competence, as well as critical judgement, based largely on the curricula of elite schools and colleges from which the candidates hailed. Largely, on this account, written examinations tended to reproduce, within the civil service, the class structure of society while, in their oral form, they were also open to bias. To say that “nothing is perfect” invites the obvious retort that often the quest for perfection turns out to be a flaw, which gravely impedes the emergence and consolidation of workable and practical institutional innovations. We have no means of knowing how widely and how well competitive examinations may have been put to practice either in ancient China or, during the nineteenth century, in Prussia, France and Britain. What, overtime has, arguably, proved far more consequential is the incremental growth and

dissemination of principles which made for better governance. It began in ancient China, as well as Greece and Rome, during a period of history which for this very reason, is known as the “*axial age*” (Dror, 2001). At a time when power and privilege were the undisputed pillars of governance worldwide and brute force a “fact of life”, slowly, counter-intuitively, new principles emerged which gradually, painstakingly, argued instead in favour of knowledge, merit, ethics and public service in government. First in China, then in Greece, education as a pathway not only to personal growth but also to sound governance supplanted power and glory and military prowess in the hierarchy of values. This remarkable development, we largely owe to Confucius, whose *Analects* are proof of a new “*problématique*”; a new conception of government exemplifying commitment to knowledge, merit, competence and virtue in the service of the public and of the common good, guided in other words, not by the passing whims of absolute monarchs and hegemony, but rather in accordance with stable rules and principles of general application.

After three decades of priming efficiency and “*results*” at any cost, we begin to rediscover the value and the need of public trust, an outgrowth of adherence to institutions, as well as a prerequisite of democratic governance and public administration. Increasingly, we live in a globalised society, where instant communication and the accelerated spread of information worldwide deeply influence expectations and attitudes on governance, for better or for worse. Daily events around the world demonstrate, for all to see, that the particular ways in which rulers and officials are elected or selected are seldom any longer a matter of indifference. Corruption, arbitrariness and power abuse, although still widely experienced, have proved increasingly irksome to citizens and residents and seen as violations of fundamental rights.

As features of recruitment into the civil service they have become a source of pressure for reform. However, by comparison, few have questioned such examinations on their success in blocking or reducing the patronage appointments, which had been the rule in Europe, in earlier days, or within living memory, in the United States. Sadly, the culture of favouritism and clientelism not only has remained obstinately resilient in many parts of the world; indeed, it made a comeback, in these past thirty years, invoking the often-quoted slogan of NPM: “*Let the Managers Manage*”. It is maintained, accordingly, that centralized recruitment, through competitive examination, has deprived the programme manager of effective control over inputs, without correspondingly lessening the burden of responsibility for outputs that weigh on management.

There can be little doubt that the dilemma is real and widely recognized. This idea, accordingly, that managers and leaders ought to regain control of the recruitment process, became the source of claims which underpinned the backlash expressed through NPM. Claiming to advance the goals of efficiency and effectiveness, the New Public Management backlash both *de-institutionalized* much of civil service recruitment, making it a component of the overall management process and, to all intents and purposes, removed it from public scrutiny. Whether the general interest or the public purse were served in this process remains in doubt. Indeed, as we have seen, recent studies indicate that the opposite may have been true (Hood & Dixon, 2015). Efforts to deconstruct public administration were coupled with attacks on “elite career protectionism”, which critics of the system consider public service to represent. The fine line separating the thrust of populist rhetoric from routine attacks on “bureaucracy” is difficult to establish. All too often, such attacks pretend to advance the rights of “customers” and citizens through “de-bureaucratization” (Dwivedi et al, 2007: 121-128).

Whether in the last analysis, democracy and the citizenry have been the beneficiaries of these campaigns remains in doubt. Rather, the private sector interests and contractors stood to profit

from this persistent drive for “de-bureaucratization”, which often went *in tandem* with the push to “deregulate”, and “de-institutionalize” the public space in general. Presumably, moreover, politicians and managers gained from removal of constraints to their powers to hire and fire. In all too many cases, this was grounded in the argument that professional bureaucracies had not lived up to their claims. From the 1980s onward, it has sometimes been argued that neither had they adhered to standards of neutrality nor reached the levels of excellence to which they were beholden. Indeed, too many sceptics were now prepared to question whether such standards existed at all; whether, in other words, public administration, as a field and a profession, was comparable to others in the realm of the social sciences or beyond. At best, some would concede that, wanting in rigorous measures, which mark most other disciplines, it qualified as “soft”.

How this played out in practice, in several parts of the world, provides some indication of the risks attending steps to experiment with change in important institutions of government and governance (Moynihan & Ingraham, 2010: 522-537). In Greece, for one, reform, during the 1980s, began with an attack on public service structures, specially with a law (1232/1982) which abolished all senior posts (e.g. directors-general). This, in turn, prompted the proliferation of political appointments to the upper reaches of government with parallel hierarchies and scores of “advisers”, “secretaries” and “consultants” accompanying a Minister on his accession to power and exiting with him/her on his/her departure. Large duplication of work but also bifurcation of administrative tasks from policy-making ensued and, with it, devaluation of the status of the career officials, *de facto* if not *de jure*. Soon politicisation and, with it, “unionisation” of the civil service followed suit (Argyriades, 2013: 78; Argyriades, 1996: 63).

6. Concluding Remarks

One of the many fallacies that furthered this development and helped New Public Management was the mistaken creed that Management is *technique*, complete with its own methods and performance indicators. In “*Management is Management*”, the movement’s battle cry, we ought to read rejection of all the many accoutrements of Public Administration that made it seem polymerous, as well as overly complex, but added to its appeal both as a field of study and as a great profession. Divesting it of inputs from other social sciences, it “cut it down to size”. To all intents and purposes, reduced to Applied Economics, Public Management became the *business of government*. This transformation rendered it more readily amenable to measurements, emphasised by NPM on the often-quoted premise that “what cannot be measured, cannot be managed” either. In conceding our debt to NPM, we need to call attention to the price that has been paid. For many years, indeed, the corollary gained ground, affirming that such items as were not quantifiable could safely be overlooked as being of little consequence or lying outside the realm of management properly speaking.

With the help of comparative data and historical perspectives, a case needs to be made in favour of fresh approaches to civil service reform. The subject of this paper, which represents the confluence of many streaks of thought from several schools and countries, needs both to be revisited, in light of past experience, but also rediscovered and redefined in light of the demands of our times. What should not be overlooked is that the civil service is far more than an aggregate of officers and specialists who populate its ranks. At the national, the regional and international levels, in unitary States and federal republics, it represents a *core institution of governance* and a pillar of democracy, in our days. A guarantor of stability, continuity and predictability, it functions in the public space, wielding a tremendous influence on other institutions and helping to shape

our values, for better or for worse. The higher its integrity, the greater and more “public” its ethics and its virtues, the better a country will fare.

Public Administration is likewise more than Management (Nabatchi, 2010: 309-311). The visceral attacks which, in the past three decades, were mounted on Public Administration, have ended up subverting more than the civil service. At the cross hairs, effectively, was democratic governance, which rests on the ideas of equity and equality, the rule of law and access of all citizens to state-provided services, to all positions in government and the conduct of public affairs. All civil service reform ought to start with the exploration of its *institutional role* and significant potential as a transformative influence on society and the country. Nationally and regionally, we must first determine the scope, the role and remit of the State and civil service. The detailed organization, modalities and structure of its component parts will flow from these first principles. A lot that is technique may usefully be acquired by studying the “good practices” applied in other countries, both East and West. However, consistency matters. Rigorous application of critical standards of relevance is necessary in order to avoid the errors of “*administrative mimetism*”, to which our field was prone in years past (Timsit, 1986; Langrod, 1996;). The lessons from the history of civil service reform but also the confident feeling that we can do much better should be our guide.



II. SALIENT TRAITS OF A PROFESSIONAL & COMPETENT CIVIL SERVICE

Civil service systems have been in a process of continuous transformation, as change, continuity and diversity characterised their development in the past two centuries, or so, as it is demonstrated in the introduction. Change, however, has immensely accelerated in the later part of the 20th century, due to the wide-ranging and drastic shifts taking place in the environment, in which we all live. Such environmental changes have dictated, and even forced, fundamental reforms of civil service systems around the world (Ferlie, Lynn & Pollitt, 2005; Pollitt & Bouckaert, 2004; Peters & Pierre, 2000).

These changes include globalisation of markets, scientific and technological advances – especially in informatics – the emergence of vibrant civil societies and considerable pressures to combat corruption, increase transparency and raise ethical standards in the conduct of public affairs. Additionally, global economic trends, the liberalisation of markets and unbounded exchange of information across borders have created complex new interdependencies that national systems must recognise, accept and manage effectively.

Change also includes ever increasing calls and demands from more active and educated citizens asking to be heard and for tailor-made solutions to social problems, increased awareness of the influence of parallel decision centres and rapid information exchange.

Consequently, in this new environment, civil servants are called upon, not only to fulfil their core missions, but also to

The United Nations General Assembly Resolution on public administration and development

(No 50/225, May 1996) noted that:

“The rapid pace and interdependence of global, political, social and economic developments and their implications for all countries, particularly the developing countries”, and emphasised that there is “a critical need for improved efficiency and effective public institutions, administrative procedures and sound financial management to harness these challenges in support of sustainable development in all countries”. It also recognised that “effectiveness of government requires an efficient and effective public administration in all countries that is responsive to the needs of people, promotes social justice, ensures universal access to quality services and productive assets, and creates an enabling environment for sustainable people-centred development.” The Resolution reaffirmed “that democracy and transparent and accountable governance and administration in all sectors of society are indispensable foundations for the realization of social and people-centred development”; and it recognized the need that “governments in all countries should make their procedures transparent in order to avoid and combat all acts of corruption.” The General Assembly further recognized the need for public administration systems to be “sound, efficient and well equipped with the appropriate capacities and capabilities...through public sector administrative and management reform, with emphasis on enhanced efficiency and productivity, accountability and responsiveness of the public institutions”, and it encouraged, where appropriate, “decentralization of public institutions and services.”

assume another role⁴ becoming brokers and mediators among a wide array of competing actors and stakeholders, as it is still the government's responsibility to take initiatives in a multitude of policy areas, but also to mediate conflicting interests and provide solutions (Page & Wright, 2007).

This calls for a different type of civil servant and a very different civil service. In this context, it is becoming imperative for civil servants to possess a distinct set of (high) skills required of public service. For instance, leadership skills, exceptionally good verbal and writing skills, expressive and communications skills and, more broadly, capacity to work, both on their own and in teams, under high pressure in an increasingly demanding environment. These are fast becoming necessary prerequisites⁵.

Furthermore, an exponential growth of both the size and complexity of public services and their delivery, as well as the introduction of information technologies in public organisations demand an active role for civil servants; as well as "doing more with less", due to increasingly common public budget reductions.

However, despite all these changes and new demands placed upon civil servants, civil service systems need to operate within a framework, which safeguards the public sector values and preserves the proper balance between legality and efficiency. With this aim in view, the goal continues to be a competent and professional civil service. This can only be achieved if the civil service preserves and develops a set of specific characteristics (UNPAN, 2000).

Specifically, a civil service system should be:

[i] Merit-based and politically neutral

The application of objective, merit-based criteria in the selection, recruitment, and promotion of civil servants should allow officials to function without fear or favour, in keeping with the public interest within the framework of existing laws and regulations and firmly stave off political interference in performance of their functions.

[ii] Well-structured, at the "right" size and well-paid

Public organisations should be well structured with a proper distribution of civil servants across hierarchical levels. This, in most areas of government implies that relatively *few levels and categories of civil servants need to follow a career development path* and this without creating internal tensions, by promoting unity and cohesion among civil servants. It ought to be emphasised

Key Features of an Effective Civil Service

- *Merit-based and neutral;*
- *Well-structured and right "sized";*
- *Well-paid;*
- *Accountable and professional;*
- *Relatively autonomous;*
- *Responsive and free of corruption;*
- *Well-trained and performance oriented;*
- *Relatively open and representative.*

⁴ This phenomenon is often described as *multi-level governance*, as public decision makers and service delivery mechanisms and actors at local, regional and nationwide levels of government and society are intertwined. Such a development directly affects the structure and operation of civil service, which is forced to assume a variety of roles that depart from its traditional mission and scope. In this perspective, the emergence of multi-level governance may be regarded as a change in rule, structure and substance, thus creating, first, a different institutional environment for and, second possibly changing the rule structure and substance of civil service systems. Adding to this environmental complexity is that governments and their civil service systems are not isolated but aware of the changes and reforms each experience. The exact design and developmental route of civil service is conditioned by particular societal and political and administrative contexts.

⁵ High level skills include both qualitative and quantitative skills, computer skills, and in an age of globalisation, knowledge of foreign languages, particularly English, French, Russian, Chinese, German, Portuguese and Spanish.

that careers, to be effective, ought to be managed professionally. This entails the existence of equitable job challenges, openings for advancement and training facilities that are available to all and equitably administered in the system.

On a similar note, both excessive job inflation and understaffing can adversely affect the overall performance and morale of organisations. Thus, organisations should strive for an optimum size in order to achieve a certain balance in their organisational capacity. Last but not least, levels of civil service salaries need to be coupled with adequate support services, as this is a critical condition in establishing and sustaining an efficient and relatively corruption-free civil service.

[iii] Accountable, professional and generally free of corruption

Transparency and accountability systems for the proper functioning of civil servants should be clearly established within a legal and administrative framework and overseen in strict conformity to the prevailing laws and regulations. Such accountability systems and practices should be supported by a strictly professional code of conduct and ethical systems guiding actions and relations with citizens, as well as other groups.

What distinguishes a duly performing professional civil service is that professional values are both internalised and institutionalised. Marred by corruption, a civil service will not be able for long to maintain its competence, efficiency and responsiveness. On the contrary, experience has shown that persistent and pervasive corruption has, in many cases, diminished the beneficial outcomes of reforms. It has undermined the *sustainability* of democratic and development gains.

[iv] Relatively autonomous, responsive and representative

To be efficient and effective, a civil service system needs to enjoy substantial internal autonomy of operations, especially with respect to personnel recruitment and advancement, subject of course to the legal, budgetary and administrative frameworks in force and under the constitution. Such autonomy needs to be reinforced by the values of neutrality and service, so that the system can protect itself from undue interference from the political process and political rulers. However, the need for autonomy has to be balanced with the requirement for responsiveness to the needs and wishes of people, as expressed through various elective and participatory processes. Similarly, the issue of representativity, as it relates to gender or to the ethnic, linguistic and cultural backgrounds of civil servants, is important, especially in countries of great diversity and traditionally limited female participation in the public service.

[v] Well-trained, performance-oriented and relatively open

Providing training for acquiring new skills and competencies and upgrading existing ones by taking into account the need for change in the administration is considered a priority. Similarly, the increasing focus on performance and related incentive schemes deserves careful consideration. Although sophisticated and highly publicised methods are used in performance-focused programmes in many developed systems, it is not certain that individual-focused monetary incentive schemes have worked, or if services have actually improved⁶, as a result.

⁶ It has been observed that individual-centred monetary rewards – and the competition that this practice engenders – tend to erode the group values of civil service. In this sense, non-monetary recognition should also be considered, as it may be more appropriate in the public service in contrast to the individual-centred incentives.

And yet, a brief glance at these key features, which may ensure and safeguard the existence of an effective, professional and competent civil service reveals that reality is far from that. It seems that global and regional challenges exist. These include a certain decline of structures safeguarding the quality, neutrality and autonomy of the civil service profession. Related to these challenges is the phenomenal growth of corruption and *maladministration*, including “quiet” corruption, and dereliction of duty, all bringing in their trail a decline of public trust. Decline of public trust goes in tandem with the failure to safeguard the required stability, consistency and continuity in the delivery of services, as well as in the government and public administration under the rule of law (Newland, 2015).

There are multiple impediments in seeking to achieve this desired state of affairs. Such issues cannot be discussed in isolation from the structures of government, their degree of meritocracy, neutrality and autonomy of civil servants or the mechanisms for policy-making, coordination and coherent programme implementation. In sum, these global and regional challenges add salience and urgency to the need for civil service reform, as pressing global concerns.

Overall, it seems that several countries, instead of simplifying have created far too many and unwieldy administrative structures that obstruct effective governance. All too often, civil service has become increasingly politicised, not only at the policy level but also in service delivery. As already remarked, two of the greatest challenges in civil service reform have been, and still are, corruption and manifest lack of professionalism. Consequently, more emphasis needs to be placed on probity in dealing with public funds, instilling a service orientation and the enforcement of law against bribery and other corrupt practices. Development and implementation of a generally accepted code of ethics needs to include institutionalisation of performance criteria rather than the use of automatic seniority in promotions.

Many governments have made strides in improving their structures for policy development and alternative modalities for regulatory functions and public service delivery. Furthermore, it has been shown that civil service reform programmes, implemented to date, have in several cases, managed to streamline recruitment, promotion, remuneration structures, incentives, training and capacity-building activities, with integrity and professionalism. In other words, they have managed to register improvements.

Accordingly, evidence shows that there is considerable value and potential in seeking to develop a professional and competent civil service through civil service reform. It is generally accepted that developing capacity to perform core government functions and raising the quality of services, both enhance public trust and promote sustainable development⁷. Several studies have

Preconditions for civil service reform

Any prospect for serious civil service reform, especially in developing countries, requires some, if not all, of the following preconditions:

- *The establishment of a nation-wide political system;*
- *The establishment of a stable and workable constitutional system;*
- *A viable economic system;*
- *An enlightened, unified elite capable of guiding orderly change; and*
- *An electorate sufficiently aware of the nature of administration and its rights and responsibilities vis-à-vis its civil servants.*

UNPAN (2000)

⁷ A major constraint on civil service reform for economic and social development is the rising politicisation of the civil service in many developing countries. In the former Communist countries, a major challenge is shifting the historic political orientation of the civil service towards greater neutrality, professionalism and impartiality.

clearly indicated that a correlation exists between the degree of professionalism and competence of civil servants and the general prosperity of society and citizens (Sundell, 2013, 2014; Elling & Thomson, 2006). Hence, a competent civil service is a necessary prerequisite to a country's advancement, an issue especially relevant to the developing countries.

It is also widely accepted that civil service reforms contribute to the macroeconomic stabilisation of countries by restoring budgetary stability, strengthening revenue collection, improving development performance through proper implementation of both investment frameworks and the management of public expenditure plans and programmes. Civil service reforms can also contribute to the design and implementation of an equitable programme of social development. Enhancing the capacity of civil servants and improving their morale are critical to these concerns.



III. PUBLIC SERVICE MOTIVATION & EFFECTIVE IMPLEMENTATION OF THE SDGs

1. Effective Public Service for SDG Implementation

All 17 Sustainable Development Goals (SDGs), directly or indirectly, need an effective public service for successful implementation. This is because all of the Goals⁸ require the provision of public goods or the implementation of a public sector policy and consequently, depend on the civil service to coordinate, mediate or directly provide.

The United Nations 2030 Agenda challenges the capacity of civil service in scope, importance and urgency. An effective interface between politicians and public officials will be necessary to turn the political vision for the Sustainable Development Goals (SDGs) implementation into a reality (Helgason, 2016). In this context, innovation and future-oriented mindsets must strive for better solutions. Finally, a strong motivation in the public service to achieve the SDGs targets is essential in ensuring the necessary sense of purpose and direction.

Figure 1: The 17 Sustainable Development Goals



Thus, effective public services are critical to sustaining and improving quality of life for communities around the world. A trusted, responsive and dynamic civil service underpins the ability of the state to deliver on the needs and wants of its citizens. The SDGs articulate the core development needs of countries, but cannot be achieved without effective civil services (Clark, 2015).

The challenge is that change is accelerating and complexity abounds, even as demands increase; many civil services are confronting tighter financial constraints and low levels of morale (Everest-Phillips, 2015). In such complex networks, decision-making is fragmented but interdependent, leading to unpredictability and rapid change as “patterns arise out of a vast array of inter-

⁸ 17 SDGs, 169 targets and 231 indicators.

actions and seemingly out of nowhere” (Bourgon, 2009). The good news is that, in this complex, interconnected and rapidly changing world, the quality of civil service in a country is still largely under the control of the citizens and their leaders.

However, a significant increase in adaptability is required of public services, especially in an operating environment without resource flexibility and enthusiastic appetite for change. The SDGs cannot be achieved without overcoming this challenge. Civil services around the world will need the skills to:

- Prioritise the targets and indicators, as well as identifying and committing adequate financial resources, require considerable political will, which is often lacking in development contexts. Thus, there is a need for political leadership able to champion a national vision of development. Implementation of SDGs is not a technocratic exercise; it requires challenging vested interests and embedded power relationships (Byanyima, 2015)⁹;
- Interpret and contextualise the targets, given that some of them are expressed in vague, qualitative language, rather than being clearly measurable and time-bound;
- Tackle the “siloed” and, sometimes, conflicting nature of the targets. Their successful implementation will require a “whole of government” approach to link different goals together and overcome trade-offs;
- Address corruption, rent-seeking and other failures of the public and private sectors¹⁰;
- Implement Goal 16 and its underlying vision of good governance, which makes it likely to be the most difficult Goal to measure and rather contentious when it comes to standards and data collection; and
- Promote the legitimacy of the state by building the trust of its citizens, by upholding commitment to the 2030 Agenda, which all governments entered into, out of their own volition. Given that the SDGs do not imply a contractual obligation and cannot be enforced, accountability and commitment difficulties could arise if domestic policy needs to divert resources and efforts elsewhere.

2. Essential Elements for Successful Implementation of the SDGs

To achieve all the above, the civil service in every country will need to innovate. The following are areas of public service that may require attention and improvement in order to ensure effective SDG implementation.

[i] Data

Robust research and data collection are essential for tracking progress, measuring outcomes, creating grounded evidence for analysis and reforms and addressing implementation issues. The absence of a quality and reliable data collection mechanism poses a significant barrier to the systematic exploration of goal and target attainment. At the same time, the SDG agenda represents an opportunity for countries without an adequate data collection system to develop customised methods and ways of gathering information.

⁹ <https://www.webforum.org/agenda/2015/09/how-can-we-eradicate-poverty-by-2030/>

¹⁰ UN Millennium Project (2006). “Why the Goals are important”, <http://www.unmillenniumproject.org/reports/why8.htm>

[ii] Knowledge sharing

New insight on all the aspects of the SDGs, including successful policies and programme implementation is generated rapidly. Yet, it is often diffused very slowly. Ensuring that knowledge is disseminated quickly, effectively and widely should be a priority for public service institutions.

[iii] Capacity building

Many countries lack the technical capacity to implement programmes despite their awareness of what needs to be done. Governments will need to build coalitions and enter partnerships with other key actors to develop and implement policy and track progress along the way. Reliable data that can be used to ensure political accountability will be critical for this purpose.

[iv] Innovation

Following the MDGs, it is time to rethink the ways in which public services around the world operate and introduce new ways of working. This pertains to transforming decision-making processes, planning, generating evidence, new solutions and ideas and resource mobilisation. The new instruments should help public services cope with increased pressure such as strategic foresight, co-production and collaborative arrangements, innovation and digitisation.

[v] Adaptation

Many countries will find it difficult to meet SDG targets without adapting them to their specific needs. Challenges include reconceptualising how goals can be implemented in resource limited settings and harnessing the power of technology to ensure better community accountability.

[vi] Localisation and Sub-National Government

Decentralisation of SDG implementation and related service delivery can yield better results as localised sectoral spending may lead to better outcomes and service quality improvement, especially in health, education and poverty reduction¹¹.

Such developments have to be carried out with a few questions in mind: the scale of the local public sector and the scope of its role in public service delivery; the extent to which development actors rely on the local public sector; the correlation between local public sector spending and sectoral outcomes; and potential for localisation.

Effective SDG implementation calls for a policy integration between all levels of government¹². While the role of the national governments is crucial, decentralisation and delegation of authority to make change to a more grassroots level may ensure that the context of the reform, as well as local interests are taken into account, thus preventing possible failures and lags.

[vii] Collaboration

SDGs cannot be delivered by governments alone. Many partners will be important in making a leap forward to achieve the requisite goals. SDG implementation calls for an emphasis on political influence and advocacy, where more voices can help. By building wider and more fluid collaborative initiatives among stakeholders, public officials must reach out to “all stakeholders, acting in a collaborative partnership, in order to implement the plan”. Thus, public officials will need collaborative leadership skills to foster a multi-stakeholder process engaging effectively

¹¹ Urban Institute (2014). “Localizing public services and development: the local public sector’s role in achieving development goals in health and education”, http://www.localpublicsector.net/docs/UI_DELOG_Final.pdf

¹² UN Department of Economic and Social Affairs (2015). “Policy integration in government in pursuit of the sustainable development goals” <http://www.un.org/esa/socdev/csocd/2016/egmreport-policyintegrationjan2015.pdf>

with external partners including the representatives of civil society, business, academia and science, for collective problem-solving.

[viii] Thinking and working politically

The *thinking and working politically* (TWP) approach¹³ advocates bureaucrats improving iterative engagement with the political environment, and trying better to influence and navigate the context not just understand it. It is essential to secure the kind of political priorities that will help achieve SDGs through development coalitions and programmes that provide political *nudges* or *nagging*.

3. Implementation Challenges

The heterogeneous nature of the goals and targets implies that public service has to react differently to ensure their effective implementation. Implementation challenges related to structural issues, processes and outcomes¹⁴.

[i] Structural

Goals and targets that require structural changes call for national governance reforms. These may include tackling corruption, enhancing capabilities, creating or strengthening institutions and investment climates and establishing an effective internal dialogue with sectors and stakeholders¹⁵.

Given that the developing countries lag, for various reasons, in the attainment of goals, the need for institutional reforms may become more pronounced. Even the most urgent and life-changing goals and targets may not be implemented if corruption persists and the institutional base is weak.

A great deal will depend on the strength of the political will at play. That implies the need for skilled leadership able to reconcile many interests and take charge and follow through where necessary – the art of thinking and working politically. Some institutional changes also need to be rooted in innovation – to ensure that the implementation frameworks are streamlined and that space for discretionary actions is limited.

[ii] Process

Process-oriented goals and targets imply improving the way resources are allocated and programmes and activities are designed. One of the shortcomings of the MDGs may have been the failure to clearly spell out the resources needed for their implementation¹⁶.

SDG implementation may require the capacity and leadership to reform existing global and national financial institutions and arrangements, as well as systemic change in the partnership agreements between different groups of interests. Effective South-South cooperation is of ut-

¹³ OECD (2016). "Achieving the impossible: can we be SDG 16 believers?", <http://www.oecd.org/dac/governance-peace/publications/documentuploads/Achieving%20the%20Impossible%20can%20we%20be%20SDG16%20believers.pdf>

¹⁴ Annex 1 presents the SDGs and targets listed by the nature of the implementation challenge to public administration in detail, i.e. [i] structural; [ii] processes; and [iii] outcomes.

¹⁵ Foundation for Democracy and Sustainable development (2015). "The critical role of effective, accountable and inclusive institutions in implementing the Sustainable Development Goals", <http://www.fdsd.org/site/wp-content/uploads/2015/10/The-critical-role-of-effective-accountable-and-inclusive-institutions.pdf>

¹⁶ Future United Nations Development System (2014). "The SDGs – what are the means of implementation?", <http://www.futureun.org/media/archive1/briefings/FUNDS-Briefing21-SDGsMol.pdf>.

most importance for pooling resources, joining efforts and forming effective 'toolboxes' for SDG financing and programme designs with best fit.

Effective planning drawing on the best features of strategic foresight and futures thinking is one such tool used for navigating the uncertain landscape of today and tomorrow, building organisational resilience, at the same time promoting adaptiveness and flexibility.

[iii] Outcome

It is impossible to measure outcomes without good quality evidence, robust research and relevant case studies. A strong system of data-gathering and verification is needed. Moreover, where the government is the data collector and reporter on target and goal attainment, an open and transparent feedback system involving stakeholders is essential.

To ensure that goals and targets are addressed accordingly, a monitoring and feedback system has to be established between all parties involved. Knowledge sharing is crucial for a careful and timely monitoring process.

4. A New Public Passion: Motivation & Reform in Public Service to Achieve the SDGs

A strong motivation in the public service to achieve the SDGs targets is essential in ensuring the necessary sense of purpose and direction. A new public passion is needed. New Public Passion (NPP) is not a brand new idea; it is a timely drawing together of important thinking linking motivation and performance in a public service context. In addition to practical experience, the idea is based on well-established theory and private sector thinking about responding to the changing global market place. The NPP idea draws and seeks to build on the lessons from Public Service Motivation (PSM) into the heart of public management models. Perry and Wise (1990) define PSM as "an individual's predisposition to respond to motives grounded primarily or uniquely in public institutions". Perry's measurement methodology has laid the foundation for empirical analysis of the importance of PSM (Perry, 1996; Perry & Wise, 2010).

New Public Passion incorporates both intrinsic and extrinsic motivation, as well as organisational dynamism. That intrinsic motivation matters – that people will try harder if they feel they are doing the right thing, be more engaged if they find their work interesting, and be more passionate in pursuit of their values – is not controversial. Intrinsic motivation is not unique to the public service; it is a focus for social thinkers and business gurus (Pink, 2009; Hamel, 2012). "Public service" itself reflects the call to intrinsic values of service to the community. However, the importance of intrinsic motivation is underestimated or ignored in civil service reform all over the world. Extrinsic motivation – the promise of rewards and the threat of punishment through compliance and accountability is essential, but by itself cannot drive performance in a fast-changing, complex world.

While some argue that intrinsic motivation cannot be systematised; therefore, is not reliable, it remains important for civil service performance. It is also essential to the ability to adapt at pace to rapid change. This dynamism is necessary for the new civil service required in a complex and fast changing world. To work on reform, without thinking explicitly about harnessing the intrinsic motivation of civil servants, is undermining the likelihood of sustainable change.

Most public management toolkits that we rely on today were not designed for managing complexity and rapid change. Public Administration and New Public Management principles are necessary, but insufficient. New Public Governance attempts to bridge that gap, but will only do so if it harnesses intrinsic motivation and builds NPP. NPP seeks to rebalance the use of extrinsic and intrinsic motivation in New Public Governance to improve civil service delivery. The central message is that intrinsic motivation actually matters.

Through a primary focus on accountability and managerialism, our public management systems over-rely on extrinsic motivation. High levels of intrinsic motivation are the natural advantage of public services, but this needs to be explicitly encouraged and stewarded. A NPP approach will harness intrinsic motivation to enable dynamic and adaptive civil servants to respond more effectively in environments with constrained resources, low morale, increasing change and complexity. This is a critical lever for maintaining performance, especially during periods of change. Reform is ultimately not sustainable without understanding the motivation of public servants, whose sustained performance is dependent on their engagement and commitment.

Harnessing intrinsic motivation can help to generate trust, support responsiveness and is critical to building and sustaining dynamism. *Trust* is foundational. It is very difficult to have a civil service that is responsive and dynamic if there is a deficit of trust. In environments with low levels of trust, a vicious circle of helplessness, apathy and self-interest can eventuate. Harnessing intrinsic motivation is one of the few ways to break out of this vicious cycle. *Responsiveness* is vital and accountability the chief engine of responsiveness. Wherever practical, accountability should be clearly defined and rigorously accounted for. However, in times of financial constraint and low morale, tapping into intrinsic motivation more effectively may be the only way to deliver “more for less” and create the momentum to get over a change “hump”. *Dynamism* is critical for responding to complex and rapidly changing environments and effectively harnessing intrinsic motivation is essential for enabling dynamism.

In sum, intrinsic motivation is critically important, but is only one aspect of sustainable reform. The presence of a “Reform Moment” and the need for sharply-focused reforms are also key components. The entanglement of political dynamics, that civil service reform cannot directly

Features of a Reform Moment

[i] Change gap – where it is obvious that what a system is capable of doing falls short of what is required or expected, there is a change gap. Change gaps are necessary for a Reform Moment but are not enough without the following three aspects being aligned;

[ii] Change readiness – any system has a threshold for how much change it can handle. Repeated change, whether successful or not, leads to change fatigue and can have a catastrophic impact on the harnessing of intrinsic motivation. Picking a Reform Moment requires an understanding of the appetite for change and the capacity for the system to take on change at that time;

[iii] Trigger crisis or opportunity – even if a civil service has a clear change gap and a degree of change readiness, a specific trigger crisis or opportunity creates a catalyst for change and the potential to focus on building reform momentum;

[iv] Reform leadership – leadership is vital for successful reform. Reform leadership is required to break with past practice and take the risk of doing things differently.

address, and bureaucratic dysfunction leads to a perception that change is too hard. But in a Reform Moment, an honest conversation that is focused directly on the role of the civil service, brings clarity to problems and the realisation that many of these have been persistent over time.

The need for focus cannot be overemphasised. Even if the ultimate destination is to change cultural norms in the system, trying to address all problems in a single all-encompassing Reform Moment will almost certainly lead to failure. Focus is the driver of five suggested key reform steps: [i] pick a few things – do not try to be comprehensive as there will always be more things to change than there is capacity to change them; [ii] pick those that are important and on the path – you are better off moving with urgency and commitment to address selected issues that are clearly important and on the path to the destination you are trying to reach than running an expensive and time-consuming process to be sure about what to do; [iii] get the right mandate – know who the critical decision-makers, stakeholders and actors are openly committed to change to help sustain resolve through the difficult times ahead; and [iv] move at a pace and adapt as you go – in a complex environment, it is simply not possible to predict the full impact of change. So be prepared to adapt as you go to sustain momentum.

5. Conclusion

The challenge of reform and enhancing civil service performance are universal, albeit in different contexts. Problems are common, e.g. politicisation, fragmentation, poor implementation, corruption, information deficits, cultural barriers, performance measurement, etc; but the experience is unique to each particular environment. Every Reform Moment is, therefore, unique and it will require a different response to enable change. There are no “perfect” solutions. However, there are three key lessons learnt from other reform efforts: [i] do not try and fix everything at once; [ii] do not devote energy on the things that cannot be changed directly in a Reform Moment; and [iii] do not ignore intrinsic motivation, as it is an essential ingredient in sustaining efforts in overcoming resistance to working differently.



IV. GLOBAL TRENDS

This section explores the direction and scope of civil service reform. It represents an attempt to identify extant global and/or regional trends and to discern the degree of convergence – or divergence – in reform patterns emerging around the world. Obviously, lack of convergence may make the task of identifying trends in civil service reform difficult, though not impossible. Despite the many differences, it is plausible to identify some similarities and discern some trends at the global and regional levels.

For example, the past few decades have witnessed widespread reforms affecting a wide spectrum of governance aspects. Such were the many attempts to reorganise and/or transform the “Administrative State” through privatisation of state enterprises and retrenchment of the welfare state. In many countries, these followed significant changes in the wider political economy over the past decades (Toonen, 1999). Such changes affect the structure, scope and mandate of the civil service. They certainly influence the form and range of reform efforts undertaken.

Convergence or divergence?

Lack of convergence in reform processes across countries may make the task of identifying trends in civil service reform rather difficult, however, not impossible; as despite the many differences, it is plausible to identify some similarities and discern some trends at the global and regional levels.

1. Interrelated and Interdependent Reforms

Historically, “*administrative reform*” and “*civil service reform*” have been used almost interchangeably, about changes in the structures, systems, processes and procedures related to recruitment and administering a competent and motivated personnel. In more recent times, the term “*governance*” has been used as an all-inclusive framework not only for administrative and civil service reform, but also as a link between civil service reform and a comprehensive framework for policy decisions within viable systems of accountability and citizen participation (World Bank, 1993).

Administrative reform targets the structures of government and it seeks to rationalise them. It creates strategic mechanisms and processes for policy and decision-making and coordination; for reforming institutions for the delivery of services¹⁷; for improving delivery mechanisms within the core public sector and in a broader context; and by other means to strengthen processes and procedures for effective, economic and ethical management. Likewise, governance reform refers to the improvement of the legal and policy frameworks, with a view to creating a proper and enabling decision-making environment; participatory systems for civil society members to become actively involved in policy and programme formulation and implementation; and effective and transparent systems and processes for control and accountability in government activities.

¹⁷ Sometimes through contractual arrangements with civil society and private sector organisations.

In both the administrative and governance contexts, civil service reform is essential. It is critical to reshape the behaviour of people involved in managing these changes in a sustainable manner¹⁸. In this sense, civil service reform may be conceived as an action designed to improve the

Significance of civil service reforms

In both, administrative and governance reform, civil service reform is essential as it is critical to reshape the behaviour of human beings involved in initiating and managing all these changes in a sustainable manner.

Hence, civil service reform entails a variety of critical institutional changes - which are, admittedly, both difficult and lengthy - and closely tied to administrative reform that focuses on strategic action; notably the strengthening of government institutions and processes for performing the core state functions of policy-making and coordination and improving the effectiveness and efficiency of public sector systems.

performance of civil servants at work. It represents an effort which, at its most fundamental level, involves rearranging the systems configuration and modifying human behaviour (Olson & Peters, 1996). However, this is only part of the story. Ultimately, the purpose is to improve the quality, efficiency, effectiveness and public service professionalism in service delivery and by so doing, to better the life of citizens (Satish, 2004).

These reforms are supposed to respond to local, national, regional and global pressures that challenge the very survival of many societies. Everywhere, even in the most technologically and politically advanced countries, these pressures compel change and development¹⁹. However, pressures differ from one country to another and so do responses to their internal reform initiatives and packages. For instance, industrialized countries and newly emerging economies are those most immediately affected by globalization; while transitional economies and developing nations tend to be dominated by pressures for economic growth and development with equity²⁰.

In conclusion, civil service reform cannot and should not be explored as an exclusive domain, but only in combination with administrative and governance reforms in a particular country. Furthermore, for reforms to succeed in any of the closely interrelated realms of governance, civil service and civil society, they require sustained commitment from political and administrative leaders, as it is usually impossible to implement successfully all objectives at one go.

Few countries, in this context, have undertaken comprehensive reforms and, in those that have done so, the results have been mixed. A main challenge lies in establishing proper linkages among the governance and civil service components thus determining priorities and the proper sequence of actions. Of course, success also depends upon how sensitive the principal actors are to prevailing conditions in a country. Thus, gathering sufficient political and social support within the system to carry out strategic changes is a critical factor. Ultimately, the viability of serious civil service reform depends on the ability to mobilise and harness national will, energy and creativity.

¹⁸ Hence, civil service reform entails a variety of critical institutional changes - which are, admittedly, both difficult and lengthy - and closely tied to administrative reform that focuses on strategic action, notably the strengthening of government institutions and processes for performing the core state functions of policy-making and coordination and improving the effectiveness and efficiency of public sector systems. In this context, civil service reform also tends to centre on enhancing democracy and accountability and thus it carries a strong political component.

¹⁹ These pressures range from protecting the environment to restoring faith in government. They also involve the globalisation of financial and labour markets and call for accelerated economic growth and for development with equity.

²⁰ The results of civil service reform in these diverse situations have varied and provide a rich fund of experience, both negative and positive, for use in future reform efforts.

2. Widely Ranging Reforms

Most recent reforms have been the result of convergence of varying political and economic factors, which were at work in the 1980s and early 1990s. These led to questioning the structures and operational modalities of civil service systems across the world. They also focused attention on civil service systems, which meant that the issue of public administration and civil service reform was now viewed in the light of the wider political system and managerial doctrines, which emerged during this period. One such doctrine, the “*Managerial State*” of the later 20th century has manifestly challenged existing civil service systems²¹.

Most of these reforms have been associated with “structural adjustment” programmes and economic reform efforts²², as well as with the drive to modernise, primarily in terms of efficiency and effectiveness. The objective was to evolve into patently new forms of organisation, management and supervision and related motivation and remuneration systems. These movements, which have taken place in developed countries, have focused on creating competitive pressures within the civil service, opening the system to private sector approaches, including those of hiring personnel laterally, at almost every level²³.

Such reforms have taken place in New Zealand and the United Kingdom; as well as in nations like Chile, Brazil, India, Malaysia and Singapore. Some have been comprehensive, others limited. While the experience of many of these reforms has been mixed, most indicate support for improving the efficiency of the system including the private and the public sectors, and the government itself²⁴.

Still, a principal focus of reform has been on legal frameworks, norms, new systems of political and administrative relationships and, to a lesser extent, on performance measurement and assessment or the development of new civil service structures. This may be surprising, especially considering the dominance of NPM paradigms at the time when new civil service systems were taking shape especially in the case of Central and Eastern Europe (Peters & Pierre, 2003). However, it has been observed that what has often emerged is a combination of continental European type structures with an added dose of performance management and measurement systems²⁵.

Main focus of reforms

The main focus of these reforms has been on legal frameworks, norms, new systems of political and administrative relations, and other traditional (European) notions; as well as, to a lesser extent on performance measurement and management quality and the development of new civil service systems.

Convergence in reform processes across countries may make the task of identifying trends in civil service reform rather difficult, however, not impossible, as despite the many differences, it is plausible to identify some similarities and discern some trends at the global and regional levels.

²¹ Indeed, the antagonism between the Anglo-Saxon management-driven civil service and the continental European formal and rule-driven system, has been clearly visible in the debate during the past three decades or so (Verheijen, 2003).

²² Between 1981 and 1991, civil service reform in 44 developing countries was supported by 90 World Bank lending operations, which comprised 60 Structural Adjustment Loans and 30 technical assistance loans (World Bank, 1995).

²³ However, while a full-scale adoption of this openness seems inappropriate to public administration in many developing countries, a selective approach of openness, especially with respect to methods and practices and certain categories of jobs at certain levels, may be useful for injecting freshness and dynamism in the public service systems.

²⁴ Though difficult to organise and implement, such integrated reforms have led to economic growth in some countries, among them Botswana, Chile, Malaysia, Mexico and Singapore (UNPAN, 2000).

²⁵ Additionally, some states have also shown an interest in the more corporatist South East Asian models, but this has been mostly confined to Central Asia, and to a lesser extent, in Russia.

In the case of Central and Eastern Europe, two explanations exist for this interesting development. Some countries were returning to pre-communist traditions, influenced, in the main, by the continentally-minded European Commission²⁶. Its values with their emphasis on rule of law and due process proved to be more suitable to the needs of transitional states than notions of flexibility and cost effective management. Still, at a later stage conflicting demands for civil service tenure and the incorporation of public sector ethics in tandem with a change from a legal to managerial form of professionalism and political demands for greater flexibility in human resources management emerged as major challenges²⁷. Thus, in the late 1990s, some of the countries attempted to introduce “performance pay”, and to open the civil service labour market to “outsiders” (Verheijen & Coombes, 1998).

It would appear, accordingly, that the focus of civil service reform has been largely on legality, efficiency and responsiveness; that civil service reforms have been often pursued and defended, on grounds invoking the concerns for public sector efficiency, integrity, responsiveness and combating all forms of corruption.

3. Diverse Civil Service Systems

Civil service systems vary from continent to continent and from country to country. They all possess distinctive country-specific features based on history and administrative tradition; these, in turn, determine its structure and functions and ability to evolve and change over time.

“We are convinced that a conceptually identical, or at least very similar, reform develops differently in one national context as compared with another”.

Pollitt & Bouckaert (2004)

Civil service systems, accordingly, cannot be viewed as constructs that are likely to respond, in very similar ways, to *exogenous* or *endogenous* pressures for change. Thus, variations on practices from one country to another are rather the rule than the exception. This phenomenon may be attributed to particular circumstances, historical conjunctures and reform opportunities present in a particular country, at any given time. This can be hardly surprising, given the different values and norms prevalent in each (Verheijen, 2000; Toonen, 1993).

More often than not, what emerges is a pattern of different motives, challenges and opportunities associated with specific institutional configurations. Thus, civil service systems should not be regarded as *sui generis*, but as systems, which take off from different starting points and move at a different pace in their efforts to reform and change (Hood & Lodge, 2005). Consequently, change in civil service systems cannot be regarded as some form of a *tabula rasa* approach that regards all countries to begin from the same starting point and at the same time.

Conversely, given their historical origins and interdependence with other sub-systems within prevailing political, economic and social organisations, experience “*critical junctures*” in the process of reform. Institutional configurations shape the way in which the pressures for reform

²⁶ Naturally, in systems with a high risk of politicisation and with limited – and declining resources – stabilisation was more urgent than innovation.

²⁷ The fact that the discussion on performance and management issues came to the forefront, when these new governance and civil service systems had started to settle, serves as a justification that the notion of managerialism is not a good recipe for systems in flux, and that countries in transition most of all need broadly accepted rule-based civil service systems before considering wider innovations (Verheijen & Coombes, 1998).

emerge or are perceived and dealt with. Even in periods of urgent need for change, they shape the discretionary space of “reform-oriented” politicians, bureaucrats and citizens at large (Page & Wright, 1999).

4. Changing Public Sector Labour Markets

Towards the end of the 20th century, the notion of distinctiveness of public sector as a “model employer” began to fragment. Market forces and the dissemination of reform ideas called into question the notion that the civil service was “unique” or “*sui generis*”. It also led to a softening of conditions of employment for civil servants in many countries. Consequently, the notion that the public sector warrants a distinctive “internal” labour market may no longer be generally accepted. Not only have the remit and functions of civil servants substantially changed, but in many countries also the status of civil servants has been redefined substantially. Civil servants have been “de-privileged” in terms of their employment conditions, losing their special protection of conditions of recruitment and advancement, as the public sector turned to business and industry for talent, inspiration and examples of good practices (OECD, 2005a). In this context, the transfer of management techniques from the private sector into the public sector challenged the notion of a unitary career service, lifelong career tenure and uniform conditions in the public sector at large.

At the same time, demands for greater inclusiveness in the composition of the public workforce have expanded the meaning of representativity²⁸ and have had a transformative effect on civil service systems in many countries (Wise, 2003). For example, Member States of the European Union – under the Free Movement of Workers Directive – are required to open public sector labour markets to all citizens irrespective of nationality. Furthermore, in other countries, non-citizens have established a significant foothold in the regional and local self-government²⁹. Thus, the notion of who may serve in government organisations is also in fluid state.

As a result of these trends, the priority accorded to the internal labour market and promotion from within have been eroded, especially where lateral entry is permitted, indeed encouraged. Employees are increasingly moving both between depart-

Traditional versus Contemporary Public Sector Labour Markets

The traditional public administration model characterised by its high value on rule following behaviour and limited freedom and accountability for appointments and promotion – and, in turn, results – is being challenged by public administrators around the world, who seek more discretion for hiring decisions and promotion, but who are also anxious to obtain greater accountability (Christensen & Laegreid, 2002). A system that extends discretion for appointment authority to managers without strengthening their accountability, however, undermines political control. Thus a challenge facing civil service systems in the 21st century is balancing the demand for flexibility and accountability with the need for representativeness and equity in human resources management.

²⁸ Contextual factors are important for understanding which diversity element remains dominant in a particular country or region. Different criteria for representativity may compete with each other, as well as with other eligibility standards, such as competency and seniority. Studies demonstrate that diversity that matters may pertain to many factors including religion, ethnicity, language, social class, gender identification, region and education (Wise, 2003). Demographic patterns common to many industrialised countries have also made age diversity a salient issue in the composition of the public bureaucracy in the 21st century.

²⁹ In a similar context, active efforts to recruit women and minorities are observed in some countries, aiming to expand diversity and representativity. Norway is an example of a country using modest gender quotas for positions in public administration.

ments of government and between the government and other sectors. In many countries, formal mobility or exchange systems promote movement across traditional borders. This is particularly relevant in the case of the European Union, where administrative partnerships are seen as key frameworks in meeting the challenges of an emerging European Public Service (Sutherland, 1993).

Initiatives towards decentralisation of the responsibility for hiring, firing and promoting staff, as well as prevalent norms on about how these are determined have made it increasingly difficult to describe the internal labour market within a jurisdiction or organisation. It seems that the notion of a single compact or even dual internal labour market is becoming obsolescent. There has also been a move away from collective bargaining to organisation-specific or individual wage bargaining together with the use of contractual and contingent workers in government along with special, not always very orthodox, arrangements for political appointees.

Consequently, human resources management has been a key field for the application of contemporary public management reforms, as it has been for other management trends. Purportedly, such effective techniques as management by objectives, total quality management, delegation of authority, devolved management and performance-related pay have been introduced into and implemented by many government organisations (Boyne, 2002; OECD, 2005a). Hence, the idea of a unitary, compact and distinct civil service has been challenged, with trends that blur the borders between public and private employment and tend to lessen the differences between public sector and private sector employment (Pollitt & Bouckaert, 2004). True, the pace and means of reforms have differed from country to country. It seems that each country has adapted instruments to its own institutional structure and socio-economic and political constraints.

The size and cost of the civil service have been the focus of recent reforms in a number of developing countries, where reducing the wage bill has been an important component of achieving greater budgetary stability. This kind of reform usually calls for the elimination of ghost, part-time, and temporary workers³⁰.

In conclusion, traditional public administration models, characterised by the high value accorded to the rule of law and due process, limited freedom for appointments and promotions has been challenged by both management and politicians, who demanded more flexibility and discretion in hiring and firing or decisions on promotion and, in some cases also, – were anxious to secure greater accountability (Christensen & Laegreid, 2002). A system that extended discretionary authority to managers without it, manifestly undermines political control. Thus, the challenge facing civil service systems in the 21st century is balancing demands for flexibility and representativity with accountability and the need for equity in human resources management.

5. Contractual Versus Lifelong Employment in the Public Sector

Related to the trend of changing public sector labour markets is the notion of “*contractualisation*” (Putsey & Hondegghem, 2004) of top civil servants, although the scope and content of contract management varies among countries. In some countries, civil servants have been placed under

³⁰ In these countries, as well as others, downsizing exercises have also been undertaken to rationalise and decentralise the civil service, as well as to privatise some public services and contract others out. Downsizing has been accompanied by rationalising the salary and emoluments structure to bring civil service compensation in line with such factors as inflation, private sector salary levels and the actual responsibilities involved in positions and groups of posts. This is often done by creating a Pay & Services Commission.

short-term contracts with no guarantee of further employment in the civil service³¹. In others, specific rules guaranteeing lifelong employment patterns have been abolished and civil servants put under the general labour laws³². Some countries still protect lifelong employment, but “term contracts” for positions have been introduced in order to emphasise individual responsibility for performance. In this case, civil servants remain in the public service, but their tenure is not guaranteed. Even if there are more temporary positions, people may still be hired on the basis of the merit principle. They are also under a regime where they are considered to be neutral implementers of political decisions. In this sense such reform represents a re-configuration of traditional principles. However, variations can be found across all levels of administration. While the impact of reforms can be substantial within the public sector in general, it is often less significant for the senior civil service of the central government, especially in countries where salience of public authority is combined with a firmly-grounded concept of the state (Halligan, 2003).

6. Career-based versus Position-based Recruitment

The classical distinction between a closed “career-based” civil service system with centralised recruitment, promotion and training and an open “position-based” civil service system with a decentralised management of appointments, promotion and training has been blurred. However, this classification has been useful methodologically in analysing the salient features of civil service systems (Baimenov, 2000). Such countries as Belgium, Canada, Finland, the Netherlands, New Zealand, Norway, Switzerland and the United States have position-based civil service systems, open to lateral entry. By contrast, France, Germany, Italy, Japan, Korea³³, Mexico, Portugal and Spain are examples of more closed career-based civil service. Over the past two decades, the United Kingdom has moved from a tightly career-based system toward a strongly position-based system. Sweden, by contrast, moved from a position-based to a broad-banded system, with no position descriptions (UNPAN, 2000).

Furthermore, both the traditional career-based system and the position-based system have been subject to reform pressures; the former because it lacks adaptability, the latter because it lacks collectivity (OECD, 2005a). Thus, the current trend is for career-based systems introducing external competition for open positions, performance management systems and delegating responsibility for human resources management. Conversely, position-based systems have introduced more competitive and transparent procedures.

There is a discernible trend in the recruitment system to put more emphasis on recruiting executives with management and leadership capacities³⁴. Previous management experience has waxed in importance as a recruitment criterion. Many OECD countries have moved in the direc-

³¹ However, some reform measures, such as short-term contracts and performance-related pay are thought more common among senior managers than among other public service staff (OECD, 2004b).

³² In some countries, the status of civil servants is also undermined by the decreasing total public employment (OECD, 2005b).

³³ However, the Korean government, in 1999, introduced the Open Position System (OPS) in accordance with the principle that introducing an element of competition within the public sector would contribute to enhancing efficiency and productivity of the public administration. This system was designed as a way to recruit outstanding talent and expertise from both the private and public sectors through diversifying the recruiting methods for civil service (Kim, 2000; 2001a). This reform has provided a stimulus to the traditionally closed Korean civil service system. The open employment system is expected to attract many competent persons from the public and private sectors. However, it may take some time to discern fully these potentially positive outcomes. In the meantime, some designated open positions have been filled by former public employees and few candidates from the private sector have expressed interest in those positions because of the uncompetitive salaries and the prevailing negative perceptions of the closed bureaucratic culture. Hence, several measures should be considered in order to attract talented applicants from the private sector, e.g. extended contracts, periodic vacancy announcements, etc.

³⁴ Moreover, the importance of seniority as a criterion for assuming certain higher level positions has diminished and promotions are now more likely to be linked to performance and personal competencies. According to one study, most OECD countries have a performance management or performance appraisal system in place, with the exceptions of Greece, Japan, Luxembourg, and Spain (OECD, 2004b).

Employment Systems for Senior Civil Servants in various countries

Belgium

In 2000, the Belgian government introduced the Copernicus plan. Through this plan all positions of the senior civil servants – about 450 – were declared vacant. Candidates from within, as well as from outside, the civil service could apply for the top positions (N and N-1); the lower N-2 and N-3 levels, however, were open for internal applicants only. A mandate has a 6-year duration, but renewal is possible after a favourable evaluation. Public mandate holders have the status of civil servant. Every mandate holder is obliged to draw up a management plan for the duration of the mandate, as well as an annual operational plan. The plans of the mandate holders in the highest grade (N) must be approved by the minister; plans of the lower grades (N-1, N-2, and N-3) by the hierarchically higher level and the most senior civil servant (N). The mandate holder is evaluated every two years and at the end of the mandate. In case of a negative evaluation, an external public manager can be dismissed. Internal mandate holders (statutory civil servants) cannot be dismissed but are repositioned.

Netherlands

In 1995, the Netherlands introduced a new system. All senior civil servants – about 750 – became members of a virtual organisation - the "Allgemeine Bestuursdienst" (ABD). The ABD was introduced to promote the mobility of senior civil servants, and at the same time to diminish the excessive fragmentation of the Dutch system. Since 2001, a supplementary system was introduced for the 60 most senior civil servants, i.e. the Secretary-General (SG), and Director-General (DG). Annually, the Minister and the senior civil servant reach an agreement on the goals of that year. At the end of the year the agreement is evaluated. The negotiation, as well as the evaluation occur in a spirit of collaboration and dialogue. A negative evaluation does not have instant consequences for the mandate holder, but is (implicitly) taken into consideration at the renewal. The two top grades in the ABD are appointed for a term of 7 years at most. After 5 years are encouraged to look for another position, within or outside the civil service. When there is no alternative position available after 7 years, they remain in a reserve pool for two years at most, after which they are dismissed from the civil service.

United Kingdom

In 1996, a Senior Civil Service (SCS) consisting of 3,300 senior civil servants of all departments and agencies was created. The SCS is managed by the Cabinet Office, which is responsible for human resources policy in the Civil Service. Performance agreements are negotiated annually. They consist of objectives to be reached and competencies to be developed. This system of performance agreements is directly linked to a pay system and a managerial competencies framework. The members of the SCS are evaluated annually. Negative performance has direct consequences for the reward (basic pay and bonus) systems of the member of the SCS.

New Zealand

In 1988, the contract management system was introduced as a result of revolutionary reform in the public sector of the country. The public managers received more autonomy and responsibilities and became, in fact, responsible for the advice and recommendations of ministers, as well as for the internal, financial, and human resources management of the department and for the efficient and effective management of their department or agency. The managers are appointed by a private labour contract for a term of five years at most, renewable for a term of 3 more years. Every year the public managers conclude a performance agreement with the minister. The content of the performance agreements is linked with the strategic plans of the government and the department. Examination of the performance is submitted to a severe evaluation that is managed by a special institution, i.e. the State Services Commission. Generally, bad performance results in the non-renewal of the short-term contract.

tion of recruiting employees from the market rather than from within the civil service. Both internal and external recruitment strategies are increasingly applied interchangeably with an emphasis on merit, competence, and anticipated performance. A movement towards temporary employment is also observable and fixed-term contracts are often supplemented with detailed individual performance or appraisal contracts.

The recruitment and mobility of civil servants have changed due to the mounting challenges to tenured careers. It is becoming normal that top officials be appointed on short-time performance-related contracts; but this trend is stronger in such countries as the United Kingdom and New Zealand³⁵, less so in such others as Germany and the Scandinavian countries. Recruitment has changed from closed to more open competition and market-based systems in many countries, but generally the number of outside recruits remains a minority (OECD, 2003).

What is generally observable, especially in the case of senior civil servants, is the use of two trajectories: one represented by senior civil services that have been modernised but remain within the state tradition and closed to external pressures; the second more susceptible to external pressures, and more open to new management and personnel concepts (Halligan, 2003). The first family of countries hails from the *Rechtsstaat*³⁶ tradition of continental Europe, while the second from the Anglo-Saxon public interest systems of United Kingdom and its former dominions and colonies.

7. Senior versus Unified Civil Service

A crucial component of civil service reform has been the differentiation between the senior levels and other ranks. Examples of this abound: The Senior Executive Service (SES) in the United

The Korean civil service system

The Korean civil service is broadly classified into career and non-career services depending on the terms of employment, job classification and legal status.

Career civil servants are employed based on set performance and qualifications requirements; and are expected to make a long-term commitment to the service. Their legal status as civil servants and job security are guaranteed by law.

Career civil service includes three categories: (1) General Service (civil servants who work in the general administration, research, technology fields including technical and blue-collar occupations and areas required for special knowledge and skills are classified as General Service; and (2) Special Service (it includes Judges, Public Prosecutors, Foreign Service, Police, Fire Service, Public Education Service and others who fall under the Special Service category due to the explicit nature of their work).

Non-career civil servants are not subject to strict performance and qualification requirements. The legal status as civil servants and job security are not assured by law for Non-Career Service. Non-career service has four categories: (1) Political Service (political service consists of civil servants in vice-ministerial or higher-level positions, who are politically appointed by the President, elected officials such as members of the National Assembly and any other civil servants, who are categorized as Political Service by the laws and regulations); and (2) Excepted Service (civil servants in the Excepted Service category are employed through non-competitive recruitment methods for the uniqueness of their work).

³⁵ In New Zealand, this system was eventually abolished as it failed to accomplish its intended goals.

³⁶ The term was coined only at the very end of the eighteenth century, to capture a new phenomenon, the modern State with its monopoly of force. That state was the subject of this concept, and also the legal source of law (Krygier, 2014).

States (1978), the Senior Civil Service (SCS) in the United Kingdom (1996), and the Corps "A" Civil Service in Kazakhstan (2013). Such other countries as Germany have no distinct senior civil service.

In their quest for change numerous governments around the world have introduced a senior civil service, within the civil service. They are mostly civil servants selected among those most capable to serve in executive positions, just below the political level of ministers and deputy ministers. In recent years, many countries have created or restructured the senior civil service group, in an effort to manage their elite corps in a rather different manner from the rest of the civil service (OECD, 2004).

More often than not, the members of the senior civil service are required to go through a competency assessment process and compete for vacant positions. In this manner, the mobility of senior civil servants is expected to increase across ministries over time. Moreover, greater emphasis on performance and responsibility is secured through performance agreements. Whereas in the past, pay was determined by rank and length in service, senior civil servants are now paid according to the complexity and importance of the job they must discharge, as well as their performance in executing the responsibilities assigned to them (Kim, 2010).

In South Korea, the Senior Civil Service plays a key role in setting and determining the major policies of the Government and it is managed separately from general government officials. To become a senior civil servant, candidates are required to receive additional education for a certain period of time and pass a strict evaluation test. The test assesses leadership competencies necessary for a high-ranking official.³⁷ About 30% of the Senior Civil Service positions are filled by open recruitment, appealing to both civilians and public officials. The Senior Civil Service covers all positions at the bureau director level or higher in the central government ministries and agencies that require management and leadership abilities. It covers a total of 1,500 positions approximately, including general career, special and foreign service positions. It also includes policy advisors and assistant ministers, but it excludes prosecutors, police chiefs, military generals, as well as vice ministers and ministers, who are political appointees.

There are different types of senior civil service systems in Canada, New Zealand, the United States and the United Kingdom (Pollitt & Bouckaert, 2004) or, for that matter Belgium, Ireland and the Netherlands, all of which have taken initiatives to limit the term of office of their senior civil servants (Bekke & Van der Meer, 2000). In such cases as Australia, the senior executive service has been successful in stressing internal mobility, external recruitment, the use of performance appraisals and identity building, but in such other cases as New Zealand, it rather proved a failure and has been discontinued (Halligan, 2003)³⁸. In Korea, the Senior Civil Service plays a key role in setting and determining the main policies of the Korean government. It is managed separately from the core of government officialdom.

The senior civil service is a subset of civil servants, expected to provide leadership in terms of vision, integrity performance and innovation. Furthermore, it is a group which, more often than not, receives broad opportunities, has special conditions of employment, is held to rigorous standards of performance and behaviour, is paid at higher rates of remuneration, but has less job

³⁷ The test also assesses problem recognition ability, strategic thinking skills, performance orientation, change management skills, customer satisfaction and coordination and integration skills.

³⁸ The efficiency driven emphasis is controversial in the field of HRM (Pollitt & Bouckaert, 2004) and the notion that current performance should be the dominant criterion for tenure and promotion has become universally accepted. Seniority, loyalty and qualifications still play an important role in many states. The persistence of values related to the perceived role of government as a model employer and traditional notions of the uniqueness of the public services may partly account for the tenacity of these criteria.

security. Senior Civil Servants usually work in the national government, in policy-making units, or as heads of operational agencies. They rarely work in such technical areas as law or medicine, in frontline service delivery or in the personal staff of a minister, or other political appointee position³⁹.

A classical typology of civil service systems distinguishes between “career-based” and “position-based” civil service systems. In this context, the defining characteristics of the two senior civil service systems mainly concern the management, recruitment and appointment processes:

- a. Career-based civil service systems recruit potential leaders mostly straight out of university, i.e. early in their career, through competitive examinations. In these systems, a lot of resources are invested in the career development of senior civil servants, who must be appropriately groomed for top executive positions. The management of senior civil servants tends to be rather centralised with clear career paths; and by contrast
- b. Position-based civil service systems have a more open recruitment process requiring vacant senior positions to be open to applications from the wider civil service and, in some cases, from the labour market at large. The result is a wider pool of possible candidates. In these systems, the management of senior executives tends to be more decentralised.

Empirical experience demonstrates that each of these two types have advantages and drawbacks. The career-based systems seek to build a coherent civil service with top executives who share a common culture. This makes working together and communicating across government departments easier. It is conducive to internal mobility. The main weaknesses of this system lie in lack of competition for top positions especially, a bias towards “generalist” skills, and the danger that senior civil servants, on a secure career path may end up constituting a privileged closed “club”, remote from what goes on in the broader society and unable to relate to the interests and concerns of those they are meant to serve.

Senior Executive Service Corps “A” in Kazakhstan

In 2013, the President of the Republic decided to decrease the number of political appointees eightfold, a decision considered by international experts as an unprecedented manifestation of the political will and a clear sign of a move towards professionalization of the civil service. At the same time, the Senior Executive Service – so-called Corps «A» – was introduced by a Presidential Order.

It introduced a special selection procedure utilising the personnel reserve pool, competitive selection, retention and termination of civil service as well as special qualification requirements. In this context, out of a total of 97,000 civil service 550 positions were earmarked as Corps “A” positions. Open competitive selection processes for entering Corps «A» helped explore the HR capacity and find new potential managers who under the patronage system and the political nature of appointments could not catch the eye of governors or ministers.

Appointment to administrative positions of Corps «A» is made exclusively from the personnel pool formed by the National Commission on Personnel Policy under the President of Kazakhstan. The National Commission, based on the results of testing, distinguished candidates into 4 groups: strategic, organizational, economic, expert-analytical, financial and auditing, as well as a relative ranking among all applicants.

³⁹ The senior civil service job content has more of professional management and less of technical expertise. Thus, the senior civil service perspective is government-wide rather than limited to a particular sector or agency / government organisation.

The position-based civil service system aims at offering wider choices of candidates including those with specialist skills. The system promotes competition, a cultural renewal and greater adaptivity in the civil service. The system, however, is also open to risks, in the measure that appointments and promotions may be made on grounds other than merit. Although, procedural mechanisms may be required to prevent this risk and conditions for transparent appointments on merit are established, this system's residual weakness lies in the lack of a common culture among top executives, the weak mobility of these executives across organisations and a possibility of a high turnover rate.

In somewhat greater detail, the main features of senior civil service systems around the world are apparent:

In recruitment:

Recruitment criteria vary across countries. However, the fundamental variation is related to the role and the scope of the senior civil service. Countries which have a functional definition of senior management, emphasising the management responsibilities of the posts, have an appointment process that increasingly aims at recruiting executives with management and leadership capacities. This means that recruitment criteria focus on management experience, a different recruitment process and opening the posts to candidates coming from outside the civil service. The search is usually directed at executives with proven capabilities in the civil service or elsewhere. They are usually recruited in the second half of their career. In all countries, however, the number of outside recruits is disproportionately smaller compared to that of internal recruits.

The recruitment profiles in position-based systems are evolving. Executives are now expected to lead, to change and to revamp their respective organisations. Consequently, the role of senior managers has also evolved along more functional lines, including those with large organisational and staff responsibilities. These senior civil service managers are chosen for mobility across ministries and agencies, in order to encourage a common dialogue on performance, indicators and results. Conversely, some career-based systems are trying to open their recruitment processes, with a view to increase competition for the top executive grades, improved performance and greater adaptability. Furthermore, although these types of systems have a clearly defined and centrally managed senior civil service, based on open competitive examinations, they have experienced difficulties in relating performance to promotion and pay, because of early recruitment, training and grading. Only few countries have managed to relate the variable pay of senior civil servants to performance assessment; some others are seeking to introduce management by objectives.

In an increasing number of countries, it is incumbency of posts with important management responsibilities which determines whether someone is a senior civil servant. It is not qualifications, or the original grade, or salary, or length of service that matters. Indeed, some countries, like the United States, go so far as to distinguish between senior executives with wide management responsibilities and experts or advisors. The latter may reach the same salary and hierarchical grades without belonging to the same senior group.

Increasingly, belonging to a group of senior executives, appears to be defined in terms of the scope of management responsibilities. By comparison, in countries with career-based approaches, the educational accomplishments and hierarchical grade, are still used in determining the scope of the senior civil service. The majority of countries have either of two differentiated

groups of senior civil servants. In position-based systems, the top managers, together with an identified pool of potential top managers, are given special attention.

By contrast, in career-based systems a broader senior management pool exists reaching down to lower management levels.

In performance and pay:

Most countries are trying to make the civil service more responsive both to policy decisions and the needs of citizens. To do so, they emphasise “performance” rather than process compliance. This has resulted in some decentralisation of management decisions and more emphasis on individual responsibility and performance of top managers. This tendency to personalise public responsibility is pursued through the introduction of objectives setting mechanisms and accountability and individually-based rewards or sanctions.

However, the extent of implementation of “performance-based” management for senior civil servants varies significantly. This is to some degree related to whether the system is career- or position-based. But, while performance management is more or less the norm, the focus increasingly turns towards leadership and change management, as well as more effective human resources management. Most countries try to formalise the link between the performance assessment of executives with compensation. Thus, one part of the executives’ total remuneration is variable pay clearly linked to the achievement of objectives, but there are some variations related to the type of senior civil service system. While countries with a career-based system have all implemented variable pay systems for their senior civil servants, not all are clearly related to performance assessment. Countries with a position-based system have implemented performance-related pay. In this instance, assessment procedures begin at the critical point where objectives are assigned. These, of course, are regularly adjusted and directly tied to organisational objectives. Furthermore, some countries have to some degree decentralised the decision of the level of pay of senior executives. In some countries, negotiations on pay may be personalised.

In promotion and mobility:

In most countries, promotion of senior civil servants is based on performance assessment and individual competencies. There are three major groups of promotion systems, closely related to the type of the senior civil service system in place. Countries with a primarily career-based system tend to have a relatively good degree of mobility and sophisticated promotion mechanisms. Consequently, they have a definition of senior civil servants which includes a large number reaching low in the hierarchy. However, a main drawback of those systems consists in the difficulty of maintaining a satisfactory level of competition for the senior positions.

Countries with position-based systems experience difficulties in encouraging mobility among their senior managers across departments or keeping senior managers over time. This results in the creation of the so called “whole-of-government coherence problem”. Turnover may be high. Thus, many countries have established central databases of senior cadres and potential future senior civil servants with full information on their career. The Netherlands is an example. Some others maintain pools of future candidates; formal and centralised, as in the UK or more informal and decentralised, as in the USA. Candidates are identified at an early stage in their career and are given special attention in terms of career development, while remaining in competition with potential future staff coming from outside this group.

In training and development:

Most countries place an emphasis on training and lifelong learning. Still, two categories emerge. The countries with an open position-based system tend to put more emphasis on specific and specialised training. This is not surprising, given the greater diversity of candidates not necessarily sharing a common culture, who may also need training in government affairs and administrative procedures.

Conversely, countries that select potential future leaders soon after university or early in their careers tend to put a lot of emphasis on pre-entry training less so on lifelong learning. However, a general trend shows an increase in training courses with a focus on leadership development and management skills. Increasingly, the focus is on capacity building with an emphasis on skills to work and negotiate in a complex international political environment.

Table 1: Summary Features of Senior Public Service around the World⁴⁰

Features	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K.	U.S.A.
STRUCTURE									
Career or position based?	Career	Career	Career	Career	Career	Position	Career	Career	Position
Displays features of the other system?	Yes. In open recruitment of department heads	Yes. In allowing external applicants for top posts	No. Except for few political appointments	No	No	No. Except for centralised selection of Chief Executives	No	Yes. Contract appointees of some senior executives	Yes. In rank-in-person and in OPM ⁴² oversight
Only employed in national agencies or not?	National agencies	National agencies with scope for secondment to provinces	National and local agencies	National and provincial agencies	National, provincial and local agencies	National agencies	National agencies and statutory bodies	National and executive agencies	National agencies
Generalists or specialists?	Generalists	Generalists	Generalists. Except for top posts	Generalists	Generalists	Generalists and specialists	Generalists	Generalists and specialists	Generalists and specialists
Size	N/A	3,600	5,360	3,700	5,000	300	490	3,200	7,000
RECRUITMENT									
Early or mid-career?	Mid-career	Early. But selection for senior executive in mid-career	Early	Early	Early	Mid-career	Early	Early. But selection in mid-career	Mid-career
Basis of selection	Merit and open to all within and outside government	Merit and open	Merit. Political decision for top posts	Merit	Merit	Merit and open	Merit. Closed system	Merit & open. Fast stream programme to identify candidates	Merit and open. Except for 10% political appointees

⁴⁰ Source: OECD, 2012

⁴¹ Office of Personnel Management

Features	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K.	U.S.A.
RECRUITMENT (cont.)									
Transparency in selection process	Complete. Supervised by PSC ⁴³	Complete. Supervised by PSC	Merit-based competition. Transparent except for political appointees	Merit-based competition through PSC and selections committees for top posts	Merit-based competition through PSC and selection committees for top posts	Open competition through SSC ⁴⁴ and Chief Executives	Merit-based competition through PSC	Merit-based competition through PSC; and selection for top posts through separate process	Merit-based selection and certification except for political appointees
Affirmative actions	Non discriminatory	Non discriminatory	Non discriminatory	Ethnic quotas. Special provisions for disabled persons	Quotas for disadvantaged groups and disabled persons	Non discriminatory	Non discriminatory	Non discriminatory	Equal Opportunities Act and affirmative action for minorities
MANAGING THE SENIOR CIVIL SERVICE (SCS) FOR HIGHER PERFORMANCE									
Who manages the SCS?	Public Service Department and PSC	Treasury Board and PSC	Civil Service Department	Civil Service Department and PSC	Department of Personnel	State Services Commission and Chief Executive	PSC and Public Service Division in the Prime Minister's Office	Cabinet Office	Office of Personnel Management and Agency Heads
Degree of centralisation	Considerable de-centralisation	Considerable de-centralisation	Considerable de-centralisation	Centralised management with limited delegation to departments	Shared control of federal and provincial governments	De-centralised management with mandated consultation with State Services	Centralised management by PSC and Personnel Board	Centralised management by Cabinet Office	Considerable de-centralisation with central oversight by OPM

⁴² Public Service Commission

⁴³ State Services Commission

Features	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K.	U.S.A.
MANAGING THE SENIOR CIVIL SERVICE (SCS) FOR HIGHER PERFORMANCE (cont.)									
Succession planning	Yes	Yes	No specific strategy	Centralised	Centralised	Supervised by State Services Commission	Mandated minimum training each year	Overseen by Cabinet Office	Jointly by Agencies & Federal Executive Institute
Training	Comprehensive strategy overseen by PSC and departments	Comprehensive	In-service training is regulated by laws and regulations	Centralised	Centralised	Supervised by State Services Commission	Mandated minimum training each year	Skills-building training, overseen by Cabinet Office	Joint involvement of Agencies and Federal Executive Institute
Employment arrangements: tenure or contract?	Contract	Tenure	Tenure. Except for political appointees	Tenure	Tenure	Contract	Tenure	Indefinite contract	Indefinite contract
Separate code of conduct?	Yes	Yes. In the form of core competencies	Common code of conduct for all civil servants	Special code of conduct rules	Special code of conduct rules	Special code of conduct based on State Services Act	Special code of conduct	Special code of conduct	Special code of conduct and core qualifications
Performance appraisal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Career progression dependent on performance?	Clear link	Clear link	Clear link	Linked to higher posts within closed system	Link to promotion and preferred posts	Yes	Yes	Yes	Yes
Pay component determined by performance?	Performance pay rules; broadband system of pay	Discretionary lump sum amounts (10-25% of pay)	No	Annual salary increase determined by performance	No	Yes	Yes	Yes. Use of overlapping pay bands and performance pay	Yes. Use of overlapping pay bands. Special fund for payment of performance bonuses

8. Managing Talent in the Public Sector

Governments have established a variety of talent management schemes in order to attract gifted individuals into their organisations. With varying forms and names⁴⁴ they all have similar goals: how to attract and retain the best in the public service and thus cope with constant adjustments at times of rapid change. The tendency across countries⁴⁵ is to focus on management capacities. Performance and change management and practice and leadership development form an integral part of the talent management schemes. The tendency is persistent across, both, the “career-based” and “position-based” civil service systems.

Advisory Commission on Reform of the Australian Public Service

The importance of attracting and retaining the best employees for the organisation has become one of the biggest challenges and one of the most important drivers of growth for organisations in the 21st century.

Such schemes have been successful in some contexts but less so in others. Many are criticised as being inequitable and unfair, despite their good intentions. However, they are considered as a way out in dealing with the shortage of skilled personnel required by public bureaucracies to cope with complex issues arising from a globalised world. Two qualities stand out in this regard: **leadership** and **integration**.

In 2010, Australia recognized that its public service⁴⁶, as is also the case in other Western countries, is ageing and losing appeal to new entrants, thus falling well behind the private sector in its capacity

to attract and retain talented individuals. The Advisory Committee on the reform of the Australian Public Service acknowledged that human capital is now the primary source of competitive advantage and that investing in people leads to significant productivity gains⁴⁷.

The importance of attracting and retaining the best employees for an organisation has become one of the steepest challenges and an important driver of growth for 21st Century organisations. Accordingly, the 2010 “Blueprint for Reform”⁴⁸ of the Australian Public Service emphasised the need for government agencies to become much better at identifying and developing talent leading to many government agencies redesigning their talent management systems.

Around 2005, in Canada, demographics, globalization, technology, as well as more flexible employment terms combined to make talent management a popular human resource strategy for the country’s public sector⁴⁹, as was the case already in most sectors of advanced industrial economies around the world. Canadian senior officials understood that ability to find and keep

⁴⁴ Namely, the Senior Executive Service in the United States of America; the Fast Stream scheme in the United Kingdom; the Senior Civil Service in South Korea; the Administrative Services of Singapore; the High Potential Performers in Thailand; and the Administrative and Diplomatic Scheme in Malaysia, to mention a few.

⁴⁵ The countries examined are: Australia, Canada, United Kingdom and the United States of America.

⁴⁶ The Australian Public Service (APS), originally known as the Commonwealth Public Service, is the Australian federal civil service, currently established under the Public Service Act 1999. People employed in the APS workforce work in public administration roles within Australian Government departments and agencies. In aggregate, APS organisations provide information, services and support to almost every part of Australian life. With a staff of over 160,000 people, the Australian Public Service is one of Australia’s largest employers.

⁴⁷ Advisory Group on Reform of Australian Government Administration, 2010, “Ahead of the Game, Blueprint for the reform of Australian Government Administration”, Canberra.

⁴⁸ Ditto.

⁴⁹ The Canadian public service is a “position-based” system of human resources management, as opposed to a “career-based” system in other countries. The key element in appointment to any position depends on a fair competition, held according to known rules, open to all appropriate candidate, with the Public Service Commission controlling and monitoring the process.

good people is critical to public service success and reform in any country. Thus, for more than a decade already, Canada's public sector "recruits and retains highly-trained, qualified staff" as a central response to public service renewal and success in the 21st century⁵⁰.

Managing Talent in the Public Sector: the case of Singapore

There are four key talent management schemes in Singapore, managed primarily by the Public Service Commission:

1. Pre-Service Scholarships

The Singapore Government believes that offering pre-service scholarships is the best way to attract the best and brightest young men and women to serve in the government. Since 1962, about 60 scholarships administered by PSC are granted annually to ensure talents in the succession pipeline. PSC scholarships are targeted at recruitment for critical high-level public service functions. There are a variety of scholarships with no stringent restrictions in the field of study designed to cater to candidates with different abilities and interests and no quotas on the number of scholarships to be awarded.

2. Management Associate Programme (MAP)

MAP is a career development programme for scholars from 2002, which would give scholars a management track career in the Civil Service upon their graduation. The higher-tier PSC administered scholarship holders will automatically join the MAP and in-service officers, with less than two years of experience, could also be nominated for the programme. There are also open recruitments to attract mid-career individuals, who wish to join the scheme.

3. Administrative Service (AS)

This scheme marks the crème' of the crop of Singapore's civil servants. PSC appoints these Administrative Officers (AOs) while PSD manages their deployment designations and career paths. Although scholars only account for 10 to 15 percent of all division one officers, the majority of officers in the AS are scholars. At the end of the 4-year MAP, the MAs would be interviewed for entry into the Administrative Service. AOs are responsible for developing and implementing national policies in consultation with the political leadership. Apart from formal training, AOs are also exposed to a wide variety of jobs to maximize their experience and expertise, including working in private sector companies.

4. High Potential Programme (HiPo)

The High Potential (HiPo) Program is for in-service officers. The objective is to develop broader leadership capabilities across the civil service. As part of the Programme, the officers have opportunities to attend milestone-training programmes, participate in inter-agency project teams, be posted to an external ministry or organization, attend forums on leadership and governance and undertake challenging assignments. Typically, officers would need to have at least 2 years of service before they are nominated for the programme. There are no clear criteria that can be found in the public domain. Based on interviews, they also undergo stringent assessment and selection processes.

The talent management policy in the Canadian public service seeks to achieve two goals: [i] make available competent, representative and experienced leaders, now and in the future, to fill the continuum of senior leadership positions, and [ii] maintain an efficient, effective and sustainable management system of the executive community resulting in excellent products, policies and services to Canadians.

⁵⁰ Glenn, Ted, "The State of Talent Management in Canada's Public Sector", *Canadian Public Administration Review*, Vol. 55, No. 1, 2012

The British Civil Service⁵¹ is also adapting rapidly to the needs of a changing world. It evolves in the direction of a diversified workforce to meet the challenges of the future by building the capacity of its human resources. Policies are implemented to ensure that the richest mix of talented people is attracted; to encourage them to have high aspirations and support them in their effort to reach positions of influence. Effective and systematic talent management policies and processes are vital to this end⁵². Consequently, human resources development has moved to the centre of the reform initiatives. Transformational leadership has been recruited⁵³ and the change process is led by the Cabinet Secretary and Head of the Home Civil Service.

In many respects, the UK works from the same blueprint as many other countries. However, it has managed to move constructive ideas off the drawing board and put them into practice. Specifically, it is noteworthy that it has made important in-roads in some areas, including fast-tracking high potential new entrants and dealing seriously with poor performance⁵⁴. Furthermore, given the decentralised nature of talent management in the British Civil Service, several distinct initiatives are implemented by various departments and central government agencies in the UK.

In the USA, the Federal Government⁵⁵ is going through a rapid change in its workforce. As many as 60% of the workforce are eligible to retire⁵⁶ in the next few years. At the same time, the number of positions in the Federal Government has increased by 33%, in the last few years. There are two trends which drive the increased demand for federal workers: the mass retirement of baby boomers and the government's expanded role in society, as health care reform, financial reform and other measures have created additional jobs in the Federal Government⁵⁷. It is worth noting that these new job opportunities are more challenging, with an increasing impact on key sectors of the economy. Recognising this, the Office of Personnel Management (OPM)⁵⁸ and the Office of Management and Budget (OMB)⁵⁹ have overhauled the federal hiring system, by introducing innovation into the recruitment and hiring practices of the federal agencies. This was a first step in bringing in a sufficient number of appropriately skilled new employees, and into a comprehensive talent management programme.

⁵¹ The Civil Service in England and Wales (central government) comprises about 497,000 people, excluding the armed forces, according to the ONS Public Sector Employment Statistics. About seven out of ten civil servants have operational delivery roles, such as contact centre staff and personal advisors. Almost three quarters work outside of London and the South East.

⁵² A review was conducted in 2008, assessing the status of public service reform and renewal in the UK in four impact areas: [i] the transformation of the human resources strategy and implementation (including policy capacity); [ii] the organisation of the public service to deliver on political priorities; [iii] the assessment of departments' capability to deliver on mandates; and [iv] the improvement of the delivery of integrated services to citizens. It was assumed that each of these elements is critical in the effort to modernise bureaucracy; however, they need to be deployed as corporate initiatives to support organisation priorities and they also need to operate in mutually reinforcing ways in order to ensure a successful outcome. This review was the basis for the Civil Service diversity strategy, Promoting Equality and Valuing Diversity was launched in July 2008, under the leadership of the Cabinet Secretary, Sir Gus O'Donnell.

⁵³ For example, Gill Rider was recruited from the consulting firm Accenture. He was asked to focus on developing the next generation of leaders; creating a people strategy; and improving the HR organisations.

⁵⁴ The UK Civil Service uses a competencies-based model in its major skills programme "Professional Skills for Government (see: http://www.civilservice.gov.uk/wp-content/uploads/2011/09/PSG-HR-Professional-Standards-Handbook-July09_tcm6-6724.pdf), which was first launched in 2005 and describes itself as "a major, long term change programme for civil servants". Under this programme the previous **generalist/specialist distinction** has been replaced by a focus on three career groupings: [i] Operational Delivery; [ii] Policy; and [iii] Corporate Services; and four skills and expertise areas: [i] leadership; [ii] core skills; [iii] job-related and professional expertise; and [iv] broader experience.

⁵⁵ The United States Federal Government has about two million employees, ranging in roles from secret service agents to financial analysts to IT specialists to scientists. These people work in a variety of federal agencies, each of which have a strong and clear mission to provide security, services, or assistance to US citizens.

⁵⁶ 60% of the workforce and 90% of senior leadership in government will be eligible to retire by 2015.

⁵⁷ According to the Partnership for Public Service, the Federal Government hired 600,000 people in 2012 divided evenly between hiring replacements and filling new positions.

⁵⁸ <http://www.opm.gov/>

⁵⁹ <http://www.whitehouse.gov/omb>

This shift has been imperative in attracting and retaining Generation Y⁶⁰ talent, as this new workforce encompasses high potential employees that are motivated to learn new things continuously. At the same time, these new employees have high expectations from their work environment⁶¹, suggesting that government agencies, taking into consideration their talent management approaches, must be as concerned about retention as they are about hiring. Hence, the Federal Government aspires to a world-class talent management system that addresses not just recruiting and hiring but the entire spectrum of organisational competencies. Thus, the new system takes an integrated view of talent management, encompassing evaluation and recognition of performance, growth and development of leaders, engagement and connection of employees and the strengthening of their HR capabilities.

9. Competencies-based Civil Service Personnel Recruitment & Assessment

A competencies-based approach to civil service personnel recruitment and assessment has become mainstream in most civil service systems of developed countries, especially. The United Kingdom, the United States and Canada have introduced a competencies approach since the late 1980s. Furthermore, most of the OECD countries have implemented competencies-based systems as part of their reforms. In the 1990s, competencies management in the public sector gained a lot of traction. It was prominently featured in the Civil Service Act of 1999 in Australia, in the Copernicus plan in Belgium and in Korea. More recently, Finland, the Netherlands, Sweden and Estonia have also implemented competencies models. France and Germany remain at experimental phase.

“Competencies Management” is usually implemented as part of a broader institutional reform aimed at creating a more flexible and efficient workforce⁶². For example, in the Dutch Administration, introduction of competencies management was intended to transform the bureaucratic culture to a more entrepreneurial one. In the Belgian Federal Administration, competencies management was introduced with the aim of catalysing the broader organisational change, mitigating a symbolic break with the bureaucratic past. In both cases, competencies management has been used as a tool to introduce a new customer-oriented, adaptive culture into the public sector. It also helped prepare leaders for the reform process. Thus, competencies systems

The meaning of competency

Competency is a complex concept. A traditional meaning of competency is the formal and legal authority of a civil servant or a public body. But the term can also be understood as the theoretically and practically based ability of individual civil servants to perform specific tasks (Hood & Lodge, 2004; Lodge & Hood, 2003). Competencies are about what civil servants are expected to be able to know or do (Hood & Lodge, 2006). The skills, expertise and abilities of civil servants are important features and core issues of modern bureaucracies.

⁶⁰ Generation Y – also known as the Millennial Generation – are the demographic cohort following Generation X. There are no precise dates when this generation starts and ends. Researchers and commentators use birth years ranging from the early 1980s to the early 2000s, when they refer to generation Y.

⁶¹ Today, more than ever, young people (25 years old and younger) are strongly considering Federal Government employment as a “stepping stone” in their careers (61% of young workers state they would consider working for the government as a first step in their career). This is very different from 30 years ago, when most people entered public service as a way to “retire well.”

⁶² Specific objectives included: [i] increase in the flexibility and adaptability of the labour force (Australia, Belgium and the Netherlands); [ii] improve the efficiency and effectiveness of human resource management (Australia, Canada); [iii] ensure clarity regarding priorities in the sphere of employee development (Denmark); [iv] overcome the classic bureaucratic model (France); [v] strengthen competitiveness of the government (Korea); [vi] as a tool for organisational and cultural changes (Belgium, UK); and [vii] strategic alignment between the individual and the organisation (the United States).

have been designed to smooth a gradual transition from traditional personnel practices to the strategic management of human resources in today's civil service.

However, in order to use competencies frameworks in strategic human resources management, it is required to integrate all relevant competencies into a single framework or model. In most countries, such a framework has been established in a centralised manner. It mostly targets the upper echelons, otherwise called the Senior Civil Service. Particular attention has been given to civil service values, notably integrity and dedication to duty, all of which may constitute part of the core competencies.

It should be noted that developing a competencies framework is a long process. It requires constant revision and improvement, if it is to succeed. More often than not, the initial competencies framework is created first. Gradual refinement follows taking into account the comments and observations of the several stakeholders. At the same time, it is important to understand that the development of a competencies framework should form an integral part of all processes related to human resources management, including selection and recruitment, as well as performance evaluation, professional and career development and remuneration processes.

Thus, even though competencies-based approaches to human resources management are constantly changing, experience in applying them has grown in developed countries. It has become apparent that the competencies-based approach will continue to be utilised in the public sector, for it contributes to ensuring the efficient operation of the public sector⁶³. The process of establishing and refining such approaches indicates that many distinct models have been adopted. However, common trends may be detected. In some countries for example, notably in Western Europe, competencies management focuses on requirements of positions and functional responsibilities, rather than on the background of the individual candidates and incumbents. It is assumed that some basic characteristics are already present. In other countries, personal qualifications play a central role. Evidence indicates that the focus, especially in the EU, tends to be on management competencies. Irrespective of tradition, all countries, in recent years, place emphasis on skills, "management" skills especially.

10. Centralised versus Decentralised Personnel Management

A high degree of administrative centralism is characterised by a tightly integrated system encompassing both central territorial and administrative units; decentralised systems, by contrast, are characterised by a weak network of field units and a loose hierarchy from central government to territorial administrative offices. Two distinct forms of personnel management with varying degrees of autonomy, number of actors and resource distribution emerge from these differences. In an age of "managerial reforms", decentralisation and propensity to agency autonomy appears to be preferred in systems with compatible organisational structures. In Sweden, for example, the state field units are weak; in other cases, by contrast, they are characterised by integration and strong local state field units. Such is a case in France.

In some cases, like the Netherlands, information and communication technologies (ICT) are used to streamline the operations of the central government, i.e. the civil service, and the services it

⁶³ In this context, the Republic of Kazakhstan is currently in the process of implementing such a system, aspiring to introduce a competencies-based approach in its civil service and thus create the necessary conditions to further modernise it; and subsequently contribute to the development of the country.

provides to the public⁶⁴. This strategy fleshes out the role of ICT and information management (IM) in governmental programmes. It includes unifying the current fragmented ICT infrastructure, reducing the number of data centres, establishing a single Central Government ICT security authority, developing proposals to harmonise the design and use of software and digitalising services provided by Central Government to the public. The intended outcome is increased efficiency and reduced costs.

11. Agencification

Agencification is a process in which national governments show a tendency to delegate, mainly implementation and regulatory activities, to national level agencies that are either completely privatised, or operate at arm's length from a relevant ministerial department and enjoy relative autonomy, at least with respect to managerial affairs, though under the direct responsibility of a minister. Agencification is also a shorthand for the process of delegation and devolution of authority. More autonomy, particularly in personnel and financial issues is granted to public bodies, which either remain legally part of the state or acquire their own legal personalities (Beblavy, 2002b). It can also mean creating or moving functions to bodies that are subsidiary units or separate from ministries / departments (Gill, 2002).

The two most common "good governance" grounds offered, within the OECD, for setting up agencies are to: [i] improve performance in public sector entities; and [ii] make decision-making more credible by separating it from direct political intervention. Governments, therefore, give their agencies management autonomy – the freedom to allocate resources to achieve given political objectives – or policy autonomy to interpret or decide policy in specific cases. Even though the situation differs from country to country, agencification has been the dominant form of change in the central government – agency relationship in the following areas:

- Corporatisation of government business⁶⁵;
- Higher education institutions;
- Research institutions;
- Artistic and cultural institutions;
- Publicly controlled media;
- Earmarked funds – from pensions to agriculture; and
- Regulatory authorities.

In most cases, agencification involves more independence to management, quite often independence in personnel management issues and, occasionally even creation of an independent source of financing. Even though there are exceptions, agencification generally takes place in organisations where the principal customers are not government or its entities, but rather individuals and corporations.

Agencification in transitional countries usually meant the creation of new autonomous bodies for new functions or significant increase in the autonomy of existing legally separate bodies,

⁶⁴ This strategy (2012-2015) is being implemented and it is based on principles set out earlier in the Dutch Government's overall programme for downsizing Central Government and making it more efficient – Compact Central Government.

⁶⁵ Of activities that are consensually perceived as for profit, which are to remain as government-controlled for various reasons.

either on an individual or a collective basis. Since the early 1980s, most Western States pursued a form of an agencification strategy, often as a part of NPM-inspired reforms (van Thiel, 2005)⁶⁶.

Some Asian countries have delegated macroeconomic and strategic policy-making to such powerful elite agencies as the Economic Planning Board of Korea and, in Thailand, the Ministry of Finance, the Budget Bureau, the Central Bank and the National Economic and Social Development Board. These agencies, as they are, staffed by professionals and experts, have relative autonomy. Their deliberations are embedded in processes that provide input and oversight from private sector firms through public / private councils and other forums. These councils, which exist in Japan, Malaysia, the Republic of Korea and Singapore, scrutinise costly programmes rigorously (Kaul, 1997: 24).

12. The Political & Administrative Nexus Dimension

This notion is concerned with relationships between politicians and “top level” bureaucrats. They affect civil service performance. One key aspect of this dimension relates to the sources of loyalty and obligation, *alias* nepotism and patronage – for example, whether bureaucrats owe their position directly to their political masters or to some other source. Examples of the former include those “direct loyalist” systems such as the United States, with their “in and out” pattern or the emerging pattern in the central European countries (Meyer-Sahling, 2004). By contrast, in Japan, no civil servant faces the door after a change in government. In mixed cases, political appointees can be fired at any time and without cause, in exchange for a comfortable pension, as, in Germany; or they may be appointed under discretion of the political executive to ministerial cabinets (Cabinet of Ministers), as in France⁶⁷.

In this context, there are issues which present a challenge. For example, the emphasis placed on efficiency and accountability may well seem controversial. It clashes, *inter alia*, with seniority and loyalty. Civil service reform must balance flexibility and accountability with representativity and equity. But this remains a challenge. Still, balancing flexibility with representativity and equity cannot be addressed in mechanistic ways, as the enhanced discretion that civil servants, as public managers, may seek with regard to personnel decisions potential diminishes, in turn, political control. It is important, however, to maintain civil service neutrality, especially at the highest levels of policy-making and programme formulation, particularly in democracies where leaders change periodically. “Continuity of State” is a necessity, even though it may entail the risk of creating a privileged, somewhat self-regarding class within the state⁶⁸.

There is wide diversity in how the political – administrative interface is managed when it comes to recruitment and mobility. In some countries, every change of government is accompanied by the appointment of new executive officers and senior officials. In some countries, party membership of civil servants is well known and influences the appointment process; in others, they may not align themselves to any political party. However, a pattern seems to emerge, one of increasing use of personal political staff with the related tendency to make new senior appointments with every incoming government (OECD, 2004b).

⁶⁶ In this context, it should not be overlooked that patterns of semi- and para-governmental administration of executive tasks have existed for a long time in continental European systems (Dijkstra & Van der Meer, 1997).

⁶⁷ Managerial ideas are said to find more resonance in “instrumental” bureaucracies where public servants’ loyalty is directed towards their political masters instead of something abstract, such as a constitution.

⁶⁸ In such countries as France and Italy, the neutrality has proved to be both durable and useful, particularly during periods of political and social instability, because it has helped ensure the continuity of government administration and to preserve essential linkages between state and society.

13. An Overall Perspective

Clearly, there is no convergence in numerous areas of civil service reform. However, some salient common trends are emerging across large groups of countries. Such is the trend towards “closing the gap” between, the public and the private sectors. A desire to increase managerial autonomy, discretion and flexibility by deregulating human resources management, delegating authority and individualising accountability and performance seems to be the tendency among most OECD Member States (OECD, 2005a). However, the pace and comprehensiveness of these trends varies significantly. It is far too early to conclude that tenured merit bureaucracy is unsustainable. Its adaptive capacity is high and its substance and competence such that it cannot and should not be underestimated (Christensen, 2003). In fact, the traditional centrally controlled bureaucracy has proven more enduring in countries where a strong and all-encompassing State idea forms an important part of the national culture. Whether changes in the recruitment, promotion and mobility of civil servants may induce erosion in traditional values of equity, objectivity and merit remains to be seen.

On the other hand, developments in modern society place much greater demands on the quality and efficiency of civil servants’ activities. Worldwide, priority has been attached to issues of performance, transparency, accountability, client orientation, integrity and responsiveness. However, such norms as fairness, equity, predictability and impartiality, which limit flexibility throughout and discretion in appointments, will be in tension with demands for greater elasticity and discretion in hiring and promotion. Where public managers choose between appointing career civil servants or hiring contingent or contractual staff, these tensions will be greater. It is important, however, not to forget that the fundamental mission of the public service is governance; not management (OECD, 2005a). This means that it is essential to address the issue of values such as that maintain and strengthen the confidence and trust of citizens and residents in public sector organisations, sustaining social cohesion (Newland, 2015: 39-64).

A lesson from the review of human resources management practices is that it is hard to find an easy solution or one ideal type of public employment system⁶⁹. There is a difficult trade-off between individualisation and delegation of human resources management to improve the adaptability and flexibility of the civil service, on the one hand; and the sense of collectivity, shared values and mutual trust relations among civil servants (OECD, 2005a), on the other. How to balance fragmentation and integration, individualisation, common identities and market pressure and cultural cohesion remains a very big challenge for human resources management public sector reform.

In sum, in spite of commonalities inherent to the majority of reform processes, it is possible to distinguish at least two distinct trends in the reform of public sector management, at least in the industrially developed countries over the recent decades. Using the phraseology and rationale provided by Pollitt and Bouckaert (2002), we can refer to the **New Public Management** and the **New Weberian State** as major reform trends (Argyriades & Timsit, 2013). According to these authors, adherents of the New Weberian Model give priority to modernisation of the Weberian

⁶⁹ A study conducted in 2010 (Demmke) gives evidence that different historical traditions and cultures, as well as HR systems have a considerable impact on public management modernisation paths and on the outcomes of HR reforms. In a way, the findings in this study give an intriguing picture about the differences and similarities of the public service systems in Europe at the same time. It also illustrates the difficulties in identifying country models and geographical similarities in times of decentralisation, differentiation, greater flexibility and blurring of boundaries within the public sector and between the public and private sectors.

tradition⁷⁰, whereas New Public Management proponents mostly reject this tradition and promote approaches widely applied in the private sector.

Worldwide, moreover, experience demonstrates that reform of civil service systems is a complex process involving competing interests. It is subject to a multitude of exogenous and endogenous factors; an observation corroborated by Pollitt and Bouckaert (2004: 39). Significantly, they noted:

“We are convinced that a conceptually identical, or at least very similar, reform develops differently in one national context as compared with another”.

⁷⁰ This concept tries to combine the Weberian approach with NPM elements and looks for the balance between a minimal and a strong state, regulation and deregulation, flexibility and stability, as well as marketization, democracy and technocracy, etc (Randma-Liiv, 2008). The example is the concept of “merit with flexibility”, which is the post-NPM slogan – merit standing for “Weberian” principles and flexibility for NPM principles. Drechsler (2005) states that it cannot be a mixture of the systems. Rather, it must consist of the integration of those NPM features that make sense and that do work in a “Weberian” system.



V. REGIONAL TRENDS

Having provided an overview of global trends in public administration and civil service reform, this chapter will deal with the manifestations of civil service reforms and developments at the regional level. For this reason, the chapter focuses on several regions of the world, including the Commonwealth of Independent States and countries of the Caucasus, South-Eastern and Central Europe and South East Asia. Exclusion of such other regions as Africa, the rest of Asia, the Americas or the Middle East is due to lack of available data and expertise to cover these geographical areas; not to any other factor.

1. The Commonwealth of Independent States & the Caucasus Countries

1.1 Overview

With the implosion of the Soviet Union, transitional economies began the arduous task of economic and political reform. In contrast to the public management reforms tried in developed economies, where they have taken place over an extended period of time, reforms in transitional economies have faced a number of challenges (Wiseman & Wise, 2009; Kim & Argyriades, 2015: 273-302, 361-380; Megginson, 2005; Newland, 1996). Changes in the former Soviet Union transitional economies have been rapidly introduced over the past three decades; applied with little time for trial and adjustment and often also little regard for obstacles in the way (Condrey et al, 2013).

Table 2: Population of the CIS & the Caucasus Countries (in '000s)

Country	1995	2000	2005	2010	2014	2015
Armenia	3,223	3,076	3,014	2,963	3,006	3,026
Azerbaijan	7,770	8,117	8,563	9,099	9,753	9,868
Belarus	10,159	9,952	9,640	9,492	9,495	9,481
Georgia	5,067	4,743	4,475	4,250	3,999	3,979
Kazakhstan	15,925	14,956	15,451	16,310	17,625	17,855
Kyrgyzstan	4,592	4,954	5,115	5,464	5,939	6,033
Moldova	4,339	4,201	4,157	4,084	4,068	4,062
Russian Federation	148,293	146,400	143,622	143,158	143,456	143,439
Tajikistan	5,784	6,186	6,805	7,581	8,481	8,669
Turkmenistan	4,188	4,501	4,747	5,041	5,373	5,438
Ukraine	50,811	48,746	46,795	45,647	44,823	44,624
Uzbekistan	22,687	24,518	25,922	27,739	27,893	30,300
Total	282,838	280,350	278,306	280,828	283,911	286,774

Source: The World Fact Book (2016)

Like other countries in transition, those of the Commonwealth of Independent States (CIS)⁷¹ and in the Caucasus also faced the task of establishing the basics for a democratic society. Namely, adopting new constitutions, transferring power to elected representatives, creating multi-party political systems, establishing a favourable and competitive environment for free market operators, encouraging development of civil organisations and promoting independent media.

Undoubtedly, many of these countries have struggled with the competing agendas demanding creation of democratic institutions and re-configuration of the state's relationship with the private sector. This struggle has entailed some radical departures from typical command-and-control institutions with a view to developing a thriving market economy and democracy. For some, the economic and democratic transition, while not without obstacles, seems to have been smooth. For others, economic and democratic transition has been particularly difficult given the lack of any real line of demarcation between public and private institutions; a factor critical to a burgeoning reform movement (Lane, 1995; Kaufman, 1991).

This complex task has necessitated a profound transformation of the state administration and the overall system of governance. It has called for reorientation of the civil service towards an impartial execution of policy mapped out by the political party in power, ensuring rule of law and seeking to eliminate the arbitrary use of public authority and power. It also meant introduction of appropriate internal and external control procedures and establishing a permanent dialogue between public servants and citizens, as well as maintaining strong accountability of the former to democratic institutions and civil society.

1.2 Public Governance & Public Administration Reforms

The creation of a stable and functioning political and administrative interface continues to be a challenge for some of the CIS and the Caucasus countries. The emphasis is still on systems building and the creation of a unified, professional and impartial civil service, such that may bear the burden of the responsibility for a smooth transition process. In this sense, creation of a professional and politically neutral senior civil service has become of high importance.

A driving force of reform have been the governance and growth linkages. It has been emphasised that there is a strong negative relation between poor governance and corrupt governance structures (Pollitt & Bouckaert, 2004; Caiden, 2015: 145-179). In recent years, especially, the governance and growth debate has moved from explaining stunted growth patterns to a discussion of proactive approaches, that is, how improving the quality of governance can help attract outside investment.

The need to create better conditions for attracting foreign investment has been used as an argument by reformers in resource-rich states, e.g. Russia and Kazakhstan, that seek to diversify their economic structures and attract foreign investment. In a similar context, Armenia has linked its administrative reform initiatives to World Trade Organisation (WTO) accession, arguing that trade liberalisation coming with WTO membership required states to compete primarily by improving the in-country business climate and investment policies, thus sustaining a need for investment in public administration development⁷².

⁷¹ Even though the very concept of the CIS (Commonwealth of Independent States) has been overtaken by political reality (Turkmenistan and Georgia have effectively left the organisation and others may follow), the term is used in the context of this paper to indicate the 12 states of the former Soviet Union that initially formed the CIS in 1991.

⁷² The link between governance and especially foreign direct investment (FDI) and growth is made more frequently and explored in a rapidly growing body of literature.

Unfortunately, the analytical work on governance and growth continues to be limited mainly to large multi-country regression studies (World Bank, 2005a). They are difficult to use in an individual country context. Still, the attention governments show to the publication, for instance, of the World Bank composite governance indicators, or the UNDP Human Development Index demonstrates, that this linkage is taken increasingly seriously by policy-makers. This can be further illustrated by the debate on the adoption of the Administrative Reform Concept and Action Plan in the Russian Federation. It was based on the argument that, for Russia to diversify its economy and attract FDI, a very substantial improvement of the quality of governance would be a top prerequisite.

Table 3: Human Development Index⁷³ in the CIS & the Caucasus Countries (2000-2014)

Country	2000	2010	2011	2012	2013	2014
Armenia	0.648	0.721	0.723	0.728	0.731	0.733
Azerbaijan	0.640	0.741	0.742	0.745	0.749	0.751
Belarus	0.683	0.786	0.783	0.796	0.796	0.798
Georgia	0.672	0.735	0.740	0.747	0.750	0.754
Kazakhstan	0.679	0.766	0.772	0.778	0.785	0.788
Kyrgyzstan	0.593	0.634	0.639	0.645	0.652	0.655
Moldova	0.597	0.672	0.679	0.683	0.690	0.693
Russian Federation	0.717	0.783	0.790	0.795	0.797	0.798
Tajikistan	0.535	0.608	0.612	0.617	0.621	0.624
Turkmenistan	-	0.666	0.671	0.677	0.682	0.688
Ukraine	0.668	0.732	0.738	0.743	0.746	0.747
Uzbekistan	0.594	0.655	0.661	0.668	0.672	0.675

Source: UNDP Human Development Report (2015)

Belarus, Kazakhstan and the Russian Federation display the highest scores in human development, followed by Azerbaijan, Georgia, and Ukraine. The lowest places in terms of human development are held by Tajikistan, Turkmenistan and Uzbekistan. However, there has been an overall improvement in the human development index scores of these countries between 2000 and 2014, albeit at a different and rather disparate pace.

WTO accession, unlike EU membership, does not impose specific requirements on administrative and civil service systems. Nevertheless, all states need to build up capacity in key policy areas – including standardisation, certification, customs, etc – in order to benefit from WTO membership. Kyrgyzstan, for instance, joined the WTO early but has not so far benefitted much from membership, due to its lack of progress in administrative reform. Armenia is a case in which WTO membership inspired administrative and civil service reform that are at least in part driven by the need to sustain economic development.

Similar discussions have surrounded the debate on civil service and wages system reforms in Kazakhstan, which, even more than Russia, is at risk of suffering from the “Dutch disease” (World Bank, 2005b) brought about by a strong dominance of the oil industry. Thus, some of the move-

⁷³ The Human Development Index (HDI) is a construct designed to measure human development of countries around the world. It is a composite statistic of life expectancy, education and income per capita indicators, which are used to rank countries into four tiers of human development. In other words, the HDI is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. The HDI is the geometrical mean of normalised indices for each of the three dimensions. The HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. More information may be found here: <http://hdr.undp.org/en/content/human-development-index-hdi>.

ments on the administrative and civil service reform agenda can be explained by the emergence of this particular school of thought and its increasing influence on government policies.

The issue of civil service size vis-à-vis service efficiency is critical. Although many countries have tried to reduce the overall size of their civil service – often under budgetary pressures and/or threats from major donors and lenders – their governments have not yet fully resolved such fundamental questions as the number of ministries and internal cohesion or the integration of functions within ministries. The more ministries there are, the more institutional personalities will grow with corresponding needs to coordinate and ensure collaboration for effective policy development and implementation⁷⁴.

Many countries have reacted to changing circumstances and priorities by creating new ministries, divisions, or departments. These, however, have not been offset by the concomitant shedding of lower priority responsibilities or attempts to eliminate redundancy. Apart from concomitant aspects, this kind of expansion has stretched implementation capacity, compounded coordination problems and exacerbated regulatory intrusion. More and more time has been spent by civil servants maintaining and/or clarifying their jurisdictional space, clearing decisions through increasingly complex internal procedures and coordinating their activities through a growing number of agencies. All these has left little scope for settling substantive questions in a timely fashion (Verheijen, 2002). In addition, it has created vested interests at all levels, blocking efforts at reform and rationalisation⁷⁵.

The level of governance reached in a country may be illustrated through the government effectiveness⁷⁶ index⁷⁷, the regulatory quality⁷⁸ index measuring its policies with respect to the development of its private sector, and the rule of law⁷⁹ index, calculated by the World Bank on an annual basis through its world governance indicators⁸⁰ project.

Considerable efforts have been made in the past couple of decades to reform the civil service systems in the countries of the region. Most countries have adopted laws to coordinate, streamline and organise their civil service systems following the transition from the Soviet to a new model. In virtually all countries, the legal basis of the civil service stems from the constitution, as well as from laws or presidential decrees enacted after independence and other instruments, which came into force in the course of the past twenty years or so. Belarus was the first country to adopt a law on the civil service in 1993. Ukraine followed by enacting its first law on civil service in 1994, whereas Moldova did so in 1995, Kazakhstan and Georgia in 1997, Kyrgyzstan and Tajikistan in 1999, Azerbaijan in 2000 and Armenia in 2001.

⁷⁴ Most governments, nowadays, have recognised this dynamic. They restrict the creation of ministries either by law or by consensus to a reasonable number. For example, the number of ministries in many industrialised countries varies from 12 to 20 (Japan has 14 and the United Kingdom 16), where Malaysia has 25 and the Republic of Korea 26.

⁷⁵ Once a ministry, department, division and even unit has created, it is difficult to abolish, even though its functions may well have been transferred or may no longer exist.

⁷⁶ **Government effectiveness** captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

⁷⁷ Scores represent percentile ranks indicating the percentage of countries worldwide than rank lower than the indicator country. Thus, the higher values indicated better governance scores. For more information on how indicators are constructed see: <http://info.worldbank.org/governance/wgi/index.aspx#home>

⁷⁸ **Regulatory quality** captures perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.

⁷⁹ **Rule of law** captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.

⁸⁰ <http://info.worldbank.org/governance/wgi/index.aspx#home>

Table 4: Government Effectiveness Index in the CIS & the Caucasus Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Armenia	31.7	51.7	49.2	58.3	46.1
Azerbaijan	13.2	28.8	23.9	38.3	42.3
Belarus	28.9	12.2	11.0	17.7	35.1
Georgia	25.4	39.5	64.1	69.4	71.6
Kazakhstan	25.9	34.7	40.7	35.4	54.3
Kyrgyzstan	33.2	22.9	31.6	28.7	18.8
Moldova	30.7	26.3	30.6	41.6	39.9
Russian Federation	23.4	38.1	39.7	43.1	51.4
Tajikistan	8.8	14.1	19.1	14.4	22.6
Turkmenistan	5.9	2.0	3.4	8.6	17.8
Ukraine	24.9	34.2	25.4	30.6	40.4
Uzbekistan	15.1	10.7	26.3	18.2	27.4

Source: The World Bank: Worldwide Governance Indicators (2015)

Table 5: Rule of Law Index in the CIS & the Caucasus Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Armenia	36.8	41.1	39.8	45.0	43.7
Azerbaijan	14.4	28.7	23.2	29.9	30.8
Belarus	17.7	10.5	15.2	20.4	22.6
Georgia	13.9	30.1	48.8	53.6	64.4
Kazakhstan	16.3	24.9	32.7	30.3	34.1
Kyrgyzstan	24.9	12.9	8.1	12.8	15.9
Moldova	33.0	40.7	42.2	42.7	46.6
Russian Federation	13.4	20.6	26.1	24.6	26.4
Tajikistan	5.3	16.3	11.8	10.0	15.4
Turkmenistan	11.5	3.4	4.3	6.7	7.2
Ukraine	12.9	27.3	24.6	23.2	23.1
Uzbekistan	15.3	6.7	5.2	11.4	12.0

Source: The World Bank: Worldwide Governance Indicators (2015)

Table 6: Regulatory Quality Index in the CIS & the Caucasus Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Armenia	45.1	55.3	60.2	58.8	60.1
Azerbaijan	16.7	30.9	39.7	34.9	43.8
Belarus	5.4	5.9	11.5	14.4	13.9
Georgia	33.8	33.3	70.3	73.7	79.3
Kazakhstan	27.0	44.6	41.2	36.8	44.7
Kyrgyzstan	50.5	19.6	43.5	41.2	36.1
Moldova	38.2	36.6	49.3	49.3	53.8
Russian Federation	27.9	50.0	40.2	37.8	36.5
Tajikistan	13.2	14.2	16.7	14.8	15.9
Turkmenistan	3.4	2.0	1.9	1.4	1.9
Ukraine	29.4	34.5	34.0	28.7	28.9
Uzbekistan	2.5	3.9	4.8	3.4	3.4

Source: The World Bank: Worldwide Governance Indicators (2015)

1.3 Civil Service Systems & Reforms

The creation of an efficient, cost effective and accountable civil service, based on the merit principle and corruption-free turned out to be a challenging and extremely complicated task in virtually all post-communist countries. Although, civil service reform was put high on the reform agenda, notably in the Commonwealth of Independent States and the Caucasus, reform processes have been slow, delayed or frequently delivering other than the hoped-for results. By the mid-nineties, state bureaucracies appeared to have been little affected in real terms by the transformation process, when compared to other public institutions and sectors of the economy (Verheijen, 2002; Hesse, 1998).

Nevertheless, key areas of personnel policy that affect the movement of people into, through and from the public service, more generally recruitment and career management, training and development, performance management and rewards have been fundamentally challenged. In most cases, reforms have taken root to a great extent. This shift can be linked to recognition that, as the economies of these countries embarked on liberalisation and privatisation, there was a pressing need to define new public service rules, e.g. new salary structures, as well as to establish new structures that had not been perceived as necessary at all, e.g. ethics / conflict of interest, in order to adhere to an emerging market oriented environment.

Table 7: Control of Corruption Index⁸¹ in the CIS & the Caucasus Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Armenia	30.2	32.2	30.4	39.2	40.3
Azerbaijan	7.3	16.1	9.6	19.1	17.8
Belarus	37.1	19.5	27.1	37.8	47.6
Georgia	20.0	47.3	55.7	66.0	75.5
Kazakhstan	8.3	15.6	16.7	19.6	25.7
Kyrgyzstan	28.6	10.7	11.9	11.5	11.5
Moldova	32.7	31.2	28.6	24.4	20.7
Russian Federation	16.6	23.9	14.3	16.8	19.7
Tajikistan	9.3	13.2	8.6	10.0	14.4
Turkmenistan	12.7	3.4	1.9	4.3	8.7
Ukraine	7.8	29.8	17.1	12.0	14.9
Uzbekistan	18.1	9.8	6.2	8.1	11.1

Source: The World Bank: Worldwide Governance Indicators (2015)

Corruption fuelled by low compensation of civil servants, lack of an independent judiciary and an effective legal system, red tape and its tolerance by the general population, remains a considerable problem impeding development of effective, efficient, and accountable public administration systems in nearly all countries of the CIS and Caucasus. While all governments have adopted anti-corruption measures, at least on paper, only few of the countries in the region can boast an effective and systemic rooting out of corruption. Ethics Codes, perceived elsewhere necessary tools to promote ethical behaviour, have proved less than effectual in many post-Communist countries. In part, this is due to the exogenous origins of Codes of Ethics and their declarative nature (Condrey et al, 2013).

In most cases, these initial laws were amended to take into consideration changes which had been overlooked or to improve them further given the rapidly changing circumstances in each country, as well as changing needs placed upon the civil service in the more general context of public administration reforms taking place in these countries. All states in the region, except for Belarus, Moldova and Russia, have established specialised bodies to oversee their human

⁸¹ **Control of corruption** captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests.

resources policy and implementation. Belarus has no structure in place, whereas Moldova has placed the responsibility of the civil service in the General Division for Policy Coordination, Foreign Aid and Central Public Administration Reform of the State Chancellery; and in Russia, civil service is managed by the Presidential Administration. Remarkably, one of the countries, Kazakhstan was among the first to adopt an effective legal framework to manage its civil service, in 1995.

i. Size & Structure

Civil servants in the countries of the region in discussion are major actors in policy implementation and service provision to the public. The number of civil servants provides an indication of a country's power structure of the country. Armenia (0.21%), Kyrgyzstan (0.24%), and Tajikistan (0.25%) have the lowest percentage of civil servants in relation to their total population. They are followed by Azerbaijan (0.31%), Kyrgyzstan (0.39%), Belarus (0.42%) and Moldova (0.48%). The remaining three countries have the highest proportion of civil servants in relation to their total population. Georgia's civil servants are 1.4%, Ukraine's are 0.85% and Kazakhstan's 0.52%, when compared to these countries' total population.

Table 8: Gender Distribution of Civil Servants in selective CIS & the Caucasus Countries

Country	Male	%	Female	%	Total
Armenia	-		-		6,657
Azerbaijan	21,528	71	8,580	29	30,108
Belarus	14,856	30	34,470	70	49,326
Georgia	36,585	69	16,551	31	53,109
Kazakhstan	41,111	45	50,219	55	90,537
Kyrgyzstan	14,056	61	8,988	39	23,044
Moldova	12,231	71	4,914	29	17,145
Tajikistan	15,467	76	4,884	24	20,352
Ukraine	95,104	30	221,096	70	316,200

Source: Astana Civil Service Hub (2015)

As far as the gender distribution of civil servants is concerned the picture is mixed. According to the data presented in table 8, it would appear that, in most countries, male civil servants are more numerous than females, with the exception of Belarus, Moldova and Ukraine, where patterns are reversed. Kazakhstan, by contrast, seems to have a more gender-balanced civil service, with male / female proportion being 45 / 55 respectively.

ii. Recruitment Systems

In most countries, selection and recruitment systems are regulated by specific laws pertaining to civil service personnel management. These have been enacted after the demise of the Soviet Union.

In Azerbaijan, there are two types of rules, which apply to the recruitment in the civil service: those for the general and those for the specialised civil service⁸². The latter have their own re-

⁸² The specialised civil service includes those public servants who work in the following government entities: Ministries of Justice, Internal Affairs, Taxes and Foreign Affairs; State Customs Committee; Prosecutor's Office; and the Judiciary.

cruitment and promotion systems, based on similar rules as those for the general one. As a rule, the Civil Service Commission announces vacancies for the positions of grades 5-7 and calls for an open and competitive process. The competition consists of a written examination and an interview. Examinations are conducted by the Civil Service Commission. Applicants, who pass the examination are invited to undergo an interview. Interviews are conducted by panels⁸³ established by the Civil Service Commission.

Candidates, who have succeeded in this two-step process, are introduced to the head of the relevant state entity, which had announced the vacancies for potential recruitment. The head of the state entity makes the final decision and informs the Commission of the results. Successful candidates, who may not be recruited, are placed in a reserve for a period of two years. Candidates, who may be dissatisfied with the recruitment decisions may file an administrative complaint to the Appeal Commission, for a hearing.

In Armenia, a vacant civil service position may be filled through out-of-competition or competitions procedures. The former applies to urgent cases in the need to fill a vacancy, i.e. within a period of a week and until the announcement of the competition. In this case, a civil servant from the government body, meeting the formal requirements of the job, may be appointed to the post. The latter is conducted to fill new civil service positions, as well as those which are vacated for whatever reason. The recruitment process is jointly managed by the Civil Service Commission and the hiring government entity. However, the Commission also provides technical support and monitors the recruitment process. It may also intervene, should the merit-based principle be violated during the recruitment process.

The Civil Service Commission publishes a competition announcement for vacant positions of the highest and chief levels of civil service and the relevant government body publishes a competition announcement for the leading and junior level positions. Such announcements are made at least a month in advance before the commencement of the recruitment process, in the press and other media, as well as on-line on the Commission's website. A Competition Commission is formed 24 hours before each competition is held. It comprises representatives of the Commission and the hiring government body, as well as experts in relevant fields of specialisation from scientific and academic institutions. Representatives of civil society organisations may also participate, but only as observers.

The competition process involves two stages: testing and interview. Multiple-choice tests are designed to check applicants' knowledge of the relevant legislation⁸⁴, as well as test their capacity of working for the given position. Those obtaining a score of at least 90% qualify for interview. The interview is held under the auspices of the Competition Commission, which determines the candidates' professional knowledge, competencies, qualifications and ability to exercise the functions of the vacant post. Following the interview results, the official responsible for the appointment selects and appoints one of the three top-listed candidates to the position, within three working days of the notification of the results⁸⁵. Competition results may be appealed by an applicant in writing and the appeals are dealt by the Civil Service Commission.

In Georgia, the new Civil Service Law (2015) stipulates that recruitment for civil service positions may be conducted exclusively on a competitive basis, except in transfer- and mobility-related

⁸³ An interview panel consists of representatives of relevant state bodies, the Commission and independent experts.

⁸⁴ Including the Constitution, civil service legislation and legislation related to the concerned hiring body.

⁸⁵ However, the selection of the candidate, out of the proposed three, does not have to be substantiated. A recent OECD/SIGMA (2014) report indicates this practice as one of the flaws of the Armenian recruitment process to the civil service.

cases. Recruitment for the lowest rank of professional civil service is carried out through an open competition for all applicants holding a certificate. Recruitment of civil servants, already in service, applying for higher positions is carried out through a closed competition, i.e. selection of candidates from within the civil service, excluding personnel holding administrative contracts. Appointment of professional civil servants of a higher rank may be conducted through open competition but only in cases where there is a failure to select an appropriate candidate internally through the closed competition process; or on confirmation by the Civil Service Bureau that there is no other candidate with the required qualifications within the civil service system.

A Competition Committee is established to evaluate the compliance of a candidate with the requirements of a vacant position. The Committee's Chairperson is selected among the higher-ranking officials. His/her appointment must be approved by the Chairperson of the hiring government entity. A Bureau representative attends the competition proceedings to ensure transparency of the process. Evaluation of candidates is conducted through either a written examination and/or oral assignment, an interview, or other forms of evaluation delineated by the relevant legislation of Georgia.

In Kazakhstan, recruitment of Corps "A" civil servants is conducted through a personnel reserve pool, which is formed by the decision of a special commission. Government bodies can then recruit Corps "A" civil servants from this reserve pool. Recruitment of Corps "B" civil servants is carried out through a three-tier system starting from the bottom (for entry-level posts). Recruitment may be either internal (among existing civil servants), or external (for entry-level post only). Internal recruitment is carried out by a recruitment committee of the ministry / government body in question for the employees of that ministry / government body only. If no suitable candidate is selected, recruitment is extended to cover all current civil servants. If no suitable candidate is found following this civil service-wide internal recruitment, then external recruitment procedures are introduced⁸⁶. The three stages of external recruitment are: [a] a test administered by the Agency of Civil Service Affairs; [b] an interview with the Agency to assess whether a candidate possesses the civil service values; and [c] an interview with the government body, where the vacancy exists. Newly-recruited civil servants are subject to a probationary period of up to six months. Additionally, new recruits are assigned a mentor, whose responsibility is to assist in their development, according to a predetermined plan.

In Kyrgyzstan, the selection and recruitment process involves the assessment of candidates' suitability based on qualifications they possess and through a written examination. Those who pass the examination are then included into the state personnel reserve and all vacancies are supposed to be filled through this reserve. The personnel reserve comprises two parts: national and internal⁸⁷. To fill an available vacancy, a ministry conducts a competition, first among the candidates included in the internal personnel reserve. If the position is not filled through the internal reserve, the competition is then open to candidates in the national personnel reserve.

⁸⁶ This position-based model allowed for more flexibility in hiring internally (from within the civil service) as well as externally (from the national job market). This was deemed necessary, as rapidly changing societal demands along with the strategy to catch-up in modernising the country, required new knowledge, skills and leadership styles that could better be found in the wider job market. Since the adoption of this Law over 550,000 citizens participated in competition procedures to enter civil service, of which 130,000 were recruited and appointed.

⁸⁷ The national reserve includes: [i] recent graduates who have passed a national competition for entry-level government positions; [ii] civil servants wishing to be promoted; and [iii] civil servants, who were dismissed due to downsizing or other conditions. The internal reserve of a government agency consists of civil servants who were recommended for promotion based on their attestation results and who have submitted an application to be included in the reserve.

In Moldova, different rules for recruitment apply to discrete groups of civil servants. The senior management civil service positions are filled through competition. The government appoints a special standing committee comprising of seven experts in the field of public administration to fill vacancies at the ministerial state secretary and deputy head of administrative authority levels⁸⁸. All vacancies are advertised on the Government's website, on the website of the public authority announcing the vacancy and in various national publications. The selection process provides for the inspection of the application documents, a written examination including several tasks and an interview.

In Tajikistan, recruitment for the administrative civil service – with the exception of the highest category positions – is competition-based. The competition is held among eligible candidates. Civil servants can participate in the competition irrespective of the positions they hold at the time of a vacancy announcement. The competition is usually conducted through an eligibility document review⁸⁹ (for vacant positions in the top, first and second categories of the civil service), or a competition with probation⁹⁰ (for vacant positions in the third and fourth categories). The Competition Commission is a decision-making body for the selection of appointment of qualified civil servants.

In Ukraine, the 2015 Civil Service Law stipulates that open selection into civil service positions be carried out in line with the Regulation for Conducting Competitions to fill vacant positions in the civil service⁹¹. However, closed competition can be conducted for civil service positions in government entities dealing with classified information, state security and defence issues.

Vacancy announcements are published on the website of the hiring state agencies and the National Agency of Ukraine for Civil Service (NAUCS). The hiring state agency submits an order announcing a competition to fill vacant positions to the NAUCS. The latter checks the order for compliance with the relevant legislation. It then proceeds with the announcement. The selection process consists of three stages: [i] verification of professional qualifications of applicants by the HR service of the hiring state agency based on their application documents; [ii] testing; and [iii] an interview (or other evaluation method) of short-listed candidates. Interviews are conducted by the Selection Commission⁹², which identifies the best and second-best candidate⁹³ by a majority vote. Selected candidates who enter the civil service for the first time undergo a six-month probation period of service.

The Civil Service Law also provides for an additional competitive process, if the competition terms were found to be violated in ways affecting the selection results, or if there were no candidates selected, or if the top candidate did not pass a special check and no second best candidate

⁸⁸ Competition commissions are established in accordance with the provisions adopted by the public authorities concerned in order to fill the positions of the head of the civil service and the deputy head of a public authority (Parliament, President, Superior Council of Magistracy, Constitutional Court, Supreme Court, General Prosecutor's Office and Court of Accounts).

⁸⁹ The documents' review competition is organized by the Competition Commission, which evaluates candidates on their education, work experience in civil service and outside, as well as on recommendations, test results and other documents submitted by the request of the relevant state bodies.

⁹⁰ Competition with probation is conducted by the Competition Commission. It may include probationary working period and training at the relevant civil service positions.

⁹¹ This Regulation defines the terms of the competition, requirements for announcing vacancies, composition and duties of the selection committee, application and review of documents, procedure for conducting tests, interviews and other types of evaluation of candidates and modalities of evaluation methods employed.

⁹² Composition of a Selection Commission varies depending on the categories of the civil service positions. The CSL envisages the participation of the representatives of public associations, civil servants from other state agencies, relevant experts, as well as trade unions' representatives.

⁹³ The second best candidate can be appointed for the position within a year, if the position becomes vacant or the selected winner rejects the job offer or s/he does not pass the special check (Article 29 of the CSL of 2015).

were available. Furthermore, in case of reorganisation or liquidation of a state agency, excess personnel are transferred to an equivalent or lower position – upon their consent – at the state agency overtaking the functions of the former, without being obligated to be recruited through competition.

iii. Grading & Remuneration Systems

Remuneration in all countries of the region is regulated by a special law pertaining to public service compensation levels. More often than not, compensation of civil servants is comprised of three parts. Basic salary, additional salary and allowances or bonuses paid invariably throughout the year. Total compensation is usually dependent on seniority, rank, grade and class, as well as on performance and assumption of additional functions and responsibilities, in most cases. On average, the salaries of public sector employees are in line with international practice, while usually, public sector salaries tend to be at around 80-90 percent of private sector pay.

In Armenia, the civil servants' salary includes basic and additional salary and bonuses. The basic salary is multiplied by a coefficient set for each group (grade), sub-group (class) and duration of service in a sub-group in order to derive the amount of compensation a civil servant receives. The common base amount is determined on an annual basis as stipulated by the Law on State Budget⁹⁴. The additional salary portion includes such extra amounts as wage supplements for overtime, for hazardous working conditions, etc; as well as such increments as wage premiums determined on the basis of rank and work experience. However, additional salary amounts cannot exceed 30% of the basic salary⁹⁵.

In Azerbaijan, the civil servants' salary consists of basic salary, bonuses, and allowances; the latter paid for professional rank and length of service. Overall, the salary of civil servants is determined by the civil service position classification system in place.

In Belarus, the remuneration structure of the civil service is directly controlled by the government. The Government sets wage target for all sectors of the economy. Remuneration levels are determined by the position of a civil servant, his/her grade and length of service⁹⁶.

In Georgia, remuneration in civil service includes a salary and a salary increment. The salary level for each rank is determined by the Law on Remuneration in Public Institutions. A salary increment is based on civil servants' class rank, on overtime and on additional important functions assigned to them by their immediate supervisor.

In Kazakhstan, remuneration of civil servants includes a salary and a salary increment and/or a bonus. The salary level for each rank is determined by Presidential Decree. It varies according to position category, as well as length of service and extent of work experience. A bonus is determined based on a civil servant's performance and workload, as well as, on their class rank; while salary increments are paid for working overtime and for performing additional functions.

⁹⁴ As such, the 2014 State Budget set the common base salary of persons holding state positions for the period 1 July to 31 December at 66,140 Armenian Dram (AMD) per month (USD 140 approximately).

⁹⁵ For example, in 2015, a junior level civil servant with four years of experience received compensation in the range of approximately 90,000 AMD (or USD 190 approximately) per month, based on information provided by the Civil Service Commission of Armenia.

⁹⁶ In 2009, civil servants in Belarus were well paid with respect to salary levels across different sectors of the economy. Their salary was among the highest in the country along with those in the financial sector. However, in 2013, the situation changed drastically as salaries of civil servants were reduced due to the crisis of 2011. It is worth noting that after the crisis, people preferred to work in the private sector as salaries of line managers were higher and workload was lower. By 2014 this situation was reversed but mostly because of staff numbers reductions in the civil service sector.

In Kyrgyzstan, while the average monthly wage in the economy amounted to 9,304 soms (USD 202 approximately), the public sector wage average stood at 8,132 soms (USD 176 approximately), or 87% of the average wage in the economy⁹⁷. This ratio increased slightly in 2012 but it retreated somewhat in 2013 due to a wage freeze imposed on most of the public sector. Salary levels for the majority of civil servants have not increased since 2008⁹⁸.

In Moldova, the total salary consists of a fixed and a variable part. The fixed part includes the basic salary plus allowance for class rank, special title and diplomatic rank. The variable part is comprised of an allowance for the collective achievement of each structural unit/public authority and an annual bonus.

In Tajikistan, compensation consists of a basic rate and a qualification increase based on class, grade, years of service, honours, awards and academic accomplishments. Salary increases may occur for implementation of important work or covering the work of other employees in their absence⁹⁹. There exist eight categories of administrative positions vertically with additional 14 steps horizontally. There is a wage differential between categories of 22% and a 5% differential between steps. According to the CSL of 2015, civil servants' remuneration consists of: basic salary; seniority pay; fixed supplement for rank; payment for substitution of a temporary absent civil servant (50 per cent of the latter's basic salary); payment for performing the additional duties of a vacant post; and bonuses if established¹⁰⁰. The law identifies nine remuneration groups based on civil service positions¹⁰¹.

In Ukraine, civil servants' remuneration consists of: basic salary; seniority pay; fixed supplement for rank; payment for substitution of a temporarily absent civil servant (50% of the latter's basic salary); payments for performing additional duties of a vacant position and bonuses if established¹⁰².

iv. Performance Evaluation Systems

Until recently, the countries of the region relied on the old "attestation" method of evaluating performance. The suitability and qualifications of position holders were assessed against rather vague criteria once every three years. Understandably, this process has proven highly unpopular among civil servants, who generally considered it a tool in the politicians' hands; their way to rid themselves of staff they did not like or they considered disloyal. Removing the attestation process in favour of a more modern performance appraisal system has been difficult, but has happened, in most countries of the region. In some, Russia, Ukraine and Armenia in particular, appraisal systems were introduced as additional tools for assessment. However, this has increased red tape and the risk of subjectivity in public personnel management.

⁹⁷ The salary levels of public sector employees are not adjusted annually to account for inflation but they are subject to ad hoc increases.

⁹⁸ The salaries of education and health employees were increased in 2011, after some years of stagnation and this increase was estimated to be several times above the 2011 annual inflation rate; it even exceeded the cumulative inflation for the period 2009-2011 (World Bank, 2014).

⁹⁹ Decree of the President of the Republic of Tajikistan "On Measures to Improve the Social Protection of the Population, an Increase in the Current Salaries of Civil Servants, Employees of Budgetary Institutions and Organizations, Pensions and Scholarships Sizes," http://base.spinform.ru/show_doc.fwx?rgn=31892

¹⁰⁰ Bonuses include: an annual performance evaluation bonus and a monthly or quarterly bonus based on a civil servant's contribution to the state agency's overall performance. Total amount of all bonuses paid to civil servants per year cannot exceed 30 per cent of the total amount of their annual salary.

¹⁰¹ Groups are specified in Article 51 of the 2015 Civil Service Law.

¹⁰² Bonuses include: an annual performance evaluation bonus and a monthly or quarterly bonus based on the civil servant's contribution to the state agency's overall performance. Total amount of all bonuses paid to civil servant per year shall not exceed 30 per cent of the total amount of their annual salary.

Armenia practices systems of attestation and performance appraisal, which serve different purposes¹⁰³. All civil servants undergo performance appraisal, which is conducted semi-annually by their immediate supervisor. Appraisal includes the assessment of the civil servants' outputs, timeliness and quality of tasks accomplished, as well as their managerial skills. Performance appraisal results are not connected with the promotion or training of civil servants but do affect bonus payments. Additionally, all civil servants undergo mandatory attestation. This is conducted a year after the last regular attestation based on a decision of the direct supervisor. Attestation is carried out in two stages. First comes the documentary attestation and second a test and an interview, whose aim is to certify that position holders possess the relevant knowledge to perform their functions specified in their job descriptions.

The Civil Service Commission coordinates the attestation process for the highest and chief positions, while public authorities manage attestation of both leading and junior civil servants in their respective organisations. Attestation is carried out not by the immediate supervisor but by Attestation Commissions, which are formed in the same manner as Competition Commissions (for recruitment). The attestation exercise results in deciding civil servants' conformity or non-conformity with the position they hold. As in the case of performance appraisal, the attestation results are not strictly linked to civil servants' promotion or identification of their training needs.

In Azerbaijan, service performance of civil servants holding administrative positions is evaluated at the end of each calendar year by their direct supervisor. Results of the service performance appraisal are formalised through a service performance appraisal report. Civil servants' performance is evaluated against a list of criteria and relevant comments are provided. The opinion of civil servants, whose service performance has been appraised, is attached to the performance appraisal report. In addition, civil servants on both administrative and auxiliary positions pass an attestation once every five years. Attestations are performed collectively by the Attestation Commission, consisting of representatives of the relevant government organisation and independent experts. Professional competencies and ethical values, as well the diligence of civil servants is evaluated during this process.

In Georgia, the civil service lacks an integrated performance evaluation system (Dolidze et al, 2013: 120). Current practice of performance appraisal is based on the attestation process carried out regularly every three years¹⁰⁴. However, with the aim to increase effectiveness and to promote transparency, HR units in several ministries have introduced a unified digital HRM system that makes personnel data accessible to all interested agencies. Recently introduced legislation provides for a mandatory annual evaluation of all professional civil servants' performance. The results are fed into incentives schemes¹⁰⁵ and point to training needs.

In Kazakhstan, there are separate performance evaluation procedures for political appointees and civil servants of Corps "A" and "B". The performance of political civil servants is evaluated by an official appointed by the President. Performance of Corps "A" is evaluated by officials, who have the right of appointment and dismissal of such civil servants. For Corps "B" civil servants' performance evaluation is carried out by a special commission. The performance evaluation

¹⁰³ A recent report (OECD/SIGMA, 2014) points out that the existence of these two evaluation processes, performance appraisal and attestation, "confuses the purpose of a real appraisal of the achievements of results" and it thus, recommends to abolish the former (attestation) system.

¹⁰⁴ Attestation (or certification) is defined by Article 81 of the Law of 1997 as "an evaluation of professional habits, qualifications, skills and private qualities of a civil servant against the requirements for a position he/she occupies".

¹⁰⁵ In compliance with the Law of 2015, incentives for professional civil servants' performance will be in the form of expression of appreciation, monetary bonus or a valuable gift.

methodology, for both Corps “A” and “B”, must be approved by Presidential Decree. However, government bodies design their own performance evaluation procedures based on the methodology provided by the Agency of Civil Service Affairs. According to the Civil Service Law, an unsatisfactory performance evaluation is the basis for contract termination in the case of Corps “A” and downgrading or dismissal in the case of Corps “B” civil servants.

In Kyrgyzstan, performance appraisal is based on the personal achievement of civil servants and it influences the level of their remuneration. Since the first quarter of 2014, government entities have started introducing the use of a performance appraisal system, which involves key performance indicators (KPI) as tools for the assessment of civil servants’ activities. Annual performance appraisal results play a role in determining civil servants’ compensation levels, in part.

In Moldova, performance appraisal is regulated by the Civil Service Law and it has been in force since 2010 in all public authorities. Professional performance appraisal is carried out annually for all three categories of civil servants: senior, managerial and executive. Performance appraisal does not include junior civil servants or civil servants, who have served in a position for less than four months during the appraisal period. An internal complaints process is used to deal with grievances of civil servants in relation to their performance appraisal results.

Performance appraisal for the managerial and executive classes of civil servants is carried out by their direct supervisor. For senior civil servants, the appraisal consists of two phases. The direct supervisor prepares the assessment report and proposes the appraisal scores. Subsequently, the reports are sent to the evaluation committee, which completes the evaluation form and takes a final decision. Performance appraisal plays a role in promotion and gaining a qualification grade or a salary increase, as well as in determining training needs.

In Tajikistan, the Rules of Performance Appraisal Conduct¹⁰⁶ regulate the mechanism of the performance appraisal of administrative civil servants. The performance of political civil servants, administrative civil servants of the highest category, or others who have been in service for less than six months, as well as those who are reaching retirement age are not subject to assessment. Performance appraisal takes place every year in December, according to a schedule approved by the head of a government entity. The appraisal is conducted by the head of the relevant division, while the appraisal of heads of division is conducted by their direct supervisor. When civil servants are assessed, they prepare a results report for the reporting period and their supervisor completes a performance worksheet form, based on this report.

In Ukraine, the Civil Service Law requires civil servants’ performance to be evaluated annually in order to assess the quality of tasks and activities performed. The ultimate purpose of the appraisal is to determine the bonus level awarded for the year. It is also used in career planning and in determining professional training needs. Civil servants’ performance assessment is based on performance indicators measuring their effectiveness and quality in performing defined tasks, as well in considering their compliance with ethics rules and anti-corruption legislation. The performance appraisal of Category “A” civil servants is conducted by the appointing officer, whereas Category “B” civil servants are evaluated by their immediate supervisor and the head of the department they serve. Civil servants are informed of the evaluation results within three calendar days following their evaluation. Performance results may be classified as negative, positive and

¹⁰⁶ Performance Appraisal Conduct Rules (Presidential Decree 1018/2011), <http://www.ahd.tj/images/doc/PRVAAR.doc>

excellent, with relevant justification provided for the chosen classification¹⁰⁷. Civil servants, who receive an excellent evaluation score are entitled to a bonus and would normally enjoy significant career promotion prospects.

v. Career Development & Training Systems

Career development and promotion in most countries of the region is usually based on seniority and years of experience. Years of service is the most significant determinant in promotion for most categories of staff. In this respect, performance appraisal results and training do not usually influence promotion prospects. As a result, they are not the major determinants of career development paths.

In Armenia, the Civil Service Commission is responsible for organising, coordinating and assessing training needs of civil servants jointly with the HR units of government entities, which provide the Commission with their recommendations on training plans annually. By contrast, the Civil Service Law mandates that civil servants shall undergo mandatory training at least once every three years. Civil servants are also entitled to receive non-mandatory training in case of special requirements to improve their knowledge and skills. Training is given shape at the request of the responsible Chief of Staff, in line with a programme approved by the Commission.

Civil servants in Azerbaijan are entitled to be educated. They receive relevant training and take educational leave at the State's expense. The detailed circumstances in which civil servants may receive additional training is prescribed in the Civil Service Law. However, this legislation does not specify the frequency and volume of training civil servants should undertake.

One of the main functions of the Civil Service Commission is training and professional development of civil servants. This function entails analysis of current needs, preparation of training proposals, delivery of training in certain areas and involvement in the provision of additional educational activities aimed at civil servants. The Commission usually runs courses on management, ethical behaviour rules and anti-corruption strategies, civil service legislation, etc, both in the capital city and in the regions. The state agencies meet their own needs for training and some have their own training centres. The Academy of Public Administration also organises advanced vocational training for civil servants.

In Georgia, the Civil Service Bureau emphasises the significance of professional development for civil servants and is actively working on the development of training modules on a range of topics. The Civil Service Law establishes the right of civil servants to develop their professional skills and improve their qualifications. The Civil Service Reform Concept and the new Law of 2015 provides additional actions for professional development of civil servants. For instance, training needs will now be determined based on performance evaluation results. Additionally, civil service institutions determine their staff development needs of their staff at the beginning of each year based on a professional plan approved by the Government of Georgia. Furthermore, the new Law (2015) defines a number of legal rules for managing the careers of civil servants, including career development, as well as terms and conditions related to mobility, among others. Career development tools employed serve the purpose of ensuring that the state's obligation to fulfil the career development needs of civil servants are met. Thus, considering the goals of the civil service and the need for its proper functioning, civil servants are provided with

¹⁰⁷ A civil servant who receives a negative evaluation can appeal such decision. A civil servant who receives a negative performance evaluation undergoes an additional assessment no earlier than three months after the initial evaluation. If a civil servant's two consecutive performance evaluations lead to negative results, he/she is dismissed from the civil service position.

opportunities to participate in professional development programmes, which are designed to improve their professional abilities. Moreover, the new system provides opportunities for training outside the civil service.

In Moldova, the Government approves the Professional Development Plan for all public authorities annually. This plan is elaborated by the State Chancellery based on requests received from public authorities. These requests reflect the training needs identified at the level of each public authority and its personnel, as well as by the Government's strategic goals. A training service provider – currently, the Academy of Public Administration – evaluates the Plan and submits a report to the State Chancellery. Training objectives are achieved once a civil servant has received 40 hours of training per year. However, the focus of this objective is quantitative, i.e. number of hours that a civil servant has devoted to training, rather than qualitative, i.e. enhanced competencies, skills and knowledge acquired, etc. Furthermore, data provided by central public authorities demonstrate that not all civil servants benefit from this predetermined number of training hours¹⁰⁸.

In Tajikistan, civil servants are required to raise their qualifications level in order to be promoted. Thus, they are all assigned to certain training. The body responsible for retraining and advanced training of civil servants is the Institute of Public Administration formed in 2009, as a result of the transformation of the Institute for Advanced Training of Civil Servants founded in 2002. To date, the Institute has identified the key areas for training, retraining and professional enhancement of civil servants. It has developed a new methodological and theoretical basis for the professional enhancement of civil servants. In relation to the training of civil servants, the Institute develops different types of training programmes, as well as recommendations and guidelines, paying particular attention to improving the methods and techniques of public administration.

In Ukraine, the Civil Service Law ensures that all civil servants are provided with career-long improvements of their professional competencies, whereas advanced professional training of civil servants is conducted at least once every three years, in order to enhance their qualification levels. Professional training programmes are financed from the State Budget and other financial instruments not prohibited by legislation. The Cabinet of Ministers approves the Regulation on the system of training, retraining, specialised training and other methods of enhancing civil servants' qualifications, following a presentation by the National Agency of Ukraine for Civil Service¹⁰⁹. The Law also allows civil servants to carry out off-the-job training for up to a six-month period on another civil service position at another state agency or abroad¹¹⁰.

¹⁰⁸ "Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova and Ukraine", OECD/SIGMA, <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

¹⁰⁹ The National Academy of Public Administration under the President of Ukraine provides methodological support on this.

¹¹⁰ A civil servant's position and salary are preserved during such traineeship period (CSL of 2015, Article 48/8).

Table 9: Civil Service Systems in CIS & the Caucasus Countries at a Glance

Category	Armenia	Azerbaijan	Belarus	Georgia	Kazakhstan	Kyrgyzstan	Moldova	Tajikistan	Ukraine
Legal foundation	Law on Civil Service, 2001	Constitution; Law on Civil Service, 2000	Constitution; Law on Civil Service, 2003	Law on Civil Service, 1997; amended, 2015	Law on Civil Service, 1997; amended, 2015	Constitution; Law on Civil Service, 2004	Law on Public Office & Status of Civil Servants, 2008	Constitution; Law on Civil Service, 2007	Law on Civil Service, 1994; amended, 2015
Civil Service Agency / established on:	Civil Service Council / 2001	Civil Service Commission under the President / 2005	No special agency	Civil Service Bureau of Georgia / 1997	Agency for Civil Service Affairs/2000	State Personnel Service	State Chancellery, General Division for Policy Coordination and Central PAR / 2008	Agency for Civil Service under the President / 2013	National Agency of Ukraine on Civil Service / 1994
Central Training Agency	Civil Service Commission	Civil Service Commission / Academy of Public Administration		Civil Service Bureau	Academy of Public Administration		Academy of Public Administration	Institute of Public Administration	Academy of Public Administration
Entrance examination	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Retirement age	63	63 for men 59 for women	60 for men 55 for women	65 for men 60 for women	63 for men 58 for women	63 for men 58 for women	63 for men 58 for women	62 for men 57 for women	63 for men 58 for women
Performance evaluation system	Attestation every 3 years / performance appraisal yearly	Attestation every 5 years / performance appraisal yearly	No performance appraisal system in place	Attestation every 3 years / performance appraisal yearly	Performance appraisal yearly	Performance appraisal yearly with the use of KPIs	Performance appraisal yearly	Performance appraisal, experience and training	Performance appraisal and experience
Promotion system	Seniority based	Seniority based	Performance evaluation results & seniority-based	Performance evaluation results and seniority-based	Performance appraisal, experience and training	Performance evaluation results, experience and seniority-based	Performance appraisal system	Performance appraisal, experience and training	Performance appraisal and experience

Source: Astana Civil Service Hub (2016)

1.4 Conclusions

Most regional governments continue to rely on traditional bureaucratic structures in the core public sector but gradually place emphasis in recruitment and promotion based on objective criteria. They offering incentives to encourage greater commitment and better performance of their civil servants. However, any progress in adopting such new methods of recruitment and promotion still hinges on imponderables. Such are informal networks, patronage versus merit issues and the relative importance of ethnic, religious and regional preferences in each country. Even though some of the countries have adopted a merit-based system, various traditional practices militate in favour of these biases.

Nevertheless, several governments in the region utilise such technical tools as job descriptions, competencies and skills and functional responsibilities. They have also developed new and more competitive compensation schemes, by taking into account private sector compensation scales. For instance, the Government of Kazakhstan has recently embarked on a large-scale project to introduce a new common framework of competencies, as well as a grading system and pay scales encompassing the entire civil service. This system will improve the government's ability to recruit and retain skilled personnel and provide them with a pay and emoluments package, which will ensure that they work efficiently and have an incentive to remain in public service.

There is growing recognition of the importance of human resources management and development (HRM & D). This is especially important in an environment of declining revenues and resources with increasing demands for state-provided services (quantitatively and qualitatively). Thus, the region's governments begin to focus on defining training needs and dispensing training courses to satisfy such needs, in the measure that they realise the importance of capacity-building of their human resources. However, training in the region still needs to be more strategically planned benefiting from a sound needs-assessment system – currently in place only in Azerbaijan and Moldova. It also needs to be more systematic. For instance, central civil service HR units currently play a variable but limited role in the planning of training programmes, which may mean that they have a limited impact on training content and direction. This situation should be improved.

Governments in the region are also taking steps to improve public service integrity, because pervasive corruption has resulted in the lowering of ethical standards¹¹¹. Hence, they are introducing “compliance-based ethics management” and to a lesser extent “integrity-based ethics

Key trends in civil service development

- *Gradual shift towards using objective criteria in recruitment and promotion, although patronage is still an influential factor;*
- *Use of competitive compensation schemes to attract competent individuals to the civil service; and of incentives to encourage better levels of civil servants' performance;*
- *Recognition that training and capacity building of public human resources enables governments to improve policy formulation and implementation processes and delivery of public services;*
- *Ethics management and anti-corruption policies are slowly becoming an integral part in civil service.*

¹¹¹ Low ethical standards are also attributed to low wages further eroded by rising inflation, explosion of expectations triggered by conspicuous consumption among members of new elites. In turn, corrupt practices usually flourish in the absence of strong accountability and control mechanisms, as well as strong criminal justice systems. Such practices significantly reduce public trust in government and they weaken the social fabric.

management” mechanisms. They currently focus on introducing systems of compliance with descriptive / administrative procedures, control mechanisms and detailed rules about what civil servants should avoid, what they should do, and how they should do it. These systems are implemented through mechanisms of administrative law, rules of procedure and are supervised by the Administration. These may be supplemented by integrity-based ethics management, in order to promote principles and objectives, as well as a strong professional socialisation, reinforced by incentives that encourage sound behaviour. In this context, cultural, political and administrative traditions of each country should be taken into account, in order to ensure that ethics management systems are congruent with such traditions.

2. South-Eastern & Central and Eastern Europe

Comparative analysis of public administration and civil service systems across South-Eastern (SE) and Central and Eastern Europe (CEE) is a very challenging task, considering the number and diversity of the countries concerned. To be sure, these countries have also a lot in common. They have struggled to overcome a legacy of politicisation that took root under previous regimes. Further, they had to confront civil service systems suffering from “negative” selection, in an environment where political will to invest in the creation of new systems was initially absent. Various analyses of civil service development in this part of the world corroborate this state of affairs (Peters, Vass & Verheijen, 2005; Baker, 2002; Goetz, 2001; Verheijen, 2001; Verheijen & Rabrenovic, 2000).

2.1 Overview

Civil service development in these countries may be approached in either of two ways: from the *motivation* point of view and the *substance* point of view of the reform agenda. Both ways are relevant and particularly interesting, for they provide an answer to whether states ought to look back to their (mostly continental European) roots in creating new civil service systems, or whether a new mixture ought to emerge fusing traditional notions on civil service systems, in the European (continental) sense with the Anglo-Saxon / NPM-based models¹¹².

In general, civil service systems in this part of the world have followed three different models, i.e. the legalist continental European, the performance focused Anglo-Saxon, and the NPM-style model. At the same time, civil service development and reform have been influenced, to a considerable extent, by the prospects of countries becoming members of the European Union. In these cases, the legalistic continental European model has prevailed, aided by the framework of a unified European administrative space (Argyriades & Timsit, 2013). In other cases, interesting reform hybrids have been created combining elements of the continental model, strongly anchored into law, with pre-communist traditions.

¹¹² The applicability of NPM approaches in the region has been the subject of many political and academic debates. In retrospect, it seems that in most instances NPM methods have been limited to reforms in service delivery and management systems in the administration.

Table 10: Population of the SE & CE European Countries (in '000s)

Country	1995	2000	2005	2010	2014	2015
Albania	3,106	3,121	3,082	2,901	2,896	2,903
Bosnia & Herzegovina	3,879	3,792	3,833	3,835	3,810	3,802
Bulgaria	8,358	8,000	7,682	7,407	7,149	7,097
Czech Republic	10,335	10,263	10,230	10,506	10,534	10,548
Croatia	4,616	4,428	4,378	4,316	4,240	4,225
Estonia	1,433	1,399	1,355	1,332	1,312	1,309
FYR of Macedonia	1,953	2,012	2,042	2,062	2,078	2,081
Hungary	10,351	10,224	10,095	10,101	9,855	9,821
Latvia	2,487	2,371	2,227	2,090	1,970	1,955
Lithuania	3,628	3,486	3,343	3,122	2,878	2,850
Montenegro	0,620	0,613	0,616	0,621	0,625	0,626
Poland	38,591	38,486	38,463	38,574	38,611	38,593
Romania	22,965	22,128	21,407	20,298	19,511	19,372
Serbia	9,884	9,463	9,186	9,059	8,850	8,812
Slovakia	5,362	5,386	5,385	5,406	5,426	5,429
Slovenia	1,991	1,988	1,996	2,052	2,067	2,069
Total	129,559	127,160	125,320	123,682	121,812	121,492

Source: *The World Factbook (2016)*

Equally, the drivers of administrative and civil service reform in SE and CE European states are varied and diverse. In states that joined the EU or aspire to EU membership, the EU-driven benchmarking and assessment¹¹³ approaches have been major incentives for reform. In states further removed from the European mainstream, the main drivers for reform were economic integration and globalisation, as well as the perceived linkage between economic development and sound governance. These two drivers have been mutually reinforcing.

Nevertheless, it is clear that both, the “governance and growth” school and the development of benchmarking systems in the context of the European Union integration process have given a strong impetus to administrative and civil service reform and have helped define and advance the reform agenda over the past years¹¹⁴. Recent developments indicate that most of these states have followed a European Union sense of direction to reform processes rather than reforms driv-

¹¹³ Two separate but related “assessment-and-benchmarking” systems were subsequently developed in the context of the European Union. First, the “baseline assessment” system. This reviews the quality of civil service and public management systems based on a set of qualitative indicators, related to six core functions that public management systems are expected to fulfil (policy management; civil service; internal financial control; public expenditure management; external financial controls; and procurement). This system is used to assess administrative readiness for EU membership. It has also been used beyond the direct EU accession context as a basic benchmarking system for establishing whether public management systems meet minimum institutional and legal standards. Second, the Common Assessment Framework (CAF), a quality management (self-) assessment system, establishes whether public management systems in individual institutions are meeting best practice targets in nine core competency areas that are essential for high-quality policy management and service delivery. Both systems were elaborated through interaction between EU officials, member states experts and one external organisation (OECD/SIGMA for the baseline system and EIPA for CAF). In the case of the baseline assessment system, input from candidate states to the design has also been sought, both at the expert and the government levels. Both instruments were originally designed for specific purposes (in measuring readiness of candidate states in the case of the baseline-assessment system and improving EU policy implementation capacity in the case of the CAF). However, there have been some interesting side effects: [i] the development of a broad discussion about “European values” in public administration; and [ii] the emergence of competition between states on issues of public administration quality.

¹¹⁴ Any discussion of the impact of European integration on public administration systems would have been rather futile a couple of decades ago. Administrative and civil service systems were considered the exclusive domain of member states, which individually applied a policy of strict “non-interference” in relation to each other’s public management systems. This has changed fundamentally with the completion of the Internal Market and Monetary Union. Indeed, the quality of administration has become a point of discussion between member states. The prospect of accession of a large group of SE and CEE states, with relatively weak administrative systems, added incentive to politicians in EU states for engaging in discussions about administrative quality at European level.

en by “imported” and extraneous NPM principles. This is not surprising, as most European states can identify with the former direction, based on their legacies and traditions. Experience with the accession process provides clear proof of this.

On the other hand, politicians in SE and CE European states showed little interest initially in civil service reform before the benchmarking system was created. However, they began to show strong interest, once EU regular reports identified the “front runners” and the “laggards” in civil service reform (OECD/SIGMA, 2010). This was especially evident in states that felt less sure of being included in the first wave of the Eastern enlargement. Beyond this, such states as Ukraine self-adopted the benchmarking system¹¹⁵, arguably to emphasize their European credentials.

2.2 Public Governance & Public Administration Reforms

Transition to a new political, economic and social reality has been highly uneven and overall characterised by advances and setbacks in practically all countries of the region. However, one can notice certain general tendencies and commonalities, even though timing, content, pace and outcomes have differed considerably from country to country. To a large extent these commonalities stem from jointly shared historical legacies; but there are other factors also. Above all, similarities are manifested in the specific features of bureaucratic structures in the SE & CEE region (e.g. widespread clientelist networks, arbitrariness, abuse of political office, high degree of politicisation, weak enforcement of civil service legislation, etc). Some of these issues are particularly salient in South Eastern Europe.

Reform efforts in public administration have assumed several forms. They have been conducted in multiple stages. In the beginning of the transition process, the neo-liberal paradigm of the Washington consensus offered a road map for public administration reforms. The measures which were used, chiefly focused on reducing the role and size of the state. From the mid-1990s onwards, reform by law was increasingly combined with reform through across-the-board cuts in structures and staffs – with the possible exception of Poland, Latvia, and Bulgaria (Verheijen, 2002). Starting with Hungary in 1995, a number of countries as diverse as Bulgaria, Slovakia, Kazakhstan and Kyrgyzstan ordered across-the-board reductions in the numbers of their staff.

However, new and more sophisticated approaches – especially functional reviews – were later adopted. Since this progression was typical, it can be inferred that it was part of transitional learning (Beblavy & Beblava, 2015; Verheijen, 2002). In many of the former communist countries, functional reviews helped to eliminate redundant functions and to reduce duplication between and within institutions. They also helped to add missing functions and to rationalise the distribution functions.

Specific features of bureaucracies in SE & CE Europe

- *Widespread clientelist networks;*
- *Abuse of political office;*
- *High politicisation of civil servants;*
- *Weak enforcement of civil service legislation;*
- *Widespread and endemic corruption present.*

¹¹⁵ The benchmarking systems currently hold value mainly for EU states, the close circle of candidate states and others that aspire to eventual membership but have established a clearer sense of the kind of public management and civil service system, that is needed to be part of the “European Administrative Space”.

Later, governments began to seek a balance between focus on internal reform and technical efficiency, on one hand; and changing the relationship between public administration and society by focusing on strengthening the client orientation of public administration, on the other. A move from across-the-board approaches in staff and structure reduction to a better mixture seeking efficiency gains, while investing in building capacities, where these were lacking. In theory, at any rate, both served the ultimate purpose of satisfying citizens' demands.

By the late 1990s transformation of the public administration systems was acknowledged to be a crucial element of the transition process. The agenda of in-depth reform of the civil service in post-communist countries incorporated measures aimed at streamlining their institutional role; enhancing accountability and efficiency, transparency and responsiveness; enforcing political neutrality and adherence to the rule of law; introducing modern management techniques and effective anti-corruption strategies; and strengthening performance and client orientation. However, the creation of a stable and functioning political and administrative interface continues to present a major challenge to numerous SE and CE European countries.

2.3 Civil Service Systems & Reforms

The level of civil service professionalisation varies considerably. The Baltic States, amongst them, have been more successful than either of their central or South Eastern European counterparts. Several factors explain why some countries have been more successful than others in professionalising their civil service. Preparation for EU membership and subsequent accession has been a significant factor that affected the political, economic and institutional development of countries in the region. However, it has been manifest in several different ways, influenced, inter alia, by the prevailing norms, traditions and historical / political circumstances.

Table 11: Human Development Index in the SE & CE European Countries (2000-2014)

Country	2000	2010	2011	2012	2013	2014
Albania	0.580	0.719	0.739	0.749	0.716	0.733
Bosnia & Herzegovina	-	0.710	0.733	0.735	0.731	0.733
Bulgaria	0.660	0.743	0.771	0.782	0.777	0.782
Croatia	0.880	0.767	0.796	0.805	0.812	0.818
Czech Republic	0.810	0.841	0.865	0.873	0.861	0.870
Estonia	0.940	0.812	0.835	0.846	0.840	0.861
FYR of Macedonia	0.640	0.701	0.728	0.740	0.732	0.747
Hungary	0.930	0.805	0.816	0.831	0.818	0.828
Latvia	0.930	0.769	0.805	0.814	0.810	0.819
Lithuania	0.930	0.783	0.810	0.818	0.834	0.839
Montenegro	0.640	0.769	0.771	0.791	0.789	0.802
Poland	0.940	0.795	0.813	0.821	0.834	0.843
Romania	0.680	0.767	0.781	0.786	0.785	0.793
Serbia	-	0.735	0.766	0.769	0.745	0.771
Slovakia	0.910	0.818	0.834	0.840	0.830	0.844
Slovenia	0.940	0.828	0.884	0.892	0.874	0.880

Source: UNDP Human Development Report (2015)

Undoubtedly, the EU membership factor has been an additional driver in speeding up modernisation and reform of the civil service systems in the region, since EU accession was a conditionality based on the assumption that the gradual adoption of European administration principles would be possible only if strong political support exists. This process, nonetheless, has not materialised in all countries of the region; not to the same extent. The observable trajectories of reform efforts across new Member States raise questions regarding the driver of, and obstacles to civil service professionalisation (OECD/SIGMA, 2010).

Similarly, in this context, the creation of professional and de-politicised civil services was understood to be a conditionality for EU membership. As such, it was closely monitored during the accession negotiations, helping keep the issue high on the reform agenda. However, the current arrangements for civil service management, in most countries of the region, are still politicised inhibiting the development of a permanent and neutral civil service tradition. This is especially true of senior staff positions. Frequent government reshuffles have resulted in the turnover of substantial numbers of senior civil servants, with many being replaced after the arrival of a new minister (Verheijen, 2001). Occasionally, this practice has created serious problems for the effective management of ministries and has had an adverse effect on continuity in both the policy-making and implementation phases. It is interesting to note, in this context, that civil service laws have failed to break this pattern, in many cases, even though ostensibly well-fashioned civil service legislation had been adopted in the post-communist countries of the region¹¹⁶.

Numerous attempts to reorganise relations between politicians and civil servants ranged from either full de-politicisation of the top-level posts (Ukraine, Poland), or their moderate de-politicisation (most ex-Yugoslav states), to the creation of a defined political area in the administration (Hungary, Lithuania, Bulgaria). After the quick adoption of different de-politicisation models, most of these countries – as well as those of the Commonwealth of Independent States – faced problems of implementation, due to strong political pressures pushing for the continuation of the old politicisation regime.

Table 12: Government Effectiveness Index in the SE & CE European Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Albania	20.0	31.2	45.5	43.5	51.9
Bosnia & Herzegovina	17.6	26.8	27.8	38.8	36.6
Bulgaria	54.2	61.0	58.9	59.3	57.7
Croatia	65.4	68.3	70.3	70.8	73.6
Czech Republic	74.6	79.0	78.5	75.6	80.3
Estonia	74.6	81.5	82.3	78.5	81.3
FYR of Macedonia	22.4	45.9	49.8	53.1	60.1
Hungary	81.0	75.1	72.3	70.3	72.1
Latvia	63.4	70.7	73.7	76.1	77.9
Lithuania	60.0	74.6	75.1	73.7	78.9
Montenegro	-	64.4	57.4	59.8	63.5
Poland	73.2	68.9	71.3	71.3	74.5
Romania	39.0	46.3	46.4	52.2	55.8
Serbia	18.1	44.9	51.7	50.7	58.2
Slovakia	72.7	78.5	76.1	73.2	75.5
Slovenia	77.1	77.6	81.3	79.0	79.4

Source: *The World Bank: Worldwide Governance Indicators (2015)*

¹¹⁶ There have been (exceptional) cases of relative continuity, for instance in Latvia, where changes in the civil service were mainly due to civil servants departing for economic reasons. However, these remain an exception to the rule.

Difficulties in establishing a stable political and administrative interface in the SE and CE European countries have raised the obvious question: what could be done to create a better working partnership between politicians and civil servants? Experience of reform efforts reveals an unrealistic expectation to achieve important results through mere restructuring of political and administrative relations by simply enacting laws. It looks that securing outcomes of reform activities in this area requires specific alliance building with political parties and interest groups to provide sufficient incentives for jointly tackling patronage and politicisation (World Bank, 2003c). This solution bows to reality and allows for certain levels of moderate and managed politicisation, rather than to insist upon the introduction of the classical British model of almost complete separation of political office holders and career civil servants.

Table 13: Control of Corruption Index in the SE & CE European Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Albania	22.0	26.3	36.7	26.3	35.6
Bosnia & Herzegovina	38.5	51.2	47.1	52.2	49.0
Bulgaria	51.7	57.1	52.4	49.8	48.6
Croatia	52.7	58.5	57.6	61.2	62.0
Czech Republic	62.4	68.3	65.2	62.7	65.4
Estonia	74.6	80.5	79.1	81.3	87.5
FYR of Macedonia	29.8	39.5	56.7	59.3	59.1
Hungary	76.1	71.7	64.8	65.1	60.1
Latvia	48.3	64.4	61.9	64.1	66.4
Lithuania	64.4	61.5	65.7	67.0	68.8
Montenegro	-	42.0	50.5	51.2	57.2
Poland	71.7	61.0	70.0	70.8	70.7
Romania	39.5	49.8	51.9	52.6	53.4
Serbia	6.9	44.4	49.1	50.7	51.9
Slovakia	63.9	69.3	63.8	59.8	60.1
Slovenia	69.9	79.5	78.1	73.7	74.5

Source: *The World Bank: Worldwide Governance Indicators (2015)*

In addition, the existence of coalition governments in most SE and CE European countries has exacerbated problems in the administrative system and reinforced politicisation trends. In more advanced civil service systems, coalition governments may allow much greater autonomy and power to their civil service than in majority party regimes. However, the coalition form of government in emerging civil service systems generally provides more opportunities for overt politicisation¹¹⁷. It has also had an adverse effect on the efficiency of the government's decision-making processes, in the measure that the civil service may find it difficult to develop high-calibre personnel able to provide guidance and support to the complex governance process. This situation raises additional concerns regarding possibilities to establish a functioning equilibrium between politicians and civil servants in these countries¹¹⁸.

¹¹⁷ In the coalition form of government, a pattern of politicization may even be more visible given that, due to coalition government instability, the party may only have a short time in office and will want to have maximum impact on policy as well as producing patronage positions for supporters. In the long run, this pattern of recruitment institutionalizes a weak civil service with fewer opportunities for real advancement.

¹¹⁸ The establishment of subsequent coalition governments in CEE has generated the need to create a system of checks and balances between parties, due to low levels of mutual trust. In this sense, two main systems of political and administrative relations could be distinguished: [i] system of common governance, in which political appointments in the civil service combine political management from one party with senior civil servants from different parties; and [ii] a system of joint governance, in which distinct ministerial portfolios are divided among different parties that tend to appoint supporters to key senior positions. Both arrangements are obviously detrimental to the idea of developing a professional civil service (Peters, Vass & Verheijen, 2005).

Thus, an important step forward should include the establishment of increasingly merit-based systems across the region. Although the contours of the new systems are now emerging, it is still clear that some of the building blocks still need to be strengthened. For example, in a relatively low wage environment, it is understandable that internal recruitment is given preference over external recruitment. However, this limits the impact of the merit and performance principles. Thus, where there is movement in the direction of creating merit-based systems, these need to open, internally and externally, if the quality of the civil service is to veritably improve.

Table 14: Rule of Law Index in the SE & CE European Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Albania	10.5	25.8	40.8	35.6	40.9
Bosnia & Herzegovina	32.1	35.9	43.6	50.2	48.6
Bulgaria	44.0	47.9	51.7	51.2	55.8
Croatia	51.7	55.5	60.2	60.2	65.9
Czech Republic	67.9	76.1	79.6	82.4	84.6
Estonia	66.5	80.9	83.9	86.3	86.5
FYR of Macedonia	31.6	41.6	46.9	49.3	56.7
Hungary	76.6	76.6	72.0	67.3	70.7
Latvia	55.5	66.5	73.5	73.0	77.9
Lithuania	58.9	66.0	72.5	73.9	78.4
Montenegro	-	44.5	55.5	54.0	60.6
Poland	70.3	61.7	68.3	73.5	77.4
Romania	45.9	46.9	56.4	56.9	63.5
Serbia	8.1	19.6	41.7	44.6	50.5
Slovakia	60.3	64.6	65.4	64.0	69.2
Slovenia	82.8	77.0	80.6	80.6	80.3

Source: The World Bank: *Worldwide Governance Indicators* (2015)

Governments in all Central and Eastern Europe have attempted to develop personnel policies in which decisions regarding an individual's selection and progress are guided by merit or achievement and in which rewards for performance contribute to the competency and continuity of the public service (Goetz & Wollmann, 2001). Although such legislation was not fully implemented in all countries (World Bank, 2006b), enactment created the basis for the development of the merit principle in the public service. By contrast, the design of civil service systems represented a compromise between the politicians' demands for flexibility and the need to provide security. This was based on the understanding that eroding quality of state institutions would damage both EU membership ambitions and their competitiveness¹¹⁹.

Thus, the struggle continues for the establishment of a politically neutral civil service by reducing politicisation in order to create a new cast of administrators, who combine professional competency with political craft and are able to support executive cadres in the political and policy functions (Goetz, 1997). This is a difficult task, given a legacy of politicised personnel policy still playing an inhibitive role in drawing the line effectively between neutral civil servants and political staff in public service. In this context, the European Union, through the OECD/SIGMA, has tried to define that line and developed the so called "European principles of administration" to

¹¹⁹ This context is important to understand the nature of emerging civil service systems in the CEE countries; this is becoming increasingly relevant to CIS countries, as well.

push for de-politicisation of the public service in the candidate countries¹²⁰. Thus, the European Union was successful in pushing through major formal institutional instruments but it was much less successful in influencing the actual content of change and the implementation of new legislation (OECD/SIGMA, 2010).

Table 15: Regulatory Quality Index in the SE & CE European Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Albania	38.7	45.6	56.9	57.4	60.6
Bosnia & Herzegovina	31.4	34.8	49.8	50.7	49.5
Bulgaria	58.3	69.1	74.1	67.9	71.2
Croatia	52.9	65.2	69.9	66.0	65.9
Czech Republic	75.5	82.4	86.1	81.8	81.3
Estonia	80.5	88.7	90.0	90.4	93.3
FYR of Macedonia	47.1	48.5	59.3	61.2	67.3
Hungary	82.8	82.8	81.3	77.5	74.5
Latvia	77.5	77.0	80.4	80.4	84.6
Lithuania	77.9	78.4	79.4	84.2	87.0
Montenegro	-	51.0	50.7	53.6	55.8
Poland	76.5	72.1	79.9	80.9	81.7
Romania	47.6	58.8	73.7	69.4	71.6
Serbia	17.7	29.9	52.6	51.2	56.3
Slovakia	68.6	85.3	80.9	78.5	78.9
Slovenia	73.0	73.0	75.6	71.8	73.1

Source: *The World Bank: Worldwide Governance Indicators (2015)*

Nevertheless, legislation regulating employment conditions in the civil service has been adopted in virtually all countries. It appears that the initial flurry of law drafting and re-drafting has settled by now. The new generation of laws seems to fare better and ongoing discussion in South Eastern Europe gives reason to believe that this time a more permanent framework law for the civil service will remain in place.

In conclusion, civil service models adopted in the region have varied from country to country, especially on issues of civil service management, wage systems and top-level appointments and career administration (such variations are discussed further in the sub-section which follows). At the same time a number of similarities have also surfaced. The SE and CE European countries have developed civil service systems that, with few exceptions¹²¹, remain highly decentralised. Ministerial autonomy remains strong. Therefore, attempts to impose centrally managed systems have either failed or suffered from the gradual erosion of authority of the central management units. Similarly, central civil service management institutions have found it extremely difficult to take root in the ministry-based system of South Eastern and Central European countries. This is partially due to tradition but is also a reaction to centrally controlled personnel policies and practices under the previous regime.

¹²⁰ According to Meyer-Sahling (2009) these were: [i] civil service reform programmes; [ii] legal basis for the civil service; [iii] central structures for the management, coordination and control of civil service policy; [iv] system of open competition; [v] systems of standardised examinations and candidate selection; [vi] system for measuring the performance of senior civil service; [vii] system for the protection of employment in the civil service; [viii] system for training civil servants; [ix] system for the evaluation of civil servants; [x] system for the remuneration and general reward of civil servants; and [xi] system of rights and obligations. Civil service laws have been adopted in most of these countries, defining, inter alia, the position of public service, including civil servants and recruitment processes.

¹²¹ Ukraine and Poland have experimented with strong central agencies.

Even where there is strong political impetus to establish central agencies, countries have found it difficult to maintain their position or remit. Without stronger central management and monitoring systems, discrepancies in the interpretation or implementation of civil service laws continue to be a challenge inhibiting the growth of coherent and professional institutions.

In a similar vein, by usually reporting to the Office of the Prime Minister, civil service agencies have seldom been able to discharge their role successfully in the initiation, preparation and steady implementation of civil service reforms. One explanation for this has been lack of support and political networks in the institutional core of the administration. The prime ministers' political agendas are customarily filled with very urgent issues, competing for attention. As a result, prime ministers have tended not to pay heed to equally vital issues of civil service reform. Thus, civil service reform has been crowded out of the policy agendas. It is not surprising that civil service offices or agencies have been downsized (Slovakia, Poland and the FYR of Macedonia), or marginalised (Latvia), once international pressures had been relaxed (OECD/SIGMA, 2010).

i. Recruitment Systems

There has been growing reliance on open competition in recruitment. Advertising vacancies is mostly mandatory nowadays. Virtually all civil service laws, in the region, make open competition the default method for recruitment, even for top-level positions, in many instances. While this method is still used for entry-level positions, some states, e.g. Armenia and Slovakia, have abolished stipulations that all positions be filled by open competition. Nevertheless, the principle of open competition at both the entry-level and higher-level positions is well established by now¹²².

The problem that remains is oversight. The lack of strong central agencies still makes the process susceptible to subjectivity but establishing the principle is an important step forward. Remaining to be addressed is the issue of improving job descriptions. Moreover, job evaluation and classification should be developed further in many of the countries of the region.

ii. Grading & Remuneration Systems

Classical models remain the rule. Specifically, legislation underpinning all emerging civil service systems in SE and CE European states continues to be based on classical continental European principles, creating a "grid" of categories and classes of civil servants, with gradual advancement

Common Themes in Human Resources Management

There appear to be common threads related to human resources management:

- *The debilitating effects of prior Communist administrative structures on human resources management systems remain to some extent in all of the countries under study;*
- *Low compensation levels have deleterious effects in attracting and retaining well-qualified public servants and exacerbate corrupt activities in many of the countries under study;*
- *Influence of outside sources such as the World Bank and others may have only transient effects on actual administrative practice;*
- *The influence of the EU is a positive force for the modernisation and development of public human resources management systems.*

Condrey et al (2013)

¹²² In Slovakia, this proved unmanageable, because all recruitment became blocked; in Armenia both considerations of manageability and incentives played a role.

inside each category through a series of incremental steps. True, some interest has been shown in more liberal approaches, e.g. the Swedish “market value” model, with individual salaries based on market value assessments. Eventually, however, all civil service systems have drifted back towards a classical grid system. Though this may seem surprising – given the recent civil service experience in which rules and procedures did not count for much – it indicates a move to “bring order” into the system.

Remarkably, reform of wage systems has, in recent years, emerged as the single most important issue in civil service development throughout the region. The inopaqueness and subjectivity¹²³ has become a disincentive for young talented professionals to join or remain in the civil service. Assessments conducted in recent years have called for the need to develop wage systems based on such European principles as transparency, rewards tied to levels of responsibility or complexity of work and equal pay for equal work. Reforms have been initiated in many states but these have been incremental in nature and slow to be implemented, e.g. in Ukraine. More positive examples are offered in Lithuania, which has introduced a more transparent wage system based on job complexity (World Bank, 2004b). Latvia is another example, though the Latvian system has been adversely affected by the decision not to publicise the level and conditions for pay of performance bonuses to senior officials. This has generated strong suspicions among citizens.

iii. Performance Evaluation Systems

Performance appraisal and assessment have proved highly controversial in the egalitarian environment of post-transitional states. Differentiated pay based on appraisal is generally considered not culturally suited to systems in this region. A gradual move away from the old methods of evaluation and attestation has been completed and legislation has been adopted in most instances, providing a legal basis for performance appraisal. Apart from having provided some reservation by staff, introduction of performance evaluation systems have suffered from the lack of congruence between such evaluation systems and organisational objectives. Few countries, other than Latvia and Lithuania, that experimented with advanced strategic planning systems, since the late 1990s, have put in place systems for defining these priorities. Various other systems are being used for performance evaluation within the context of the European Union, among them the Common Assessment Framework widely adopted by several new Member States.

iv. Promotion & Career Development Systems

Gradual career development / salary increments based on “years of service” was a guiding principle in SE and CE European civil service systems. This principle of seniority is also present in most continental European career systems. However, in the context of large salary differentiations between the public and private sectors, the gradual career / growth principle creates strong disincentives for young staff to remain in the civil service. In turn, this has created lopsided civil service systems in which one finds a large number of young staff – who stay for 2 to 3 years to gain experience – and a large number of end-career officials. The most productive age group is least represented (World Bank, 2003a; 2004a).

¹²³ Some of the key characteristics of wage systems generally include: [i] rigid advancement in pay, tied mainly to years of service; [ii] a complex system of allowances and bonuses, in many instances making up to 65% or more of total pay; [iii] low base-pay used as a political smokescreen; and [iv] pay depends more on where one works than on what function one performs.

This raised the question of how career paths for well-performing or simply talented officials can be defined. One of the possible options would be consideration of “fast-track” career systems¹²⁴.

The introduction of this type of system was piloted in Slovakia in 2003. The Slovak pilot was highly successful when introduced, with an application rate of 30 candidates for each position but an evaluation of the system has not yet been conducted. Other initiatives are still in the design phase.

It is obvious that addressing the competitiveness gaps between public and private sectors is critical to building viable civil service systems. Of course, it is highly unlikely that wages in the civil service will catch up with those of the private sector. Introduction of some incremental or radical innovations in this regard will be one of the determining factors in the creation of professional civil service systems.

2.4 Conclusions

Civil service systems in the SE and CE Europe have been changing during the past decades. All have been subjected to major reforms. However, results in restructuring are still controversial. The jury is still out. There is still little hard evidence on outcomes clearly pointing to the success of these reforms. This is crucial, in the sense, that civil service systems are a major constituent part of the system of government and government depends to a great extent on the work of the civil service to deliver quality public services to citizens.

Civil service reform varies greatly from country to country. Manifestly, also, the tendency to align with formal – legal rules, rather than European standards in personnel policies and practices raises another question: what are the real forces behind the diverse trajectories, particularly regarding the role of the EU common administrative space, which played a pivotal role in civil service reform.

In sum, it may be argued that domestic conditions have been most influential among factors shaping reforms. Thus, further analysis is needed to identify the reasons that have shaped the variations and the diverse national reform pathways the SE and CE European country have followed over the past three decades.

3. South East Asia

3.1 Overview

A comparative analysis of civil service reform and development in the states of South East Asia demonstrates the vital importance of promoting careful study of and adaptation to successful policy cases in those countries. It needs to be remembered that most of them are members of the Association of South East Nations (ASEAN)¹²⁵. Such a study presents a challenge in the measure that South East Asia is very heterogeneous both in terms of economic, political and social

¹²⁴ This approach (cf. UK practice) places talented young staff, selected by competition, on a special career track that leads to faster advancement to more attractive positions.

¹²⁵ The Association of Southeast Asian Nations (ASEAN) is a political and economic organization of ten Southeast Asian nations. It was formed originally in 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since then, membership has expanded to include Brunei Darussalam, Cambodia, Lao PDR, Myanmar and Vietnam. The establishment of the ASEAN Economic Community (AEC) in 2015 is a major milestone in the regional economic integration agenda in ASEAN.

development and of cultural patterns, regime types and historical background. Administrative legacies differ accordingly. Some of the countries in question are endowed with ample natural resources and finances, while others are not. In terms of political structure, they vary considerably from presidential republics and parliamentary systems to monarchies or even authoritarian regimes. However, we may arguably discern some common settings and so to proceed with comparisons among these countries. This section will concentrate on comparing civil service systems and reform programmes in the ASEAN Member States.

The ASEAN countries share common characteristics which go far back far in time. Most of them have a relatively large population, rich cultures and traditions embedded in the modernisation process. They can be described as countries with contrasting futures. In total, the population of the ASEAN Member States is estimated to be over half a billion (2015). As can be seen below, in Table 16, Indonesia leads the group with a population of 260.58 million, while Lao PDR and Singapore have the smallest populations, with the exception of Brunei, i.e. 6.9 and 5.7 million respectively.

Table 16: Population of ASEAN Member Countries (in '000s)

Country	1995	2000	2005	2010	2014	2015
Brunei	0,295	0,330	0,370	0,393	0,423	0,428
Cambodia	10,694	12,197	13,320	14,363	15,577	15,827
Indonesia	196,957	211,540	226,254	241,613	257,563	260,581
Lao PDR	4,857	5,342	5,745	6,260	6,802	6,918
Malaysia	20,725	23,420	25,796	28,119	30,331	30,751
Myanmar	44,710	47,669	49,984	51,733	53,897	54,363
Philippines	69,835	77,932	86,141	93,038	100,699	102,250
Singapore	3,482	3,918	4,495	5,078	5,603	5,696
Thailand	59,266	62,693	65,863	66,692	67,959	68,146
Vietnam	75,198	80,285	84,203	88,357	93,447	94,444
Total	486,019	525,299	526,171	595,646	632,301	639,404

Source: *The World Factbook (2016)*

They furthermore exhibit similar characteristics in terms of the transformation process to bring democracy, good governance and reform in the public sector at large (Argyriades, 2013; Kim, 2010). The power-sharing system varies widely, as do political structures among the ASEAN Member States. The Philippines and Indonesia have a presidential system, whereas Brunei¹²⁶, Malaysia, Thailand and Cambodia follow monarchical patterns. In Brunei, the King acts as Prime Minister, taking centre stage in finance and defence. Governance follows closely Islamic values and laws (Jones, 2011). Lao PDR is a country led by a single party, the Lao People's Revolutionary Party. Similarly, Vietnam has a one party socialist system. Now, Myanmar has a unitary Presiden-

¹²⁶ In Brunei, the King acts as a Prime Minister, taking the centre in the state's affairs, finance and defence and the governing principle follows the monarchical principle with upholding the Islamic values and laws (Jones, 2011).

tial system and Htin Kyaw from the National League of Democracy as President. In March 2016, he took office from his predecessor Thein Sein. Htin Kyaw is the first elected civilian to hold office since the 1962 coup d' état¹²⁷.

This diversity observable in ASEAN countries provides some interesting perspectives in the study of their civil service systems. The economic progress they have experienced is mostly led by state-supported, strong-willed public sectors. The state has played a pivotal role in setting the development path and in creating a vision, as well as mobilising human and capital resources to support the development of these countries. For example, Singapore's government initiated and formed a statutory body to implement the government's strategy to promote economic development through planned reforms (Quah, 2011).

Real GDP growth in ASEAN Member States is projected to be moderating gradually. It will remain robust, however, during the 2014-2018 period is projected to average 5.4% per annum for this period (OECD & ASEAN Secretariat, 2014). However, the GDP growth projections for individual countries reflect their different stages of uneven development. With an average annual growth rate of 6% (2014-2018), Indonesia is projected to be one of the fastest growing economies in South East Asia. It is followed by the Philippines with 5.8%. Real GDP in Malaysia and Thailand is projected to grow by an average annual rate of 5.1% and 4.9% respectively, over the same period. Singapore's economy is projected to grow by 3.3% per annum for the next three years.

¹²⁷ Brunei is the only sovereign state completely on the island of Borneo. The rest of the island's territory is divided between the nations of Malaysia and Indonesia. Hassanal Bolkiah is the current Sultan and he is also the incumbent Prime Minister of the country. Brunei's legislative power is exercised by a non-elected legislative council, while Malaysia, Indonesia, Thailand, and Philippines have a two-house or bicameral system. For the rest of the ASEAN countries, the legislative power is concentrated in the National Assembly.

Cambodia is a constitutional monarchy with King Norodom Sihamoni. He was chosen by the Royal Throne Council, as head of state. The head of government is Hun Sen, who is currently the longest serving non-royal government leader in Southeast Asia. He has ruled Cambodia for more than two decades. He is also the President of the Cambodian People's Party (CPP) and has accumulated highly centralized power in Cambodia.

Indonesia is a republic with a presidential system. As a unitary state, it is highly centralised. Following the resignation of President Suharto in 1998, Indonesian political and governmental structures have undergone major reforms. Joko "Jokowi" Widodo is the current President of Indonesia, in office since 2014. He is the first Indonesian president not to have emerged from the country's political elite or the senior army ranks.

The Lao People's Democratic Republic adopted a new constitution in August 1991, establishing a unicameral National Assembly. The Lao PDR is a one-party socialist republic with an administration system highly influenced by political ideology (Kim, 2009; CIA, 2012). Only one political party, the Revolutionary People's Party of Lao PDR, is allowed to hold effective power. Over the years, however, efforts have been made to increase the capacity of its members, notably their legislative and representational skills.

Malaysia is a federal constitutional monarchy. It consists of thirteen states and three federal territories. The system of government is closely modelled on the Westminster parliamentary system, a legacy of British colonial rule. Executive power is vested in a Cabinet led by the Prime Minister. The cabinet is chosen from members of both houses of Parliament. Appointed in 2009, Najib Razak, is the sixth prime minister.

Myanmar became an independent nation in 1948, initially as a democratic nation and, in 1962, following a coup d' état, a military dictatorship. Myanmar held general elections in November 2015. These were the first openly contested elections held in Myanmar since 1990. The results gave the National League for Democracy (NLD) a majority of seats in both chambers of the national parliament, enough to ensure that its candidate would become president, while NLD leader Aung San Suu Kyi is constitutionally barred from the presidency. The new parliament convened in February of 2016 and in March of 2016, elected Htin Kyaw as the first non-military president of the country since the military coup of 1962.

Singapore is a parliamentary republic with a Westminster style unicameral parliamentary system. Singapore is a global commerce and transport hub. It ranks high on the governance scale for its national social policies, leading Asia. It is 11th globally on the Human Development Index (UNDP, 2015). The nation's core principles are meritocracy and multiculturalism. It is noted for effective and incorrupt governance and public administration which, together with its rapid development policies, is widely cited as the "Singapore model".

Thailand is currently governed by the National Council for Peace and Order (NCPO), that took power in the May 2014 coup d' état. It is a monarchy. The Prime Minister and head of the National Council for Peace and Order is Prayut Chan-o-cha (a retired Royal Thai Army officer), who controls prime ministerial positions. The new draft constitution grants the constitutional court final authority in times of crisis. However, there remain deep disagreements regarding how much power should rest with the democratically elected government.

The Philippines has a democratic government in the form of a constitutional republic with a presidential system approximating the US model. Beginning in 1986, the return of democracy and government reforms were hampered by national debt, government corruption, coup attempts, and a military conflict with Moro separatists.

Table 17: Real GDP Growth of South East Asia (annual percentage change)

Country	2012	2018	2014-2018
Brunei	1.0	2.4	2.3
Cambodia	7.2	7.1	6.8
Indonesia	6.2	6.1	6.0
Lao PDR	7.9	7.5	7.7
Malaysia	5.6	5.3	5.1
Myanmar	-	7.0	6.8
Philippines	6.8	5.9	5.8
Singapore	1.3	3.1	3.3
Thailand	6.5	5.3	4.9
Vietnam	5.2	6.0	5.4
Average of ASEAN	5.5	5.6	5.4

Source: OECD & ASEAN Secretariat (2014)

Between 2014 and 2018, real GDP growth in Cambodia and Myanmar is projected to average 7% approximately. As for Vietnam, while its real GDP is projected to remain robust in the medium term, growth will be slower than prior to the global financial crisis.

The outstanding performance of most of these countries is not restricted to the economic field. All have also shown substantial improvements in the human development index (HDI) ranking. Their scores compared with other countries is above average¹²⁸ (UNDP, 2015).

Table 18: Human Development Index in ASEAN Countries (2000-2014)

Country	2000	2010	2011	2012	2013	2014
Brunei	0.819	0.843	0.847	0.852	0.852	0.856
Cambodia	0.419	0.536	0.541	0.546	0.550	0.555
Indonesia	0.606	0.665	0.671	0.678	0.681	0.684
Lao PDR	0.462	0.539	0.552	0.562	0.570	0.575
Malaysia	0.723	0.769	0.772	0.774	0.777	0.779
Myanmar	0.425	0.520	0.524	0.528	0.531	0.536
Philippines	0.623	0.654	0.653	0.657	0.664	0.668
Singapore	0.819	0.897	0.903	0.905	0.909	0.912
Thailand	0.648	0.716	0.721	0.723	0.724	0.726
Vietnam	0.575	0.653	0.657	0.660	0.663	0.666
South Korea	0.821	0.886	0.891	0.893	0.895	0.898
South East Asia	0.503	0.586	0.596	0.599	0.603	0.607

Source: UNDP Human Development Report (2015)

Singapore shows the highest performance on this index, compared with other ASEAN countries scoring 0.912. This score puts Singapore among the leading countries in the world. Brunei and Malaysia follow with 0.856 and 0.779 respectively. In Thailand (0.726), Indonesia (0.684), Philip-

¹²⁸ Based on the Human Development Index, the United Nations Development Programme (UNDP) categorises all countries into four different tiers: very high human development; high human development; medium human development; and low human development. Among 10 ASEAN member countries Singapore has the highest level, followed by Brunei. Detailed evaluation results of the ASEAN member states are as follows: [i] very high human development: Singapore and Brunei; [ii] high human development: Malaysia and Thailand; [iii] medium human development: Indonesia, Philippines, Vietnam, Lao PDR and Cambodia; and [iv] low human development: Myanmar.

pires (0.668) and Vietnam (0.666), performance is also encouraging. By contrast, Myanmar has performed rather poorly, with a score of 0.536 only.

In terms of political influence, the public administration system of the ASEAN countries has followed a varied trajectory (Kim, 2009). Brunei's legislative power is exercised by a non-elected legislative council, while Malaysia, Indonesia, Thailand and Philippines have a two-house or bicameral system. For the rest of the ASEAN region, the legislative power is concentrated in the National Assembly. Vietnam has a National Assembly with elected officials. There is no separation of powers between the executive, legislative and judicial branches of government. The National Assembly has become more vocal and assertive in exercising its authority over law-making, in recent years especially, though it is still subject to Communist Party direction, with about 80% of its deputies, members of the Communist Party. Similarly, in Myanmar, many cabinet offices were held by former military officials, although the results of the recent elections allow for considerable change in this situation. Continuing the pattern, Lao People's Democratic Republic adopted a new constitution in August 1991, establishing a unicameral National Assembly with 115 elected members. This demonstrates the extent to which the administrative system is subject to influences emanating from the political superstructure (Kim, 2009).

3.2 Public Governance & Public Administration Reforms

Administrative systems, in the ASEAN countries, are still embedded in politics or influenced by the political system of each country¹²⁹. There is need for separation in order to create an administrative system, which practices the rule of law with equity and equality, offering equal access to services and it is unbiased by partisan considerations. While this may be the case, in some countries, the public administration systems of most ASEAN Member States have not escaped from strong political influences (CIA, 2012; Kim, 2009).

Table 19: Government Effectiveness Index in ASEAN Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Brunei	80.5	70.2	77.5	74.2	81.7
Cambodia	18.5	16.6	18.7	22.0	19.1
Indonesia	44.9	38.5	47.9	45.5	54.8
Lao PDR	20.5	10.2	20.1	24.4	39.4
Malaysia	82.4	83.9	82.8	81.8	83.7
Myanmar	8.3	3.4	2.4	4.8	8.7
Philippines	50.2	56.1	55.5	57.4	61.5
Singapore	100.0	99.0	100.0	99.5	100.0
Thailand	61.5	66.8	62.2	61.2	65.9
Vietnam	38.5	48.8	45.9	44.0	52.4
South Korea	76.1	82.4	84.7	82.3	86.5

Source: *The World Bank: Worldwide Governance Indicators (2015)*

As can be seen from the data in table 19, the ASEAN countries show different levels of performance on the government effectiveness index. Though government effectiveness is affected by such different factors as accountability and voice, control of corruption and wealth and income (Brewer, Yujin and Walker, 2007); it is also closely related to the reform programmes that a country

¹²⁹ Administration is different from politics in the way that public administration is the detailed and systematic execution of public law and every particular application of general law is an act of administration (Wilson, 1887).

implements in civil service or public management and the responsiveness of political leaders to these reforms. Overall, Singapore is leading all ASEAN countries in terms of government effectiveness, control of corruption and rule of law. Malaysia and Brunei also perform relatively well, on all these three indicators. By contrast, Myanmar has performed rather poorly across all indicators.

However, the current country performance on this governance index is the result of reforms (North, 1990: 6-7). Consequently, looking at the current performance of these countries through the indices of government effectiveness, control of corruption and rule of law, we are able to discern what progress has been made and which reforms have shown the best results.

Next to Singapore, the leading spots in the scores are held by Brunei, Thailand and Malaysia. In terms of reform goals, Singapore has concentrated on curbing corruption and raising government effectiveness (Quah, 2011). Its efforts have paid off, since the country's control of corruption index shows a higher score compared with most of the OECD countries. Similarly, Brunei's drive to improve civil servants' performance, using a performance-based management appraisal system (Jones, 2011) has shown an increase of the score in the control of corruption but a decrease in the government effectiveness indicator. Conversely, although Cambodia has introduced both an anti-corruption law and a modern legal framework to support the rule of law, these have resulted to increased government effectiveness but a decrease in the control of corruption and the rule of law (Hongly & Benicy, 2011). The level of corruption in Cambodia exceeds that of many other countries. Despite adopting an anti-corruption law in 2010, corruption prevails¹³⁰. In sum, it remains one of the biggest challenges in the ASEAN region, as seven of these countries perform well below average posting a negative rate, over the past fifteen years.

Table 20: Control of Corruption Index in ASEAN Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Brunei	68.8	62.4	79.5	74.2	71.6
Cambodia	21.5	10.2	6.7	16.3	12.5
Indonesia	19.0	20.5	25.2	31.1	34.1
Lao PDR	24.9	6.8	8.1	20.1	25.0
Malaysia	65.9	62.9	62.9	68.4	68.3
Myanmar	4.4	1.0	0.5	12.4	17.3
Philippines	40.0	34.6	22.4	43.5	39.9
Singapore	96.6	98.1	98.6	96.7	97.1
Thailand	55.1	53.7	48.1	49.3	42.3
Vietnam	31.7	24.9	31.4	36.4	37.5
South Korea	64.9	70.7	69.1	70.3	69.7

Source: The World Bank: *Worldwide Governance Indicators* (2015)

In South East Asia, corruption dominates the debate. Still, there has been no significant improvement except in Singapore. Anti-corruption legislation is on the books everywhere but corruption remains an overarching challenge across the Asian region. There is general agreement that governments must tackle political corruption and reform the financial sector. However, this cannot happen until laws and regulations are put into action effectively. Laws must have real teeth (TI, 2015). In terms of rule of law, the World Bank Index shows that there are variations in achievement and success. Singapore, Brunei, Malaysia and Indonesia demonstrate progress while the rest of the region, invariably, shows regression.

¹³⁰ Cambodia was ranked 150 out of 168 countries / territories surveyed in Transparency International's 2015 Corruption Perception Index (TI, 2015).

The Cambodian reform programme is included in the National Programme to Rehabilitate and Develop Cambodia (Hongly & Benicy, 2011). This programme includes restructuring of the economy, reforming the state institutions, developing the rural economy, among other tasks. The Governance Action Plan was introduced to pursue good governance, which, *inter alia*, includes decentralisation and local governance, administrative and public finance reform. In addition, in 2008, the Government updated the Rectangular Strategy for Growth including administrative reform, legal and judicial reform, decentralisation and de-concentration, economic and financial reform, social development, gender equity and land reform¹³¹. These reforms have brought about changes to all the ministries.

Cambodia has experienced many challenges in recent decades. It has witnessed profound transformations in many facets of its society. Previously known for “killing fields”, it has now been transformed into a popular tourist destination of South East Asia. Cambodia is also moving forward from low-income to lower-middle income status, within the very near future.

Public sector reform has played a central role in bringing about changes in the public sector of Indonesia. Similar to the other member countries, Indonesia introduced anti-corruption strategies and e-government to modernise the public sector¹³². Reorganising local government - using decentralisation and de-concentration - has marked a change in the power balance between central and local government (Prasojo, 2011). Performance-based budgeting (PBB) was introduced to the public finance management, with the aim to combine the process of planning with that of budgeting and thus to harmonise outputs, outcomes and the impact of each item of public expenditure. It is generally perceived that Indonesia’s civil service is underpaid. Studies undertaken by the World Bank since the early 1980s, often recorded the widespread perception among civil servants that they do not receive a living wage. More recently, however, this situation has changed; the average civil servant could no longer be considered as underpaid, compared to Indonesia’s private sector. Additionally, Indonesia has introduced reforms to public service recruitment, transparency and accountability. Although, reforms have brought about some changes to the public sector, the country still faces major challenges.

Table 21: Rule of Law Index in ASEAN Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Brunei	63.6	58.9	73.9	69.2	70.2
Cambodia	18.7	11.0	12.8	16.1	17.3
Indonesia	28.7	25.4	31.8	36.5	41.8
Lao PDR	20.6	13.4	19.4	25.6	26.9
Malaysia	60.8	65.6	65.9	64.9	75.0
Myanmar	9.6	2.4	2.8	10.9	8.7
Philippines	38.3	42.1	33.7	41.7	43.3
Singapore	87.6	95.7	92.9	95.3	95.2
Thailand	65.1	55.0	49.3	51.7	51.4
Vietnam	41.6	45.9	34.6	39.3	44.7
South Korea	73.7	70.5	81.5	78.7	80.8

Source: The World Bank: *Worldwide Governance Indicators (2015)*

¹³¹ The Rectangular Strategy is set out to guide the implementation of the agenda of the Cambodian Government and it selects key elements from the Development Goals, the Cambodia Socio-Economic Development Programme, the Cambodian National Poverty Reduction Strategy and the various policies, strategies, plans and other important reform programmes.

¹³² Indonesia was ranked 88 out of 168 countries / territories surveyed in Transparency International’s 2015 Corruption Perception Index (TI, 2015).

Brunei's public sector reform has included the adoption of strategic planning by government ministries, together with great emphasis on customer service and implementation of e-government (Jones, 2011). The strategic plan indicates the long-term goals, overall purpose and specific roles of each ministry. This aligns it with the national vision or Citizens' Charter as outlined in successive National Development Plans. The introduction of Client Charters allows the public to have clearer guidelines on the services, which they receive, by considering the needs of individuals. They have also implemented more effective bureaucratic procedures in order to minimise the red tape that business investors have encountered.

According to Transparency International (TI), Lao PDR remains one of the most corrupt countries in the world¹³³. Lao PDR is at a point on its development trajectory, where strategic attention to administrative performance is crucial. An efficient and highly performing civil service, with such a compensation and human resources management as to attract and motivate qualified personnel, are essential to the country's continuous development. In Lao PDR, public sector reform was included in the Governance and Public Administration Reform Programme, which is led by a high-level committee (Viphongxay & Balakrishnan, 2011). This reform aimed at improving public administrative includes: [a] financial management reforms; [b] personnel management reforms; [c] central government reforms; [d] local government reforms; [e] public sector legal reforms; and [f] other reforms related to the role of the state.

Table 22: Regulatory Quality Index in ASEAN Countries (2000-2014)

Country	2000	2005	2010	2013	2014
Brunei	80.9	76.0	82.8	82.3	79.8
Cambodia	43.1	35.3	35.9	39.2	37.0
Indonesia	41.7	31.4	37.3	46.4	49.0
Lao PDR	6.9	9.3	17.2	22.5	21.2
Malaysia	68.1	68.6	70.8	72.7	76.0
Myanmar	2.9	1.5	1.0	5.3	6.3
Philippines	56.9	51.5	45.0	51.7	51.9
Singapore	100.0	99.5	98.1	100.0	100.0
Thailand	67.2	64.7	56.5	57.9	62.0
Vietnam	22.1	28.4	28.2	20.5	30.3
South Korea	70.1	72.6	79.0	79.9	83.7

Source: *The World Bank: Worldwide Governance Indicators (2015)*

Since the launch of the Malaysian Incorporated Policy in 1983 and the subsequent enunciation of the Vision 2020 in 1991, various initiatives have been introduced in the Malaysian civil service with a view to providing the foundation for successful implementation and realisation of the long-term national economic development goals. The focus of administrative reform has been on enhancing efficiency, effectiveness and transparency of public sector outputs and services in order to meet citizens' and stakeholders' requirements¹³⁴. Accordingly, Malaysia introduced a reform programme intended to bring transparency and accountability to the public sector, in 2003. In order to develop the nation, the Government of Malaysia has been working hard, clearly stating its role and improving public sector efficiency.

¹³³ Lao PDR was ranked 139 out of 168 countries / territories surveyed in Transparency International's 2015 Corruption Perception Index (TI, 2015).

¹³⁴ Malaysia was ranked 54 out of 168 countries / territories surveyed in Transparency International's 2015 Corruption Perceptions Index (TI, 2015).

The “*Look Policy*”, which is designed to bring closer cooperation and coordination between the government and the private sector, has resulted in a privatization programme (Abdullah, 2011). The basic idea is that the government is the provider of an enabling environment and that the private sector must become the engine of growth for the nation. In addition, the government introduced ICT and E-Government, as well as the Government Transformation Programme (GTP). To anticipate the challenges introduced by globalisation and economic liberalisation, the civil service needs to be more efficient and effective. One way to acquire such expertise is by providing better education and training programmes to Malaysian officials, regardless of race, religion or ethnicity (Tjiproherijanto, 2012).

While other member countries concentrate on the modernization of their public sector, Myanmar has adopted a market-oriented system in order to impact the economy, as well as its government structure (Lwin, 2010). The public sector is considered as a supportive mechanism for economic development; it must create an environment conducive to growth. To fulfil this role, the State Law and Order Restoration Council (SLOT) has introduced an economic reform programme, which encompasses sectoral reforms for agriculture, livestock and fishery, forestry, mining, energy, processing and manufacturing, as well as for the development of monetary and fiscal policies. Such social sectors as education and health have also passed through changes with a view to creating capable individuals.

The civil service of the Philippines has faced tough challenges, primarily on account of globalisation, the growing trend towards civil society and private sector participation in the management of state affairs, as well as a paradigm shift in the government’s role from command and control to facilitation and flexibility. A decentralization reform programme aimed at enabling local governments to develop as self-reliant communities. The “*Republic Act (RA) 7160 reform programme*” delegates responsibility to local government for running local communities (Brillanes & Flores, 2011). Creating capacity has been as important as decentralization with a view to enabling them to perform their tasks efficiently.

The reform programme has also included public finance and regulatory reform. Increasingly, stakeholders realise and accept that the Government cannot fulfil its mandate, if it operates in isolation. A positive step in the direction of strengthening existing institutions will enhance cooperation within the public sector, between the government agencies and civil society and between government agencies and the private sector. In this context, institutional reform requires capacity-building strategies to mainstream good governance, not just as an end in itself but also as an instrument for improving the performance of public service delivery.

In Singapore the public reform programme has been distinct from others in that it has concentrated on specific areas of need (Quah, 2011). Corruption in Singapore is generally perceived as low¹³⁵. Cases are mostly handled by the Singapore Corrupt Practices Investigation Bureau (CPIB)¹³⁶. The “*Prevention of Corruption*” Act of Singapore provides extensive powers to CPIB to investigate corruption. These include: [i] the power to investigate not just the suspect but also the suspect’s family or agents and to examine their financial and other records; [ii] the power to

¹³⁵ Singapore was ranked 8 out of 168 countries / territories surveyed in Transparency International’s 2015 Corruption Perception Index (TI, 2015).

¹³⁶ The CPIB, an independent agency, is responsible for the investigation and prevention of corruption in Singapore. It is the world’s oldest anti-corruption agency established in 1952 by the British Colonial Government – <https://www.cpi.gov.sg>. Incorporated within the Prime Minister’s Office, the Bureau is headed by a Director, who reports directly to the Prime Minister and it is independent from the Singapore Police Force and other government agencies to prevail any undue interference.

require the attendance of witnesses for interview; and [iii] the power to investigate any other offence, which may be disclosed in the course of any investigation.

Current reforms intend to provide solutions to specific policy problems. Singapore has been facing housing and unemployment challenges. To cope with these, it has established the Housing and Development Board (HDB) and the Economic Development Board (EDB) with a view to providing low-cost housing and attracting foreign investment in order to create jobs. Moreover, by creating the Educational Service Commission and Police and Defence Service Commission (DSC), Singapore has managed to decrease the workload of such offices as the Public Service Commission.

The regime shift in Thailand has been a major reason for the introduction of public sector reforms. The reform programme is addressed under public sector development, which is aimed at increasing bureaucratic efficiency and effectiveness in the government structures and policies. To accomplish this, the Thai government devised and implemented a Strategic Plan on Public Sector Development. This incorporates different modern management tools (Pathranarakul, 2011). In responding to changes in the global environment, the Thai Government has internalised the importance of public sector reform in order to raise the country's competitive edge and ability to make the necessary changes. The Government is pushing for a new round of public sector reforms. The current Prime Minister Prayut Chan-o-cha has proposed a set of five principles for enhancing the administration of the public sector.

The five principles seek to reduce procedures, shorten service delivery lead time, facilitate access to services, adopt information technologies for maximum use and encourage officials to be service-minded (Thai Public Relations Department, 2014). The current reform programme includes results-based management, looking at performance targets, effectiveness and value-for-money administration, elimination of unnecessary work steps, review of mission targets to meet changing situations and priorities and regular evaluation. In order to ensure a high quality of public service for business operations, the Government has pushed government agencies to shorten service delivery time, streamline processes, reduce the burden of costs and improve the business climate.

Vietnam is in the process of fundamental restructuring and change. This has been prompted by the intervening shift from a command economy to adoption of a strategy of "*doi moi*" (renovation)¹³⁷. In so doing, the Vietnamese Government has embarked on a substantial public administration reform programme. In response to the commitment demonstrated by the Government, such donor agencies as the United Nations Development Programme (UNDP) and the Asian Development Bank (ADB) have targeted assistance on helping central agencies to design an implementation strategy and put it into practice.

Vietnam's reform efforts are also conducted through a continuous wave of measures. Basically, they revolve around the Public Administration Reform (PAR) Master Plan for 2001-2010 with the overall aim of creating a democratic, professionally competent and effective and efficient public administration system, which operates in line with the principles of a socialist rule-of-law state. Through this, the country has managed to execute the "*One-Stop-Shop*" (OSS) innovative reform programme aimed at providing citizens with a centralized administrative service in ac-

¹³⁷ Doi Moi (renovation) is the name given to the economic reforms initiated in Vietnam in 1986. Doi Moi reforms led to the development of what is now referred to as a Socialist-oriented market economy. Such economic liberalisation transformed a stagnant peasant economy into a market-driven and capitalist economic system.

quiring needed documents. In a second wave of reforms, the country has embarked on a plan to simplify administrative procedures. The country has also managed to make progress, although, some people suggest that this, in turn, has created more sub-procedures with little change, or improvement in efficiency, as a result (Acuna-Alfaro & Huyen, 2011).

3.3 Civil Service Systems & Reforms

i. Size & Structure

Civil servants are major actors in service delivery and policy implementation. The number of civil servants not only indicates the service coverage but also the power structure of the country. Vietnam (0.5%) has the lowest percentage of civil servants in relation to its total population; Brunei has the highest (11.5%). Indonesia, the Philippines, Cambodia, Myanmar and Lao PDR, all have fewer than 2%.

Many ASEAN countries have remarkable gender mainstreaming with percentages of 40% or more of females. The exceptions are Vietnam and Cambodia. The Association of Southeast Asian Nations (ASEAN) has maintained its support to promoting the status of women and it actively participates in the regional and international arena with activities pertaining to the advancement of women. The ASEAN Committee on Women (ACW) has organized numerous regional workshops, seminars, training sessions and consultative meetings. These have provided venues for government officials, civil society organizations, professionals and other stakeholders to exchange views, share experiences, build commitment and develop a common understanding of various gender issues.

Among ASEAN member countries, the Philippines is one of the best-performing in reducing the gender gap (World Economic Forum, 2014)¹³⁸. The Philippines is the only country in the region ranking within the global top 10 for economic participation and wage equality. It has the highest percentage of firms with female participation in ownership (69%). Singapore ranks 18th globally for equality in economic participation and opportunity. It is the country with the lowest total fertility rate. The Lao PDR ranks fifth in the world for equality of labour force participation and is 13th globally for equality of opportunity and participation in the economy. Thailand has narrowed its gender gap on measures of health and survival, ranking fourth in the world for perceived equality of wages. Vietnam has the second-lowest ranking overall for balanced gender ratio at birth, though this is partially offset by women having a healthy life expectancy (World Economic Forum, 2014).

ii. Recruitment Systems

A necessary prerequisite to join the civil service, in most of the ASEAN countries, is an entrance and qualification examination. In some cases, the hiring ministry is the responsible body to conduct the examination and interview. Indonesia, the Philippines and Myanmar have an entrance examination with two or more steps based on a written examination and an interview. Brunei, Malaysia, Thailand and Cambodia also have an entrance examination, while Lao PDR and Vietnam hold an examination based upon the needs of their respective ministries. In almost all the countries, entering the civil service begins with a probationary period, which may last from three

¹³⁸ The World Economic Forum (WEF) quantifies the magnitude of gender-based disparities and tracks their progress over time and its report ranks 142 countries on their ability to close the gender gap – making sure women are not held back – in four fundamental areas: economic participation and opportunity, education, health and survival and political empowerment, <http://reports.weforum.org/global-gender-gap-report-2014/>.

months to one year. In South Korea, public officials are recruited through open competition examinations. The recruitment examination aims at securing a wide variety of talented people with potential and at the same time ensuring equal opportunity for every citizen in applying for a government job, regardless of age, gender, education or work experience.

iii. Grading & Remuneration Systems

The civil service grading system is similar in all the ASEAN countries. Nearly all countries have a civil service grade structure ranging from 33 salary grades in the Philippines to four broad categories in Cambodia. However, they follow different grading patterns. Some have distinct grading structures, based on professional specialisation and the type of work, while others have one extensive category for all civil servants¹³⁹ but, at the same time, all adopt a general structure where higher grades are assigned to heads of departments or higher officials and lower grades to clerical and operating staff. The grading value also varies for each country. Brunei assigns grade one for higher officials, while Lao PDR, Myanmar, the Philippines and Indonesia assign grade one as the lowest grade (Kim, 2009; 2010).

The Korean civil service remuneration system is composed of a base salary, allowances and benefits. The base salary is a standard amount paid according to grade and pay step, as well as the degree of responsibility, difficulty of the position and length of service. The base salary accounts for approximately two thirds of the total monthly compensation. Allowances are additional remuneration that is paid separately according to the position and living conditions of individuals¹⁴⁰. Benefits include compensation for meal, household support, commutation, traditional holidays, job support and non-vacation payment (Kim, 2003).

iv. Performance Evaluation Systems

There is a performance evaluation system in almost all the ASEAN countries. It focuses on individual performance, as well as collective performance, which has become a factor in job promotions for some countries. Performance evaluation could be annual or biennial, as is the case in Cambodia. In this case, evaluation is conducted based on an appraisal questionnaire and a competencies assessment, using lists of performance indicators. The Inspection Department handles the performance evaluation.

There are two levels of performance management in the Korean civil service. Organisational-level performance and individual-level performance. For organisational performance, each agency's overall performance is evaluated in terms of major policy execution, financial results and other key areas, e.g. personnel, organisation and e-government penetration¹⁴¹. Organisational performance assessment is handled by the Office of the Prime Minister in cooperation with several agencies in the areas of finance, personnel, organisation, auditing and e-government. On the individual level, three different approaches are used: [a] a performance agreement system for those who are in Grade 4 (director level) or higher; [b] a performance appraisal system for those who are in Grade 5 or lower; and [c] a 360-degree feedback as a supplementary evaluation method for all levels of personnel. Individual-level performance assessment is executed by the personnel department in each agency.

¹³⁹ Brunei, 5 grades; Myanmar, 12 grades; Korea, 9 grades; and Lao PDR, 6 grades.

¹⁴⁰ Allowances abound in the Korean civil service: [i] diligence, performance and for acting posts allowances; [ii] family support, dependents' education, housing, parental leave allowances; [iii] allowances for serving on islands, remote areas or overseas; [iv] hardship post, high risk, special task allowances; and [v] extra work allowances, e.g. overtime, midnight work, holiday work and extra managerial allowances.

¹⁴¹ A major tool used for organisational performance measurement is the Balanced Scorecard along some other approaches.

v. Promotion & Career Development Systems

The majority of the promotion systems in place take into consideration the performance appraisal, qualifications, seniority and examination results. For Indonesia and Malaysia, promotion to a higher position mostly depends on the previous annual performance appraisal but experience (measured by seniority), training and qualifications of individuals are also taken into consideration. In Thailand, the Philippines, Cambodia and Myanmar, promotion is considered on the basis of annual performance appraisal results, while in Vietnam and Lao PDR, it is effected through an examination or review. Promotion in Brunei is based on merit; it is guided by the General Orders and it is implemented by the Public Service Commission.

In South Korea, promotion to a higher grade is determined by the Promotion Review Committee, whose role is to select candidates based on performance, skills, specialisation, career history and evaluations. The number of candidates who are included in the applicants' pool is usually 2 to 3 times higher than the number of vacant positions¹⁴².

3.4 Major Civil Service Reforms in ASEAN Countries

Civil service reform is an action, which is deliberately designed to improve the performance of civil servants, though this is not the end. A more immediate purpose is to improve efficiency and effectiveness, professionalism and quality in public service delivery thus improving the life and wellness of the citizens (Satish, 2014). The past several years have elicited drastic changes within the civil service through the introduction of measures aimed at creating an effective service delivery system in almost all ASEAN Member States. Reforms range from the revision of existing and introduction of new pay scales to modernizing the civil service system through the introduction of information technology or e-government. Most reforms are the result of frequent reviews of the existing operating and administrative systems, processes and procedures. Even though this has brought change in most of the ASEAN countries, establishing consensus on the outcome of reforms and their spill-over impact remains a difficult task.

Brunei and Lao PDR have introduced strategic management and quality of service delivery through human resources development. This has also included strengthening performance appraisal systems. Providing adequate training to ensure effectiveness of the civil service and to create professional and technical skills also received attention in the Brunei civil service reform (Jones, 2010). Along with Malaysia, all three countries have significantly improved their systems through the introduction of e-government and ICT into the civil service system. E-government implementation in those countries concentrates very largely on infrastructure and expansion of facilities, i.e. provision of data centres, hardware and software. This expansion was supported by launching the e-government strategic plan and the e-government national centre. They have facilitated the implementation of a strategic plan in Brunei with an on-line system for information dissemination and transactions¹⁴³ with the public and private sectors. In addition, a strong public-private partnership has been created in the areas of oil and gas exploration, petrochemicals and agriculture. Corruption prevention education with a Client's Charter is also among the achievements of these reform efforts.

¹⁴² A civil servant who has contributed an exemplary service in terms of integrity, performance and policy development, or a civil servant who is due for voluntary retirement and has rendered a distinguished service is eligible for special promotion.

¹⁴³ According to the United Nations (2012) e-government ranking, Brunei is among the fastest rising countries in the entire ASEAN group.

A process of economic liberalisation and reform has been underway in Lao PDR. This process was designed to modify the socialist command economy through a transitional phase that would progressively facilitate the play of market forces internally and encourage foreign direct investment. Assistance to this process has been provided by the World Bank, the Asian Development Bank and other donor organisations in the form of information, help in drafting new laws and financial support. Lao PDR reforms have helped improve service quality, with a greater emphasis on human resources management and development. In order to support this, a human resources training and development framework were prepared, a civil service code of conduct drafted and a training centre established (Viphongxay & Balakrishnan, 2010). In addition to this, incentives for civil servants' work in remote and hardship areas were approved, citizens' report cards introduced and a capacity assessment completed. Lao PDR leaders are intent on bringing about improvements in the living conditions of their people and developing the economy. The rapid economic development of neighbouring countries serves as a prompter and model pointing in this direction. These are strong incentives to pursue further economic reform, though not at the cost of surrendering the primacy of the Party.

Creating good governance has been the main objective of reforms in Indonesia¹⁴⁴. Bureaucratic reform is also a key priority of the National Mid-Term Development Plan (RPJMN) 2009-2014. Achieving targets for several indicators – anti-corruption, public service integrity, ease of doing business, government effectiveness and accountable government organisation – will enable Indonesia to offer “value added” to the public, attract more foreign capital, create more jobs and minimise corruption.

Introduction of a basic law for regulating civil service administration has provided a strong legal basis. The country has been able to foster the development of a neutral and professional civil service in a decentralised system. A remuneration system, ethics control, managing conflicts of interest, financial management and performance-based appointments in the Ministry of Finance have also been introduced in the country. Though there is no comprehensive evaluation related to the results of the reforms, a result has been the implementation of a pilot project of remuneration, which has been introduced in five ministries and it has made positive changes in the civil service (Prasojo, 2010).

In Thailand, a power distribution was introduced together with transfer of duties and responsibilities from the central to local administration through the improvement and amendment of the legal framework for civil service reform¹⁴⁵. This resulted in the establishment of a strategic plan for civil service development in accordance with the Civil Service Act 2008, the revision of the roles and mission for increasing the efficiency of the public sector, development of guidelines for professional ethics covering 131 government agencies and development of civil servants' competencies through trainings, seminars and workshops for middle and senior level officers.

Recruitment and selection in the Thai civil service is geared toward decentralisation of the recruitment tasks to government departments. Given the newly developed system, characterised by a recruitment code and agreement, competencies-based selection, diverse recruitment methods and assessment tools, adoption of information technologies and concrete monitoring system, departments shall enjoy the benefits from selecting the best person for a job, due to more

¹⁴⁴ [Indonesian] Ministry of Administrative Reform and Bureaucratic Reform (abbreviated PAN Kemeneg), is the Ministry in charge of government affairs of Indonesia, i.e. the state apparatus and bureaucracy reform. The Minister for PAN assists the President in formulating policies and coordinating their implementation, managing property and assets of the State, supervising efforts for poverty eradication and providing suggestions related to the PAN and bureaucratic reform.

¹⁴⁵ The Office of the Civil Service Commission (OCSC) is defined by the Civil Service Act, which spells out the responsibilities assigned to the Commission for ensuring the appointment of officials to the Civil Service under the jurisdiction without prejudice to race, religion, or origin.

flexible recruitment guidelines¹⁴⁶. Moreover, resolving corruption, as well as enhancing ethics and governance in the public sector were also included in the reform.

With the new Administrative Code of 1987, the Civil Service Commission (CSC) of the Philippines is constitutionally mandated to promote the morale, efficiency, integrity, responsiveness, responsibility and courtesy of the Filipino officials. Achieving operational efficiency with the introduction of an operational performance indicators framework, a sectoral efficiency and effectiveness review, a new government accounting system, rationalisation and reorganisation of the bureaucracy, professionalization of the Career Executive Service (CES) and anti-corruption strategies were the epicentre of civil service reform in the Philippines. The aim of the reform has been to improve public service performance, integrity, morality and the overall development of the civil service.

The major achievements of the reforms are the Salary Standardisation Law III, a citizen's charter, the establishment of a public assistance and complaints desk and issuance of different orders directing a strategic review of the operations and organisations of the executive branches and of the Department of Interior and Local Government to conduct strategic reviews. Citizens' engagement and use of ICT are also some of the additional results of the reforms (Pathranarakul, 2010). Over the years, political neutrality has been challenged in the Philippines. Civil servants are required to act, in the course of their duties, in a politically neutral manner. This means to act impartially and commit to implement the government's policies to the full extent. In fact, civil servants are mandated by law to uphold political neutrality in the conduct of their official duties even during elections. This provision, however, does not preclude a civil servant from expressing his or her views on current political issues or from mentioning the names of the candidates whom he or she supports. A clause to this effect is in the Administrative Code of 1987¹⁴⁷.

The Cambodian Government has established the Council for Administrative Reform (CAR) to guide and to spearhead administrative reform efforts. Working under the general direction of the Supreme Council of State Reform, chaired by the Prime Minister, the Council's primary mission is to act as catalyst, coordinator and facilitator. The Council for Administrative Reform has undertaken an ambitious programme including the completion of the Policy Framework and the deployment of innovative instruments to enhance performance and accountability. In the same vein, Cambodia initiated a national public administration reform programme, in 2004. It incorporates areas of quality service delivery, pay and employment, capacity development and ICT. It further offers higher rates of remuneration to civil servants, with a view to helping change their attitude and work behaviour from administrators to that of service providers (Netra & Bandeth, 2010). This has led to the introduction of different incentive packages for different grades or posts, like the "AA" scheme for senior officials, "Priority Mission Groups" monthly allowances, risk allowances, mobility allowances and family allowances. Moreover, computerised systems, were introduced along with the issuance of identification cards, as well as the removal of irregular cases from payroll after the civil service census was completed in 1995.

The public administration reform programme in Vietnam was officially launched in January 1995. It focused on reforming administrative procedures and institutions, the government machinery and the development of training programmes for civil servants. Although public administration reform is a complex, conflict-ridden process in Vietnam, the Law on Public Officials and Civil Servants was enacted on 13 November 2008 by the National Assembly. In a sense, this new law

¹⁴⁶ More detailed information may be found at <http://www.ocse.go.th/ocsc/en>

¹⁴⁷ On 26 March 2016, the Filipino Civil Service Commission Chairperson Alicia de la Rosa-Bala said that "No officer or employee in the civil service, as well as any member of the military, shall engage, directly or indirectly, in any electioneering or partisan political activity, except to vote". For more information, see <http://www.csc.gov.ph>.

replaces the ordinance. This is one of the most significant developments accomplished after the 1998 Ordinance on Public Officials and Civil Servants, which together with a series of by-laws aimed at building a civil service system equipped with well-qualified, professionally capable and competent public officials (Acuna-Alfaro & Huyen, 2010). The new law applies to the civil service sector. It excludes such public service delivery sectors as state run professional institutions and state run public services. The law includes merit-based and position-based elements together with the career-based system.

The next step is a systematic review of capacities required to develop reform programmes, coordinate implementation and monitor results. The review will need to identify how capacity can be established and supported, who will be responsible, when it will be done and what resources are needed for the purpose. The effort should be closely monitored and coordinated with other aspects of public administration reform in the country, including institutional, organisational and public finance, as well as the fight against corruption.

Myanmar has slowly opened to democratic and economic reforms. Its bureaucracy, which is the chosen agent of reform, faces the difficult task of reforming present structures for optimum delivery of these reforms. Deep changes are required in transforming present structures into a development agent. Capacity building is required for effective implementation. Recent civil service reform in Myanmar has resulted in increased pay scales for public servants, as well as in introduction of various training schemes aimed at raising capacity (Prakash, 2013). Some of these training programmes target mid-level officers. A Train-the-Trainers programme and the establishment of an ASEAN resource centre for training trainers in Myanmar have also been accomplished (Lwin, 2010). Additionally, the Government encouraged outstanding performance by awarding medals showcasing productivity and quality improvement. Transition of Myanmar from military rule to democracy is far from complete and success to date is fragile. Compared to the chronic inertia produced by isolation during the previous half-century, there has been remarkable progress since 2011. However, many more efforts will be required in order to consolidate democracy, improve governance and promote stability.

The Korean Government has introduced several reform initiatives to restructure the traditionally closed civil service system to make it more open, competitive and performance-based (Kim, 2000; 2002). The central personnel authority, in collaboration with the Office of the President played a critical role in advancing those reform initiatives. The Administration announced that government departments must open some of their top-level positions to greater competition and must exchange personnel in core positions across departments to promote collaboration and a more transparent administration. Administrative reforms related to competitive open recruitment of senior officials have been pushed the hardest by the Korean Government.

The Singapore Civil Service is widely regarded as one of the most efficient and non-corrupt bureaucracies *in the world*. It has high standards of discipline and accountability. The Public Service Division (PSD) works with all employers in the Singapore Civil Service to help attract, retain, develop and motivate public officers in achieving the nation's vision and mission. The Public Service employs 141,000 officers at present¹⁴⁸. The Singapore Government has re-evaluated the recruitment system and implemented promotion functions based on a merit principle. Rapid progress notwithstanding, fighting corruption has been a major issue in civil service reform. Adoption and revision of the Shell system of Performance Appraisal has led to the evaluation of civil servants' performance in terms of their levels of efficiency and effectiveness. The Civil

¹⁴⁸ <http://psd.gov.sg>

Service College offers a broad range of relevant training programmes and services. Its mission avowedly is to develop officers for a “first-class” Public Service¹⁴⁹.

In Singapore, at the inception stage of reform, a major problem was the mind-set of public servants. Due to a protracted colonial period, they were said to display a “colonial” mentality. In order to remedy this, the Government established the Political Study Centre (PSC) with the purpose of orienting senior civil servants to their new role in government and thus ensure that civil servants performed their duties and responsibilities effectively (Quah, 2010).

¹⁴⁹ The Civil Service College was inaugurated as a statutory board under the Public Service Division, in the Prime Minister’s Office in October 2001. As the public sector’s core institution for training, learning, research and staff development, the College provides officers from across the Public Service with opportunities to: [i] learn and share knowledge; [ii] network, dialogue and exchange views; and [iii] develop a service-wide ethos and shared perspectives. For more detailed information, see: <https://www.ccollege.gov.sg>.

Table 23: Civil Service Systems in ASEAN Member Countries at a Glance

Category	Brunei	Malaysia	Indonesia	Singapore	Vietnam	Thailand	Philippines	Cambodia	Myanmar	Lao PDR
Grade system	Division I-V	6 categories	17 grades	5 primary schemes	5 categories	Clusters & categories	33 salary grades	4 categories	12 grades	6 grades & 15 indexes
Legal foundation	Constitution & Public Service Commission ACT	Constitution Articles 132 / 135	National Civil Service Law	Public Service Commission Act	Law on Public Officials & Civil Servants	Civil Service Act B.E. 2551 (2008)	Constitution & Administrative Code	Common Statute Law of Civil Servants	21 laws & regulations	82 / Prime Minister Decree on Civil Service (2003)
Civil Service Agency	Personnel Service Department	Personnel Service Department	National Civil Service Agency	Ministry of Manpower	Ministry of Home Affairs	Office of Civil Service Reform	Civil Service Commission	Council of Ministers	Central Institute of Civil Service	Public Administration & Civil Service Authority
Central Training Agency	Civil Service & Leadership & Innovation Institutes	National Institute of Public Administration	State Administration Agency	Personnel Service Division & Civil Service Institute	National Academy of Politics & Public Administration	Civil Service Development Institute	Development Academy		Civil Service Selection & Training Board	Civil Service Training Centre
Entrance examination	Examination for Administrative Service	Yes	4-steps examination	Hiring rests largely with employing ministry	Entrance examination	General aptitude test & Public Service agencies examination	Career Service & Executive Examination	One entrance examination	Two-level entrance examination	Hiring rests largely with employing ministry
Retirement age	60	58	56 except few posts	62	60 for men & 55 for women	60	65	55 / 58 depending on education	60	60 for men & 55 for women
Performance evaluation system	Yearly appraisal using interview & questionnaire	Competencies assessment	Performance evaluation of all civil servants	Reporting System & performance ranking system	Annual self-assessment & collective assessment	Strategic achievement & competencies evaluation	Performance management & evaluation system	Conducted every two years	Individual qualification and marking system	Yearly performance appraisal
Promotion system	By merit, guided by General Orders	Performance appraisal & qualities assessment	Based on seniority, experience & training	Annually based on appraisal system	Based on examination every three years	Rely on one's annual performance appraisal, two per year	Based on a system of ranking positions	Based on annual performance appraisal	Performance appraisal, experience & training	Qualifications, seniority, examination & position

Source: Pan Suk Kim (2010)

3.5 E-government and the Use of ICT

E-government is the use of ICT and its application by the government for the provision of information and public services to people. E-government and innovation can provide significant opportunities to transform public administration into an instrument of sustainable development. E-government can help governments go green and promote effective management of natural resources, as well as stimulate economic growth and facilitate social inclusion of disadvantaged and vulnerable groups.

E-government implementation in ASEAN Member States largely concentrates on infrastructure expansion, e.g. provision of data centres, hardware and software. This expansion was supported by launching e-government strategic plans and creating e-government national centres. These measures have facilitated the implementation of the strategic plans in most of the ASEAN countries, manifested through an online system for information dissemination and for the facilitation of transactions with the public and private sectors.

Table 24: E-government Development Index (EGDI) of ASEAN Countries (2014)

Country	EGDI	2014 Rank
Brunei Darussalam	0.5042	86
Cambodia	0.2999	139
Indonesia	0.4487	106
Lao PDR	0.2959	152
Malaysia	0.6115	52
Myanmar	0.1869	175
Philippines	0.4768	95
Singapore	0.9076	3
Thailand	0.4631	102
Viet Nam	0.4705	99

Source: United Nations (2015)

Table 25: E-Government Development Index: Top 10 Countries (2014)

Country	Index
Republic of Korea	0.9462
Australia	0.9103
Singapore	0.9076
France	0.8938
Netherlands	0.8897
Japan	0.8874
United States	0.8748
United Kingdom	0.8695
New Zealand	0.8644
Finland	0.8449

Source: United Nations (2015)

Table 26: Summary of Major Civil Service Reforms in ASEAN Member Countries

Country	Civil service reforms in the past 5 years	Major outcomes in the past 5 years
Brunei	Strategic management, e-government, combating corruption, public-private partnerships, human resources management	Adoption of strategic plans & corruption prevention education, Client Charter to create greater citizen orientation, on line systems for information dissemination and facilitation of transactions
Cambodia	National PA reform to serve people better on four areas: quality of service delivery, pay & employment, capacity development, information & communications technologies	Introduction of senior officials "AA" salary scheme, priority mission groups monthly allowances, issuance of identification cards, PMG/MBPI allowances for those working on PFM reform
Indonesia	Remuneration systems, Ethics control, managing conflicts of interest, financial management, performance-based appointments (in Ministry of Finance)	Pilot project of remuneration has been implemented in 5 Ministries, but there is still no comprehensive evaluation related to the results of these reform measures
Lao PDR	Strategic management, performance management, ICT & e-government, quality of service delivery, training & development	HRM strategy & civil service code of conduct drafted, HR training & development framework prepared, training centre established, incentive for civil servants working in remote areas approved, citizen report card completed
Malaysia	Quality management, service delivery system, ICT and e-government, reduction in bureaucratic processes	Quality management, service delivery system, ICT and e-government, reduction in bureaucratic processes
Myanmar	Pay scales of civil servants increased twice (2006 & 2009)	Mid-level officers training programme introduced, ASEAN resource centre for training of trainers established
Philippines	Achieving operational efficiency, operational performance indicators framework, sectoral efficiency & effectiveness review, new government accounting system, bureaucratic reorganisation, anti-corruption drive & professionalization	Introduction of salary standardisation law III, citizen's charter & public assistance and complaints desk established, strategic review of operations & organisations of the Executive & Department of Interior & Local Government, use of ICT, decentralisation & devolution of government services
Singapore	Establishment of the Political Study Centre, Housing & Development Board, Economic Development Board, introduction of the corruption prevention Act	Corrupt Practices Investigation Bureau empowered, attraction of more FDI, reduction of the Public Service Commission workload, periodic salary increases
Thailand	Improvement of legal framework for civil service reform, transfer of duties and responsibilities from central to local administrative organisations, resolving corruption, enhance ethics & governance	Establishment of long-term strategic plan for civil service development, implementation of new HRM framework, development of guidelines for professional ethics & civil servants' competencies
Vietnam	First ever law regulating public officials and civil servants enacted after a series of by-laws	Separation of public employees from the Civil Service Structure in normative terms, exception of key management posts in the public service delivery sector

Source: Pan Suk Kim (2010)

Singapore remains the undisputed leader in e-government among South Eastern Asian nations. The high mobile and smartphone penetration rate in Singapore enables the government to provide e-access to citizens through a seamless “m-Government” application, allowing faster, easier and more convenient use of available online resources; especially accessing forms and conducting G2C and G2B transactions. Singapore has also developed a multi-agency programme led by the Ministry of Finance, the so called ACE (Alliance for Corporate Excellence). ACE groups together systems and operational environments for human resources, finance and procurement into a common shared system (UN, 2014).

According to the United Nations, Europe continues to lead the world with the highest regional e-government development index (0.6936). It is followed by the Americas (0.5074), Asia (0.4951), Oceania (0.4086) and, lastly, Africa (0.2661)¹⁵⁰. Asia is the largest, as well as the most populous continent. The largest countries in Asia exhibit varying levels of online presence and development. The Republic of Korea leads the world ranking as number one in the 2014 Survey. Other countries like Afghanistan, Myanmar, Pakistan and Timor-Leste trail, by comparison, being among the bottom 30 countries globally (UN, 2014).

3.6 Conclusions

Implementing the reforms was not devoid of challenges. Many of the countries faced significant obstacles in the implementation and evaluation of the impact of reforms. A very common challenge is the size of the government. Improving the quality of public services and downsizing the number of civil servants need careful analysis, which most reforms neglected. The lack of adequate civil service capacity to implement the reforms, inadequate infrastructure, corruption and a low level of professionalism in the public service are some of the commonest challenges that countries had to face in the attainment of the goals proclaimed in these reforms.

Priority areas in the reform agenda

- *Reduce the number of civil servants;*
- *Improve quality of public services;*
- *Raise civil servants' capacity to implement needed reforms;*
- *Raise the level of professionalism in the public service;*
- *Curb rampant and endemic corruption*

In addition to these challenges, there have been limitations. One of the most important is political interference. Thus, in matters of promotion, in countries like Indonesia, interference has been a factor. Lack of political will, support for reforms and political stability have been factors adversely affecting programmes in countries like Myanmar and Thailand. Ambitious reforms with limited resources, incapable personnel and inadequate technical advice have negatively impacted reform results in Cambodia¹⁵¹. Another limitation is lack of follow up and accountability mechanisms to ensure implementation of reforms, e.g. in Brunei Darussalam¹⁵². Poor record keeping, internal bureaucratic resistance, risk-averse attitudes and lack of motivation among civil servants have also adversely affected reform implementation in countries like Indonesia, Malaysia, Philippines, Thailand and Vietnam.

¹⁵⁰ The United Nations E-Government Survey is produced every two years by the UN Department of Economic and Social Affairs (UNDESA).

¹⁵¹ Hun Sen served as Cambodia's Premier for more than 25 years and have held near total dominance over the mainstream media.

¹⁵² Sultan Hassanal Bolkiah serves as the state's Prime Minister, Finance Minister, and Defence Minister and the Royal family retains a venerated status within the country.

Taking past reform experience as a foundation stone and understanding the need for improvements in the future, most of the ASEAN countries are currently planning for the next five or ten years. This includes introducing good governance principles and practices, new laws and civil service codes, as well as improving and developing the civil service human capital. Indonesia is currently planning to initiate a salary reform for the civil service. Developing transparency, accountability and efficiency in the civil service, as well as improving attitudes and behaviour in service delivery, are some of the activities included in the Philippines' next five-year reform plan.

Civil service reform in ASEAN Member States is a major challenge for the 21st century at both the national and local levels. Civil service laws have been promulgated: for example, Vietnam promulgated its Civil Service Act in 2008. Civil service laws should protect government employees from corrupt political influence. Moreover, though all ASEAN countries have introduced reforms in the areas of information technology, human development, anti-corruption, e-government and pay scales in their civil service systems, they still have a long way to go in efforts to produce effective, integrity-based, proficient, professional, fully competent and motivated civil servants. Some of the reasons for lagging could be the lack of follow up and evaluation mechanisms, ambitious reform plans without feasibility analyses and lack of a supporting infrastructure or proper skills to implement them. Therefore, ASEAN countries need strong and determined leadership that is dedicated to a transformative change in the public sector (Kim, 2010).

During the last decade, the ASEAN region has shown a steady performance in terms of both economic development and change in governance systems. This was brought about through the introduction of different reform programmes and the governments' commitment to achieving better living standards for citizens. Though these achievements are encouraging, implementing a reform programme is difficult. It needs willingness from public servants and overall coordination. It is also time consuming; a process full of challenges.

Planned civil service reforms

- *Enhancement of good governance in the civil service;*
- *Introduction of new civil service laws;*
- *Strengthening political neutrality of civil servants;*
- *Introduction of new compensation structures in the public service aiming to reduce corruption*

As stated, Singapore leads the way in most of the change processes and governance indicators. The performance of Brunei and Malaysia has also been encouraging but integration for improving government effectiveness remains an uphill task. Current performance in Thailand and Lao PDR shows a deteriorating trend compared to the past few years. This is a "wake up call" for those countries to concentrate efforts towards curbing a backward trend and focus on improving their performance. Performance in Vietnam and Indonesia has shown lack of a concentrated effort to improve governance. The

Philippines and Cambodia have demonstrated similar trends with an encouraging growth of government effectiveness, however, both have performed poorly on the control of corruption. Though catching up fast, Myanmar remains a poor performer in all indicators including e-governance.

Consequently, the performance of those countries is mainly dependent on the public and civil sector, in terms of service delivery and citizens' participation. This is why all member countries introduced public and civil service reform programmes to improve the efficiency and effectiveness

of public service delivery. However, these reforms have invariably faced challenges. Public sector and civil service reform programmes are not an easy, one-action change process. To achieve the goals of reform, resources and adequate human capital are needed.

Two of the main challenges are resistance to change and weak monitoring processes on reform implementation. Most of the reform programmes display ambition without sufficiently taking into consideration the current state of civil service, human and material capacities and the willingness of civil servants to be involved in the change process and a certain lack of dedication to handle the change. Furthermore, since civil servants play a major role in implementing reforms, communication and understanding of the reform objectives must be strengthened, along with participation of citizens and civil society in this process.

Conducting comparative studies of ASEAN countries is a difficult task, if one takes into account their different historical and political contexts. However, there is room to learn from successful reform cases and leading neighbouring countries by modifying them strategically to fit the needs of a specific country. One of the important lessons, which can be drawn from experience is that commitment from the political leadership is critical to the success of reform programmes. Conducting incremental reforms is also mandatory in order to allow for revision and change in the process to fit current circumstances. In addition, having a feedback loop from citizens and civil society in place can improve their participation in and understanding of the reform programmes.

Being at the core of government, the civil service, must ensure that public institutions function effectively and efficiently, under the rule of law, in order to promote economic and social development. But in many developing countries, the civil service frequently lacks the capacity to carry out this mandate. It is overstaffed, underpaid and unable to function effectively. Furthermore, the majority of activities in civil service reform have focused on short-term cost containment. Considerably more emphasis may have to be placed on long-term management issues. Accordingly, attention still needs to be paid to devising a coherent and overarching strategy for civil service reform.



VI. ETHICS, INTEGRITY, PROFESSIONALISM & BUREAUCRATIC CORRUPTION

People tend to pay more attention to egregious patterns of action and behaviour. This is why corruption has been a very popular topic throughout the centuries. Dating back to the days of antiquity and still alive today with many adverse effects, it understandably commands a lot of media attention. Everybody likes to talk and express judgments about it, as long as corruption is not mentioned as something having to do with those sponsoring the discourse. This love and hate relationship has some practical, though mostly unwanted consequences.

In dictionaries, ethics is defined as “moral principles that control or influence a person’s behaviour”¹⁵³, integrity as “the quality of being honest and having strong moral principles”¹⁵⁴. Professionalism is defined as “the high standards that you expect from a person who is well trained for a particular job”¹⁵⁵. It is fair to draw the conclusion that corruption is just the opposite: “dishonest or illegal behaviour, especially of people in authority”¹⁵⁶. When one talks about ethics, or integrity and professionalism, one talks about being honest, about being good; when one talks about corruption, one talks about being dishonest, about being bad and mercenary. This is precisely the reason why nobody wants to be mentioned in relation to corruption.

There is an additional problem related to the term corruption. People know it as something distasteful, but are at a loss to define it in legal terms. There are several sociological definitions of corruption, but the one by Transparency International (TI), a global NGO, is among the best known and most popular ones: “**corruption is the abuse of entrusted power for private gain**”¹⁵⁷. However, no meaningful definition of this phenomenon can be found in any of the numerous international legal instruments.

In the eyes of ordinary people, corruption is always associated with dishonesty, abuse of power and private greed. Invariably, therefore, it triggers defensive reactions in people who feel targeted. They simply feel uncomfortable with the term and it is very difficult to motivate them to take part in any anti-corruption drive. That is why, in recent years, such terminology as “fighting corruption”, “anti-corruption efforts” or “corruption risks” was abandoned in favour of more upbeat expressions; replaced by such terms as “enhancing integrity” or “developing ethics”, thus emphasising the positive. Obviously, any strategy towards establishing standards of ethics, integrity and professionalism in any public environment has also a better chance, if it tries to avoid the negative connotation of anti-corruption strategies (De Vries & Kim, 2011).

1. The Corruption Situation Around the World

There are several surveys on the state of corruption worldwide. Currently, best known are: [i] the World Bank **Worldwide Governance Indicators**¹⁵⁸; [ii] the EBRD - World Bank Business En-

¹⁵³ Oxford Advanced Learner’s Dictionary, Reprint of the 6th edition, 2000, Oxford, p. 427.

¹⁵⁴ Ibid, p. 676.

¹⁵⁵ Ibid, p.1010.

¹⁵⁶ Ibid, p. 281.

¹⁵⁷ <http://www.transparency.org/what-is-corruption>

¹⁵⁸ Latest reports may be found at <http://info.worldbank.org/governance/wgi/index.aspx#countryReports>. See also annex 3.

vironment and Enterprise Performance Survey¹⁵⁹; [iii] the OECD Foreign Bribery Report¹⁶⁰; and [iv] three Transparency International surveys: Corruption Perception Index¹⁶¹, Global Corruption Barometer¹⁶² and Bribe Payers Index¹⁶³. Without going into detail, the following conclusions can be drawn from a combination of results obtained from all the above:

- No region or country in the world is wholly immune to corruption;
- Except for international trade, the anti-corruption efforts of countries and international organisations have slowly started to yield results;
- In general terms, Europe and North America have achieved the best results in fighting corruption;
- Africa and Central Asia are the regions most heavily exposed to corruption in the public and private sectors, although relations between the two sectors are becoming slightly less prone to corruption;
- Traditional state institutions (police, judiciary, public officials) are considered to be very corrupt, notably in Africa, Eastern Europe and Central Asia;
- In the developed world, political parties are deemed to be the most corrupt part of society.

2. Modern Trends in Enhancing Civil Service Ethics, Integrity & Professionalism

Assisting countries with the SDG, international organisations must not only deal with the fight against corruption. While they recognize the fact that, arguably, corruption is the most serious obstacle to progress on any front, they also understand that countries will not reach the desired level of development by merely fighting corruption. Other measures, in the area of good governance, integrity and professionalism may yield better results than just fighting corruption with a very narrow scope. This does not mean that fighting corruption can be set aside. Simply put, it must be an effort complementary to many others.

Many ideas have been expressed on what countries ought to do to accelerate development and ensure irreversible changes, especially in public administration. In most cases, these ideas do not include “corruption” or “fighting corruption”, even though all the measures proposed tend to decrease exposure of different parts of the state and its administration to corruption.

Academics have come up with ideas on what countries, especially those in transition, can do to enhance integrity in the civil service and quality without mentioning the “fight against corruption”. Similar trends, exposing the threat of corruption but decreasing it by efforts in broader areas of governance, can also be observed in the work of international monitoring mechanisms. The Council of Europe’s Group of States against Corruption (GRECO)¹⁶⁴, in its third evaluation round, assessed the transparency of political financing¹⁶⁵ in its Member States. In its fourth round,

¹⁵⁹ A description of the EBRD BEEPS can be found at <http://ebrd-beeps.com/about/>. See also annex 3.

¹⁶⁰ <http://www.oecd.org/corruption/oecd-foreign-bribery-report-9789264226616-en.htm>. See also annex 3.

¹⁶¹ <http://www.transparency.org/cpi2014/infographic#compare>, see also Annex 3.

¹⁶² <http://www.transparency.org/gcb2013>, see also Annex 3.

¹⁶³ http://issuu.com/transparencyinternational/docs/bribe_payers_index_2011?e=2496456/2293452#search. See also Annex 3.

¹⁶⁴ www.coe.int/greco.

¹⁶⁵ Financing of political parties and electoral campaigns.

it is looking into integrity standards in parliament and the judiciary. The UNODC¹⁶⁶ is just about to start a second cycle of its review mechanism for the implementation of the UN Convention against Corruption, which will cover countries' efforts, including such issues as preventive anti-corruption policies and agencies, ethical public services, codes of conduct for public officials, management of public finances, public reporting and ethical judiciary and involvement of civil society. If the work already done is analysed, it is possible to find the most promising mechanisms for enhancing civil service ethics, integrity and professionalism.

3. Anti-Corruption Policies

Not only because of demands advanced by UNCAC, countries must thoroughly plan anti-corruption efforts, which represent a critical activity against one of the biggest threats to modern society. Some countries have started to develop and to adopt programmatic documents¹⁶⁷, which ensure long-term and consistent application of anti-corruption measures. Notwithstanding any differences in the countries' political, economic, social and legal traditions, it is possible to identify the following common elements of such policies: introduction, basic principles, goals, reasons for adoption¹⁶⁸, anti-corruption measures to be implemented¹⁶⁹ and rules for implementation. In recent years, it has become clear that the mere existence of such programmatic documents will not suffice to bring changes about.

They also have to contain clear rules on the implementation process and on responsibility for non-implementation. What is also interesting is the fact that developing countries were the first to adopt and implement these policies. Only lately have they been followed by some developed countries¹⁷⁰, a good example being the "UK Anti-Corruption Plan"¹⁷¹.

The UK Anti-Corruption Plan

In December 2014, the UK Government adopted the "UK Anti-Corruption Plan". It is one of the most modern anti-corruption policies worldwide. It represents a big step forward. It comprises thoroughly planned and executed anti-corruption measures in several important areas, such as criminal justice system, border control, central government, parliament, procurement, local government, defence, sports and private sectors.

4. Rules on Conflict of Interest

Since governments usually want to preserve confidence and trust in the integrity, impartiality and effectiveness of their public administration systems, preventing conflicts of interest represents a basic principle and, as such, is applied by many countries. Usually, rules demand from all officials to: avoid potential or actual conflict of interest, report on its existence, ask for advice, follow the advice given, not misuse an official position when looking for job opportunities, or come back in any business capacity soon after leaving the office. The majority of countries, moreover, do not allow their officials to be engaged in profit-making activities¹⁷².

¹⁶⁶ www.unodc.org

¹⁶⁷ By parliaments or governments. See also Annex 4.

¹⁶⁸ Level of corruption in the country, its reasons and consequences.

¹⁶⁹ Those measures can be planned for all sectors of society or only for the most exposed ones. See also Annex 4.

¹⁷⁰ United Kingdom, for example.

¹⁷¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

¹⁷² Either as owners of companies or their employees, including as managers.

It ought to be mentioned that most countries have established rules on the acceptance of gifts by public officials. It is the most important preventive tool against a possible conflict of interest. Still, even when conditions set by those rules are fulfilled, public officials sometimes do not know clearly whether they may accept a gift or not. The Organisation for Economic Cooperation and Development (OECD), has, therefore, prepared a very simple checklist for all officials having doubts¹⁷³. It is a simple test arranged under the mnemonic "GIFT":

Law on prevention of conflict of interest: the case of Kosovo

One of the latest special laws on the prevention of conflict of interests was adopted in Kosovo in 2011. The "Law on prevention of conflict of interest in discharge of public function". In addition to this law, there is also a special criminal offense in Article 424 of the Kosovo Criminal Code:

- *An official person who participates personally in any official matter in which he or she, a member of the family, or any related legal person, has a financial interest shall be punished by a fine or imprisonment of up to three (3) years;*
- *When the official matter is a procurement action or public auction, the perpetrator shall be punished by imprisonment of one (1) to five (5) years;*
- *For purposes of this Article, "participates" means exercising official authority through decision, approval, disapproval, recommendation, rendering advice, investigation, or otherwise exercising influence over an official matter;*
- *For purposes of this Article, "official matter" means a judicial or other official proceeding; an application, request for a ruling or other official determination; a contract or claim; a public auction or other procurement action; or, another matter affecting the financial or personal interests of the official or another person;*
- *For purposes of this Article, "related legal person" means any legal person in which the official or a member of the family has a financial relationship, including a relationship or a prospective relationship as a responsible person or employee.*

The system for the prohibition of conflict of interest in Kosovo was completed by setting up the Anti-Corruption Agency of Kosovo, which monitors the implementation of the special law and breaches of Article 424 of the Criminal Code.

- **Genuine:** is this gift genuine, in appreciation for something I have done in my role as a public official, and not requested or encouraged by me?
- **Independent:** if I accept this gift, would a reasonable person have any doubt that I could be independent in doing my job in the future, especially if the person responsible for this gift is involved or affected by a decision I might make?
- **Free:** if I accept this gift, would I feel free of any obligation to do something in return for the person responsible for the gift, or for his/her family or friends/associates?
- **Transparent:** am I prepared to declare this gift and its source transparently, to my organisation and its clients, to my professional colleagues and to the media and the public generally?

¹⁷³ OECD (2005), *Managing Conflict of Interest in the Public Sector: A Toolkit*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264018242-en>

Observance of the rules on conflict of interest must be strictly monitored either by public administration managers, by internal organisational integrity units or by external anti-corruption agencies. Their breaches must be rigorously dealt with without exceptions.

5. Public Disclosure of Assets & Incomes for Certain Categories of Public Officials

Reporting assets held by public officials and their incomes has two aims: to inform responsible authorities on the officials' wealth and to assist them in identifying potential or real conflict of interest concerning the public officials who submit the reports. The purpose of reporting is to circumscribe legal and legitimate activities, employment, investments and assets of public officials from those that cannot be considered as such. In other words: reports on public officials' assets and incomes draw the line between legitimate interests, on one hand and illegal or illegitimate interests, on the other.

Possible reporting topics: the case of Slovenia

A very good example of possible reporting topics has been introduced in Slovenia, since it covers more or less everything:

- *Full name; personal identification number; address of permanent residence; tax ID number;*
- *Information on the office or work; information on the work performed immediately before taking office; any other office held or activities performed;*
- *Information on ownership or stakes, shares, management rights in a company, private institute or any other private activity with a description of the activity and a designation of the registered name or the name of the organisation;*
- *Information on stakes, shares and rights that the entities referred to in the preceding item have in another company, institute or private activity with the designation of the registered name or the name of the organisation (indirect ownership);*
- *Information on taxable income under the law governing personal income tax that is not exempt from personal income tax;*
- *Information on immovable property with all the land register information on land plots;*
- *Monetary assets deposited in banks, savings institutions and savings and loans undertakings, the total value of which in an individual account exceeds 10,000 euro;*
- *The total value of cash, if it exceeds 10,000 euro;*
- *Types and values of securities if, at the time of declaration of assets, their total value exceeded 10,000 euro;*
- *Debts, obligations or assumed guarantees and loans given, the value of which exceeds 10,000 euro;*
- *Movable property, the value of which exceeds 10,000 euro; and*
- *Any other information in relation to assets that the person with obligations wishes to provide.*

From the Integrity and Prevention of Corruption Act of the Republic of Slovenia, Article 42, http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Slovenia_Integrity%20and%20the%20Prevention%20of%20Corruption%20Act_2010_en.pdf.

If something has not been reported, the starting point of any inquiry into the matter should be the presumption that non-reported activities, employment, investments and assets were not conducted or acquired in accordance with valid national laws and ethics, which provide a ba-

sis for the investigation of a possible criminal offence of illicit enrichment¹⁷⁴. Since there are no meaningful international guidelines on public officials' reporting of their assets and income, countries have developed very different systems for reporting and monitoring public officials' assets, income and business interests. However, they all must answer the same basic questions:

- Which categories of public officials should report on their assets?
- To whom?
- How often?
- How?
- What kind of property and "interests" should be covered by the reports?
- What are the possible sanctions for infringements in this area?
- Should submitted data be made public?

Two questions have proven very difficult: should the data be reported and published; and what should be reported in the first place. As there is no absolute standard on publication, the answer to these questions depends on the general level of transparency in a country. Also, the categories of assets, income and interests, which are subject to reporting is being understood and treated in a variety of ways. Countries have dealt with these issues with varying levels of success; however, through these systems all have tried to meet the following principles: manageability, transparency and effective verification. Clearly, introducing a system has no meaning unless a critical mass, as well as manageable number of public officials are subjected to timely and complete reporting; and authorised institutions can verify reported assets in a consistent manner.

6. Corruption Risk Assessment & Management Tools

Rational public entities – in addition to taking proactive measures in other areas¹⁷⁵ – try to identify corruption risks that can appear in their operation and to manage them. Corruption risk assessment and management tools go by different names: in some parts of the world¹⁷⁶ they are known as VCAs - *vulnerability to corruption assessments*; elsewhere¹⁷⁷ they are called *integrity plans*. They are not too far apart since they invariably collect information on threats, which can turn into breaches of ethics and integrity. Then, they prioritise those threats based on their potential frequency and damage – material or moral – to the public entity, develop a plan of counter-measures and appoint a person or a part of an entity responsible for the implementation of the plan.

There are differences in the working methods applied, when using these tools, but their final goal is the same: to learn what may reduce the level of integrity in public institutions and try to prevent this from happening. Since these activities can be quite extensive, as well as labour intensive, several software tools have been developed in order to reduce the workload and administration to a minimum, making them very attractive as means of maintaining high levels of integrity in the public administration¹⁷⁸ through "soft" and user-friendly methods.

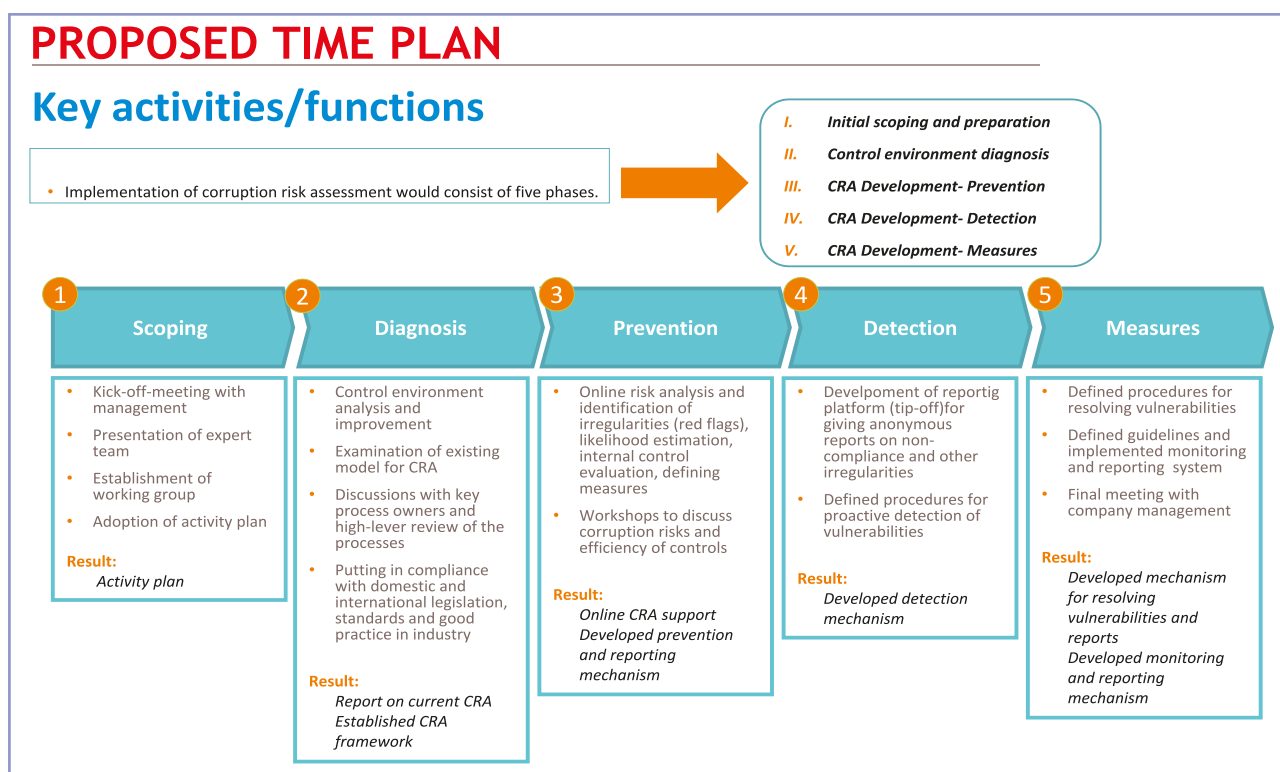
¹⁷⁴ Although this incrimination is not mandatory according to the UNCAC.

¹⁷⁵ Such as fire safety, workplace safety, etc.

¹⁷⁶ Mainly in the USA.

¹⁷⁷ Mainly in Eastern Europe.

¹⁷⁸ These tools achieve even better results in the private sector.

Figure 2: Five-phase Integrity Plan¹⁷⁹

7. Codes of Conduct

Codes of conduct are lists of ethical guidelines, developed, adopted and implemented by interested professions. As such they are considered to be effective tools in achieving the desired levels of integrity, especially if they take the following practical guidelines into account:

- They must be drafted by representatives of the civil service itself and not by political authorities¹⁸⁰;
- They must be adopted by the civil service and not by the government¹⁸¹;
- In principle, codes of conduct should be written not in a negative form as a set of prohibitions, but in a positive form, as a set of desirable patterns of behaviour;
- The implementation of codes must be monitored;
- Breaches of codes of conduct must be sanctioned¹⁸²;

Model Code of Conduct: Council of Europe

The Council of Europe also acknowledges the importance of codes of conduct for civil servants. It has developed a model code of conduct for public officials to be followed by national authorities while drafting their own codes of conduct (Council of Europe, Recommendation No R 10 (2000) of the Committee of Ministers to Member States on Codes of Conduct for Public Officials). This model code of conduct covers many features for ethics and integrity in the civil service, but only as suggestions for countries adopting their own codes.

The model code is available at [https://www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf)

¹⁷⁹ This plan has become mandatory for public institutions in some countries in Central and Eastern Europe (Slovenia, Serbia, Montenegro, Bosnia and Herzegovina, Moldova).

¹⁸⁰ For example, by the government.

¹⁸¹ Some countries have adopted their «codes of conduct» for the civil service through a normal legislative procedure and in the form of a law.

¹⁸² Breaches of codes of conduct can be defined as breaches of labour laws or as ethical breaches only.

- Codes of conduct must be reviewed and revised periodically in accordance with new circumstances;
- Public officials must be acquainted with the content of their respective codes of conduct and regularly trained in their implementation;
- Public entities must endeavour to develop consultancy and mentoring for employees in order to ensure proper implementation of the codes of conduct in force.

There are countries that have problems with their public officials due to a lack of willingness to follow any rules, contained either in the legislative acts or in codes of ethics. However, even these countries will need to strengthen their efforts and finally convince their public officials that both legal and ethical rules must be followed or there may be no progress – either in the civil service or in society in general.

8. Whistle-Blowers' Protection

More and more governments are establishing systems enabling those who wish to come forward and report any wrongdoing in the civil service (to “blow a whistle”) in good faith and on reasonable grounds be able to do so and protect them in the process; however, there are no internationally accepted guidelines on how the two systems, for whistle-blowing and for whistle-blowers' protection, should be organised. Therefore, countries apply different strategies. The best ones share the following characteristics:

- Potential whistle-blowers must be able to know that there is a system enabling them to blow a whistle;
- Systems for whistle-blowing must be technically organised in ways that enable the whistle-blowers' identity to be protected from public view;
- Anonymous whistle-blowing must be allowed;
- Systems for whistle-blowing must be managed by individuals or entities in the public administration, who enjoy public officials' trust and are willing to protect their identity;
- Whistle-blowers' reports must be dealt with seriously; whistle-blowers have to receive feedback on the action taken following their reports¹⁸³;
- Whistle-blowers' protection must be primarily based on the protection of their identity;
- As a principle, governments should do everything in their power to prevent any retaliatory measures against whistle-blowers;
- If it comes to retaliatory measures, not only whistle-blowers but also those close to them must be protected;

Romania: Whistle blower Law

One of the countries that are very serious in establishing systems for whistleblowing and for the protection of whistle blowers, is Romania with its “Law concerning the protection of personnel from public authorities, public institutions and from other establishments who signalize legal infractions”. This law provides very broad definitions of whistleblowing and whistle blowers. According to this law, activities of whistle blowers and activities of all public institutions in the country are governed by no less than 8 principles: legality, supremacy of public interest, responsibility, non-abusive sanctioning, good administration, good leadership, equilibrium and good faith.

¹⁸³ If no action is taken or whistle blowers do not know of it, this might have devastating consequences for the whole whistleblowing system in the public administration.

- If whistle-blowers suffer any material or moral damage due to their whistle-blowing, they should be entitled to compensation and be restored to their positions and rights;
- The government is responsible for assisting whistle-blowers in fighting for their rights;
- In the case of ill-will reporting and/or reporting without reasonable grounds, injured parties must have legal remedies against whistle-blowers at their disposal.

9. Organisational Integrity Units

An organisational integrity unit¹⁸⁴ is a person or an entity authorised to take measures related to organisational integrity, the management of integrity risks, conflict of interest, insider trading and disclosure of confidential data, awareness raising, training and consultation on strengthening integrity, a protection programme for employees of good intentions, prepared to report integrity violations, as well as other areas determined by the management of the organisation.

The most important features of organisational integrity units are:

- They must be specialised in what they do;
- They must be organised in ways that take account of the size, legal status and activity, as well as any specific geographic, legal and other specificities of the organisation in which they operate;
- They must be placed close to the top management structure of the organisation with immediate access to them, ensuring top-down organisational integrity, as the basic principle of the organisation's operations;
- Their main orientation must be consultancy and assistance to management and other employees; not internal controls, auditing and sanctioning, though these may also perform some or all of these functions;
- Employees of the organisation must understand that those units are there to assist them and not to act as some kind of internal police;
- The usual tasks of organisational integrity units are:
 - a) To ensure that the most up-to-date methods and professional and ethical standards are applied;
 - b) To use different sources for gathering information and different work techniques in the course of identifying and assessing integrity risks, to preparing a list of indicators of breached organisational integrity and to identify possible threats to organisational integrity, the probability of their occurrence and the severity of the possible consequences;
 - c) To pay special attention to the adequacy of procedures for identifying and preventing bribery, mobbing and conflicts of interest, as well as regulating such offers as hospitality, business trips, political contributions, donations and sponsorships; and
 - d) To inform management of the findings, proposals and recommendations for eliminating risks or irregularities, as well as to establish a mechanism for a systematic and independent supervision of the implementation, correctness and efficiency of the measures for managing organisational integrity risks; and do so in a comprehensive and timely manner.

¹⁸⁴ They also call them «compliance units» (in Europe) and «ethical offices» (in the USA).

Anti-Corruption drive in Georgia: the case of the Georgian Police Force

Preventive actions and other measures implemented considerably reduced the risks in the case of the Georgian Police Force. The positive results achieved are basically attributed to two major factors: [a] implementation of severe disciplinary actions against offenders; and [b] fear of one losing their job. How did the government do it? Here are some of the actions the government undertook to accomplish its goals:

- *Existence of a strong political will: it was an essential element in the fight against corruption in the Georgian Police System, which was driven and supported by strong citizen support;*
- *Explicit definition of corruption by law: to effectively address and prevent corruption in the civil service, it is important to understand what it is and how to define it. For this reason, the term corruption was explicitly defined in the Georgian Law;*
- *Enactment of legislation: enacting appropriate legislation quickly was a prerequisite to act decisively. The law established the ways and means to prevent, reveal and suppress cases where conflict of interest and corruption practices were discovered in the civil service;*
- *Application of a zero-tolerance policy: the government viewed its strong-handed approach towards establishing law and order in the country as essential to making people think differently, by destroying any respect towards the criminal underworld and demonstrating consistently the authority of the formal legal institutions over the informal ones;*
- *Establishment of credibility: rapidly adopting a zero-tolerance policy against manifestations of corrupt behaviour and demonstrating quick and clear results were essential in establishing credibility and keeping the window open for the medium and long-term objectives to be met;*
- *New personnel recruitment: professional development of the police personnel became a high priority. However, creating a new, professional and service-oriented police force required many individuals, possessing new skills and attitudes. Thus, massive recruitment took place to attract people to staff a more professional force, one completely untainted by corruption;*
- *Creation of a new training structure: to eradicate corruption the existing Police Academy was dismantled and was replaced by a completely new structure and organisation, to provide a transparent and objective examination system;*
- *Provision of anti-corruption focused training and introduction of a Code of Ethics: training programmes were developed to deal with issues of corruption including implementation of ethical norms in police activities including a Code of Ethics distributed to all personnel in the Ministry;*
- *Cultivation of a new civil service culture: another important way of tackling corruption was to achieve a new understanding of how public services are delivered. Thus, the government established service centres on the “one window” principle, where an eligible citizen could obtain services by interacting only with courteous personnel providing the required services fast;*
- *Reinforcement of internal control systems: attention was also placed on the internal control systems, which oversaw other government units and it was responsible for identifying breaches of ethical and disciplinary norms within the Police Force of Georgia, as well as for revealing improper performance of duties and other unlawful actions and carrying out appropriate responses.*
- *Strategic use of communication: very early in the reform drive, political and government leaders used mass media effectively. A public relations campaign was prepared aiming at making the public aware of its actions and activities to solve the problem.*

10. Conclusions

In addition to the mechanisms mentioned above, there are some other tools that can assist in developing and enhancing the integrity of the civil service in any country. They approximate that goal indirectly, through positive consequences in other areas, mainly through significantly increased transparency. Examples of such additional tools are¹⁸⁵: transparency and publicity of political financing, public disclosure of all parliamentary votes, draft legislation and parliamentary debates, blacklisting of corrupt companies, freedom of the media, effective freedom of information laws, fiscal and public financial transparency of central and local budgets, disclosure of actual ownership structures and financial status of banks.

It is obvious that ethics, integrity and professionalism within the civil service cannot be enhanced without first fighting public sector corruption. However, this must be accomplished not merely by prosecuting corrupt public officials but also, and even more so, through a range of measures known either as "*preventive anti-corruption measures*", "*good governance*" or "*enhancing integrity*", composed of different sets of actions mentioned above. These may establish and support a completely different culture in the civil service, making it an effective service for its citizens, characterised by high levels of ethics, integrity and professionalism; not by clientelism, nepotism and political partisanship. In these endeavours, positive measures taken in the civil service, namely the prohibition of conflicts of interest and incompatible activities, rules on acceptance of gifts, monitoring of public officials' assets and systems for assessing and managing corruption risks in public entities, accompanied by such anti-corruption mechanisms as anti-corruption strategies, codes of conduct, whistle-blowers' protection and organisational integrity units, have proved to be invaluable in countries trying to improve the quality and integrity of their public service.

¹⁸⁵ Daniel Kaufmann, Back to Basics: 10 Myths about Governance and Corruption, Finance and Development, September 2005, Volume 42, Number 3, <http://www.imf.org/external/Pubs/FT/fandd/2005/09/basics.htm>



VII. CONCLUSIONS & RECOMMENDATIONS

The Market Model of Governance and the New Public Management, which triumphed in the nineties and still go strong in places, shook the edifice of government and the values of democracy to their foundations. The sources of those values and the principles of government are very largely traceable to philosophical currents that flourished in antiquity, first in East Asia and then in the Greco-Roman world. In their contemporary expression, they nevertheless took shape and direction during the eighteenth century in a pivotal period of history which, for this very reason, is known as the Age of Lights or as the Age of Reason. To this remarkable period, we owe, in modern form, the principle that government must strive not only to serve the totality of its citizens without any distinction and/or exception, but also to operate in accordance with some guidelines that are general, coherent, transparent, well-understood and relatively stable; not subject to the whims of those that are in power at any given time. The two related concepts, which underpinned the growth of democratic governance but equally the genesis of the public service profession have been the *rule of law* and *continuity of government* and of the State.

Over time, these salient requisites have guided the development of *institutions* designed to give expression to these ideas on government and to secure throughout the principles of merit, neutrality, objectivity, legality and reason in the staffing and the management of civil service complements. Remarkably, in the eighties and nineties of this past twentieth century, the surge of a counter-culture pointed in a direction that mostly contradicted these fundamental principles. The thrust of this new approach, known as New Public Management, has questioned the identity and fundamentals of Public Administration and the public service profession. Public Administration was impoverished and deconstructed; reduced to Public Management, a branch of Applied Economics. Public Service was discounted as a distinct profession; the very concept of *service* dismissed as antiquated and “paternalistic”; its ethos and its values mostly subordinated to those of public management – all management in fact.

No distinction of substance was made between business and government. Equating public sector with private sector tasks opened the way to practices like *outsourcing* and *contractualisation*. Far more than that, however, it thrust the gates of government wide open to an *instrumental* reasoning guided solely by criteria of efficiency and effectiveness. Utilitarian logic, which came to dominate the policies and practices on public personnel, made short shrift of ideas like permanence or tenure and of career development, which the New Public Management has tended to equate with bureaucratic “protectionism” and of which it disapproved as contrary to expediency. With *efficiency* and *effectiveness*, *flexibility* and *expediency* elevated to the apex of the pyramid of values, public management precluded such traditional considerations as *equity* and *inclusion*, the *rule of law* and *due process*, which lie at the foundations of *democratic governance* and the *Administrative State* but may, at times, be at variance with economic orthodoxy and criteria of cost-effectiveness. Moreover, *institutions* stood in the way of this new way of thinking because - by definition - they look beyond the *here* and *now*, indeed beyond particulars of individual functions performed by departments of government, to the long-term goals, mission and rationale of the total scheme of governance, national and international.

It needs to be emphasised that public administration and the public service profession are, like any other field or institution, subject to change. It must be stressed, however, that not all change is linear, inevitable or helpful. In recent years especially, the changes introduced – dictated one might argue – by the New Public Management have been deeply *ideological*, based on management assumptions that have been proven wrong, in all too many cases and which, in any event, have not always been congruent with democratic governance or with the common good. As a project of great moment to the institutions of governance, public service reconstruction needs now to be revisited, reviewed and re-considered in a comparative light and historical perspective. However, in reassessing the cumulative experience with “best practices” worldwide, we need to view these practices in a much broader light than management criteria would normally allow. Democracy is important, but democratic governance is a complex endeavour and project. It makes demands on government that go beyond “*good management*”, or even “*good housekeeping*”. Not only is the future of a country and its citizens at stake in this project, but also its communities and society. The future of a region or the whole world are potentially deeply affected by the prospects and the progress of public service reform. The present paper is written with this in mind.

This volume is the outgrowth of a multi-sided, regional collaborative effort. The objective was to explore the direction and scope of civil service reform over the past few decades, as it has been taking shape in the region and the world. It has been an attempt to discern any degree of convergence or divergence; whether, in other words, some common trends exist across countries, with respect of the strategies, policies and programmes they have devised, designed and implemented with a view to civil service reform and development.

Not surprisingly, one conclusion of this collective effort was the realisation that there is no convergence towards a uniform model of civil service reform and development. Indeed, quite on the contrary, substantial variations were noted across countries and regions. Among reform initiatives that have been undertaken, it is possible to observe a wide spectrum of activities and degrees of speed and thoroughness in the governments’ attempts to modernise their civil service systems. This is partly due to the fact that modernisation is contingent and dependent on context. Country-specific historical and cultural characteristics and institutional features and administrative tradition, as well as the stage of development have influenced the course of reform designed and implemented by individual governments. In turn, their choices have shaped the structure and functions of government and the degree of capacity of its administration to evolve, develop and change over time.

Thus, what has emerged is a constellation of different reform and development initiatives making it rather difficult to detect specific trends. However, one may distinguish groups of countries that have followed one of two main trajectories in their quest for change. The first group is composed of civil services, which sought to modernise within well-established traditions; they have been rather *closed* and *resistant* to external pressures. The second group has proved far more receptive to external influences and *open* to the adoption of new personnel management concepts. Using the phraseology and rationale provided by Pollitt & Bouckaert (2002), the first group of countries may be referred as followers of the *New Weberian State* (NWS) and the latter group of the *New Public Management* (NPM) model (Argyriades & Timsit, 2013). Adherents of the New Weberian Model give priority to updating the classical Weberian tradition, while NPM proponents ostensibly reject it in favour of approaches implemented in the private sector.

The outcomes of reforms have varied in both cases. They provide us with a fund of experience, both negative and positive. The world has witnessed both successful and failed cases of public sector reform programmes. Such experience may well prove instructive with a view designing and planning future reform activities. A most successful case is the exemplary performance of Singapore's public sector after it was reformed (Haque, 2004). It resulted from sustained efforts and reform programmes that established an efficient, low level of corruption and a high standard of accountability of the government and political leadership in the country.

Of course, it may be difficult to adopt and reproduce the lessons of one culture or one political setting for use in a different setting. Yet, several countries have tried to adopt successful cases after systematically and strategically modifying them to match their particular context. In this way, they may lower the learning cost and time, while improving the public sector by adopting tested programmes.

Despite such mixed results, public administration and civil service reform are still considered essential with a view to improving the efficiency, effectiveness, performance and professionalism of the civil service. This, in turn, is a prerequisite in order to respond to local, regional and global pressures that challenge the survival and prospects of societies in a rapidly evolving world. This situation calls for a new type of civil servant; one who demonstrates initiative in a variety of increasingly complex policy areas and ability to function in an environment where information technologies have largely transformed the modalities of work in their organisations. In all cases, civil servants must be able to operate within a framework which amply safeguards public sector values and preserves the needed balance between equity, legality, propriety and efficiency. Thus, it appears that governments try to focus on developing civil servants who are competent, committed and professional; civil servants who exercise due diligence in dealing with public funds and demonstrate ability to work on their own or in teams in a demanding environment; who dedicate themselves to the public good unequivocally, being service-oriented and adhering to the laws combating corrupt practices.

A pattern which emerged in this review strongly suggests that the classical distinction between closed "career-based" civil service systems with centralised recruitment, promotion and training and one which is open "position-based" with a broadly decentralised management of appointments, promotion and training has been blurred. In recent years or decades, such countries as Belgium, Canada, Finland, the Netherlands, New Zealand, Norway, Switzerland and the United States of America have adopted a position-based civil service system, open to lateral entry. By contrast, France, Germany, Italy, Japan, Korea, Mexico, Portugal and Spain exemplify a more closed career-based civil service. Over the past two decades, the United Kingdom has moved from a tightly structured career-based system towards a more position-based system. Sweden has moved from a position-based to a broad-banded system, with no job descriptions (UNPAN, 2000). In 1999, Korea introduced the Open Position System (OPS) attempting to introduce an element of competition within the public sector; one which would better contribute to enhancing productivity in public administration. The system was designed as a way to recruit outstanding talent and expertise from both the public and private sectors by diversifying the methods for recruiting civil servants (Kim, 2000; 2001a).

In a similar vein, it appears that both external and internal recruitment strategies are increasingly applied interchangeably with an emphasis on merit, competence and anticipated performance. A movement in the direction of more temporary employment is also observed with fixed-term

contracts often supplemented by detailed individual performance or appraisal contracts. Recruitment and mobility of civil servants have visibly changed due to the challenges presented to tenured career structures. It is becoming normal to nominate officials on short-term performance-related contracts to positions at the top. However, this trend has been stronger in such countries as New Zealand and the United Kingdom than in countries like Germany and the Scandinavian States.

The nature of public employment has significantly evolved. In some countries employment arrangements for public servants have come to resemble more closely those of the private sector, correspondingly altering the status and employment conditions. Individualised employment policies have become increasingly common; these include the introduction of contracts and performance-related pay. Implementation, however, of such employment policies makes an institutional culture more difficult to develop and to achieve. Manifestly, early reformers have underestimated the complexity of introducing private sector techniques into the public service. Nevertheless, staying with traditional patterns may not be a feasible option for most countries, in our days.

Hence, a trend that has emerged is an effort to reduce major differences between the private and public sectors. It has included tendencies to increase managerial autonomy, discretion and flexibility by deregulating human resources management, delegating authority and individualising accountability and performance. This is especially apparent among OECD Member States (OECD, 2005a). There has also been a tendency to focus on the quality of civil servants' performance and development of tools to measure this performance. Thus, priority, worldwide, has been attached to such issues as talent development, performance, client orientation and responsiveness.

Indeed, governments, worldwide, claim to be more transparent, accessible and open to consultation. This trend has brought

Global Trends in reforming public administration & the civil service in some EU countries

United Kingdom:

- *Attracting the most talented individuals in the civil service;*
- *More openness and accountability of public authorities to society and citizens;*
- *Revising the size and the form of the civil service and promoting the model of shared services.*

Denmark:

- *Improving the quality of public services;*
- *Improving the efficiency of civil service;*
- *Decentralization and devolution.*

Sweden:

- *Promoting the model of shared services;*
- *Increasing the role of e-government;*
- *Merger of state bodies.*

Netherlands:

- *Promoting the model of shared services;*
- *Elimination of inter-departmental barriers, increasing flexibility;*
- *Separation of operational management from the main political processes;*
- *Improving the quality of services to citizens and businesses.*

Austria:

- *Expansion of e-government services;*
- *Improving the efficiency, speed and orientation on the end-user in the provision of public services;*
- *Decentralization to improve the quality of decisions;*
- *Reengineering of government agencies' auxiliary functions and promoting the model of shared services.*

about new legislation and an array of policy measures. Examples of such measures are the existence of Freedom to Information Acts and Ombudsman Offices in many countries. To be sure, some date back several decades. Governments have become more performance oriented. They know, on the other hand, that they need to be wary of overrating the potential of performance-oriented approaches to changing behaviour and culture, or underestimating the limitations of performance-based systems. Performance-based approaches require increased managerial flexibility, as well as proper tools. Furthermore, it may sometimes be difficult to balance flexibility with control or to integrate performance measurement systems into a particular country's traditional accountability mechanisms. Too much flexibility could lead to abuse, mismanagement and maladministration abetting corrupt practices. Too little flexibility risks to create an inefficient and unresponsive public service.

All the while, citizens' expectations and demands on governments are growing, with the social media pushing in this direction. In many countries, citizens expect openness, higher levels of service delivery and user-friendly solutions to complex issues of governance together with the maintenance of existing social entitlements. Reforms in the public sector over the past 20 years have generally improved efficiency. But governments, those of the OECD countries especially, now face a major challenge in finding efficiency gains that will enable them to fund growing demands upon them. For the next 20 years, policy makers will likely face hard choices in meeting these demands. Such demands call for new management systems, as well as public servants with enhanced administrative, technical, managerial skills and political capacities, who think and plan collectively and who can work well with other actors across the board.

Most governments understand the need to attract and retain gifted individuals into their public service organisations. For this reason, some have established a variety of talent management schemes. With varying forms and names, they all have similar goals: how to attract and retain the best in public service and thus cope with constant adjustments at times of rapid change. The tendency across countries has been to focus on management capacities. Performance management practices, leadership development and change management form an integral part of all these talent management schemes. This tendency is observable in both the "career-based" and "position-based" civil service systems. New schemes have been devised with success in some contexts, but not in others. Many are criticised as being inequitable or unfair, even counter-productive, despite their good intentions. Needless to emphasise it, they work against the backdrop of a shortage of skilled personnel compared with pressing demands of critical importance made on most public bureaucracies.

In sum, many reform approaches have been tried worldwide to increase public service productivity and efficiency, as well as well responsiveness and accountability. However, a critical challenge remains unaddressed: how to organise the public sector so that it can adapt to the changing needs of society, without losing its coherence, its sense of overall mission or consistency of values. Several reform programmes show ambition without taking sufficiently into consideration limitations of existing human and material capacity, budgetary constraints or the willingness of civil servants to engage in the change process. Reform programmes must pay attention to connecting public goods to individual motivation and values. They must devote resources in securing the human capital needed to achieve the goals of the reforms.

Enabling civil servants to fully understand and to internalise the reform objectives remains a vital prerequisite for successful implementation of reform activities. Otherwise, there is the risk of a

demoralised public service. This, in both the developing and developed countries, represents a serious obstacle to implementing development goals for the international community and for individual countries. Public service reform is critical in adapting the role of the state and its relations with citizens. Reforms, if they succeed, will have profound consequences in the quest for further changes. In this regard, however, civil servants' motivation to serve the common good ought to be greatly enhanced. Without an ethical and duly motivated civil service, reform becomes the vehicle for self-serving individuals and particularistic endeavours (Baimenov & Everest-Phillips, 2016).

Precisely on this account, current attempts to undermine the motivation and morale of groups of public officials point to a worrisome trend. Evidence, in some countries, suggests a net erosion of public service prompted by a number of factors: [i] ideological – some contend that public service is, by its very nature, inherently incompetent, indolent and unresponsive; [ii] intellectual – New Public Management doctrine has propagated the view that public service is inherently apathetic and needs to be incentivised in order to be effective; [iii] political – political leaders blame their public service for failures, in an effort to deflect criticism of their own failures; [iv] financial – pay levels for professionals in the public service have lagged behind those of the private sector, leading to situations where many high-skilled vacancies could not be filled; [v] institutional – obstructive public service union tactics and unhelpful “street level bureaucrats” must take responsibility for a tendency to obscure the more positive image of commitment and devotion to the public good; and [vi] organisational – both elected leaders and senior administrators benefit from creating a “permanent revolution” of ceaseless reforms and reorganization of public service. Despite the mounting evidence that several reforms have achieved no lasting improvements, the temptation to portray “reforming politicians” as shaking up supposedly lazy and incompetent bureaucrats has proved all too great. This is aggravated by the fact that in some cases senior managers themselves lack the knowledge and skills and sometimes the willingness, to use resources efficiently (Baimenov & Everest-Phillips, 2016).

Tackling all these factors is essential, if an impartial and merit-based public service is to emerge, as needed, in many a developing country. Public administration is essential not only for the performance of a vast range of tasks, but also to safeguard the continuity of government. Restoring public trust is essential for the legitimation of governance in general. Development work has been hampered by the lack of a credible theory of change; one that can explain how an “*impartial, ethical, fair and meritocratic public service*” emerges, and how it can be protected and fostered. Why is public service excellence the result of deliberate efforts to make government more accountable and responsive, closer to citizens, or more efficient?

In public service reform, as in several other spheres, the rhetoric can be deceptive. With management consultants from developed countries especially playing a major part in ongoing reforms and “selling” their “best” practices, it is increasingly important to keep track of civil service reform, but also to enhance peer-to-peer learning and the exchange of knowledge. Such efforts will create the necessary conditions to build up civil service with the application of realistic “best fit” solutions rather than “best practice” approaches.



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ANNEXES

Annex 1: The SDGs Categorised by Public Service Challenges

In this annex, the SDGs and their targets are listed by nature of implementation challenges faced by the public service:

- **Structural challenges** – overcoming institutional capacity weaknesses and challenges;
- **Process challenges** – ensuring adequate resource allocation and appropriate design of programmes and activities; and
- **Outcome challenges** – creating and maintaining focus on attainment of an ambition.

Table 27: SDGs Categorised by Public Service Challenge

Structural	Process	Outcome
1. End Poverty in all its forms everywhere		
<p>1.3 - Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.</p> <p>1.b - Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions.</p>	<p>1.4 - By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including micro-finance.</p> <p>1.a – Ensure significant mobilisation or resources from a variety of sources, including through enhanced development cooperation, to provide adequate and predictable means for developing countries, in particular, least developed countries, to implement programmes and policies to end poverty in all its dimensions.</p>	<p>1.1 – By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 per day.</p> <p>1.2 – By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.</p> <p>1.5 – By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.</p>
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture		
<p>2.3 – By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular, women, indigenous people, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.</p>	<p>2.4 – By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.</p>	<p>2.1 – By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.</p> <p>2.2 – By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.</p>

Structural	Process	Outcome
<p>2.b – Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round.</p>	<p>2.5 – By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilisation of generic resources and associated traditional knowledge, as internationally agreed.</p> <p>2.a – Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks to enhance agricultural productive capacity in developing countries, in particular, the least developed countries.</p> <p>2.c – Adopt measures to ensure proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, to help limit extreme food price volatility.</p>	
3. Ensure healthy lives and promote well-being for all at all ages		
<p>3.5 – Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.</p> <p>3.a – Strengthen the implementation of the World Health Organisation Framework Convention on Tobacco Control in all countries, as appropriate.</p> <p>3.d – Strengthen the capacity of all countries, in particular, developing countries, for early warning, risk reduction and management of national and global health risks</p>	<p>3.7 – By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.</p> <p>3.8 – Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.</p>	<p>3.1 – By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births.</p> <p>3.2 – By 2030, end preventable deaths of new born and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under 5 mortality to at least as low as 25 per 1,000 live births.</p> <p>3.3 – By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.</p> <p>3.4 – By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.</p>

Structural	Process	Outcome
	<p>3.b – Support the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines, in accordance with the Doha Declaration on the TRIPS Agreement and Public Health, which affirms the right of developing countries to use to the full the provisions in the Agreement on Trade-Related Aspects of Intellectual Property Rights regarding flexibilities to protect public health, and, in particular provide access to medicines for all.</p> <p>3.c – Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States.</p>	<p>3.6 – By 2020, halve the number of global deaths and injuries from road traffic accidents.</p> <p>3.9 – By 2030, substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination.</p>
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all		
<p>4.5 – By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous people and children in vulnerable situations.</p> <p>4.a – Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.</p> <p>4.c – By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States.</p>	<p>4.4 – By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.</p> <p>4.7 – By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.</p> <p>4.b – By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small islands developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries.</p>	<p>4.1 – By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.</p> <p>4.2 – By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.</p> <p>4.3 – By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.</p> <p>4.6 – By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.</p>

Structural	Process	Outcome
5. Achieve gender equality and empower all women and girls		
<p>5.4 – Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.</p> <p>5.a – Undertake reforms to give women equal right to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.</p> <p>5.c – Adopt and strengthen sound policies and enforceable legislation of the promotion of gender equality and the empowerment of women and girls at all levels.</p>	<p>5.5 – Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.</p> <p>5.6 – Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.</p> <p>5.b – Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.</p>	<p>5.1 – End all forms of discrimination against all women and girls everywhere.</p> <p>5.2 – Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.</p> <p>5.3 – Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.</p>
6. Ensure availability and sustainable management of water and sanitation for all		
<p>6.4 - By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of fresh water to address water scarcity and substantially reduce the number of people suffering from water scarcity.</p> <p>6.5 – By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate.</p> <p>6.a – By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, waste water treatment, recycling and reuse technologies.</p>	<p>6.3 – By 2030, improve water quality by reducing pollution, eliminating dumping and minimising release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally.</p> <p>6.b – Support and strengthen the participation of local communities in improving water and sanitation management.</p>	<p>6.1 – By 2030, achieve universal and equitable access to safe and affordable drinking water for all.</p> <p>6.2 – By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.</p> <p>6.6 – By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes.</p>
7. Ensure access to affordable, reliable, sustainable and modern energy for all		
<p>7.2 – By 2030, increase substantially the share of renewable energy in the global energy mix.</p> <p>7.a – By 2030, enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology.</p>	<p>7.3 – By 2030, double the global rate of improvement in energy efficiency.</p> <p>7.b – By 2030, expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, in particular least developed countries, small island developing States and landlocked developed countries, in accordance with their respective programmes of support.</p>	<p>7.1 – By 2030, ensure universal access to affordable, reliable and modern energy services.</p>

Structural	Process	Outcome
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all		
<p>8.2 – Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors.</p> <p>8.3 – Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises, including through access to financial services.</p> <p>8.7 – Take immediate and effective measures to eradicate forced labour, and modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.</p> <p>8.9 – By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products.</p> <p>8.b – By 2020, develop and operationalise a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organisation.</p>	<p>8.4 – Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead.</p> <p>8.8 – Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.</p> <p>8.10 – Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all.</p> <p>8.a – Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-related Technical Assistance to Least Developed Countries.</p>	<p>8.1 – Sustain per capital economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries.</p> <p>8.5 – By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.</p> <p>8.6 – By 2020, substantially reduce the proportion of youth not employment, education or training.</p>
9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation		
<p>9.1 – Develop quality, reliable, sustainable and resilient infrastructure, including regional and trans border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all.</p> <p>9.3 – Increase the access of small-scale industrial and other enterprises, in particular in developing countries, to financial services, including affordable credit, and their integration into value chains and markets.</p> <p>9.b – Support domestic technology development, research and innovation in developing countries, including by ensuring a conducive policy environment for, inter alia, industrial diversification and valued addition to commodities.</p>	<p>9.4 – By 2030, upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries acting in accordance with their respective capabilities.</p> <p>9.5 – Enhance scientific research, upgrade the technological capabilities of industrial sectors in all countries, in particular, in developing countries, including by 2030, encouraging innovation and substantially increasing the number of research and development workers per 1 million people and public and private research and development spending.</p>	<p>9.2 – Promote inclusive and sustainable industrialisation and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries.</p> <p>9.c – Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020.</p>

Structural	Process	Outcome
	<p>9.a – Facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, least developed countries, landlocked developing countries and small island developing States.</p>	
10. Reduce inequality within and among countries		
<p>10.4 – Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.</p> <p>10.5 – Improve the regulation and monitoring of global financial markets and institutions and strengthen the implementation of such regulations.</p> <p>10.6 – Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions to deliver more effective, credible, accountable and legitimate institutions.</p> <p>10.a – Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with World Trade Organisation Agreements.</p>	<p>10.3 – Ensure equal opportunity and reduced inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.</p> <p>10.7 – Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.</p> <p>10.b – Encourage official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes.</p>	<p>10.1 – By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average.</p> <p>10.2 – By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.</p> <p>10.c – By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.</p>
11. Make cities and human settlements inclusive, safe, resilient and sustainable		
<p>11.2 – By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, person with disabilities and older persons.</p> <p>11.6 – By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management.</p> <p>11.a – Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning.</p> <p>11.c – Support least developed countries, including through financial and technical assistance, in building sustainable and resilient buildings utilising local materials.</p>	<p>11.3 – By 2030, enhance inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.</p> <p>11.b – By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation for climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels.</p>	<p>11.1 – By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.</p> <p>11.5 – By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.</p> <p>11.7 – By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities.</p>

Structural	Process	Outcome
12. Ensure sustainable consumption and production patterns		
<p>12.4 – By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil to minimise their adverse impacts on human health and the environment.</p> <p>12.6 – Encourage companies, especially large and trans national companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle.</p> <p>12.8 – By 2030, ensure that all people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature.</p> <p>12.a – Support developing countries to strengthen their scientific and technological capacity to move towards more sustainable patterns of consumption and production.</p>	<p>12.5 – By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.</p> <p>12.7 – Promote public procurement practices that are sustainable, in accordance with national policies and priorities.</p> <p>12.b – Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products.</p> <p>12.c – Rationalise inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimising the possible adverse impacts on their development in a manner that protects the poor and the affected communities.</p>	<p>12.1 – Implement the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, all countries acting, with developed countries taking the lead, considering the development and capabilities of developing countries.</p> <p>12.2 – By 2030, achieve the sustainable management and efficient use of natural resources.</p> <p>12.3 – By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses.</p>
13. Take urgent action to combat climate change and its impacts		
<p>13.1 – Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.</p> <p>13.2 – Integrate climate change measures into national policies, strategies and planning.</p> <p>13.3 – Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.</p>	<p>13.a – Implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilising jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful migration actions and transparency on implementation and fully operationalise the Green Climate Fund through its capitalisation as soon as possible.</p> <p>13.b – Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalised communities.</p>	

Structural	Process	Outcome
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development		
<p>14.3 – Minimise and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.</p> <p>14.4 – By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.</p> <p>14.6 – By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognising that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organisation fisheries subsidies negotiation.</p> <p>14.c – Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The Future We Want”.</p>	<p>14.7 – By 2030, increase the economic benefit to small island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism.</p> <p>14.a – Increase scientific knowledge, develop research capacity and transfer marine technology, considering the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular, small island developing States and least developed countries.</p> <p>14.b – Provide access for small-scale artisanal fishers to marine resource and markets.</p>	<p>14.1 – By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.</p> <p>14.2 – By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and act for their restoration in order to achieve healthy and productive oceans.</p> <p>14.5 – By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information.</p>
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss		
<p>15.5 – Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species.</p> <p>15.7 – Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.</p>	<p>15.6 – Promote fair and equitable sharing of the benefits arising from the utilisation of genetic resources and promote appropriate access for such resources, as internationally agreed.</p> <p>15.9 – By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts.</p>	<p>15.1 – By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements.</p>

Structural	Process	Outcome
<p>15.8 – By 2020, introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species.</p> <p>15.c – Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.</p>	<p>15.a – Mobilise and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems.</p> <p>15.b – Mobilise significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation.</p>	<p>15.2 – By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally.</p> <p>15.3 – By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world.</p> <p>15.4 – By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, to enhance their capability to provide benefits that are essential for sustainable development.</p>
<p>16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p>		
<p>16.6 – Develop effective, accountable and transparent institutions at all levels.</p> <p>16.7 – Ensure responsive, inclusive, participatory and representative decision-making at all levels., accountable and transparent institutions at all levels.</p> <p>ected species, including by increasing the capacity of loca</p>	<p>16.3 – Promote the rule of law at the national and international levels and ensure equal access to justice for all.</p> <p>16.8 – Broaden and strengthen the participation of developing countries in the institutions of global governance.</p> <p>16.9 – By 2030, provide legal identity for all, including birth registration.</p>	<p>16.1 – Significantly reduce all forms of violence and related death rates everywhere.</p> <p>16.2 – End abuse, exploitation, trafficking and all forms of violence against and torture of children.</p> <p>16.4 – By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime.</p> <p>16.5 – Substantially reduce corruption and bribery in all their forms.</p>
<p>17. Strengthen the means of implementation and revitalize the global partnership for sustainable development</p>		
<p>17.6 – Enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular, at the United Nations level, and through a global technology facilitation mechanism.</p> <p>17.7 – Promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed.</p>	<p>17.1 – Strengthen domestic resource mobilisation, including through international support for developing countries, to improve domestic capacity for tax and other revenue collection.</p> <p>17.2 – Developed countries to implement fully their official development assistance commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance (ODA/GNI) to least developed countries; ODA providers are encouraged to consider setting a target to provide at least 0.2 per cent of ODA/GNI to least developed countries.</p>	

Structural	Process	Outcome
<p>17.8 – Fully operationalise the technology bank and science, technology and innovation capacity-building mechanism for least developed by 2017 and enhance the use of enabling technology, in particular, information and communications technology.</p> <p>17.10 – Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organisation, including through the conclusions of negotiations under its Doha Development Agenda.</p> <p>17.11 – Significantly increase the exports of developing countries, in particular with a view to doubling the least developed countries’ share of global exports by 2020.</p> <p>17.12 – Realise timely implementation of duty-free and quota-free market access on a lasting basis for all least developed countries, consistent with World Trade Organisation decision, including by ensuring that preferential rules of origin applicable to imports from least developed countries are transparent and simple, and contribute to facilitating market access.</p> <p>17.13 – Enhance global macroeconomic stability, including through policy coordination and policy coherence.</p> <p>17.14 – Enhance policy coherence for sustainable development.</p>	<p>17.3 – Mobilise additional financial resources for developing countries from multiple sources.</p> <p>17.4 – Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt.</p> <p>17.9 – Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals, including through North-South, South-South and triangular cooperation distress.</p> <p>17.5 – Adapt and implement investment promotion regimes for least developed Countries.</p> <p>17.16 – Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilise and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular, developing countries.</p> <p>17.17 – Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.</p>	

Annex 2: Country Profiles

About the Country Profiles: Methodological Note

The country profiles are the result of a collective and collaborative effort between the Astana Hub's Research Team and representatives of the authorities responsible for human resources management in their respective countries. The ASCH Research Team gathered information through extensive desk research of legal documents, country reports and other national and international publications. It also compiled data from national statistics and various governance and human development indices.

Each profile contains basic statistical information about the country. This includes: area, population, GDP, GNI per capita, HDI, life expectancy at birth and mean years of schooling. It also contains indicators on quality of public service for the past 5-year period, as measured through indices for government effectiveness, regulatory quality, rule of law and control of corruption. It further comprises information on the political and administrative structure of civil service, its legal basis and the official definition of a civil servant in the country; as well as the most current information on the civil servants' profile, i.e. eligibility criteria, total numbers broken down by gender, by age and service locale, and their remuneration structures. In addition, each profile contains information on the body responsible for human resources management policy design and implementation, as well as on selection and recruitment practices, promotion processes, performance evaluation modalities, training and career development. Moreover, it includes extensive reference to the ethics, integrity and anti-corruption policies in place and the structures assigned with the responsibility to implement them. It concludes by presenting and discussing past, current and planned civil service reforms in each country.

Each profile was shared with representatives of the government body responsible for human resources policy and management, in order to verify and validate the accuracy of its content. Approved country profiles are included in annex 2 of this publication. They are also published on the Astana Hub's website.

For the most current versions of these country profiles visit:

<http://www.regionalhub.org/category/library/country-profiles>

1. ARMENIA

I. BACKGROUND

Area:	29,743 sq. km
Population:	3,006 million (2014)
GDP:	USD 11,64 billion (2014)
GNI per capita:	USD 8,124 (2014)
HDI:	0.733; ranked 85 out of 188 countries (2014)
Life expectancy at birth:	74.7 years (2014)
Mean years of schooling:	10.9

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	31.71	51.71	49.28	58.37	46.15
Regulatory quality	45.10	55.39	60.29	58.85	60.10
Rule of Law	36.84	41.15	39.81	45.02	43.76
Control of corruption	30.24	32.20	30.48	39.23	40.38

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Armenia (RA) is a democratic state with a quasi-presidential system of government. State power is exercised in compliance with the Constitution and laws based on the principle of separation of the legislative, executive and judicial powers.

The President of the Republic of Armenia is the Head of State. The President ensures adherence to the Constitution. He provides for the smooth, uninterrupted and proper functioning of the legislative, executive and judicial authorities. He is also the guarantor of the Republic's sovereignty, territorial integrity and security. The President is elected by the citizens of the Republic for a term of five years.

Legislative Power. The National Assembly is unicameral and the supreme legislative authority of the Republic. It consists of 131 deputies, of which 90 are elected by proportional and 41 by majority representation. The members of the National Assembly are elected through general elections; its members serve for terms of five years.

Executive Power. The Executive power is exercised by the Government. The Government is composed of the Prime Minister and Ministers. Based on consultations held with the parties represented in the National Assembly, the President appoints the person nominated by the parliamentary majority to be Prime Minister. The President of the Republic appoints and dismisses the members of the Government, in accordance with the Prime Minister's proposal.

The Government's policies are designed and implemented in executive bodies (18 ministries and 6 public administration bodies adjunct to the Government), which may be established, re-structured and/or dissolved by Presidential Decree, following recommendations of the Prime Minister.

The Ministry is the body overseeing other state bodies and organizations within its jurisdiction. A Ministry is composed of the Minister, Deputy Ministers, Advisers, Press Secretary, Assistants and Aides, Ministry Staff, regional units, relevant state bodies, as well as non-profit organizations working under a Ministry's jurisdiction. A public administration body adjunct to the Government is comprised of the Head, Deputy Heads, staff, regional units, as well as non-profit organizations under its jurisdiction. The Staff of a Republican Executive Bodies are comprised of structural units (departments, divisions and secretariats) and standalone units (agencies and inspectorates), whose tasks and responsibilities are defined by the Government.

The Republic's **administrative and territorial units** are composed of *marzes* (regions) and communities. The country is divided into 10 *marzes*. The Government appoints and dismisses the *Marzpets* (Marz / Regional Governors), who exercise discretionary powers and are accountable to the Government. *Marzpets* implement the government's regional policy, coordinate activities related to regional services of executive bodies, as determined by applicable laws. The *marzes* encompass urban and rural communities, all administered by local self-governments. There are 915 communities in Armenia: 49 urban and 866 rural communities. The capital city of Yerevan also has the status of a "community".

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

Measures to establish the country's civil service were initiated barely a decade after independence from the Soviet Union in 1991. In fact, it was not until 1998 when several of working groups were set up to develop a draft law on civil service, when the Government assigned the Public Administration Reform Commission to propose civil service reforms aimed at building a new civil service system in the country. The Commission's deliberations led to the adoption of the Law on Civil Service (2001) and the establishment of the Civil Service Council (2002). Subsequently, the Law on Public Service was enacted to allow for comprehensive regulation of public and community civil service (2011).

The legal framework for the civil service of Armenia is based on the Constitution, international agreements signed by the Republic, the Law on Civil Service of 2001, the Law on Public Service of 2011, legal acts and regulations of the Civil Service Council and other legal acts. Following its establishment in January 2002, the Civil Service Council initiated the development and adoption of regulations falling within its jurisdiction. These included: Regulation on Holding Competitions and Attestations, Regulation on Training, Regulation on Enrollment in the Personnel Reserve, as well as other acts and regulations. Such other issues as remuneration of civil servants are regulated by the Law on Remuneration of Civil Servants, while employment-related issues, not explicitly regulated by the civil service legislation, are subject to provisions in the general labour legislation. The legal framework for public service includes:

- RA Law “On Public Service”, adopted on 26 May 2011;
- RA Law “On Civil Service”, adopted on 4 December 2001;
- RA Law “On Remuneration of Persons Occupying State Positions”, adopted on 12 December 2013;
- Decision N 3 of 29 January 2002 of the Civil Service Council of the Republic of Armenia “On Approval of the Charter of the RA Civil Service Council”;
- Decision N 17-N of 13 June 2002 of the Civil Service Council of the Republic of Armenia “On Establishing a Procedure for the Conduct of Competitions for the purpose of Filling Vacant Civil Service Positions”;
- Decision N 546-N of 26 June 2006 of the Civil Service Council of the Republic of Armenia “On Establishing the Procedure of Secondment of Civil Servants for Training, Improvement of Professional Knowledge and Work Skills”;
- Decision N 818–N of 12 October 2010 of the Civil Service Council of the Republic of Armenia “On Establishing Procedures for Testing and Certification of Junior Civil Service Positions and for Occupying Vacant Junior Civil Service Positions”;
- Decision N 1510-N of the Government of 20 October 2011 “On Approving the Procedure for Developing Work Plans, Accessing and Approving Work Plans into Electronic Document Flow System, Appraising Performance through the System and Relating Pay to Performance in RA Public Administration Bodies”.

The **Civil Service Law of 2001** covers civil service positions in the President’s Administration, ministries, executive bodies at the republican and regional levels, other government administrative bodies established by law, excluding the Central Bank. In nine chapters, the Civil Service Law of 2001 regulates relations pertaining to the civil service, namely:

- Definitions and the Law’s applicability; terms of which state bodies, positions and position holders are included;
- Main principles regulating the civil service and delineation of legislation regarding the civil service; including the subsidiary application of the Labour Code to some aspects of the employment relationships and working conditions;
- Classification of civil service positions (11 levels in four groups) and corresponding grading system for the position holders; regulation of the “roster” of Civil Service positions and the “passport” of each individual position as key elements of the civil service system¹⁸⁶;
- General requirements and conditions governing access to civil service positions and the methods used in filling vacancies through the Civil Service Roster (plus rules on final appointments);
- Mandatory training and “attestation” of civil servants;
- Legal status of civil servants (rights, duties, restrictions, incentives, disciplinary regime, retirement age); as well as causes for removal from civil service positions and termination of the civil service relationship/status;
- Civil Service organizations and management bodies¹⁸⁷.

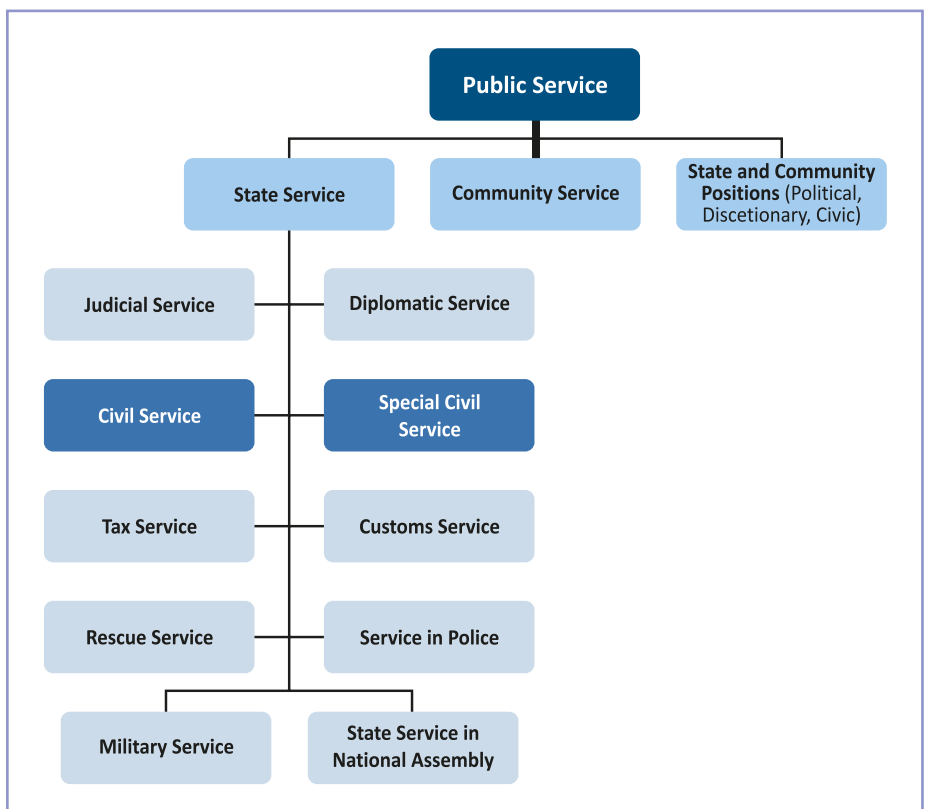
¹⁸⁶ The Law sets the minimum general requirements for such “passports” or job descriptions regarding professional grade and years of experience needed to access such positions.

¹⁸⁷ OECD/ SIGMA. 2010. Assessment of the Civil Service System of the Republic of Armenia.

b. Definition of civil servant

The Law on Public Service (2011) defines public service as “the exercise of powers vested in the State under the Constitution and laws of the Republic of Armenia, which shall include state service, community service¹⁸⁸ and state and community positions”. According to the Civil Service Law of 2001 (CSL), state service is defined as “a professional activity aimed at performing functions and transacting issues conferred upon state entities by Republican legislation”. The state service incorporates the civil service, judicial service, diplomatic service, and special service¹⁸⁹.

Figure 3: Public Service in Armenia



The same Law defines civil service as “a professional activity independent from the changes introduced by political powers, as are performed by government bodies included in Clause 1, Article 4 of the CSL¹⁹⁰, with the purpose of implementing the objectives and functions assigned to those bodies by the legislation of the Republic of Armenia” (Article 3, Clause 1/a). A Civil Servant is “a person occupying a position envisaged in the Roster of Civil Service Positions (Article 15.1, Clause 1 of the CSL), or listed in the Civil Service Personnel Short-term Reserve” (Article 3, Clause 1/d).¹⁹¹

¹⁸⁸ Community service is defined as a professional activity aimed at performing functions and resolving issues conferred upon local self-governing bodies by the legislation of the Republic of Armenia.
¹⁸⁹ Special service in, respectively, Defence, National Security, Police, Tax, Customs and Rescue Services of Republican Executive Bodies; State Service in the Staff of the National Assembly of the RA, National Security Council, Investigative Committee of the RA, Department of the Investigative Committee of the RA, as well as other services envisaged by the law.
¹⁹⁰ These bodies are: (a) the Staff of the President of the RA; (b) The Staff of the Government of the RA; (c) The Staffs of the Republican Executive Bodies of the RA; (c1) The Staffs of state bodies acting in the administrative field of the RA Ministries; (d) The Staffs of the *Marzpetarans* / Regional Governor’s Offices / of the RA; and (e) The Staffs of the permanently operating bodies created by the laws of the RA, except for the Central Bank.
¹⁹¹ Temporary vacant positions are exempted from these procedures.

Civil service positions are classified into four groups: highest, chief, leading and junior positions based on the levels of responsibility, decision-making authority, representation, as well as the complexity of their assigned functions and responsibilities (Article 7 of the CSL of 2001). The group of highest civil service positions is further subdivided into subgroups 1 and 2; the groups of the chief, leading and junior civil service positions into subgroups 1, 2 and 3 (subgroup 1 being considered the highest subgroup of a given group). Each civil servant can move up one grade without a change in the position; not earlier than 3 years upon receiving the grade corresponding to his/her position. The CSL also clarifies that persons occupying political, discretionary and civil positions, as well as technical support personnel in the bodies envisaged under Clause 1 of Article 4 (see also footnote 193) are not considered civil servants.

In September 2002, the Civil Service Personnel Roster was approved. Thus, starting on 1 November 2002, persons occupying positions listed in the Personnel Roster were considered civil servants. This signified a shift to the new system. The newly formed civil service system incorporated 41 state entities with 7,297 civil servants.

c. Civil servants' profile

Eligibility criteria

The Constitution of the Republic, adopted in 1995 and substantially amended in 2005, recognises and guarantees "equal access of all citizens to the public service" (Article 30.2, Clause 2). Article 11 of the Civil Service Law (CSL) of 2001 stipulates that, to enter into the civil service, candidates must be citizens of the Republic meeting the requirements established by the job description (or Passport) of a given position and that they should possess knowledge of the Armenian language and have attained the age of 18 years.

Total number of civil servants

Total number of civil servants in Armenia was 6,508 as of November 2014¹⁹².

d. Civil servants' remuneration structure

The Civil Service Law of 2001 and the Law on Remuneration of Persons Occupying State Positions of 2013 regulate the remuneration of civil servants. According to these Laws, civil servants' pay includes basic salary (or official pay rate), additional salary and bonuses. The basic salary is estimated on the basis of a common amount, multiplied by a coefficient set for each group (grade), sub-group (class) and duration of service in the relevant sub-group. In turn, this common amount is determined on an annual basis as stipulated by the Law on State Budget¹⁹³. Additional salary includes extra payments, i.e. wage supplements for overtime, work under hazardous conditions and increments, determined on the basis of rank and work experience. However, any additional salary cannot exceed 30 per cent of the basic salary¹⁹⁴.

¹⁹² Civil Service Council of the Republic of Armenia. Selection and Recruitment Procedure of Senior Civil Servants in Armenia, <http://dsc.kprm.gov.pl/sites/default/files/pliki/armenia.pdf>

¹⁹³ As such, the 2014 State Budget set the common base salary for persons holding state positions for the period from 1 July to 31 December at 66,140 Armenian Dram (AMD) per month (about USD 140).

¹⁹⁴ For example, in 2015, a junior level civil servant with four years of experience would be paid in the range of approximately 90,000 AMD (or USD 190-260) per month, based on information provided by the Civil Service Council.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Article 36 of the CSL of 2001 stipulates that the Civil Service Council and the Chiefs of Staff are primarily responsible for the management and organisation of the civil service.

The Civil Service Council is an independent state body in charge of implementing a unified state policy in civil service. Article 37 of the CSL of 2001 regulates the Council. Its seven members are appointed by the President on the advice of the Prime Minister. The Council is an autonomous entity with its own organization and budget.

The main objectives of the Council are: [i] ensure the application of the new civil service system in the Republic of Armenia; [ii] effective management and organization of its activities; and [iii] further improvement, ensuring transparency of the civil service system. Specifically, the Civil Service Council's functions include:

- Developing primary and secondary legislation related to civil service;
- Monitoring enforcement of civil service legislation;
- Approving, updating and amending the Roster of Civil Service Positions;
- Organizing and implementing the competitive processes in filling vacant positions;
- Organizing and holding certification of civil servants;
- Organizing trainings for civil servants and secondment for the improvement of their professional knowledge and skills;
- Maintaining long- and short-term reserves;
- Dealing with appeals on civil service matters; and
- Monitoring compliance with the Civil Service Code of Ethics.

In addition, the Council supervises human resources management and provides methodological guidance to public administration bodies. However, a SIGMA report¹⁹⁵ notes two important omissions in the Council's functional scope: firstly, that it does not participate in workforce planning in public administration bodies though it manages the personnel registry; and secondly, the Council is not authorised to deal with the management of top-level civil servants (Parrado, 2014). It also points out that the Council's position is weak due partly to its "minor role in policy-making" and partly to the "lack of institutionalisation of its independence".

Ministries have personnel management units responsible for the HR function. This includes the calculation of the seniority/length of experience of personnel, the conduct of competitive recruitment and attestations, the organization of training, the termination of employment and temporary contracts, control over employee labour discipline issues, management of personnel files, record keeping, acceptance acts (handovers), maintenance of personal files, etc.

a. Organisation of the selection and recruitment process in civil service

Recruitment in the civil service is regulated by the Law on Civil Service (2001) and the Civil Service Council Decision N 17-N on "Defining Order on the Conduct of Competitions for Vacant Civil Service Positions" adopted on 13 June 2002.

¹⁹⁵ OECD/ SIGMA, 2010. Assessment of the Civil Service System of the Republic of Armenia.

According to Article 12(1) of the CSL of 2001, a vacant civil service position must be filled either through the extraordinary, out-of-competition process or through competition procedures. Extraordinary (out-of-competition) procedures apply in the case of an urgent need to fill a vacant position (within a week), or until the announcement of the competition for the position is published. In this case, a civil servant from a particular body, who meets the formal requirements of the job can be appointed to this post. Open competition procedures apply to filling new civil service positions and positions which are not filled by extraordinary processes (Article 14, Clause 1 of the CSL). The CSC manages the recruitment process jointly with the hiring agency/government department. It provides methodological support and monitors the recruitment process. It may also intervene should the merit-based principle be violated in the process.

The Civil Service Council publishes the announcement of a competitive process for the positions at the highest and chief levels; and the hiring government bodies publish the announcement for positions of the leading and junior levels, one month in advance to holding the competition, in the press and another media, as well as online on the official website of the CSC.

The Competition Commission is formed, no sooner than 24 hours before each competitive process is held. It is comprised of CSC representatives (one third), representatives of the hiring body (one third) and experts from scientific and academic institutions in relevant fields of specialisation (one third). Representatives of civil society organisations may also participate as observers.

The competitive process involves two stages: testing and interviewing. Multiple-choice tests are designed to check the applicants' knowledge of the relevant legislation, including the Constitution, civil service legislation and legislation relevant to the hiring body. They are also designed to test the applicants' ability to work in a given position (Article 7 of the CSL). Candidates obtaining a score of at least 90 per cent qualify for an interview. The interview is held by a Competition Commission. The goal is to determine the candidates' professional knowledge, competencies, qualifications and ability to perform the functions of a given position. Following the interview result, the official responsible for the appointment selects and appoints one of the three top-listed candidates within three working days upon receipt of the notification¹⁹⁶. Competition results can be appealed in writing and these appeals are dealt by the CSC. Newly recruited civil servants are subject to a probation period of up to six months in compliance with general labour legislation.

Regarding the conditions for termination, the CSL of 2001 in Article 15.1 provides an extensive list of conditions. In most cases, these relate to voluntary resignation and to a lesser extent, dismissal cases resulting from the reorganisation and abolition of government agencies.

The length of service or *seniority* of a civil servant is calculated on the basis of occupancy of a civil service position, or being enlisted in the Civil Service Personnel Short-term Reserve (Article 17 of the CSL). The Law also specifies that ranking and seniority should take into account a civil servant's overall professional service.

¹⁹⁶ However, the selection of one candidate out of three need not be substantiated. The SIGMA report (2014) indicates this is one of the flaws of the recruitment process in civil service (Parrado, 2014). Overall, however, SIGMA reports that recruitment of civil servants follows mostly the principles of meritocracy, although "the scope and the practice are less transparent than advocated".

b. Promotion process in the civil service

The CSL of 2001 encompasses several provisions on promotion and mobility in the civil service¹⁹⁷. The Law (Article 20, Clause 7) also provides for secondment of civil servants, with a view to improving their professional knowledge and skills.

c. Performance evaluation, training, and career development

In accordance with Article 20 of the CSL of 2001, the CSC is responsible for organising, coordinating and assessing training needs jointly with the HR units of relevant agencies. HR units offer their recommendations on training to the CSC, on an annual basis. The CSL mandates that civil servants shall undergo mandatory training at least once every three years. Civil servants are also entitled to receive non-mandatory training for special job requirements to improve their professional skills. Training is organised at the request of the responsible Chief of Staff, in line with a programme approved by the CSC.

As for performance evaluation, Armenia practices both attestation and performance appraisal systems, each serving a different purpose. All civil servants undergo a performance appraisal. This is conducted semi-annually by their immediate supervisor (Article 20.1 of the CSL of 2001). Appraisal includes assessment of work performed by a civil servant, their timeliness and quality of the performed tasks, as well as managerial skills. Performance appraisal results have no direct connection to the promotion or training of a civil servant but they do affect bonus payments.

Another type of performance evaluation, a regular mandatory attestation of civil servants is conducted once every three years. “Extraordinary” attestations may also be conducted on orders from the direct supervisor, after the lapse of one year from the previous attestation. The attestation is carried out in two stages: first, documentary attestation and second, a test and interview. Both aim at verifying that civil servants possess appropriate and relevant knowledge to perform the functions of a position, as specified in the job description. The CSC coordinates the attestation of the highest and chief positions, while public authorities manage attestation of the leading and junior levels in their respective agencies. Attestation is carried out not by the immediate supervisor, but by Attestation Commissions, which are formed in the same manner as Competition Commissions. Attestation results are used to decide whether civil servants comply with the positions they occupy. Attestation results are not linked with a civil servant’s promotion or the identification of his/her training needs¹⁹⁸, as is also the case with performance appraisal.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The legal framework dealing with corruption prevention and promotion of ethical behaviour of civil servants includes the CSL of 2001 and the Public Service Law of 2011. The latter provides rules of ethical conduct for public servants and high-ranking officials (Article 28, Clause 3) to ensure appropriate behaviour, prevent conflicts between public and private interests and enhance public confidence in public institutions. Enforcement of these rules rests on Ethics Commissions,

¹⁹⁷ A SIGMA report (Parrado, 2014) notes that recruitment based on the extraordinary (“out-of-competition”) procedure presents a promotion process, without applying merit-based principles.

¹⁹⁸ In relation to these performance evaluation systems, the 2014 SIGMA report (Parrado, 2014, p. 7) points to the existence of these two processes of attestation and performance appraisal noting that “confuses the purpose of a real appraisal of the achievement of results”; hence, recommended abolishing the attestation process.

which are established in the respective public institutions. However, there is no one central body responsible for ensuring uniform enforcement of ethics rules in the civil service (OECD, 2014).

The Civil Service Council established the Ethics Commissions in 2004 with a view to contributing to the formulation and enhancement of ethics in public administration institutions. Each Commission¹⁹⁹ includes two Council representatives, two public administration body representatives (a civil servant and a representative of a public association/union) and a representative from the Armenian Apostolic Church.

There is a separate Ethics Commission for High-Ranking Officials, established in 2012. It consists of five independent members appointed by the President, in line with Article 38 of the Public Service Law of 2011. The Commission, among its other functions, is responsible for the collection and analysis of asset declarations by high-ranking officials and a new integrity-related system introduced in 2013²⁰⁰, among other functions.

The Law on Public Service of 2011 also introduced the concept of “whistle-blowing”, requiring public servants to report offences committed by other civil servants, as well as any other unlawful activity, including corruption-related ones (Article 22).

In 2013, a 72-hour anti-corruption course was introduced, as part of a mandatory training programme for civil servants²⁰¹. The Ethics Commission for high-ranking officials also delivers anti-corruption training to civil servants though mainly on the topic of asset declaration. The Commission jointly with SIGMA, is currently elaborating a draft code of conduct for high-ranking officials²⁰².

Established in 2004, the Anti-Corruption Council, established in 2004, became operational in a revamped format in July 2015 following the Government’s decision No 165-N (19 February 2015) “On Establishing the Council and Expert Task Force”, which also approved the Council’s composition and its rules of procedures. The Council is chaired by the Prime Minister. The Council is responsible for: [i] devising and endorsing the national anti-corruption strategy²⁰³; [ii] developing recommendations for amending the strategy; [iii] endorsing sector-specific programmes developed within the strategic framework; [iv] coordinating and monitoring implementation of activities congruent with the anti-corruption strategy deployed; and [v] ensuring cooperation with the international community, as well as with civil society representatives and other stakeholders in the anti-corruption drive.

The Government Unit on Monitoring Anti-Corruption Programmes acts as a Secretariat to the Anti-Corruption Council responsible for implementing the national anti-corruption strategy for the period 2015–2018. The Government and USAID have signed an agreement for joint implementation of the Strategy²⁰⁴.

¹⁹⁹ However, the OECD (2014) reports these commissions to be non-operational in practice, , therefore it recommends that action should be taken to ensure their effectiveness.

²⁰⁰ However, the Round 3 Monitoring OECD report of the Istanbul Anti-Corruption Action Plan on Armenia notes that these “declarations are narrow in scope”, while the Ethics Commission for High-Ranking Officials “has no mandate or resources to verify the declarations or to sanction non-compliance” (2014, p. 5).

²⁰¹ However, the OECD report (p. 54) indicates low levels of completion of this training, in proportion to the total number of civil servants in the country. In 2011, training was provided to 26 officials; in 2012 to 61; in 2013 to 107; and in 2014 (1st half-year) to 38 officials.

²⁰² The Commission on Ethics of High-Ranking Officials has initiated activities to elaborate the content of public officials’ code of conduct, <http://ethics.am/en/news/item/2016/02/04/news46/>

²⁰³ The strategy’s priority areas are education, health, public revenue and services delivered by the Police.

²⁰⁴ <http://www.gov.am/en/news/item/8265/>

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

A multitude of measures have been implemented in order to improve the legislative basis of recruitment, performance assessment and other civil service management-related aspects. As reported by the Civil Service Council, these include the following:

- Mandatory medical insurance, introduced in 2012, as part of a social security package;
- A new unified system of remuneration of persons occupying state positions, including civil servants. This envisaged a significant salary increase and was launched on 1 July 2014;
- Following review of the attestation process for civil servants, a performance appraisal system has been deployed;
- A unified certification system has been put into place for candidates to civil service junior positions in order to improve the process of recruitment into the civil service; a point system has been developed for candidates' evaluation during the interview stage of the competition;
- Amendments have been made to the Law "On Civil Service" (June 2014) in order to make the civil service more competitive and attractive, to enhance motivation and to increase flexibility in staff recruitment and promotion. Accordingly, a new scale of requirements pertaining to work experience has been adopted, which significantly narrowed the scope of differences existing between the requirements of the civil service and the non-civil service related work experience;
- The Law "On Public Service", adopted in 2011, with the aim to harmonise differences among civil and other state services and to ensure uniformity of principles across the civil service;
- The new Civil Service Council website (www.csc.am), which has become operational in order to provide a platform for electronic document flow and common databases, as well as to ensure adequate information exchange;
- A draft "Ethics Code for Civil Servants", which has been developed in order to improve the ethics framework for civil servants.

b. Current reforms

Considering the future priorities for the development of the civil service, a new "Policy Paper on Civil Service Reform" has been developed jointly with EU/SIGMA. It will be followed by the development and implementation of an Action Plan. The Government of the Republic approved the Civil Service Reform Strategy on 29 December 2015. The Strategy purports to depoliticise the Armenian civil service and to promote the building of a body of professional and impartial civil servants. The goal of the strategy is to shift from the current system to a merit and career-based civil service system incorporating both the strengths of the existing one and the best EU practices, standards and principles. Furthermore, the strategy envisages setting up unified principles of performance appraisal of civil servants, of promotion and career development, as well as bringing the code of conduct rules in line with those of the EU and OECD standards.

c. Planned reforms

Based on the new approved strategy, civil service reforms are planned to focus on three main areas²⁰⁵:

- Strengthening civil service values and principles in a sustainable manner while focusing on enhancing the efficiency of public administration and improving the quality of services provided to citizens;
- Modernising key HRM mechanisms regarding selection, training, performance appraisal, promotion and mobility, ethics rules and integrity, job classification and other related areas²⁰⁶; and
- Improving civil service management.

²⁰⁵ In addition, the 2014 SIGMA report has provided a list of specific recommendations, which, among other call for higher transparency in the recruitment process, application of merit-based practices to internal competition, conducting organisational and individual training needs assessments and introduction of a unified monitoring mechanism to promote integrity of civil servants.

²⁰⁶ For instance, the attestation system for civil servants will be replaced by a performance appraisal system in the beginning of 2017.

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2. AZERBAIJAN

I. BACKGROUND

Area	86,600 sq. km
Population	9,590,000 (July 2015)
GDP	USD 34 billion (2015)
GNI per capita	USD 3,564.3 (2015)
HDI	0.751; ranked 78 out of 188 countries (2014)
Life expectancy at birth	71.2 years
Mean years of schooling	11.2

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	13.2	28.8	23.9	38.3	42.3
Regulatory quality	16.7	30.9	39.7	34.9	43.8
Rule of Law	14.4	28.7	23.2	29.9	30.8
Control of corruption	7.3	16.1	9.6	19.1	17.8

Source: World Bank (2015)

b. Political and Administrative Structure

Azerbaijan is a democratic, legal, secular and unitary republic. It has a presidential system, in which the executive branch exercises broad authority in relation to the parliament. For example, the President can propose appointment of judges, cancel a decision of the Cabinet of Ministers or dismiss it.

The executive branch consists of the President, his Office, the Prime Minister and the Cabinet of Ministers. The legislative branch is comprised of the Parliament (*Milli Majlis*). The Parliament has one chamber of 125 members, who are elected for a period of 5 years. The latest parliamentary elections were held in 2015, in which the New Azerbaijan Party (YAP is its Azeri acronym), chaired by President Ilham Aliyev, won a majority and holds 69 seats²⁰⁷. The judicial branch in Azerbaijan is comprised of the Constitutional Court and the Supreme Court. The judges are nominated by the President. The Judiciary includes the Courts of Appeal, ordinary and other specialized law courts.

²⁰⁷ Republic of Azerbaijan, Parliamentary Elections, OSCE/ODIHR Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/azerbaijan/179216?download=true>

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The Constitution and Civil Service Law (2000)²⁰⁸ regulate the civil service of Azerbaijan. There are, moreover, some 90 legislative acts, both primary and secondary on public administration, which also regulate the civil service in different sectors and areas. The Constitution (Article 109) makes a distinction between political appointees and civil servants. The President of the Republic appoints heads of central administration (ministries, collegial bodies, services, agencies and commissions) and of the local executive entities. Other laws regulate political appointees. According to the Law “On Civil Service”, state bodies are divided into 6 categories in a descending hierarchical order.

Positions in state bodies are classified as administrative or auxiliary, depending on the nature of their functions and source of authority. Administrative positions are those positions of heads of offices and departments of state bodies from the Supreme to 5th category and of their deputies, as well as the positions of specialists recruited into the civil service. Administrative positions are divided into 8 categories (the supreme category and categories from 1 through 7). Auxiliary positions are those positions of civil servants carrying out technical work in state bodies (clerk, typist, courier, archivist, lift operator, driver and other types of employees). Auxiliary positions are divided into 4 categories.

Table 28: Classification of Administrative Positions in the Azerbaijani Civil Service

Category	State bodies
Supreme	Parliament; Constitutional Court; Cabinet of Ministers and Presidential Administration; Supreme Court of the Republic of Azerbaijan.
1 st	Parliament of the Nakhichevan Autonomous Republic (NAR); Chief Prosecutor’s Office; Chamber of Accounts; Office of Judicial Legal Board; Office of the Attorney for Human Rights (Ombudsman).
2 nd	Supreme Court of the NAR; Cabinet of Ministers of the NAR; Prosecutor’s Office of the NAR; Office of the Attorney of the NAR for Human Rights (Ombudsman); Military Prosecutor’s Office; Appeal Courts; Central Election Commission; Secretariat of the Commission on Fight against Corruption; Office of the National TV and Radio-broadcasting Board.
3 rd	State agencies and state services established under the central executive power bodies; regional centres of Ombudsman; courts on grave crimes; administrative economic courts; military courts of the RA; Central Election Commission of the NAR; central executive power bodies of the NAR; Office of the National TV and Radio-broadcasting Board of the NAR; Military Prosecutor’s Office of the NAR.
4 th	Local executive bodies; regional divisions of the central executive power bodies; bodies being subordinated under the central executive power bodies; city (region) courts; district (city) prosecutor’s offices; military prosecutor’s offices.
5 th	Local divisions of state agencies and state services established under the central executive power bodies, being under and subordinated to relevant executive power bodies; representations of local executive power bodies on administrative territorial districts.

Ranks are established in accordance with the classification of administrative positions. The professional rank of civil servants indicates their professional level, gives them the right to hold

²⁰⁸ Law of the Republic of Azerbaijan On Civil Service, <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan039052.pdf>

an administrative position and to receive a bonus in addition to a wage and social benefits. A person entering the civil service for the first time is placed at the lowest professional rank determined by the administrative classification of the relevant position. Civil servants are deprived their professional rank only in case that they renounce their Azerbaijani citizenship.

b. Definition of civil servant

According to the Law "On Civil Service", a "civil servant is a citizen of the Republic of Azerbaijan, who holds a salaried civil service position (the salary should be exclusively paid from the state budget) as determined by this Law; he/she takes an oath to the Republic of Azerbaijan when recruited to occupy a civil service administrative position". Deputies and judges are not considered civil servants.

c. Civil servants' profile

Eligibility criteria

Citizens of the Republic of Azerbaijan aged 16 and over and possessing professional skills in accordance with the requirements of a civil service position have the right to be recruited into the civil service regardless of race, nationality, language, sex, social origin, property status, place of residence, religion and membership in social and other organizations.

Total number of civil servants

In 2014, the number of civil servants in Azerbaijan was 30,108. Among them 1,147 civil servants hold administrative positions from the superior through to the 3rd classification. The remaining 23,017 civil servants hold positions from the 4th to the 7th levels.

Number of civil servants as a proportion of the total population and of the labour force

Civil servants represented 0.314% of the country's population, and 0.628% of the labour force in 2014.

Gender and age distribution of the civil service

Male employees surpass women in the civil service of Azerbaijan. Out of 30,108 civil servants in the country, 8,580 are women (28.5%) and 21,528 are men (71.5%).

In 2014, 16.7% (5,019) of the total number of civil servants were under 30 years of age; 14.5% (4,354) were between 30 and 34 years; 22.3% (6,731) were between 35 and 44 years; 25.8% (7,766) were between 45 and 54 years; 16.9% (5,085) were between 55 and 62 years; 2.6% (781) were between 63 and 64 years and 1.2% (372) were 65 years or over.

d. Civil servants' remuneration structure

The average monthly salary is 617.6 manat (USD 484 approximately), across the country, while the average monthly salary for the superior administrative positions is 760.3 manat (USD 596 approximately). Total compensation consists of official salary, bonuses and allowances paid for professional rank, length of service, etc. The salary of civil servants in the 7th classification of administrative and of auxiliary positions is equal to the minimum official salary as defined by the legislation of the Republic of Azerbaijan. In general, the official salary of civil servants is determined by the civil service position classification matrix.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The Civil Service Commission²⁰⁹ – established by Presidential Decree in 2005 – is responsible for the design of human resources policy and its implementation. It is the central executive body, directly accountable to the President of the Republic. The Commission employs a staff of 45 (2015). The Commission is responsible for:

- Development of legislation; adoption of legal acts regulating personnel relations in public service and monitoring implementation of legislation;
- Coordination and supervision of the preparation of job descriptions for civil service positions;
- Organization and oversight of the centralized admission to the civil service system (competition and interview);
- Enhancement of public servants' ethical behaviour;
- Formulation and improvement of the Register of Civil Servants (centralised information database);
- Training-needs analysis for civil servants; development of training strategies; organisation of short-term trainings, etc.

a. Organisation of the selection and recruitment process in civil service

The selection and recruitment process is regulated by the Law "On Civil Service" (2000) and the "Rules of Recruitment to the Civil Service in the State Bodies through Competition" (2009). The Rules apply to the general civil service. Positions in the specialised civil service²¹⁰ have their own recruitment and promotion systems; based however on similar rules. According to the Rules, the Civil Service Commission announces vacancies for positions from the 5th to 7th grades through an open and competitive recruitment process. The competition consists in an examination/test and an interview. The test is administered by the Civil Service Commission. Applicants, who successfully pass the test are invited for an interview.

Interviews are conducted by panels of interviewers established by the Civil Service Commission. A Panel consists of representatives of the hiring state body, members of the Commission and independent experts. Candidates, who successfully pass the test and the interview, are introduced to the Head of the hiring state body and are appointed to a vacant position. The Head of the hiring body makes the final decision and informs the Commission of the choice(s)²¹¹. Candidates who also passed the test and the interview but were not recruited, are placed on a reserve list for 2 years. Competition results and recruitment decisions are made public through the Commission's website. Candidates, dissatisfied with a recruitment decision, may file an administrative complaint to the Appeals Commission established by the Civil Service Commission, and/or to the courts.

²⁰⁹ www.csc.gov.az

²¹⁰ Specialised civil service includes the Ministries of Justice, Internal Affairs, Taxes and Foreign Affairs; the State Customs Committee; the Prosecutor's Office; and the Judiciary.

²¹¹ This is also provided for in the Civil Service Law.

b. Promotion process in the civil service

Promotion of civil servants between the fifth and seventh categories adheres to merit-based criteria. Promotion is carried out through upgrading, competition or interview, both internal and external. The competition or interview is intended to assess the knowledge, professional capacity and critical thinking of candidates with particular reference to a state body and vacancy. The following elements are also taken into consideration during an interview²¹²: specialisation level, attestation results, performance evaluation results and additional education qualifications congruent with the requirements of the vacant position. Promotion of civil servants from the first to fourth categories is not performed using a merit-based process.

Horizontal mobility is also practiced; however, no related regulation exists. Reform efforts are currently under way to improve the openness and competitiveness of the promotion process by utilising performance appraisal results recently enforced and relevant provisions in the civil service code²¹³.

c. Performance appraisal, training and career development

Performance Appraisal:

According to Article 30-1 of the Law on Civil Service, the performance of civil servants holding administrative positions is evaluated at the end of each calendar year by their direct supervisor. The results of the performance appraisal are documented through a service performance appraisal template developed for this purpose. The performance of a civil servant is evaluated against a list of criteria. Comments may also be added. The opinion of the civil servant, whose performance is appraised may also be appended to the appraisal document.

Civil servants, in both administrative and auxiliary positions, pass an attestation every five years. An attestation is performed collectively by the Attestation Commission, comprised of a representative from the relevant government organisation and of independent experts. The professional competencies, ethical standards and diligence of civil servants are evaluated during this attestation.

Training:

Civil servants in Azerbaijan are entitled to receive appropriate training and educational leave at the State's expense (Civil Service Law, Article 19). Article 22 describes in detail the circumstances in which civil servants may receive additional training. However, the legislation does not specify, the frequency and range of the training a civil servant should undertake.

The training and professional development of civil servants is one of the main functions of the Civil Service Commission. This function comprises of a needs analysis, preparation of proposals and delivery of training. It also comprises of providing additional educational activities to civil servants. In this context, the Commission delivers courses on management, ethical behaviour and anti-corruption, civil service legislation and other related training modules, both in the capital district and in the regions. The state agencies meet their own training needs and some have their own training centres.

²¹² Only valid for candidates already holding a civil service position.

²¹³ Civil Service Professionalisation in Armenia, Azerbaijan, Georgia, Moldova and Ukraine. November 2014, <http://www.sigmaxweb.org/publications/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

The Academy of Public Administration, under the President, also organises advanced vocational training for civil servants²¹⁴.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

According to the Law on “Rules of Ethics Conduct of Civil Servants”, (2007), the Civil Service Commission is the main body responsible for monitoring observance to the rules of ethical conduct. The Civil Service Commission performs the following functions as an oversight body:

- Receive information and complaints from civil servants and other persons relating to a breach of the Law;
- Prepare proposals, recommendations or opinions providing solutions to issues arising from complaints and other information received;
- Prepare annual ethics-related reports;
- Prepare proposals on legislation improvements related to ethical conduct issues for civil servants;
- Cooperate with independent experts, the mass media and NGOs over issues of ethical conduct for civil servants.

Besides the Civil Service Commission - as implied by Article 22 of the Law on Ethical Rules - each state body appoints an Ethics Commissioner, who oversees the implementation of ethical rules. In practice, Ethics Commissioners come from either the human resources management or internal audit departments, or they are Heads of agencies themselves. Most Ethics Commissioners are high-level officials. In some cases, they are appointed from the expert category²¹⁵. The Commission on Combating Corruption under the Cabinet of Ministers is the coordinating institution for the implementation of the anti-corruption strategy. It is a well-established non-profit operational body.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Anti-corruption

The National Strategy for Increasing Transparency and Combatting Corruption 2007-2011 has been implemented with a view to improving performance in the state institutions in accordance with prevailing standards. An analysis of current levels and trends in corruption was carried out to provide the basis for developing this policy document. The Government has undertaken a substantial number of programmes and activities to raise awareness of corruption. This is especially true of current legal issues and reporting among public officials and law enforcement officers.

²¹⁴ Ibid.

²¹⁵ Eastern Partnership-Council of Europe Facility Project on “Good Governance and Fight against Corruption”. Technical Paper Country risk assessment – Azerbaijan “Ethics in Civil Service”, http://www.coe.int/t/DGHL/cooperation/economiccrime/corruption/Projects/EaP-CoE%20Facility/Technical%20Paper/2524-EaP-6%202012-AZ%20RA%20ethics%20in%20civil%20service_Final.pdf

E-services

In 2010, the Second E-Azerbaijan State Programme was adopted. The President signed the Decree “On the Measures of Organizing E-Services” (2011). According to this Decree, state institutions are bound to incorporate E-services in their functions and activities. In this connection, the “egov.az” portal was launched in order to provide e-services through the “One Stop Shop” principle.

One Stop Shop

Administrative procedures associated with entrepreneurial activities are carried out through the One Stop Shops since 2008²¹⁶. Administrative procedures for registering physical persons, wishing to engage in entrepreneurial activities started on 1 June 2011; the incorporation of other legal entities in February 2012. The One Stop Shop facility was also implemented in border-checking of transported goods and vehicles in 2008; in immigration procedures in 2009 and in registration of imported vehicles in 2011.

The Citizen Services and Social Innovations State Agency under the President was established in July 2012 along with the “Azerbaijan’s Network of Simplified Access to Government Services” (ASAN). The goal was to ensure that all services to citizens are rendered from a single source at a higher quality and in a more convenient manner. The ASAN service was given the United Nations Public Service Award in 2015²¹⁷.

b. Current reforms

By presidential decree, on April 11, 2016, the State Examination Center was established, which dissolves the Civil Service Commission and the State Commission for Admission of Students of Azerbaijan. In addition to the implementation of the state policy in the sphere of civil service, the new authorized body, managed by the Board of Directors, is aimed at ensuring the selection of civil servants, assessment and implementation of centralized examinations to educational structures of all levels, including the master’s program of the National Academy of Sciences of Azerbaijan.

c. Planned reforms

Planned reforms are outlined in the “Azerbaijan 2020: Look into the Future” development concept note adopted in 2012. One of its main priorities is the improvement of legislation and strengthening of government institutions. Strengthening institutional potential includes three main facets: [i] development of human resources management in the state-owned sector; [ii] expansion of e-governance activities; and [iii] continuation of institutional reforms.

The following policy measures will also continue to be implemented: Strengthening of the public servants’ social protection and social security systems; intensifying the fight against corruption; strengthening the capacity of municipalities; providing specialised training to municipal

²¹⁶ At the same time, the number of administrative procedures needed for incorporation of a commercial legal entity dropped from thirteen to three and the time period for completion of the process was reduced from 53 days to just three. Furthermore, the number of documents to be submitted was reduced five-fold. For these improvements, Azerbaijan was named as a “reformer state” in the World Bank 2009 Survey of Doing Business.

²¹⁷ The United Nations Public Service Award is the most prestigious international recognition of excellence in public service. It rewards creative achievements and contributions of public service institutions that lead to a more effective and responsive public administration in countries worldwide.

administration personnel; and taking measures to support the activities of non-government organizations, especially in the regions. Furthermore, special attention will be paid to citizens' access to information held by the government and to delegating public service delivery to the private sector.

In line with this concept note, complex measures will be employed to improving methods and mechanisms of governance in government agencies ensuring that citizens and civil society organisations are able to receive public services in a simple and convenient manner. This assumes that the number of state services provided through electronic means will increase soon.

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3. BELARUS

I. BACKGROUND

Area:	207,600 sq. km
Population:	9,500,000 (2016)
GDP:	USD 54.61 billion (2015)
GNI per capita (Atlas method):	USD 6,460 (2015)
HDI:	0.798; ranked 50 out of 188 countries (2014)
Life expectancy at birth:	72.15 years (2014)
Mean years of schooling:	12

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	28.29	12.20	11.00	17.70	35.10
Regulatory quality	5.39	5.88	11.48	14.35	13.94
Rule of Law	17.70	10.53	15.17	20.38	22.60
Control of corruption	37.07	19.51	27.14	37.80	47.60

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Belarus is a unitary, democratic, welfare state based on the rule of law. The Government of the Republic exercises supreme control and absolute authority over its territory and implements an independent domestic and foreign policy. The Constitution of the Republic was adopted in 1994. It was amended by national referenda on 24 November 1996 and 17 October 2004, respectively.

Belarus is a presidential republic. The President of the Republic is the Head of State, the guarantor of the Constitution of the Republic and the rights and freedom of its citizens. The President personifies the unity of the nation; he guarantees the implementation of domestic and foreign policy and represents the Republic in its relations with other states or with international organizations. Furthermore, the President takes measures to protect the sovereignty of the Republic, its national security and territorial integrity. One of the main functions vested in the President is to ensure political and economic stability in the country. The President enjoys immunity; his honour and dignity are protected by law. He is elected directly by the people for a 5-year term in office based on universal, free, equal and direct suffrage.

Legislative power is exercised by a bicameral parliament – the National Assembly of the Republic of Belarus. The lower chamber is the House of Representatives. The upper is the Council of the Republic. Members of Parliament are elected to serve a 4-year term. The House of Representatives consists of 110 members, who are elected in their constituencies and represent the interests of the citizens. Public organizations, working teams and citizens of the Republic have the right to nominate candidates for deputies' position. Every citizen of the Republic, who is at least 21 years old is eligible to become a deputy of the House of Representatives.

The Council of the Republic is the chamber of territorial representation. It consists of 64 members representing every oblast and the city of Minsk (eight from each), who are elected by secret vote by the local councils of deputies. The procedure of forming the Council of the Republic combines elements of election and appointment. Eight members of the Council of the Republic are appointed by the President. A citizen of the Republic of Belarus aged, 30 or more, who has lived in the region or Minsk City for at least five years may become a member of the Council of the Republic.

The right of legislative initiatives is vested in the President, members of the House of Representatives, members of the Council of the Republic, the Government and citizens eligible to vote²¹⁸. It is exercised through the House of Representatives.

The main functions of the Parliament of the Republic are:

1. Law-making;
2. Adoption of the government budget;
3. Participation in the composition of the executive and judicial powers;
4. Exercise of control and audit functions; and
5. Foreign policy activities.

The executive power in the country is exercised by the Government – the Council of Ministers of the Republic – which is the central body of state administration. The Prime Minister is the head of government. The Government is accountable to the President and responsible to the Parliament of the Republic for its activities. The Government relinquishes powers to the President-elect of the Republic.

The judicial power in the Republic of Belarus is vested in the courts. The judicial system is based on the principles of territorial delineation and specialization. The judicial system consists of the Constitutional Court and a system of courts of general jurisdiction. Review of the constitutionality of normative acts is exercised by the Constitutional Court of the Republic. The Supreme Court is the leading court of general jurisdiction and the supreme judicial body which handles civil, criminal, administrative and economic cases.

Citizens' voice and opinion at the local government level is heard through the local councils of deputies, executive and administrative bodies, self-government bodies, referenda, assemblies and other forms of direct participation in state and public affairs.

II. CIVIL SERVICE PROFILE

c. *Legal basis of the civil service*

1. Constitution of the Republic of Belarus;
2. The Law on Civil Service in the Republic of Belarus (Law No 204-3, 14.06.2003);
3. Decree of the President of the Republic of Belarus No 705, 30.11.2006 (amended on 23.01.2009) "On the monthly salaries of certain categories of public servants" (with the "Regulations on the procedure for appointment and payment of monthly salaries for certain categories of public servants");

²¹⁸ In this case, at least 50,000 signatures are required.

4. Decree of the President of the Republic of Belarus No 217, 07.05.2007 (amended on 24.01.2014) "On the commissions for the designation of classes of civil servants";
5. Decree of the President of the Republic of Belarus No 489, 06.11.2003 (amended on 29.11.2013) "On approval of the provision for holding attestation of civil servants";
6. Decree of the President of the Republic of Belarus No 58, 09.02.2004 (amended on 25.07.2013) "On the correlation of classes of civil servants and public positions";
7. Decree of the President of the Republic of Belarus No 94, 22.02.2012 "On assignment of classes of civil servants";
8. Decree of the President of the Republic of Belarus No 139, 17.03.2005 (amended on 24.01.2014) "On approval of the provision of qualifying examination for first-time applicants to the civil service";
9. Resolution of the Council of Ministers of the Republic of Belarus No 1271, 07.10.2003 (amended 04.06.2014) "On approval of the resolution on procedure and conditions for concluding contracts with civil servants and repealing certain decisions of the Council of Ministers of the Republic of Belarus";
10. Resolution of the Council of Ministers of the Republic of Belarus No 564, 28.06.2013 (amended on 31.12.2013) "On the correlation of classes of civil servants and civil service positions in the republican organizations of public administration, local government and self-government";
11. Resolution of the Council of Ministers of the Republic of Belarus No 565, 28.06.2013 (amended on 28.11.2014) "On the correlation of classes of civil servants and civil service positions in some government bodies and public organizations";
12. Resolution of the Council of Ministers of the Republic of Belarus No 1321, 21.10.2004 (amended on 05.06.2012) "On approval of the provision about the commission for the designation of classes of civil servants of republican bodies of public administration";
13. Resolution of the Council of Ministers of the Republic of Belarus No 821, 22.06.2011 (amended on 16.05.2014) "On some issues of distribution, redistribution, job placement, the subsequent job placement of graduates, the reimbursement of funds spent by the state on their training and the targeted training of specialists, workers, employees";
14. Resolution of the Ministry of Labour and Social Protection of the Republic of Belarus No 135, 24.10.2003 (amended on 26.05.2011) "On approval of the qualifying directory" "State positions of civil servants";
15. Decree of the Ministry of Education of the Republic of Belarus No 13, 28.03.2013 (amended on 25.08.2014) "On approval of the educational standards of training of managerial staff and specialists";
16. Resolution of the Council of Ministers of the Republic of Belarus No 1732, 26.12.2011 (amended on 23.04.2015) "On approval of the Model provision on anti-corruption"; and others.

d. Definition of civil servant

According to Article 5 of the Law “On Civil Service in the Republic of Belarus”, a civil servant is a citizen of the Republic of Belarus, who holds a state position in the manner prescribed by law and who displays adequate skills in performing his/her duties for a financial reward from the national or local budgets or other sources of financing provided by the law.

The status of civil servants includes basic institutional characteristics. The legal status of a civil servant consists of such elements as: [i] responsibilities; [ii] rights; [iii] restrictions; [iv] guarantee; [v] material provision; and [vi] responsibilities of civil servants. The above elements are organically linked, because only together they form the real status of a civil servant.

e. Civil servants’ profile

Total number of civil servants

During the period of 2003–2009, the total number of civil servants in Belarus was about 50,000. However, in 2013 the Government introduced measures to reduce the number of civil servants by 25%. As of 2016, the total number of civil servants in Belarus is about 40,000²¹⁹.

Number of civil servants as proportion of the total population and of the labour force

The number of civil servants as a proportion of the total population is about 0.42%. The total number of the work force in the Republic of Belarus is 4,496,000 (2015). The number of civil servants in proportion to the work force is about 1.0%.

Gender and age distribution of civil service

The total number of male civil servants is 14,856 and of female is 34,470. The gender and age distribution of civil servants is presented in the table below:

Table 29: Gender and Age Distribution of the Belarussian Civil Service

	Age range				
	up to 29	30 to 39	40-49	50-59	60 +
Total number of civil servants	7,866	14,636	13,884	11,798	1,142
% of total	15,9%	29,7%	28,2%	23,9%	2,3%
Male	2,410	4,369	3,538	3,788	751
% of total	16,2%	29,4%	23,8%	25,5%	5,1%
Female	5,456	10,267	10,346	8,010	391
% of total	15,8%	29,8%	30,0%	23,3%	1,1%

The average age of a Belarussian civil servant is around 41 years. Furthermore, one in six civil servants are under 30 years old. 70% of all civil servants are women (according to 2014 data). However, only few of them occupy high decision-making positions. Female civil servants occupy executive or line management positions in government departments predominantly. Thus, except for the Ministry of Labour and Social Welfare, men occupy all positions of heads of ministry. In addition, among 90 deputy ministers only 12 are women, a mere 13.3% of the total²²⁰. However, the Gov-

²¹⁹ <http://www.sb.by/obshchestvo/article/ne-kolichestvom-a-kachestvom-17092014.html>

²²⁰ Despite the predominance of female civil servants in the civil service, they are less likely to hold a leading position. See also http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Belarus_review_Beijing20.pdf

ernment is active on achieving gender equality. For this reason, educational programmes, including a Master's Degree Programme in Women's Leadership and a 2-week programme for women public administration officials and teachers, as well as projects through which the factors that encourage women's participation in public life are fully funded by the State.

f. Civil servants' remuneration structure

The remuneration structure of the civil service is directly controlled by the Government. The Government sets wage targets for all sectors of the economy. This means that it is the key driver determining growth of salaries in the civil service of Belarus. Remuneration levels are determined by the position of a civil servant, his/her grade and length of service. However, the minimum monthly wage administratively set is 2,300,000 BYR (USD 115 approximately)²²¹. The average monthly salary of 7,211,918 BYR (USD 358 approximately) in the civil service sector does not significantly differ from the average in the country. This is 7,094,521 BYR (USD 353 approximately). However, it varies across the country, where in some regions like Minsk, civil servants are paid 22% more than the rest of the country. In 2009, civil servants in Belarus were well paid by comparison with other sectors of the economy. Their salary was among the highest in the country along with those in the financial sector. However, in 2013, the situation changed drastically as salaries of civil servants were reduced due to the crisis of 2011. It is worth noting that after the crisis, people preferred to work in the private sector as salaries of line managers were higher and workload was lower. By 2014 this situation was reversed but mostly because of reduction of staff in the civil service sector²²².

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

There is no special agency responsible for the development and implementation of policy on personnel management for the civil service in the Republic of Belarus. Currently, the functions of public service management are dispersed among several government agencies and officials. These include the President of the Republic, the Parliament, the Council of Ministers and the Presidential Administration. However, the primary body carrying out activities related to state personnel policy, as well as ensuring the promotion of the Belarussian overarching goals and monitoring of the decisions of the President of the Republic, is the Administration of the President.

IV. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Amendments to the Constitution, adopted in 1996, have completed the process of institutionalising government bodies and forming a coherent system of law in accordance with national priorities in various fields. A series of laws were prepared and adopted to regulate a wide range of social issues. In the period from 1996 to 2005 more than 40 laws were adopted, most of which had no equivalents in the domestic legal system, previously.

²²¹ International Monetary Fund, (2014). *Republic of Belarus. Selected Issues*. IMF.

²²² It is worth mentioning that rapid increases of monthly salaries in all sectors of the Belarussian economy initiated by the government has been the key reason for high inflation and perpetuation of the economic crisis. The annual inflation rate between 2010 and 2013 was almost 4%. As a result, the government has been criticized for short-sighted policy implementation that led to the crisis in 2011 (<http://belarusinfocus.info/for-print/5946>).

In recent years, law enforcement and the judicial systems of the Republic have undergone a number of consistent reforms aimed at optimising their structures and improving the quality of their work. The latest wave of reforms began in 2011 with the creation of a single mechanism for preliminary investigations – the Investigative Committee of the Republic of Belarus. The Committee was established jointly with the investigative unit of the Prosecutor’s Office and the financial investigation departments of the Police and the State Control Committee.

Judicial reforms, which took place during the latter part of 2013 and the first half of 2014, resulted in the merger of the administrative and financial units of the courts. Concurrently, military courts were abolished. Furthermore, the authority for organizational, material, technical and personnel matters and monitoring compliance with the courts’ decisions were transferred to the Supreme Court from the Ministry of Justice. The main objectives of these reforms were to establish a system of uniform interpretation and application of the law by the courts, improve access to justice and create the conditions for the more effective protection of the rights of citizens and private companies.

The Law “On constitutional procedures” (enacted 8 January 2014) was a major step in adhering to provisions in the Constitution. Through this law, the principles and general rules of constitutional procedures were developed and the procedural order of the Constitutional Court were regulated in detail. This included the implementation of mandatory preliminary review of the constitutionality of laws passed by Parliament before they were signed by the Head of State. Additionally, the legal enforcement and the legal consequences of the Constitutional Court’s decisions were clearly defined. Furthermore, important work on de-bureaucratising the civil service was carried out. De-bureaucratisation aimed at eliminating unnecessary administrative barriers to simplify interactions between public authorities and citizens and to improve the quality of services provided to citizens. The first and most important step in the direction of de-bureaucratisation was a speech by the Head of State on 17 November 2004, during the signing ceremony for approving the results of the national referendum of 17 October 2004. The key theme of this speech – which became the basis of a new course of social development – was the idea of building a country for all the people. The objectives were to liberate the individual and provide decent living conditions, thus allowing individuals to enjoy their rights by de-bureaucratising the work of government bodies.

The President acknowledged the necessity for government bodies to work with citizens through the “one stop shop” facility. In order to improve service delivery by government agencies, he proposed a series of measures, including the widespread introduction of notebooks for comments and suggestions²²³ from citizens, simplification of public services delivery, reduction in document flows and the elimination of duplication in administrative processes.

This policy decision required government agencies and organisations to make this notebook available to citizens upon request. This should facilitate the timely consideration of appeals providing, at the same time, a substantive justification for rejection, in writing, if necessary. Thus, the Presidential Decree No 2 created a tool for citizens to hold public agencies accountable for their activities and actions. The simultaneous introduction of the notion of “administrative responsibility” for violation of administrative requirements in dispensing public services to citizens and business provided a guarantee for the effectiveness of such a tool.

²²³ An effective tool in establishing better relationships between the government and society to increase the involvement of citizens in public affairs was a book of comments and suggestions for citizens introduced by Presidential Decree No 2 (14 January 2005) «On improvement of work with population» (hereinafter – the Decree No 2) in all government organizations.

De-bureaucratisation of the public sector has been elevated to one of the most important areas of public policy, since 2014. As a part of this trend, regulations have been adopted to ensure the availability of solutions for the day-to-day issues of citizens, delivered in a simplified and efficient manner. The drive for de-bureaucratization of government organisations is reflected in a special legal act approved by the Head of State: Directive No 2 of the President of the Republic of Belarus (27 December 2006) “On measures to further de-bureaucratisation of the government organisations and to improve the quality of life support of the population” (hereinafter – “the Directive”). This document consolidated the efforts of public bodies, public associations and Belarussian citizens towards eradicating adverse practices in interactions between citizens and government agencies. The Directive has changed the way the public authorities work. It has triggered the review of the working hours of government and, in particular, the working hours of personnel engaged in accommodating citizens, issuing certificates and other documents. The purpose was to ensure that these were convenient time for the population²²⁴. Another important element of the Directive was that it took into consideration the best interests of citizens, with respect to the ambiguity of requirements in the laws and other legal documents, while a government organisation makes a decision on the services requested. The principle of putting citizens first has gradually become a legal precedent. It is reflected in many other legislative acts.

Great importance has been placed on the improvement of legislation regulating citizens’ and legal entities’ appeals. Another milestone is the Law of the Republic of Belarus of 18 July 2011 “On appeals of citizens and legal entities”, which entered into force on 22 January 2012 and introduced electronic appeals for a more efficient communication of citizens with government entities.

Legislation on regulation of public services was also introduced along with the legislation on appeals of citizens and legal entities. The Law of the Republic “On the fundamentals of public service” (28 October 2008), which comprehensively regulates the sequence of actions of public officials in their interactions with citizens and organizations in providing public services played a key role in this respect. This Law excluded departmental and limited local rule-making in administrative procedures both for citizens and legal entities. It also established the rights and duties of participants, set requirements for the submission and consideration of appeals, the adoption of administrative decisions and further defined the mechanism of appeal against the execution of such decisions.

The value of this legislation on administrative procedures is the availability of lists of public services provided to individuals and legal entities. These lists are complex legal acts, which contain information about the organization to which a citizen applies for an administrative procedure, the documents that should be submitted, the timing of completion, the validity of documents issued and the fees that should be paid. Such detailed lists were first approved by Decree No 152 of the President of the Republic on 16 March 2006. Their publication was preceded by intensive work intended to reduce and simplify procedures, to minimise the number of documents a citizen should submit and related steps for completing an administrative procedure. Preparatory work also included the optimisation and streamlining of functions of government agencies in order to enhance their performance.

For the first time, the Decree allowed citizens to have access to information on the availability of public services in a systematic way, as well as to information about documents and (or) other information they have to provide when applying to a government agency for a service. This has

²²⁴ Reception of citizens, on week days, starts no later than at 8 am and ends no earlier than 8 pm. Such work is also carried out on Saturdays and (or) Sundays, if it is necessary, considering the amount and character of applications for services received.

been a first attempt to regulate relationships between the state and its citizens in post-Soviet states. Thus, opportunities for officials to dictate their own informal “rules of the game” have been limited and citizens are provided with a “guide” containing information on the methods and order of application, thus safeguarding their rights and legitimate interests. A new list of administrative procedures for citizens’ affairs was approved by Presidential Decree No 200 “On administrative procedures undertaken by government agencies and other organizations on appeals of citizens” (26 April 2010).

Overall, the outcome of the reforms undertaken in 2013 were the optimization of structures and functions of public organizations leading to the creation of a more compact, manageable and effective state administration. Implementation of Presidential Decree No 168 “On measures to optimize the system of government bodies and other government organizations, as well as the number of their employees” (12 April 2013) led to a substantial reduction of the number of employees in the civil service (25% on average).

b. Current reforms

The Presidential Administration continues to work on de-bureaucratisation of the state administration. The Presidential Administration and subordinate organizations are monitoring compliance to legislation on a regular basis. Furthermore, sociological surveys are conducted to record the citizens’ views on the reforms that have been implemented in this field. The survey results, along with monitoring measures are utilised in the elimination of shortcomings aiming at the further improvement of the quality of public services provided by public bodies to citizens.

Following an initiative of the Presidential Administration on 23 March 2015, the Head of the State issued Decree No 135, which approved a new version of the Directive. According to this Decree, the process of de-bureaucratisation was expanded to cover not only public agencies but also all organizations interacting with citizens. A key feature of this new Directive is that priority has been placed on resolving problems that confront the population, focusing at the local level. In this regard, enhancement of the quality of public services has become a most important task of local governments and their administrations. Thus, local governments (*oblispolkoms*) and the Minsk City Hall were assigned the provision of different services that are on demand by citizens, including paid services (e.g. rental equipment for agriculture and construction). Furthermore, priority was given to ensuring proper functioning of organizations that provide housing and communal services to the population.

Additionally, in order to improve the transparency of state bodies in responding to citizens’ initiatives and complaints, the new version of the Directive obliged the heads of central government agencies and local authorities (and their deputies) to accept citizens in person from 8am to 1pm every Wednesday, as well as to receive direct phone calls from 9am to midday every Saturday.

c. Planned reforms

As far as the future direction of reforms in Belarus is concerned, de-bureaucratisation of its public sector remains a priority area. This encompasses continuous improvements of forms and methods for their implementation. Further de-bureaucratisation measures include the following:

1. **Improvement of the structure and functions of government bodies:** In this case, the reforms are not about reduction of government organizations or mergers. Rather, what is considered necessary is to analyse management activities, to eliminate any

unnecessary duplication of functions or transfer to commercial organizations and to make changes in the evaluation criteria for government agencies performance²²⁵.

2. **Introduction of modern information technologies:** Effective implementation of state functions is not possible without widespread introduction of information technologies and development of e-government. A whole range of existing telecommunications and electronic means of transmission of information should be utilised to provide citizens with comprehensive information about administrative procedures, requirements and benefits derived through the application of the “one stop shop” services principle.
3. **Maximizing access and availability of public services to the public:** There are many different government bodies, which provide public services in Belarus. This requires citizens to be able to find the necessary information, namely the location of the organization, timetable to get an appointment. These tasks are time-consuming and cumbersome. Such burdens may be eliminated through the establishment of multi-functional centres (one stop shops) allowing citizens to receive a multitude of public services at one place.

²²⁵ Assessment of state organisations should be conducted by citizens and not by higher government bodies, based on a predetermined set of key performance indicators.

4. GEORGIA

I. BACKGROUND

Area:	69,700 sq. km
Population:	3,729 million (2014)
GDP:	USD 16,53 billion (2014)
GNI per capita:	USD 7,164 (2014)
HDI:	0.754; ranked 76 out of 188 countries (2014)
Life expectancy at birth:	74.9 years (2014)
Mean years of schooling:	12.1 (2014)

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	25.37	39.51	64.11	69.38	71.63
Regulatory quality	33.82	33.33	70.33	73.68	79.33
Rule of Law	13.88	30.14	48.82	53.55	64.42
Control of corruption	20.00	47.32	55.71	66.03	75.48

Source: World Bank (2015)

b. Political and Administrative Structure

Georgia is a democratic presidential republic as defined by the Constitution of Georgia. The President is Head of State. The Parliament of Georgia is the supreme representative body, which exercises legislative power, defines domestic and foreign policy and maintains control over the Government's activities, within the realm of the Constitution.

The national Government of Georgia is the supreme executive authority. It implements domestic and foreign policy, coordinates and monitors activities of government agencies and carries out the governmental programmes. The Government is composed of the Prime Minister and 19 Ministers, including three offices of State Ministers²²⁶. The Government is accountable to the Parliament of Georgia.

Government institutions operate on the central and local levels. These include the Government of Georgia, local self-governmental units, the Governments of the Autonomous Republics of Adjara and Abkhazia and the Government of the capital city of Tbilisi. Administratively, Georgia is divided into two autonomous republics, 9 regions and the capital city of Tbilisi. Regional administrations are headed by a State Trustee – Governor, who is appointed and dismissed by the Government.

Decentralisation of government started in 2004 (Dolidze et al, 2013); a local government system was introduced that organised more than 1,000 municipalities that previously existed into the current 76 municipalities (12 self-governing cities including the capital of Tbilisi and 64 communities).

²²⁶ State Ministers include the State Minister of Georgia on European and Euro-Atlantic Integration, the State Minister of Georgia for Reconciliation and Civic Equality and the State Minister of Georgia for Diaspora Issues.

Dolidze et al (2013) note that Georgia inherited weak governmental institutions from the Former Soviet Union. When the FSU collapsed, the Georgian government lacked the sufficient resources to launch reforms in the public service. At the end of 1990s, corruption and nepotism were widespread. A protectionist system prevailed providing a strong tool to exercise control at the central and local levels. Despite these challenges faced in by public administration, adoption of the Law on Civil Service in 1997 paved the way for a civil service reform predicated on the principles of the rule of law, protection of rights and transparency.

Following the Rose Revolution in 2003, with the introduction of a new government structure in 2004, Georgia gradually started to implement reforms in the civil service. These included legislative amendments and the introduction of e-government projects aimed at improving the efficiency of public service delivery. To date, some 80 amendments have been made to the Civil Service Law. However, modifications were fragmented and focused on short-term results. Accordingly, there is still a need for complex reforms in this area. On a more positive note, it seems that there is a strong political will from the government to reform the civil service in a modern and consistent manner.

II. CIVIL SERVICE PROFILE

a. *Legal basis of the civil service*²²⁷

According to the Law on Civil Service of 1997 – the main legal act regulating civil service in Georgia – state policy on civil service is determined by the Parliament of Georgia. In addition, such bylaws, as Decrees of the Government and Ordinances, provide the legal basis for competitive recruitment, attestation, bonus distribution and other activities in the civil service. However, a new Law on Civil Service was enacted by the Parliament of Georgia on 27 October 2015 and a series of modifications may be introduced with this new legislation, which will come into force on 1 January 2017²²⁸.

The Law of 1997 determines the legal basis for the organisation of the civil service in Georgia. It regulates relations pertaining to the operation of the civil service and establishes the legal status of a civil servant. Specifically, Chapter I of the Law of 1997 defines the concepts of civil service, civil service agencies and civil servants including description of their types. It also spells out the main principles of the civil service. It further determines provisions of admission into civil service detailing the special requirements, competition and selection procedures, appointment terms, service duration, as well as for service suspension and dismissal from civil service (Chapters II, IX, X, and XII). The Law also sets conditions for granting incentives, for career development and promotion, for imposing disciplinary sanctions and for attestation / certification processes (Chapters VII and VIII).

Depending on the needed competence and authority, civil service positions are divided into the ranks of chief, leading, senior and junior civil servants (Chapter V). Each rank is further sub-divided into three classes. The rights and guarantees of civil servants are delineated in Chapter III of the

²²⁷ In this analysis, provisions of the current Law on Civil Service of Georgia of 1997, as well as those of the newly enacted Georgian Law on Civil Service of 2015 – but to enter force on 1 January 2017- are taken into consideration, to provide comprehensive information on the civil service of Georgia.

²²⁸ Since these changes are not legally adopted yet, for the purpose of this analysis, provisions of both the Civil Service Laws of 1997 and of 2015 are examined and presented.

Law; regulating, accordingly, issues of remuneration and other payments, the types of leave that a civil servant is eligible for, as well as transfer provisions. The Law further stipulates service duties, including civil servants' responsibilities, conditions of replacement, limitations in engaging in entrepreneurial activity or participating in political party activities and terms of performing additional paid jobs (Chapter VI). In addition, general rules and the principles of conduct for civil servants, including measures to ensure confidentiality of information, handling of conflicts of interest and preventing corruption are provided among other. The Law also contains conditions of dispute resolution (Chapter XIV). Finally, the Law spells out the role and functions of the Civil Service Council as the advisory body of the Government, the Civil Service Bureau and the human resources departments of government agencies. This Law²²⁹ does not cover provisions related to state-political officials, members of the local self-government / municipality councils (*Sakrebulo*), mayors (*Gamgebelis*), deputy mayors, heads of structural units of a City Hall (*Gamgeoba*) and to district *Gamgebelis* of the Tbilisi municipalities, with the exception of conditions as stipulated in this Law.

The Law on the Civil Service also states that labour legislation provisions are also applicable to civil servants and support personnel, while taking into consideration specificities of this law. Other matters pertaining to the civil service, which are not regulated by this Law, are subject to provisions in other relevant legislation.

The new Law of 2015 provides the legal basis for the establishment and operation of a stable, unified civil service in the country, based on the merit principle, integrity, political neutrality, impartiality and accountability. The Law defines the status of civil servants, determines the conditions for recruitment in the civil service and performance assessment, as well as termination of service. It also regulates legal relations pertaining to civil servants while they dispense their duties and responsibilities.

Chapter I of the Law contains general provisions underpinning the aim and scope of the law. It provides definitions and specifies the officials who are subject to this law. The civil service principles of legality, loyalty, equality before the law, economic efficiency and effectiveness, merit, impartiality, equal access of all citizens to the civil service, accountability, political neutrality, career promotion and transparency are determined in Chapter II of the Law. Chapter III describes the central civil service management system, including the Civil Service Council, the Civil Service Bureau and the HRM units of public institutions with their functions. It further specifies the rank classification (Chapter IV) and related provisions on entry into civil service, including basic, special and additional qualification requirements, terms of service, competitive recruitment regulations and probation terms (Chapter V). The next chapter outlines conditions for career management as it relates to the issues of transfer, career promotion, the assignment of temporary functions, mobility, performance evaluation, professional development and suspension terms (Chapter VI). Dismissal terms are stipulated in Chapter XII. Chapter VII explores remuneration and incentives systems, types of leave, as well as the rights and obligations of civil servants. The provisions of Chapters VIII and IX regulate recruitment into the public service under administrative and labour contracts. An important novelty introduced by this Law is provisions for disciplinary liability, as specified in Chapter X.

²²⁹ According to Article 11 of the Law on Civil Service, "Articles 1, 6, 9, 10, 39, 41, 66 and 121 apply to the members of the representative body of the local self-government Sakrebulo. Beside the articles listed in this paragraph, paragraph 3 of article 71 applies to state-political officials."

The Law also provides for new regulations on the reorganization, liquidation or mergers of public institutions that lead to the introduction of the “mobility principle”²³⁰ in order to protect the interests of professional civil servants (Chapter XI). Chapter XIII regulates the protection of rights of a candidate participating in competitive recruitment processes, as well as of professional civil servants and persons employed under administrative contracts. The last three chapters (XIV, XV, and XVI) provide for conditions of organisational support, as well as transitional and final provisions.

b. Definition of civil servant

The 1997 Law on Civil Service, defines civil service as “*employment in state and local self-government fiscal (budgetary) institutions – public governance bodies*”. The Law defines a civil servant as “*a person who serves in a remunerated position in a state or local self-government agency*”. Civil service in Georgia is unified and divided into the categories of state service and local self-government service. The 1997 Law identifies the following types of civil servants:

- State-political officials who are appointed or elected to state positions of a political nature. These positions include: (a) the President of Georgia; (b) Members of the Parliament of Georgia; (c) the Prime Minister of Georgia and other members of the Government of Georgia; (d) Members of the supreme representative bodies of Abkhazia and Adjara; and (e) Heads of Governments of the Autonomous Republics of Abkhazia and Adjara;
- Civil servants of the state and local self-government agencies;
- Support staff (or technical personnel) hired under labour contracts for positions regulated by the institutional staff log. They serve directly in the assigned agencies;
- Freelance (supernumerary) civil servants, who are appointed or recruited on labour contracts for a defined period to perform temporary tasks.

The new Civil Service Law of 2015 delimits executive and political functions in the Civil Service of Georgia. This serves the purpose of relieving the civil service from undertaking activities relating to legislation, justice and politics. The Law also envisages the development of a career-based civil service system built on meritocratic principles.

According to the Law of 2015, state service means “*service in elected or appointed positions in the state bodies (institutions) of Georgia and in the bodies of the autonomous republics that exercise legislative, executive and judicial authority, state supervision and control and state defence under the legislation of Georgia*”. A state servant is defined as “*a person holding an elected or appointed position, whose legal status and powers are defined under the Constitution of Georgia and/or by other relevant legislative acts*”.

Civil service relates to the “performance of public service (except for service performed by persons defined in Article 4 (1) of the Law), service in municipal bodies, service in legal entities under public law (except for service in cultural, educational, scientific, research, sports, religious and

²³⁰ According to Article 52 of the Law, the mobility principle means that in the case of reduction in the number of job positions due to reorganisation, liquidation and/or merger with another public institution, an officer may be transferred, upon his/her proper consent, to an equal position in the same or another public institution, and if no such position is available, to a lower position, taking into account his/her competence. If mobility, as defined above, is not possible, an officer shall be transferred to the reserve of officers and shall be paid appropriate compensation.

membership-based legal entities under the public law and in legal entities under public law, as defined by the Law on Civil Service and the Law of Georgia on Legal Entities under Public Law²³¹.

A professional civil servant is a person whose appointment in the civil service is termless and who carries out civil and legal authority in the state and autonomous republics institutions, as well as in local self-government and legal entities under public law (LEPL); for which a person receives relevant remuneration and social benefits. The Law on Civil Service of 2015 also provides a detailed list of the political positions²³² in the administration, to which this Law does not apply.

In addition, service and administrative contracts can be concluded between government institutions and professional civil servants. Persons employed under service contracts are granted an authority to carry out complementary or temporary tasks²³³. The recruitment of persons under labour contracts in the civil service is carried out utilising a simplified competition procedure.

The Law of 2015 introduces the use of administrative contracts by political officials. This means that state political officials are authorized to recruit individuals under an administrative contract, at their discretion. However, according to the terms and conditions for this type of contract, individuals may be hired only to render sectoral advisory, intellectual, technical and/or organizational-managerial and supportive services²³⁴. According to Article 25 of the Law on Civil Service of 2015, each civil service position corresponds to one career level, and is classified as follows:

- a. Rank I - top management level;
- b. Rank II - middle management level;
- c. Rank III - senior specialist level; and
- d. Rank IV - junior specialist level.

The classification of ranks is made based on factors related to the functions of a position, namely, (a) responsibility; (b) level of complexity of duties; (c) competencies; (d) required qualifications; and (e) work experience. Each rank has 12 rank steps. A step is assigned to a civil servant based on their performance evaluation results and length of service.

c. Civil servants' profile

Eligibility criteria

Applicants should meet the following basic requirements in order to apply and be considered for a position in the civil service, in compliance with the Law on Civil Service of 1997 (Articles 15 and 16):

²³¹ "Public service includes working in the Administration of the President; on the staffs of the Advisory Bodies of the President; the Prime Minister and the Government; the National Bank of Georgia; the State Audit Office; the High Council of Justice; in the Office of the Public Defender; the Office of the Business Ombudsman; the Office of the Personal Data Protection Inspector; the Office of the Central Election Commission; the Offices of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; and in the Administration of the state trustees – the Governors (Article 3c).

²³² Political positions include: the President of Georgia; Members of Parliament of Georgia; the Prime Minister and other members of the Government and their deputies; members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; members of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara and their deputies; as well as the Governor and his/her deputy; the officials of a municipal Sakrebulo (municipal assembly); the municipal Gamgebeli (head of local administration) mayor; and the deputy Gamgebeli (mayor) in the latter category.

²³³ However, the Law's provisions on disciplinary responsibility also apply to holders of these contracts in case they violate the civil service principles, as is the case for permanent civil servants.

²³⁴ As a rule, such recruitment may be concluded without a competitive procedure. However, recruitment of persons under administrative contracts may also be conducted through use of the simplified competition procedures, determined by Decree of the Government.

- For state service: an applicant should be a Georgian citizen of 21 years or more, possess the legal capacity and knowledge of the state official language, as well as relevant education and experience;
- For local self-government service: an applicant should be a Georgian citizen of 18 years or more, possess the legal capacity and knowledge of the state official language and have completed secondary school education.

The Law of 1997 also specifies that a Georgian citizen, who resides abroad, possesses relevant knowledge and experience, has reached 21 years of age and is fluent in the state official language of Georgia can enter the state service, albeit, on a labour agreement only. It should be noted that these basic requirements are set for new entrants only. Additional requirements apply to all civil servants, including their subordinates and those working on a contractual basis. Additional job requirements are determined by the Law while qualification requirements are defined by the Head of an agency or a senior executive.

The new Law of 2015 introduces certification to prove that an applicant possesses the general skills and knowledge required to be recruited to a vacant professional position, along with the existing age and language knowledge requirements. This certificate is issued upon successful completion of a certification process organised by the Civil Service Bureau.

Total number of civil servants

Recent statistics²³⁵ indicate that the total number of civil servants is 53,109.

Number of civil servants as a proportion of the total population and of the labour force

There is one civil servant for every 70 people, in the total population.

Gender and age distribution of civil service

Gender wise, the civil service is still dominated by male civil servants. They represent 69 per cent (36,558) of the total, while female civil servants constitute the remaining 31 per cent (16,551)²³⁶. In 2015, the average age of civil servants was estimated at 40 years; the average age for female civil servants is slightly lower at 39 and for male civil servants at 41.

d. Civil servants' remuneration structure

A civil servant's average monthly salary in Georgia is 1,278 GEL (520 USD), with a national GDP per capita of 7,582 GEL (3,083 USD). Remuneration includes basic salary and a salary increment. Salary rates for each hierarchical rank are determined by the Law of Georgia "On the Remuneration in Public Institutions". A salary increment is determined by civil servants' class rank, any additional functions they have been assigned to perform by their immediate supervisor and overtime work.

²³⁵ See the Civil Service Bureau Annual Report 2015 at http://csb.gov.ge/uploads.2015_ENG_web.pdf

²³⁶ In 2015.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Human resources management in the civil service is regulated by several legal acts, notably, by the Law on Civil Service of 1997 (to be replaced by the Law of 2015) and by the Labour Code of Georgia.

The Civil Service Bureau of Georgia (CSB) is a legal entity under public law, established in 2004. It is directly subordinated to the Prime Minister. Its stated mission is to promote good public governance and to develop a professional, career-based civil service in Georgia. The Bureau's work focuses on improving current legislation, promoting human resources management systems, establishing effective and transparent governance, as well as ethical standards and the implementation of anti-corruption policy in government agencies.

The Civil Service Bureau is responsible for Human Resources Management (HRM) in civil service. It also ensures coordination and methodological support to the HRM processes within the civil service. Specifically, the Bureau coordinates the activities of HR units in the government agencies, provides guidance on HRM, as well as professional development training to civil servants.

In pursuing its mandate, the Bureau has initiated and it is implementing a range of activities related to: institutionalisation of the civil service, optimisation of the number of civil servants, improvement of motivation systems, enhancement of budget planning and spending, as well as anti-corruption related activities, among other (Dolidze et al, 2013: 116). Following the introduction of the Civil Service Reform Concept, the Bureau's functions have been expanded to cover human resources selection processes. In 2015, the CSB was re-organised. The Human Resources Management Department and the Civil Service Institutional Set-up and Practice Generalisation Department were established. A second Deputy Head position was introduced and the Bureau's budget was doubled.

According to the Law on Civil Service of 1997, the human resources departments of state agencies should: [i] ensure that competitive selection processes are employed to fill vacant civil service positions in state agencies; [ii] organise and conduct certification examinations and performance evaluations; [iii] manage the personal files of civil service personnel; [iv] provide guidance and advice to civil servants on their legal status and other related issues; [v] assess the professional qualifications of civil servants; and [vi] arrange for professional development trainings and other relevant activities (Chapter XV). The new Law on Civil Service of 2015 defines the main functions of a human resources management unit as follows: [i] facilitation and planning for the development of a human resources management policy of public institutions; and [ii] management and administration of human resources in the public sector (Article 24).

a. Organisation of the selection and recruitment processes in the civil service

Article 21 of the 1997 Law on Civil Service stipulates that *"a civil servant enters the service through either appointment or election"*. Appointment is made only through a competitive recruitment process; for which the rules are determined by a decree of the Government of Georgia. However, the following categories of civil servants can be appointed to a position without competition (Article 30):

- Officials appointed or selected by the President, the Parliament, the Chairman of the Parliament, or the Prime Minister;
- Officials selected by the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara;
- Deputy Ministers, assistants and advisers to Ministers;
- Persons temporarily holding those vacant positions that must be filled through competition, temporarily acting officials;
- Acting civil servants appointed to a vacant position through only the competitive recruitment process;
- Civil servants – in the case of promotion; and
- Officials – in case of transfer to another structural unit within the same institution.

Beginning in 2010, the CSB has been developing a unified electronic system for human resources management (e-HRMS) to be utilised, eventually, by all government agencies. This is an automated personnel administration system aiming at ensuring the electronic management of human resources in compliance with relevant policy guidelines and standards. As of March 2016, e-HRMS was fully operational in 18 ministries (the Ministry of Defence of Georgia was in the process of introducing it), 32 LEPLs under various ministries, 11 independent LEPLs, 5 authorities in the Autonomous Republics of Adjara and Abkhazia and 31 municipalities.

The new Law on Civil Service (2015) stipulates that recruitment to civil service positions will be made exclusively on a competitive basis, except for transfer and mobility related cases (Articles 47 and 52). Recruitment to the fourth (lowest) rank will be conducted through an open competition for all applicants holding the certificate of required skills and knowledge. Promotion of a professional civil servant to a position of higher rank (third, second and first) will be carried out through restricted competition, i.e. selection of the candidates from within the civil service system, to the exclusion of persons employed under administrative contracts.

Appointment of a professional civil servant to a higher rank position, through an open competitive process is made only in case of failure to select an appropriate candidate using a restricted competition procedure, or on the basis of a reasonable justification provided by CSB on the non-availability of a candidate with the required qualifications within the civil service system²³⁷.

A Competition Committee is established to evaluate compliance of candidates with the requirements for a vacant position. The Competition Committee's Chairperson is selected among the higher rank officials and will be appointed following the approval of the Head of the hiring public institution. The Head of a public institution will no longer be eligible to become Chairperson of a Competition Committee. A Bureau representative will be allowed to attend on-going competitions in any government agency to ensure transparency of the process. Evaluation of candidates is conducted through a written and/or oral assignment and an interview. Other forms of evaluation may also be used, as provided for by the legislation of Georgia (Article 41, Law of 2015).

A person not possessing professional civil servant status may be accepted to fill a vacant professional civil service position on a mandatory probation period (12 months).

²³⁷ Non availability may be determined through a search of the unified HR Management System (e-HRMS) data.

One of the priorities of the CSB is to introduce job descriptions for civil servants that would allow managers to explicitly define the rights and responsibilities of their employees. The Bureau's Civil Service HRM Department has completed a job analysis and job description project aimed at updating existing job description templates and job analysis questionnaires. As a result of the project, guidelines and manuals for HRM staff have been developed and HR-related ministries' staff trained on developing job descriptions.

b. Promotion process in civil service

According to the 1997 Law on Civil Service, civil servants may be promoted to a higher position, if they were appointed through a competitive recruitment process and have served a minimum of one year in their current position. In cases where several civil servants have been nominated for promotion to the same position, the one with the highest certification scores shall be appointed. Article 49 of the Law of 2015 stipulates that civil servants are promoted when transferred from a lower to a higher rank position or transferred from a lower to a higher position of the same rank. The promotion process is conducted through a restricted competition.

c. Performance evaluation, training and career development

The Georgian civil service still lacks an integrated performance evaluation system (Dolidze et al, 2013: 120). However, HR units of several ministries have introduced a unified digital HRM system that makes personnel data accessible to all agencies involved, with the aim of increasing effectiveness and promoting transparency in civil service HRM processes.

The CSB emphasises the significance of professional development for civil servants. It is actively involved in the development of training modules on a range of topics. An amendment to the Law on Civil Service was introduced to legally provide civil servants with the right to develop their professional skills and improve their qualifications. Further improvements in the capacity development system to provide for civil servants' professional enhancement is envisaged under the Civil Service Reform Concept and the new Law of 2015. For instance, training needs will be determined on the basis of civil servants' performance evaluation results.

The new Law of 2015 defines a number of rules for the career management of professional civil servants. These include: transfer and career development, assignment to temporary functions, as well as terms and conditions related to the mobility of civil servants. Career development tools serve the purpose of ensuring that the needs of professional civil servants are met. In this respect, the newly established practice of transfers is of particular relevance. In the interests of both civil servants and of the civil service, it allows assigning an officer other and/or functionally similar responsibilities corresponding to the same rank and position within the same public institution or within its system (horizontal transfer)²³⁸.

The current performance appraisal system is based on regular attestation carried out every three years. Attestation (or certification) is defined by Article 81 of the Law of 1997 as "*an evaluation of professional skills, qualifications, capabilities and personal qualities and characteristics of civil servants against the requirements of the position they hold*". Contrary to the current legislation provisions, the new Law provides for a mandatory annual evaluation of civil servants' performance, the

²³⁸ Article 47 of the CSL 2015. Procedures for transfers are specified in Article 48 of the same Law.

results of which could lead to provision of incentives²³⁹ and determine training needs for career development.

Civil servants also have an opportunity to participate in professional development programmes designed to improve such professional abilities as are offered outside the civil service system. Government institutions determine the professional development needs of their staff at the beginning of the year based on a set of standards that have been approved by the Government of Georgia.

The new Law also introduces rules related to disciplinary proceedings. The legislation includes definitions of disciplinary misdemeanours, the purpose and principles of administrative proceedings, as well as the rights and obligations of civil servants, who may have committed a misdemeanour.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Law on Civil Service and the Law on Conflict of Interests in the Public Service specify the ethical standards in the civil service. Amendments introduced to the Law of 2009 include the replacement of handwritten applications with electronic ones. Furthermore, property and assets declaration upon entry into the civil service has been abolished²⁴⁰, while the categories of officials, who are subject to submitting a property and assets declaration have been expanded. Another amendment made information contained in civil servants' property declarations subject to publication (excluding personal identity details). Changes in both Laws resulted in the introduction of an annual submission of a property declaration, the abolition of the reserve (or database) of employees and the establishment of an anti-corruption council to enforce anti-corruption activities.

There is no independent anti-corruption agency in Georgia, but the Anti-Corruption Council (ACC), established in 2008, serves as the body in charge of strengthening anti-corruption and integrity rules, policies and practices, as well as ensuring certain related reforms remain on the government's agenda. Specifically, the ACC, as an inter-agency council, is responsible for coordination of anti-corruption drives, development of new policies and revision of anti-corruption action plans and strategy. It is also responsible for monitoring their implementation, introducing and implementing recommendations provided by international organisations and informing the public. ACC's decisions are not binding, unless they are reflected in Presidential or Government Decrees or in other legal acts.

ACC has developed an anti-corruption Strategy and Action plan. It identifies corruption sensitive areas and provides for targeted actions. These are aimed at: [i] modernization and development of public service; [ii] enhancement of state procurement practices; [iii] reform of the public finance system; [iv] development of tax and customs integrity systems; [v] a competitive and corruption-free private sector; [vi] enhancement of justice administration; [vii] increased interagency coordination for the prevention of corruption; and [viii] improved systems of political party financing and prevention of political corruption.

²³⁹ In compliance with the Law of 2015, incentives for professional civil servants' performance will be in the forms of expression of appreciation, monetary bonus or a valuable gift.

²⁴⁰ As such, officials are now required to declare their property when they occupy a position at a particular level, mainly of a head of division and higher (Dolidze et al, 2013: 126).

However, Transparency International (TI) reports that the role of ACC in developing and carrying out anticorruption activities in Georgia between 2010 and 2012, has been very circumscribed, mostly due to its weak organizational capacity (OECD, 2013). Thus, Transparency International has proposed to reform ACC and establish an independent anti-corruption agency "...whose responsibilities would include investigation, prevention and education. The agency would have an independent staff and budget and would be directly accountable to the legislature" (Ibid, p. 23).

There is no special provision for an officer in charge of ethics compliance within the several ministries or other government agencies. However, there are staff members who serve as the agencies' internal focal points for ethics-related issues.

The CSB is also responsible for developing a Code of Ethics for civil servants. This should be elaborated in 2016. The CSB has developed the Handbook on Ethics and Code of Conduct in civil service²⁴¹. This includes practical exercises and situational analyses. It also provides for training on ethics and for a code of conduct for civil servants.

The CSB also works to raise awareness of civil servants on the issues of whistle-blowers' protection. In 2015, it implemented a joint project on strengthening whistle-blowers protection in Georgia with UNDP and the Government of Sweden. An outcome of this project was the development of guidelines on "Whistle-blower Protection". In addition, the Law on Conflict of Interests and Corruption in Public Service provides for significant improvement in legal protection for whistle-blowers and related issues²⁴².

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

As already noted, the new government gradually started to reform the civil service, after the Rose Revolution. It introduced a series of actions to combat and curb corruption. Such efforts led to reforms in the public service at large, in law enforcement and in the management of public funds. The reform of the police system within the Ministry of Internal Affairs was, arguably, the most successful case in a series of anti-corruption reform activities²⁴³. Recruitment of new qualified personnel, provision of a stable working environment and introduction of audit and control measures ensured that corruption practices would not be present in the Ministry. Consequently, not only the police but also other government agencies are currently reported to be corruption-free. According to the OECD (2013), Georgia's progress in reducing corruption levels is significant, as evidenced by opinion polls and international ratings²⁴⁴.

Development and deployment of e-governance projects helped increase the efficiency of public service delivery. For instance, the process of registering a company may take only a few minutes. Already, state procurement is also made online. Such innovations contributed to promoting transparency and accountability of public service to citizens. The CSB has been advancing e-gov-

²⁴¹ Ethics and Rules of Conduct of Civil Servants are available on the website of the Astana Civil Service Hub at <http://www.regionalhub.org/en-us/E-Journal.aspx>

²⁴² For more information, see <https://matsne.gov.ge/document/view/33550>

²⁴³ A case study of the Georgian anti-corruption reform in the Police system published by the Astana Civil Service Hub is available online at: http://www.regionalhub.org/Portals/0/Documents/Anti-corr-G_Eng.pdf

²⁴⁴ According to Transparency International Corruption Perception Index (2014), Georgia's score increased from 1.8 in 2003 to 5.2 in 2014. It ranked 50th out of 174 countries.

ernance systems since 2009. A successful initiative was the introduction of a civil service jobs' web portal (www.hr.gov.ge) in 2011. This website made both vacancy announcements and the application procedures easier. Most importantly, it promoted an unbiased access to employment opportunities in the civil service.

Another good example of an e-governance project of the CSB was the launching of a unified electronic Asset Declaration System (www.declaration.gov.ge) in 2010. Transition to an online assets declaration system has been recognised to significantly improve the process and procedures for senior officials obliged to declare their assets. This project won the Public Service Award of the United Nations, in 2013.

Despite such positive steps in reforming the public service, challenges still persist. These include the need for further de-politicisation of the civil service; the lack of common HR practices nationwide; the lack of a system for continuous capacity building; and low levels of citizens' engagement in public policy-making.

b. Current reforms

To address the issues identified above and to further enhance civil service reform – which the Government recognises among its top priorities – a Civil Service Reform Coordination Council was established. The Council consists of 15 representatives from the Ministries and Parliament. It is chaired by the Head of the Administration of the Government of Georgia. The Council's reform efforts ostensibly purport to:

- Establish a politically neutral, open and effective civil service;
- Develop a coherent and unambiguous legal framework for civil service;
- Develop a career-based professional civil service system;
- Create training and professional development opportunities for civil servants;
- Establish fair remuneration and classification systems; and finally
- Take further steps towards the country's integration into the European and Euro-Atlantic institutions.

Accordingly, a Civil Service Reform Concept was developed and approved in 2014, providing solid ground towards the elaboration of the new Law on Civil Service. The Civil Service Reform Concept aims at: [i] the establishment of a professional civil servants' institute; [ii] the introduction of regulations safeguarding the independence of the civil service from political influence; and [iii] the development of a fair system for promotion and career advancement. The Concept includes recommendations based on the EU categorisation system²⁴⁵, which have been applied to other countries in transition. It provides an exhaustive list of civil service reform initiatives.

The Concept revealed several legislative gaps, namely contradictory provisions or absence of by-laws. This, coupled with the adoption of new legal approaches and national priorities has led to the decision to enact a new law on civil service, instead of merely amending existing legislation. The new Civil Service Law of Georgia was passed by the Parliament of Georgia on 27 October 2015 and will enter into force on 1 January 2017. This Law aims at establishing a politically neu-

²⁴⁵ These categories include: Definition of Civil Service; Civil Service Employees; Central System for Management of Civil Service; Entry into the Civil Service System; Classification System of Civil Servants; System of Remuneration; Management of Civil Servants; Rights and Duties of Civil Servants; Training and Professional Development; and Gender Equity in Civil Service.

tral, unified system of civil service, based on the principles of merit and professionalism, integrity, impartiality and accountability, as well as introducing solid career development perspectives for civil servants.

New competition procedures introduced by the Law of 2015 are directed towards relieving the recruitment to civil service ranks from political party influence. Specifically, certification and new rules relating to the composition of Competition Committees should ensure the elimination of favouritism and nepotism, as well as the interference of Heads of government departments into human resources management. The new Law of 2015 contributes to bolstering the civil service system. Through this Law, the Civil Service Bureau's scope is widened and the Head of the Bureau is granted authority to offer recommendations for action.

c. Planned reforms

According to the CSB, the period between 2013 and 2015 has been momentous in terms of the large-scale reform undertaken in the civil service system. Current reform activities, initiated with the Civil Service Reform Concept will continue into 2016 to prepare the ground for effective implementation of the new Law after 1 January 2017. The Law envisages amendments in a number of ways. These include revision of the civil service concept and related definitions, as well as eligibility criteria for entry into the civil service, remuneration and classification systems, training and professional development. The Law also provides for significant improvements in legal protection of whistle-blowers²⁴⁶.

²⁴⁶ For more information on the new Civil Service Law, as well as on the Civil Service Concept, visit the website of the Civil Service Bureau of Georgia, <http://www.csb.gov.ge/en/home>

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5. KAZAKHSTAN

I. BACKGROUND

Area	2,724,900 sq. km
Population	17,563,300 (August 2015)
GDP	USD 217.87 billion (2014 est.)
GNI per capita	USD 11,850 (2014)
HDI	0.788 — ranked 56 out of 188 countries (2014)
Life expectancy at birth	69.4 years
Mean years of schooling	11.4

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	25.9	34.6	40.7	35.4	54.3
Regulatory quality	27.0	44.6	41.1	36.8	44.7
Rule of Law	16.3	24.9	32.7	30.3	34.1
Control of corruption	8.3	15.6	16.7	19.6	26.0

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Kazakhstan is a unitary state with a presidential system of government. According to its Constitution, Kazakhstan is a democratic, secular, legal, and social state, which recognizes Man, his life, fundamental rights and freedoms as the supreme values of the country. Kazakhstan gained independence on 16 December 1991. Astana is the capital city of the country. The Kazakh language is the nation's official language; Russian has the status of the language of interethnic communication.

The President of the Republic of Kazakhstan is the head of state and highest political officer. He determines the main directions of domestic and foreign policy and represents Kazakhstan on the international arena. The President is a symbol and guarantor of national unity and state power. He protects the inviolability of the Constitution and of the rights and freedoms of individual citizens.

The Government exercises executive powers, heads the system of executive bodies and coordinates and supervises their activities. The Parliament of the Republic performs the legislative functions. It consists of two Chambers: The Senate and the Mazhilis. The Senate is composed of 47 members: two members from each of the country's 14 regions and two from each of the two cities of national significance (Astana and Almaty). It also includes 15 members who are appointed by the President with due regard to the equal representation of national, cultural and other significant groups in society. Senate members serve a term of six years. The Mazhilis consists of 107 members, nine of whom are elected by the Assembly of the People of Kazakhstan. Three parties are currently (2016) represented in the Mazhilis: "Nur Otan" (the People's Democratic Party), "Ak zhol" (Democratic Party of Kazakhstan) and the Communist People's Party of Kazakhstan. The

term of office of Mazhilis members is five years. After gaining its independence, Kazakhstan has experienced a political, socio-economic and administrative transformation. An integral part of this change has been civil service reform.

II. CIVIL SERVICE PROFILE

a. *Legal basis of the civil service*

The Civil Service Law of 2015 came into effect on 1 January 2016. It is the main legal instrument regulating the civil service in Kazakhstan. In addition, such bylaws as Presidential decrees, Government acts and directives of the Civil Service Agency (formerly the Ministry for Civil Service Affairs) provide the legal basis for the organisation of the civil service and for the legal status of civil servants, as well as regulations pertaining to relations in the civil service.

Specifically, Chapter I of the Law defines the concepts. It states the main principles of the civil service and the functions of the civil service regulatory body. It also outlines civil servants' post classification and the role and functions of HRM departments in government bodies. The Law further stipulates service duties, including civil servants' status and rights, job responsibilities, limitations in terms of engaging in entrepreneurial or other gainful pursuits outside the civil service and participation in political party activities. It also describes the functions of political civil servants, permanent secretaries and chiefs of staff (Chapter II). Furthermore, it delineates provisions for entry into the civil service, including minimum and special requirements, competition and selection processes, appointment terms, background checks, probation periods, as well as cases of suspension and dismissal from the civil service (Chapters III, V, VII, and X). In addition, the Law sets out the conditions for performance evaluation, promotion, career development, rotation, training, internships and for disciplinary sanctions (Chapters VI, VII). Chapter IX considers remuneration and incentives system, types of leave and pensions. The general rules and standards of conduct of civil servants include measures to safeguard the confidentiality of information, handle conflicts of interest and prevent official corruption. These and other provisions are included in Chapter VIII. The Law also covers conditions for dispute resolution, attestation, reinstatement and the employment of foreigners (Chapter XI)²⁴⁷.

b. *Definition of civil servant*

In accordance with the Law on Civil Service of 2015, civil service is defined as the work of civil servants in government bodies. This entails exercising official powers aimed at the implementation of the government's policy and administrative functions. The Law defines a civil servant as a citizen of the Republic of Kazakhstan, who holds a government post and exercises authority in implementing government policy and performing administrative functions, in accordance with the law. For these tasks he/she is compensated from the state or local budget or from the funds of the National Bank of the Republic of Kazakhstan.

The civil service in Kazakhstan is unified but also divided into two broad categories: central and local government administration. According to the Law of 2015, there are two types of civil servants:

²⁴⁷ The Law on Civil Service of 2015 also states that labour legislation provisions are applicable to civil servants, however taking into consideration the specificities of this Law. Relations pertaining to the civil service, which are not regulated by this Law are subject to provisions of other relevant legislation.

- **Political civil servants:** Their appointment or election is politically-determined and they are chiefly responsible for policy implementation based on political goals²⁴⁸;
- **Administrative civil servants:** Their employment is permanent²⁴⁹. Administrative civil servants are divided into two Corps: "A" and "B", where Corps "A" consists of civil servants at a managerial level, for whom specific recruitment, employment and dismissal conditions apply²⁵⁰; and Corps "B" which consists of the remaining civil servants.

In sum, according to the Presidential Decree "On the Registry of Civil Service Posts" (2015), civil servants are divided hierarchically as follows:

- a. Political.
- b. Corps "A":
 - Category 1 – central government and heads of local districts;
 - Category 2 – local audit commissions.
- c. Corps "B":
 - Category A – Presidential Administration;
 - Category B – Offices of Parliament, Prime-Minister's Office, government bodies reporting to the President;
 - Category C – ministries;
 - Category D – regions;
 - Category E – districts.

The 2015 Law introduced the possibility of hiring foreign experts and professionals through service contracts by government bodies, subject to approval of the National Commission on cadre policy, under the President and background check results by the National Security Commission.

c. Civil servants' profile

Eligibility criteria

In order to apply and be considered for a position in the civil service, the following basic requirements must be met (Law on Civil Service 2015, Article 16): *"an applicant should be a citizen of Kazakhstan of minimum age of 18 years and not older than the retirement age. Applicants should meet the job requirements, possess a relevant education, work experience, knowledge and qualities and be of sound health"*. The Law of 2015 disqualifies the following:

- Persons deemed legally incapable; having certain adverse medical conditions, which may prevent them from exercising their functions;
- Persons who were previously dismissed for disciplinary reasons and/or corruption;
- Persons who have outstanding convictions, convictions for grave offences and crimes committed as part of an organised criminal group.

²⁴⁸ To address certain ambiguities in the functional division of vice-ministers (political appointees) and permanent secretaries (Corps "A"), a special article was included in the Law on Civil Service of 2015 which provides a detailed list of functions for both posts.

²⁴⁹ With the exception of some cases, determined by the laws of the Republic and Decisions of the President.

²⁵⁰ Corps "A" civil servants are employed by ministries and heads of region on the basis of service contracts with a maximum duration of eight years.

General job requirements pertaining to the educational level and work experience vary from post to post. Specific job requirements outlining the needed educational profile, as well as the knowledge and skills required are determined based on this Law by each ministry.

Total number of civil servants

The total number of civil servants' posts in Kazakhstan were 98,886, of which 91,330 are filled (1/01/2016).

Number of civil servants as proportion of the total population and of the labour force

There is one civil servant for every 192 people. A total of 91,330 civil servants over a population of 17,417,673 (as of 2015) represent just over half of a percent (0.52%) of the total population.

Gender and age distribution of civil service

In January 2015, civil service encompassed 50,219 female civil servants (55%) and 41,111 male civil servants (45%). The average age of civil servants in Kazakhstan is estimated at 39 years of age. By contrast, the average age of political appointees is slightly higher than that of administrative civil servants (Corps A and B), which are 48.3 years and 38.9 years respectively.

d. Civil servants' remuneration structure

According to the Law of Civil Service of 2015, remuneration in the civil service includes a salary, a salary increment and/or a bonus. Salary rates for each hierarchical rank are determined by a Presidential Decree. They are based on the position category and work experience in years. A bonus is based on performance, while the salary increment is given for working overtime and for performing additional functions.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Human resources management in the civil service is regulated by several legal instruments, namely the Law on the Civil Service (2015) and the Labour Code. The Agency for Civil Service Affairs and Anti-Corruption is the legal entity responsible for the human resources management function. The Agency for Civil Service Affairs and Anti-Corruption was first established in 2014. In 2015, it was transformed into the Ministry for Civil Service Affairs but in September 2016, reverted to the Agency for Civil Service Affairs and Anti-Corruption. The Agency is directly subordinate to the President.

The Agency for Civil Service Affairs and Anti-Corruption provides coordination and technical support to the HRM within the civil service. It monitors and assesses the quality of public service delivery, oversees the compliance of civil servants to ethical norms and evaluates HRM-related functions, as well as their implementation by government bodies. Furthermore, the Agency coordinates the activities of HR units²⁵¹ of government agencies and provides guidance on HRM practices. It also offers professional development and training to civil servants through the Academy of Public Administration under the President of the Republic of Kazakhstan and several regional study centres.

²⁵¹ As outlined in the Law on Civil Service of 2015, human resources departments of government bodies are independent of other departments within government. They report directly to a permanent secretary / chief of staff / head of the government. Local government bodies and regional departments of central government bodies are also allowed to create centralised HR departments for several closely located districts.

a. Organisation of the selection and recruitment process in the civil service

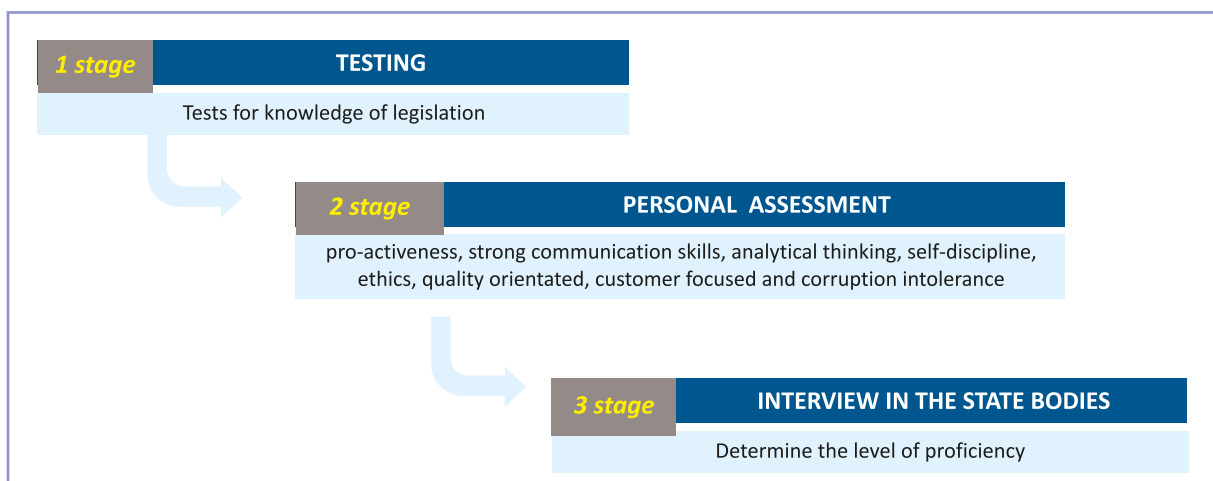
Article 14 of the 2015 Law on Civil Service stipulates that “a civil servant enters the service either through appointment or election or otherwise, as determined by the Laws of the Republic of Kazakhstan”.

Recruitment to Corps “A” is conducted by means of a personnel reserve roster, constituted by the decision of the National Commission on cadre policy under the President. Government bodies can then recruit Corps “A” civil servants by choosing candidates from this personnel roster. Recruitment to Corps “B” is carried out through a three-tier system starting at the bottom (entry-level posts). Recruitment is either internal (limited to current employees) or external (this applies to entry-level positions only).

According to Article 20 of the Law, new entrants into the civil service and those re-entering are subject to a probation period of up to 6 months (by a 3 + 3 system). Each new civil servant is assigned a mentor, whose responsibility is to guide the candidate through the integration process along with an agreed adaptation plan upon entering the civil service for a 3-month probationary period. If, at the end of this 3-month period, the civil servant receives an unsatisfactory rating, the probationary period is prolonged for another 3 months. Upon completion of the 6-month probationary period, a decision is made on whether the entrant can remain in the civil service. If a newly recruited civil servant receives another unsatisfactory rating at the end of the 6-month probationary period, the public organisation seeks a decision from the Agency for Civil Service Affairs and Anti-Corruption on whether to keep this person or let go.

Internal recruitment is carried out by a recruitment committee of the hiring ministry or government body hiring only from among its own personnel. If no suitable candidate is found, the recruitment process is opened to all civil servants, civil service-wide. If, again, no suitable candidate can be found, the external recruitment procedures are used.

Figure 4: Stages of external recruitment in Kazakhstan



Source: Ministry of Civil Service Affairs of the Republic of Kazakhstan (2015)

External recruitment consists of three stages: [a] a test administered by the Agency; [b] an interview conducted at the Agency to assess whether the candidate possesses the required civil service values; and [c] an interview required by the government body that has announced the vacancy.

A unified electronic system for human resources management²⁵² has been introduced since 2013. It is gradually being implemented across all government bodies, in which HR databases are developed and maintained. This system functions as some sort of automated personnel administration system, so as to ensure the electronic management of human resources in compliance with relevant policy standards.

b. Promotion and transfer processes in civil service

According to the 2015 Law on Civil Service, civil servants are promoted to a higher post following an evaluation of their qualifications, competencies, ability, merit and performance. The promotion process is carried out through general and internal competitions. Civil servants can also be transferred, between state agencies, to eligible positions in categories “A” and “B”, as well as from the posts of categories “A” and “B” in government agencies to other state agencies²⁵³.

c. Performance appraisal, training and career development

According to the 2015 Law on Civil Service, there are distinct and separate performance evaluation procedures for political appointees and civil servants of Corps “A” and “B”. The performance evaluation of political civil servants is carried out by the President²⁵⁴ or an official appointed by him for this purpose. The performance evaluation of Corps “A” civil servants is carried out by the official who has the responsibility for their appointment and/or dismissal. Performance evaluation of Corps “B” civil servants is carried out by their direct supervisors, colleagues and subordinates. Once the civil servants’ performance is assessed, the evaluation results are approved by an Evaluation Commission established for this purpose within each government body.

Performance evaluation rules for administrative civil servants are approved by Presidential Decree. However, performance evaluation methodology for Corps “A” is designed and formulated by the Agency for Civil Service Affairs and Anti-Corruption, while government bodies design their own performance evaluation methodologies for Corps “B” personnel, based on a model provided centrally. According to the Law, an unsatisfactory performance evaluation is the basis for contract termination for Corps “A” civil servants; downgrading or dismissal for Corps “B” personnel.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Law on Civil Service and the Law on Anti-Corruption regulate ethical standards in the civil service of Kazakhstan. The Law on Civil Service regulates disciplinary action for ethical misdemeanours, conflicts of interest and ethical standards. The Law on Anti-Corruption outlines the strategy for combatting corruption and sets out anti-corruption measures. It showcases the entities responsible for anti-corruption activities and highlights the extent of their authority, as well as management practices in dealing with corruption-related offences. The Law on Anti-Corruption has introduced such new anti-corruption measures as anti-corruption monitoring, corruption risk

²⁵² “E-kyzmet” (“e-service”).

²⁵³ An option of transfer between jobs in different ministries and government bodies is no longer available (apart from personal aides, press secretaries and advisors).

²⁵⁴ This provision was recently introduced by Decree No 295 of the President of the Republic (4 July 2016). See also: http://online.zakon.kz/Document/?doc_id=32642822#pos=7;-294

analysis, development and cultivation of an anti-corruption culture, control of finances, conflict of interest and preparation of the national anti-corruption report.

According to the Law on Combatting Corruption, the property and assets of civil servants are subject to declaration upon entry into the civil service. For other civil servants, the declaration is compulsory on a yearly basis. Information contained in the civil servants' property declaration is subject to publication, in the case of political and Corps "A" civil servants, members of Parliament and managerial level staff in the quasi-governmental sectors. The Law also outlines the basic procedures for whistle-blowers' protection.

The National Anti-Corruption Bureau²⁵⁵ of the Civil Service Affairs and Anti-Corruption Agency provides systematic cautionary notices and policy advice on the prevention of corruption. Among the main tasks of the Bureau are: anti-corruption monitoring, analysis of corruption risks and development and cultivation of an anti-corruption culture in the civil service.

The Civil Service Affairs and Anti-Corruption Agency has also developed an Anti-Corruption Strategy 2025 and an Action Plan, which identify corruption sensitive areas. They provide for targeted actions aimed at modernising anti-corruption investigations and enforcement processes, state procurement, public finance systems, as well as increased interagency coordination for the prevention of corruption, introduction of corruption risk analysis and monitoring and education. The Strategy provides for a special position; an officer in charge of ethics compliance within each ministry or government body. Ethics Officers positions are institutionalised in government bodies in order to foster ethical compliance for civil servants. Every regional department of the Agency has an ethics council responsible for disciplinary action and ethics compliance.

The "*Ethical Code for the Civil Servants of the Republic of Kazakhstan*" and the "*Regulations for Ethics Officers*" were approved in 2015. The Code includes a chapter "On Civil Servants' Ethics". This defines the requirements for civil servants' behaviour, including standards of conduct, relations at the work place, as well as for non-office hours.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Phase 1: 1995-2000

The Presidential Decree on Civil Service (1995) laid the foundation of the modern civil service system in Kazakhstan. In 1999, the Civil Service Law and 11 Presidential Decrees were passed, making Kazakhstan to be the first among all post-soviet countries to introduce innovations in civil service related legislation²⁵⁶. Specifically, the legislation introduced:

- Distinction of civil servants into political and career officers;
- Open and mandatory competitive selection and recruitment processes as the means of admitting only the best qualified candidates into the civil service;
- Protection of career civil servants, in the case of political change; and
- Creation of a specialized Civil Service Agency.

²⁵⁵ Reorganised in September 2016, based on the National Anti-Corruption Bureau of the Ministry for Civil Service Affairs.

²⁵⁶ Intensive study of international experience and analysis of its own problems allowed Kazakhstan to determine the main directions of the first stage of reforms in the late nineties (Baimenov, 2000).

One needs to take into account the historical context within which these seemingly basic traits of a professional civil service were introduced. In a country with a long history of a Soviet style civil service, where all civil servants were considered political appointees and party members, understanding the need to distinguish between administrative (non-political) and political civil servants required almost a decade to materialise.

Considering the peculiarities of the transition period, a position-based civil service model was chosen. The position-based model allowed for more flexibility in hiring internally, from within the civil service, as well as externally, from the national job market. This was deemed necessary, as rapidly changing societal demands, along with the national strategy tended to speed up the modernisation of the country. Such modernisation called for new knowledge, skills and leadership potential, which could be found more easily in the wider job market (Baimenov, 2000). Since the adoption of this model over 550,000 citizens participated in competition procedures to enter civil service. Of these, which 130,000 were recruited and appointed to the civil service.

It is important to stress that a test on legislation was part of the selection procedures. This was a very important step in a country, where the traditions of the Rule of Law were weak. Thus, the first stage of reforms was directed towards the elimination of a patronage-based system and could be understood as an effort to enhance meritocracy. On the assumption that access to education is key to meritocracy, as well as with a view to mitigating the risks of elites monopolising access to education, President Nazarbayev initiated, in 1993, a generous scholarship programme – the “*Bolashak*”²⁵⁷ programme, (meaning future in Kazakh). The idea was to provide talented youth with free access to education in leading universities around the world, the expenses for which would be fully covered by the state. Then, these individuals would come back to Kazakhstan better equipped to contribute to the country’s modernization efforts. Since its inception, about 10,000 Kazakhstani citizens from all the strata of society have been awarded degrees from the best international universities and joined the job market at home including the civil service²⁵⁸. This scholarship served to level off the playing field in terms of access to quality education. Year by year the Programme has been gaining pace and thus has been adopted to serve the implementation of state objectives.

Phase 2: 2011-2013

Despite the measures introduced, Kazakhstan kept facing certain challenges. Among those were the following:

- Lack of an unbiased approach by competition commissions (it has been found that at times the results of competitions were predetermined);
- Use of loopholes in the legislation for so-called “team movements” by newly appointed ministers/ governors;
- Inadequate utilisation of the personnel reserve;
- High levels of corruption; and
- Insignificant role of HR units in state agencies and municipalities.

²⁵⁷ For more information on the history of the programme, see <http://bolashak.gov.kz/en/o-stipendii/istoriya-razvitiya.html>

²⁵⁸ Since its inception, the Bolashak Scholarship Programme has benefited 11,126 Kazakhstan citizens, who studied and graduated from the top 200 universities in 33 countries. Because of this purposeful policy initiative, the Bolashak Scholarship Programme was named as the best academic mobility programme among 11 such programmes, during the VIII International Going Global Conference in Miami (2014).

Following further analysis of the challenges and a review of good practices, the President approved a Concept Note on a new model for civil service (2011). This took into consideration the increasing expectations of society. The Concept Note defined the basic principles of civil service in terms of meritocracy, efficiency, transparency and accountability to society. These principal changes in the existing legislation were adopted in March 2013. In brief, this phase of reforms focused on introducing new instruments and mechanisms in human resources management to enhance meritocratic recruitment and promotion processes. These reforms were the following:

- *Enhancement of transparency and objectivity of competitions:*

For the first time, observers and experts were introduced to monitor and evaluate the competitive process. Observers could attend the interviews with candidates, review the work of recruitment panels and provide their opinions to the management of the hiring organisation. Members of the media and of non-governmental organizations may also participate as observers.

- *Restriction of out-of-competition movements:*

The movement of civil servants outside competitive processes – the so-called “team movements”²⁵⁹ – was a major loophole leading to irregular practices in staff movements. Changes in the legislation limiting such movements allowed to drastically tackle this issue. The number of rotations between public bodies has decreased 30 times over the past five years. At the same time, however, transfers within departments have been facilitated.

- *Professionalization of personnel management units:*

It was recognised that Personnel Management Units (HR units) in state agencies must be professionalised, along with the rest of the state administration. Thus, unified personnel management units were created in the districts, whose primary responsibility has been to handle human resources management processes. This action was meant to professionalise HRM functions, to the extent possible, by introducing new staffing techniques in civil service management. These units took over the work, previously performed by civil servants at the district and village levels, along with their regular duties and responsibilities.

- *Introduction of Senior Executive Service - Corps “A”:*

In 2013, the President decreased the number of political appointees eightfold²⁶⁰ by introducing the Senior Executive Service – known as Corps “A” – through a Presidential Order. A special selection procedure was employed utilising the personnel roster²⁶¹. The result of this process was to establish 550 Corps “A” positions out of a total of approximately 97,000 civil service positions. The open competitive selection processes utilised for entering Corps “A” helped explore the dormant human resource capacity and find potential managers, who they could not have been discovered under the patronage system and the political nature of most appointments.

²⁵⁹ When a new minister was appointed, he/she crowded out almost half of the ministry’s officers by putting unreasonable pressure on them and replaced them with his/her loyal officers, by means of “rotation”.

²⁶⁰ This action was considered as an unprecedented manifestation of the political will and a clear sign of a move towards professionalization of the civil service, by international experts.

²⁶¹ Appointment to administrative positions of Corps “A” is made exclusively from the personnel pool formed by the National Commission on Personnel Policy under the President of the Republic of Kazakhstan. The National Commission, based on test results, allocated candidates into four groups: [i] strategic; [ii] organizational; [iii] economic, expert-analytical; and [iv] financial and auditing; and ranked candidates within each group according to test scores they had obtained.

- Strengthening the system of ethical and disciplinary control:

The Law “On Civil Service” was enhanced with a new chapter dealing with: [a] Code of ethics and anti-corruption conduct of civil servants; [b] an increased role of disciplinary committees of government agencies; and [c] coordination of their activities with the Civil Service Agency. Moreover, the Law stipulated that political civil servants, who are heads of state bodies and governors of local governments should resign if the subordinates, whom they may have appointed were involved in corruption offenses²⁶².

In sum, key goals of this new model of civil service include:

- Enhancement of public trust in the system of competitive selection and recruitment for civil service personnel;
- Enhancement of the trust of civil service staff in the principle of meritocracy; and
- Increasing the levels of citizens’ satisfaction with the availability, accessibility and quality of public services.

b. Current reforms

Phase 3: 2015 – to present

Current civil service related-reforms are encompassed in the “Five Institutional Reforms” and the “100 Concrete Steps” national plan. Both were adopted in 2015²⁶³. The Five Institutional Reforms proposed the “creation of a modern and professional civil service, ensuring quality implementation of economic programmes and the provision of public services”. They are directed towards building a professional civil service, based on a career-based model, incorporating a competency and competitive approach. A competency profile will be developed. It is a comprehensive description of the necessary skills needed for each position²⁶⁴. In this manner, a candidate’s capacity may be assessed in terms of effectiveness and suitability. Assessment results will constitute the basis for deciding whether an individual can participate in a competitive selection process for potential civil service employment.

A system of individual career plans is being developed, because career planning is generally considered to be an incentive for civil servants to improve the efficiency and quality of their work. Through this system, civil servants will be offered two or three positions, which are of interest to them and a professional development plan will be prepared in furthering civil servants’ development.

Competencies assessment and career planning contribute identifying the strengths and weaknesses of civil servants. They help expand their knowledge and develop the skills and abilities that would allow them to climb the career ladder.

²⁶² In the context, the Law on Civil Service introduced personal responsibility for public administrators’ staffing decisions.

²⁶³ As well as on the new Law “On Civil Service of the Republic of Kazakhstan”, also adopted in 2015.

²⁶⁴ The profile includes analytical, organizational, managerial, communication and other specific skills needed for a position.

Current civil service reforms may be summarised as follows:

- Modernisation of procedures for entering civil service (entry should take place at low-level positions);
- Candidates for low-level positions are selected on a competency-based approach; all civil servants are promoted on the same basis;
- Selection procedures for new civil servants are centralized and a three-stage selection system is introduced;
- Mandatory 3+3 probationary periods for new entrants are introduced;
- Free housing is provided to civil servants on “rotation” but without the right to own;
- A system of regular training and development, at least once every three years, is introduced;
- Civil servants who have been appointed to senior positions of Category B are promoted through a competitive process only;
- Foreign managers, some specialists from the private sector and citizens of the Republic of Kazakhstan, who are employees of international organizations, can be appointed to meet special requirements and positions placed on a separate list. This process contributes to making the civil service open and competitive;
- A new ethical code is developed; its implementation is overseen by an Ethics Officer;
- A specialised anti-corruption unit is established in the Agency for Civil Affairs and Anti-corruption²⁶⁵ for a systematic approach to prevention of corruption offences;
- A new law on the civil service was adopted in 2015; and
- Attestation of active civil servants was conducted after the new law on the civil service has been adopted.

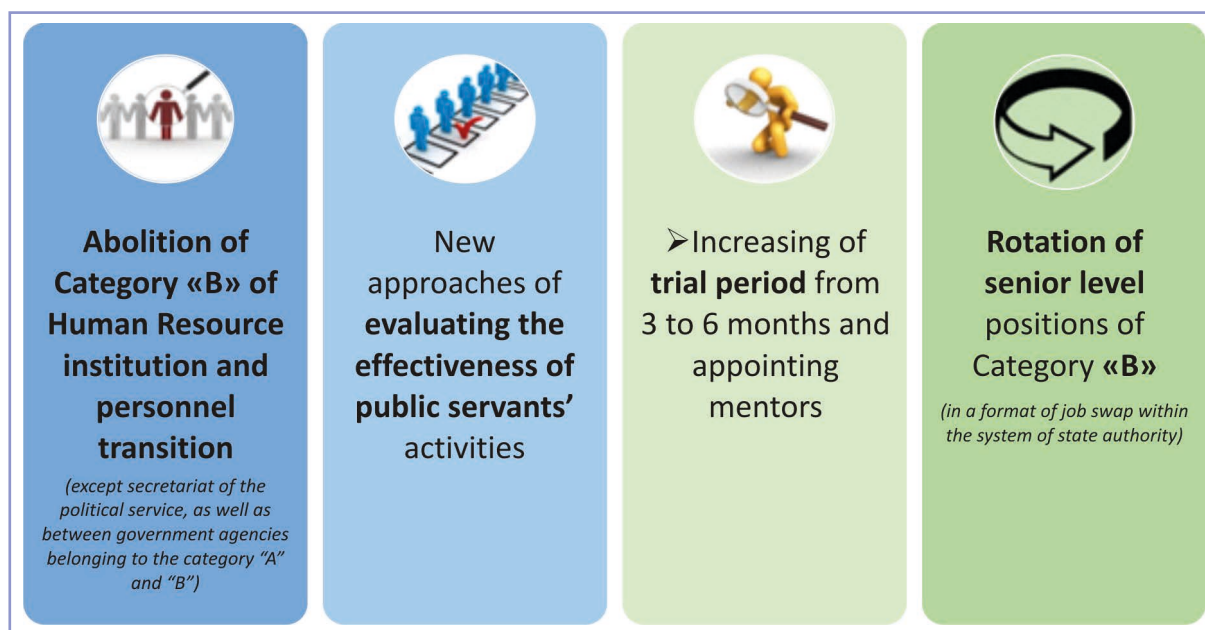
c. Planned reforms

Priorities for the next phase of civil service reform target the further development of an autonomous and professional state administration, where meritocracy, transparency and accountability prevail. These are in congruence with the 5 institutional reforms announced by the President in March 2015. These initiatives may be summarised as follows:

- Minimization of patronage;
- Transparency of decision-making and accountability of political appointees and of the administration in general;
- Involvement of civil society into decision-making;
- Enactment of the Access to Information Act;
- Gradual devolution of power to civil society organizations; and
- Hiring foreign experts in the civil service of Kazakhstan for specialised positions.

²⁶⁵ Nowadays part of the newly formed Agency for Civil Service Affairs and Anti-Corruption.

Figure 5: Current reforms in the Republic of Kazakhstan



Source: Ministry of Civil Service Affairs of the Republic of Kazakhstan (2015)

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6. KYRGYZSTAN

I. BACKGROUND

Area:	198,5 sq. km (86 th in world ranking)
Population:	5,928,66 people
GDP:	USD 18,001 billion (2012) (135 in world ranking)
GDP per capita:	USD 2,409
HDI:	0.655; ranked 120 out of 188 countries (2015)
Life expectancy at birth:	70.6 years (2015)
Mean years of schooling:	10.6 (2015)

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	33.17	22.93	31,58	28,71	18.75
Regulatory quality	50.49	19.61	43.54	41.15	36.06
Rule of Law	24.88	12.92	8.06	12.80	15.87
Control of corruption	28.63	10.73	11.90	11.48	11.54

Source: World Bank (2015)

b. Political and Administrative Structure

In the words of its Constitution, the Kyrgyz Republic is a democratic state. The current Constitution, adopted in 2010, replaced that of 1993. It marked a shift away from a presidential toward a parliamentary system of government, which reduced the power of the president. In legal terms, the Parliament and the Prime Minister have more power than the President though in substance the system of governance is really presidential-parliamentary. The President has no right to initiate legislation, but he/she has veto powers and he/she appoints the heads of state bodies. The Parliament – *Zhogorku Kenesh* – is primarily responsible for policy making and the determination of the most important decisions of the state. The Parliament is unicameral consisting of 120 members elected for a five-year term.

The President is elected every 6 years, for one term only. The Head of Government is the Prime Minister. He is appointed by Parliament, following a nomination by a simple parliamentary majority. This is to say he must obtain at least 50% of the votes.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The legal basis of the civil service in Kyrgyzstan encompasses the following regulations:

- The Law "On Civil and Municipal Service"²⁶⁶, adopted on 30 May 2016; and entered into force on 7 June 2016;

²⁶⁶ Unofficial English translation of the Law is provided at <http://cis-legislation.com/document.fwx?rgn=85924>

- The Constitutional Law “On the Government of the Kyrgyz Republic”, adopted in 2012;
- The Labour Code, adopted in 2004;
- The Law “On the Protection of State Secrets”, adopted in 1994;
- The Law “On Basic Principles of the Budget Law of the Kyrgyz Republic”, adopted in 1998;
- The Law of the Kyrgyz Republic “On Combating Corruption”, adopted in 2012;
- The Law of the Kyrgyz Republic “On declaring and publishing information relating to incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives”, adopted in 2004;
- The Law of the Kyrgyz Republic “On the Order of Consideration of Citizens’ Appeals”, adopted in 2007; and
- The Law “On Legal Acts of the Kyrgyz Republic”, adopted in 2009.

Previous Laws “On the Civil Service” and “On the Municipal Service”, adopted in 2004 in the framework of the World Bank-designed governance reforms, were recently repealed and replaced by the new Law of 2016. This new Law seeks to strengthen the capacities of HR management departments of central government and local self-government agencies, particularly in the areas of staff training, performance assessment and career planning. It closely links together staff training, performance assessment, actual achievements, career growth, as well as motivation, both financial and non-financial.

Furthermore, the concept of career planning is introduced. This implies the establishment of a stable system of job promotion based on personal performance, level of professionalism and achievements. A special provision is introduced pursuant to which training is a prerequisite for promotion and career advancement. It must take place either prior to appointment or within three months following an appointment to a new position. The provision on performance assessment is also introduced at the legislative level, defining target performance levels in relation to the goals and objectives of the central government or local self-government agency in which, they serve. Incentives for civil servants are also introduced. A distinction is established between material and non-material ones.

To improve the merit-based recruitment system and job promotion but also to and reduce the risk of arbitrariness, a new Law “On Civil Service and Municipal Service” establishes new procedures for building both national and internal staff rosters²⁶⁷.

b. Definition of civil servant

According to Article 1 of the Law “On Civil and Municipal Service”, the public service is a professional service consisting of Kyrgyz citizens in the state administration. It, includes civil, military, law enforcement and diplomatic services. According to this Law, there are two categories of public servants: civil servants and municipal servants. A civil servant is a citizen of the country, who holds an administrative post in *a state government body* and exercises professional responsibilities on a regular basis, stemming from authority vested in the position for the execution of prescribed activities paid for from the state budget. A municipal servant is a citizen of the country, who holds an administrative post in *a local government body*. He/she exercises professional activities on a

²⁶⁷ <http://www.mkk.gov.kg/news/view/idnews/52>

regular basis, stemming from authority vested in the position for the execution of prescribed activities. He/she and receives monetary compensation from the state budget (Article 1).

The Law establishes three types of public service posts: [i] political civil service posts; [ii] special civil service posts; and [iii] administrative civil service posts. It also establishes two types of municipal service posts: [i] political municipal posts; and [ii] administrative municipal posts. Administrative posts are further subdivided into: [i] top-level positions; [ii] leadership positions; [iii] senior positions; and [iv] junior positions. Qualification ranks are established, in accordance with the classification of administrative positions. The professional rank of civil servants indicates their professional level and it provides them the right to hold an administrative position and receive a bonus in addition to their official salary, as well as to enjoy some social benefits.

Civil servants may be assigned to one of the following ranks: [a] Junior inspector of the civil service; [b] Inspector of the 1st, 2nd and 3rd classes of civil service; [c] Advisor of the 1st, 2nd and 3rd classes of civil service; and [d] State Counsellor of the 1st, 2nd and 3rd classes of civil service. Municipal officials may be assigned the following ranks: [a] Junior inspector of the municipal service; [b] Inspector of municipal services of the 1st, 2nd and 3rd classes; [c] Municipal Service Advisor of the 1st, 2nd and 3rd classes; and [d] Municipal Counsellor of municipal services of the 1st, 2nd and 3rd classes.

c. Civil servants' profile

Eligibility criteria

According to Article 20 of the new Law, the minimum age for entering the state civil service is 21 years of age and, for municipal servants, 18. Retirement is set at the age of 65. According to Article 14 of the Law on Civil and Municipal Service, qualification requirements for administrative posts include certain levels of professional experience, education and language knowledge. For junior positions, no professional experience is required. For other positions, a higher education is required, while for municipal servants, either secondary or higher education is required. For senior positions, a higher education and service experience in the civil and/or the municipal service of no less than 1 year or, alternatively, experience in a relevant field of activity of no less than 3 years are required. For leadership positions, a higher education and experience in civil service and/or municipal service of no less than 3 years or experience in a relevant field of no less than 5 years are required. For top-level positions, a higher education and experience in the civil and/or municipal service of no less than 5 years or experience in a relevant field of no less than 7 years are required. Heads of state and local authority bodies, in coordination with a duly authorized state body, define qualification requirements for each administrative position on the basis of standard requirements approved by the Government.

Total number of civil servants

In 2014, there were 14,653 civil servants (57% male and 43% female) and 8,391 municipal servants (64% male and 36% female). This represents 0,39% of the total population. In 2013, by comparison, the proportion of public servants to the total work force was 4,8%.

Gender and age distribution of civil service

Table 30: Gender and Age Distribution of the Kyrgyz Civil Service

	Total number / female	Up to 28 years / female	29-34 / female	35-44 / female	45-54 / female	55-64 / female	65 and older / female
Total number / Female	14,653 / 6,338	2,186 / 1,014	2,924 / 1,243	3,441 / 1,548	3,600 / 1,602	2,321 / 875	181 / 56

d. Civil servants' remuneration structure

Salary levels of public sector employees are not adjusted annually for inflation but are subject to ad-hoc increases. The OECD²⁶⁸ indicates that the remuneration system was reformed for 15 ministries, resulting in pay increases barely covering inflation. Some information on salaries and allowances is available but, in some agencies, it is confidential. A comprehensive reform in public sector remuneration policy is scheduled for 2017.

In 2015, a special working group consisting of representatives of the Ministry of Finance, Employment, Migration and Youth and the State Personnel Services conducted an analysis of remuneration schemes for public servants and municipal officers of the Kyrgyz Republic²⁶⁹. Based on findings of this analysis, as well as other studies, a number of laws and regulations were adopted with a view to improving remuneration schemes of public servants and municipal officers. These included the following:

- Presidential Decree of the Kyrgyz Republic "On the Approval of the Registry of Civil Service Positions of the Kyrgyz Republic and the Registry of Municipal Service Positions of the Kyrgyz Republic";
- Resolution of the Government of the Kyrgyz Republic No 383 (28 June 2013) "On Measures to Improve Remuneration Schemes of Civil Servants and Municipal Officers in the Kyrgyz Republic for 2013-2020"; and
- Resolution of the Government of the Kyrgyz Republic No 384 (28 June 2013) "On the Terms of Remuneration of Civil Servants and Municipal Officers in the Kyrgyz Republic".

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

According to Article 5 of the Law "On Civil and Municipal Service", the civil service management system encompasses the Council on Civil and Municipal Service, the State Personnel Service, State Secretaries of state bodies, and Human Resources Departments of state bodies or the person(s) authorised for personnel management. The municipal service management system encompasses the following: the Council on Civil and Municipal Service responsible for policy-making in the municipal services and for ensuring orderly governance by cities administration and by executive secretaries of village settlements (*ayil okmotu*), as well as for the management of service personnel of local government bodies or person(s) authorised on staff management matters.

²⁶⁸ Istanbul Anti-Corruption Action Plan. Third Round of Monitoring. Kyrgyzstan. Progress Update: <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

²⁶⁹ Ibid.

The Council on Civil and Municipal Services is a collegial body, which decides on the development strategies for civil and municipal services. The Council's tasks include the following:

- Development of proposals to increase the efficiency of civil and municipal services;
- Development of proposals towards the implementation of anti-corruption mechanisms in the civil and municipal services;
- Provision of proposals to improve the legal framework on civil and municipal services;
- Implementation and conduct of competitive selection of candidates for appointment to the posts of state secretaries;
- Ranking of state secretaries based on their evaluation results;
- Review of complaints against illegal actions committed by state secretaries, taking decisions following official investigations;
- Granting refusal or consent regarding the rotation or dismissal of state secretaries;
- Initiation of dismissals of state secretaries in cases stipulated by law.

The State Personnel Service is the authorized state body on civil and municipal service affairs. It was established by the President in order to implement a unified state policy in the area of civil service. According to the Law of 2016, the main objectives of the State Personnel Service are:

- Building a unified state human resources policy for the civil and municipal services;
- Building a highly professionalised system of civil and municipal services management;
- Increasing the prestige of the service in state and municipal bodies;
- Ensuring the rights and interests of civil and municipal servants.

The State Secretary's position is the highest administrative position in public bodies. The position of state secretary is permanent and its legal status is equal to the position of first deputy head of a public body²⁷⁰. State Secretaries have the following responsibilities. They: [i] organize the development of strategic long-term plans for the organisation, as well as the plans of their respective departments and personnel; [ii] develop the management structure of the organisation; [iii] support the career planning and growth of employees; [iv] organize the selection and placement of personnel; [v] develop and implement anti-corruption measures; [vi] supervise the introduction of modern management techniques and technologies to carry out support functions, including the management of financial, material and human resources; [vii] organise capacity building activities for employees; [viii] develop mechanisms of the material and non-material motivation of employees; [ix] develop and maintain a system for monitoring activities of the organisation; [x] supervise and control the executive and labour discipline mechanisms; and [xi] organize performance assessments. State Secretaries are also responsible for the development and implementation of a programmatic budget. They are accountable to the Council on Civil and Municipal Services and to the Head of a public body.

²⁷⁰ In public bodies where there is no post of State Secretary, its functions are vested to the Head of Administration.

a. Organisation of the selection and recruitment processes in the civil service

The selection and recruitment processes in the civil service of Kyrgyzstan are regulated by the Law “On Civil and Municipal Services” and such other legal instruments as the “Temporary Decree on Competition for Vacant Administrative Civil Service Positions” and the “Temporary Decree on the Procedure for Testing Candidates for Vacant Career Civil Service Positions”, both of which were approved by the Government in 2011²⁷¹.

The State Personnel Service is the body responsible for monitoring that the competitive selection processes, conducted by central and local government agencies, comply with the regulations in place. The first step in the recruitment process is the vacancy announcement through the mass media and the Internet, well in advance of the competition date.

The candidates’ suitability and qualifications are assessed through a written examination. Candidates who pass the examination are included in the state personnel reserve. All vacancies are then filled from this roster. The Personnel Reserve is managed by the State Personnel Service. The Reserve is comprised of two parts: national and internal. The national reserve includes recent graduates who have passed a national competition for entry-level government positions, civil servants who wish to be promoted and civil servants who were dismissed due to downsizing or health conditions. The internal reserve of a government agency consists of civil servants, who were recommended for promotion based on their attestation results and who have applied to be included in the reserve. To fill an existing vacancy, a ministry initiates a competitive process beginning with candidates, who have been included in the internal personnel reserve. If the position is not filled through the internal reserve, the competition is opened to candidates included in the national personnel reserve.

b. Performance appraisal, training and career development

The performance appraisal of civil and municipal servants is regulated by the “Provision on the procedure for the evaluation of civil and municipal servants of the Kyrgyz Republic”, approved by the Government (28 June 2013, No 383) and the Regulation “On the conditions of remuneration for civil and municipal servants of the Kyrgyz Republic”.

The Law “On Civil and Municipal Services” stipulates that civil servants are subject to a qualifying examination – attestation. According to Article 29 of the Law, this examination assesses the professional knowledge and skills that civil servants possess in order to determine their career development potential. A civil servant cannot be subjected to attestation more than once in every 3 years. Performance appraisal is the process of assessing the employees’ performance in comparison with their job requirements. Performance appraisal results are used to determine any additional compensation or other rewards, to conduct the attestation of civil servants and to base recommendations on rewards or for advanced training.

Each state body conducts its own qualification examinations. These consist of a polygraph test and a computer-based test on knowledge of legislation and administrative procedures. Examinations are administered by Attestation Committees of state or municipal bodies. Depending on results obtained (excellent, good, satisfactory or unsatisfactory), Attestation Committees recommend a civil servant for promotion. The Attestation Committee also provides an opinion whether civil servants qualifications and skills correspond (or do not correspond) to the position they hold.

²⁷¹ <http://cbd.minjust.gov.kg/act/view/ru-ru/92838>

The training of civil servants is regulated by the Decree “On the State Order for Training of Civil and Municipal Servants”, the “Temporary Provisional Regulations on the Procedure on Training Civil and Municipal Servants” and the “Temporary provisional regulations on the Coordination of Training of Civil and Municipal Servants of the Kyrgyz Republic”. According to Article 28 of the Law “On Civil and Municipal Service”, there are two types of training: re-training and advanced training. Re-training is conducted when employees are transferred to a higher position. This is a prerequisite for promotion. Re-training is also a prerequisite for the position of state secretary. Advanced training takes place while a candidate holds a position within the same group of posts, no less than once every 3 years. Re-training and advanced training records are taken into account in attestation or performance appraisal. They are also considered to be an advantage when applying for a new position.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

Transparency International’s Corruption Perception Index placed Kyrgyzstan in the 123th in the list of a total of 168 countries surveyed, with 28 points out of 100²⁷² in 2015. This ranking shows improvement, by comparison, to those of 2014 and 2013.

Anti-Corruption legislation includes the “Criminal Code of the Kyrgyz Republic”²⁷³, the Law “On Combating Corruption”²⁷⁴, the “State Strategy on Anti-Corruption Policy in Kyrgyzstan”²⁷⁵ and other by-laws. According to the Law “On Combating Corruption”, the President is responsible for defining the main directions of the fight against corruption, also included in the State Strategy. This outlines the general priorities and anti-corruption measures that must be undertaken with some provisions for their implementation. The Strategy also includes a critical analysis of previous anti-corruption efforts. It highlights such important challenges as the declarative nature of anti-corruption laws and the weakness of anti-corruption institutional mechanisms (OECD, 2015)²⁷⁶. The State Strategy identifies corruption prevention and the involvement of civil society as its two key priorities. However, the anti-corruption measures outlined in the Strategy are very general. They include the development of awareness raising systems and the eradication of corruption risks. It needs to be remembered that high corruption risks hinder the creation of a proper investment climate.

According to the Law “On Civil and Municipal Services” and the Law “On Combating Corruption”, public employees are not allowed to accept any gifts of money or services while performing their official duties. However, they may accept certain gifts on official events; still, these gifts must be handed over to the state or municipal organisation in which they work (Article 23, Clause 6 of the Law on Civil and Municipal Service). The Law on Combating Corruption requires all civil servants to avoid instances where there may be conflict of interest and to report any attempted bribery. Furthermore, a Decree (2010) requires polygraph testing for a number of positions in such public institutions as the Financial Police, Customs and the Tax Service, in an effort to curb and eliminate corruption and abuse of office.

²⁷² <https://www.transparency.org/country/#KGZ>

²⁷³ http://www.wipo.int/wipolex/en/text.jsp?file_id=330140

²⁷⁴ <http://finpol.gov.kg/ru/orders/anti-corruption-law>

²⁷⁵ Adopted by Presidential Decree (No 26, 2 February 2012).

²⁷⁶ Istanbul Anti-Corruption Action Plan. Third Round of Monitoring. Kyrgyzstan. Progress Update: <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

The Programme and the Action Plan of the Government of the Kyrgyz Republic on Combating Corruption, in 2012-2014, was adopted on 30 August 2012 by Government Resolution (No 596). They are comprehensive documents, which contain: the main goals; priorities and tasks; assessment of previous anti-corruption efforts results; a monitoring and assessment mechanism complete with qualitative indicators and expected results; and an estimate of budgetary needs.

There are five law enforcement agencies that deal with corruption in Kyrgyzstan: [i] The General Prosecutor's Office; [ii] the State Customs Committee; [iii] the Financial Police; [iv] the National Security Service; and [v] the Ministry of the Interior. The Ministry of the Interior (the Police) is the principal law enforcement agency responsible for combating administrative corruption. It is mandated to fight corruption in local and national public administration organisations, as well as to investigate economic crimes in the private sector. In addition, public advisory boards are responsible for reporting and monitoring on the operations of ministries with a view to enhancing transparency, reducing corruption and eliminating favouritism in the public sector. An Anti-Corruption Service was set up in December 2011, within the State Committee of National Security. It is responsible for fighting corruption in Parliament, the Executive branch of the government and the Supreme Court. However, fragmentation of functions and responsibilities between the various enforcement agencies has been a major obstacle to cooperation and coordination and hence the effective prosecution of corrupt practices²⁷⁷.

All state and municipal government organisations have adopted a Code of Ethics, approved by the President of the Republic. Furthermore, Ethics Commissions are established within each state and municipal body to ensure the civil servants' compliance with legislation. These Commissions consist of staff members²⁷⁸. Ethics compliance of top management in state bodies is monitored by the State Ethics Commission under the President. In this regard, the OECD recommended the adoption of Codes of Ethics for the Deputies of *Zhogorku Kenesh* and for members of the Government. It also recommended revision of the Code of Ethics for judges to remove existing incompatibilities and encompass such issues as conflict of interest, receipt of gifts and other to ensure its proper implementation²⁷⁹.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Since Kyrgyzstan gained independence in 1991, several public administration reforms have been implemented, largely driven by pressure and the support of donor organizations. The measures intended to establish a unified civil service were:

1. Establishment of an organizational framework for civil service management and introduction of mechanisms regulating human resources management policy and coordinating policy implementation in the administration;
2. Creation of a legal framework for civil service, which establishes the principles for the development and implementation of human resources management policies;

²⁷⁷ <http://www.business-anti-corruption.com/country-profiles/europe-central-asia/kyrgyzstan/initiatives/public-anti-corruption-initiatives.aspx>

²⁷⁸ <http://sti.gov.kg/STSDocuments/PolOEtiGosSluj.pdf>

²⁷⁹ <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

3. Establishment of a State Personnel Service of the Kyrgyz Republic assigned to the tasks of designing a unified state human resources policy and building a highly professional civil service system in both the state and municipal administrations;
4. Creation of the Institute of State Secretaries aiming to guarantee the stability and continuity of the state administration, as well as the social and legal protection of civil servants;
5. Introduction of a competitive selection process for the purpose of filling vacant positions in the civil service, in order to ensure that the principles of openness and equal access are observed;
6. The classification (typology) of civil service positions has been systematized²⁸⁰; and
7. Introduction of a performance appraisal system for civil and municipal servants focusing on increasing their effectiveness.

b. Current reforms

The newly adopted Law “On Civil and Municipal Service” establishes the basis for further improvements in the civil service. These are:

1. Improvement of the management of the civil and municipal services, with a focus on strategic priorities

To achieve this goal, the Strategy on Development of the State Personnel Services²⁸¹ of the Kyrgyz Republic was formulated and approved by Presidential Decree on 30 November 2013. The Strategy identified four main areas for improvements in the activities and performance of the State Personnel Service:

- Enhancement of interactions with the “external environment”, e.g. communication with management of civil and municipal services, higher authorities, donors, experts, civil society and citizens;
- Business process re-engineering, new management techniques and working practices introduced in the State Personnel Service organisation;
- Provision of legal support to cope with change; and
- Introduction of a system for monitoring and assessment of change.

2. Optimization and unification of positions in the civil and municipal services

A number of positions with similar functions and authority were unified during the reform process. Positions with comparable levels of authority were aligned vertically and horizontally, resulting in changes for many civil and municipal service positions. The new Registries of civil and municipal services positions were approved by Presidential Decree No 145 (26 June 2013). This development created opportunities for enhanced career motivation and rotation for civil and municipal employees. In fact, unification of positions will facilitate an expansion of the rotation system for promising employees, both vertically and horizontally and between

²⁸⁰ Presidential Decree No 145 «On approval of the Register of the civil service positions of the Kyrgyz Republic and the Register of municipal positions of the Kyrgyz Republic» (2013) approved the Register of civil service positions of the Kyrgyz Republic. The Decree introduced ranks, developed the requirements for ethical conduct of civil servants and announced that evaluation of civil servants will be based on attestation (performance appraisal).

²⁸¹ The government authority responsible for policy implementation in civil service and municipal service.

state and municipal government bodies, following the adoption of the new Law “On Civil Service and Municipal Services”.

3. Development of new qualification requirements for the entire hierarchy of administrative positions and generic job descriptions for central administration and local self-government personnel

Minimum requirements and job descriptions for administrative positions were developed and approved under the Government Act of the Kyrgyz Republic titled “On Measures for the Improvement of the Remuneration System of Civil and Municipal Servants of the Kyrgyz Republic for 2013-2020” (No 383, 28 June 2013). Based on samples from each central and local government body, qualification requirements were developed and approved by internal order for each position in the ministries, central administration departments, mayoral offices, *aiyl okmotu* and local government departments. In this process, however, the prevalent local and public sector-related specificities were taken into account.

4. Introduction of a performance appraisal system using key performance indicators for civil and municipal servants

A performance appraisal system including key performance indicators (KPIs) was developed. The appraisal of personal achievements results will also affect the level of civil servants’ remuneration (Presidential Decree No 383 “On Measures to Improve the Remuneration System of Civil and Municipal Servants of the Kyrgyz Republic for 2013-2020” (2013). According to this Decree, state and municipal bodies started introducing tools for the assessment of civil and municipal servants’ activities during the first quarter of 2014. Annual performance appraisal results have begun to play a role in determining the level of additional compensation / bonuses for civil servants.

5. Strengthening the institution of state secretaries executors of civil service state policy

This initiative is expected to re-focus attention on the activities of state secretaries responsible for the stable and efficient operation of ministries and administrative departments. The State Secretary position is a permanent post; unaffected by a resignation or dismissal of the head of a state body. State Secretaries should become top managers of government bodies, responsible for the organisation of the business processes in government departments.

c. Planned reforms

The professionalization of the civil service

The following initiatives are planned for the professionalization of central and municipal services personnel, through well-coordinated joint actions:

- Clear delineation and separation of political and professional activities in government management bodies, including such changes as the legislated reduction of the number of political appointments and the allocation of positions based on the authority to take political decisions;
- Introduction of mandatory standards for the regular and periodic training of civil servants, at least once every three years. Training should be considered as an advantage in career development and promotion, if all other conditions are equal;

- Improvement in managing the reserve personnel pool, accepting only the best and promising cadres and raising its status to a National Reserve.

References

Law on Civil and Municipal Service, adopted on 30 May 2016.

Constitutional Law of the Kyrgyz Republic "About the Government of the Kyrgyz Republic", 18 June 2012, No 85.

Labour Code of the Kyrgyz Republic, 4 August 2004, No 106.

Law of the Kyrgyz Republic "On Protection of State Secrets of the Kyrgyz Republic", 14 April 1994, No 476.

Law of the Kyrgyz Republic "On Basic Principles of Budget Law in the Kyrgyz Republic", 11 June 1998, No 78.

Law of the Kyrgyz Republic "On Combating Corruption", 8 August 2012, No 153.

Law of the Kyrgyz Republic "On the official language of the Kyrgyz Republic", 29 May 2000, No 3.

Law of the Kyrgyz Republic "On state symbols of the Kyrgyz Republic", 17 July 2004, No 91.

Law of the Kyrgyz Republic "On electronic document and electronic digital signature", 17 July 17, 2004, No 92.

Law of the Kyrgyz Republic "On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives", 7 August 2004, No 108.

Law of the Kyrgyz Republic "On the order of consideration of citizens' addresses", 4 May 2007, No 67.

Law of the Kyrgyz Republic "On legal acts of the Kyrgyz Republic", 20 July 2009, No 241.

7. MOLDOVA

I. BACKGROUND

Area:	33,846 sq. km
Population:	3,555,200 (January 2015 estimation)
GDP:	USD 7,970 billion
GNI per capita:	USD 2,483
HDI:	0.693; ranked 107 out of 188 countries (2014)
Life expectancy at birth:	71.6 years
Mean years of schooling:	11.2

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	30.7	26.3	30.6	41.6	39.9
Regulatory quality	38.2	36.6	49.3	49.3	53.8
Rule of Law	33.0	40.7	42.2	42.7	46.6
Control of corruption	32.7	31.2	28.6	24.4	20.7

Source: World Bank (2015)

b. Political and Administrative Structure

Sandwiched between Romania and Ukraine, Moldova emerged as an independent republic in 1991, following the collapse of the USSR. The country is listed as a lower middle income country by the World Bank²⁸².

Moldova is a parliamentary republic with a President as Head of State and a Prime Minister as Head of Government. The President is elected by Parliament, requiring a three-fifths majority (at least 61 votes). Since 2001, the President is elected by a 101-member National Assembly (parliament). The change was designed to decrease the executive authority in favour of the legislature. The President appoints the Prime Minister, who functions as Head of Government, and who, in turn, appoints a cabinet, both subject to parliamentary approval²⁸³. The 2014 parliamentary elections were the eighth parliamentary elections since independence in 1991. The Government designs and implements domestic and foreign policy of the State and it manages its Public Administration. It is accountable to Parliament. The Government includes the Prime Minister, the First Deputy and Deputy Prime Minister, ministers and other members, as determined by law²⁸⁴. Administratively, the Republic of Moldova is divided into 32 districts, 5 municipalities, and 1 autonomous territorial unit (Gagauzia)²⁸⁵.

²⁸² <http://data.worldbank.org/country/moldova>

²⁸³ Constitution of the Republic of Moldova (29.07.1994): In English at <http://www.presedinte.md/eng/constitution>; In Russian at <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311496&lang=2>

²⁸⁴ Law No 64 (31.05.1990) "On Government", Chapter IV, Article 24, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312895&lang=2>

²⁸⁵ Law No 764 (27.12.2001) "On Administrative-Territorial System of the Republic of Moldova", <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312874&lang=2>

The Republic of Moldova is a Member State of the United Nations, the Council of Europe, the World Trade Organization (WTO), the Organization for Security and Cooperation in Europe (OSCE), the GUAM Organization for Democracy and Economic Development, the Commonwealth of Independent States (CIS) and the Organization of the Black Sea Economic Cooperation (BSEC). It wishes to join the European Union.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

Civil service regulatory framework includes the following laws and regulations:

- Law "On the Public Office and Status of Civil Servant" (Law 158/2008);
- Law "On the Civil Servants' Code of Conduct" (Law 25/2008);
- Law "On Conflict of Interest" (Law 16/2008);
- Law "On the Approval of the Single Classification of Civil Service Positions" (Law 155/2011);
- Government Decision on the Enforcement of the Provisions of Law 158/2008 (Law 201/2009).

The Law "On Public Offices and the Status of Civil Servants" (Law 158/2008)²⁸⁶ regulates the regime of public office, the status of civil servants and their relationship with public authorities. It also sets out the vertical and horizontal scope of the civil service. According to Article 7 of the Law 158/2008, civil service positions are classified as follows: [i] Senior civil service; [ii] Managerial civil service; and [c] Executive civil service. From a vertical perspective, different pieces of legislation apply to different groups. These include: [i] Group A officials holding "public dignity" offices (political appointees)²⁸⁷, listed in the Annex to Law 199/2010²⁸⁸; [ii] Group B personnel (discretionary appointments) in the Cabinet's of "public dignity" offices (Law 80/2010²⁸⁹); and [iii] Group C civil servants (Law 158/2008), which also comprises senior civil servants and other civil servants.

In sum, civil service related legislation presents a reasonable horizontal and vertical spread. It covers not only state authorities but also local self-governments. Different pieces of legislation regulate the various groups of public servants, providing a clear distinction between civil servants, senior civil servants and political appointees. The structure of the civil service of the Republic of Moldova is implemented under the Government Decree No 1001 (26.12.2001)²⁹⁰.

b. Definition of civil servant

In the Republic of Moldova, a civil servant is an individual appointed to a public office in accordance with the law. Civil service positions are established on the basis of Acts of Parliament, by the President of the Republic, the Government and other public authorities, duly empowered by the

²⁸⁶ Law No 158 (04.07.2008) "On the Public Function and Civil Servant's status": <http://lex.justice.md/viewdoc.php?action=view&view=-doc&id=330050&lang=2>

²⁸⁷ Deputy Ministers are political appointees placed below the Minister and the highest ranks of civil servants.

²⁸⁸ Law No 199 (16.07.2010) "On the Status of the Persons Performing Responsible State Positions", <http://lex.justice.md/ru/336193/>

²⁸⁹ Law No 80 (07.05.2010) "On the Status of the Staff of the Office of Responsible State Positions", <http://lex.justice.md/ru/335147/>

²⁹⁰ Annex 1 to the Government Decree No 1001 (26.12.2001) "On Introduction of the Provisions of Certain Laws": <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=341685&lang=2>

Constitution and other laws. Civil service positions are classified into three categories: [i] senior management positions; [ii] management positions; and [iii] executive positions. According to Article 33 of Law 158/2000, there are three classes for every rank of civil service:

- First rank: State Councillor of the Republic of Moldova, first class; State Councillor of the Republic of Moldova, second class; and State Councillor of the Republic of Moldova, third class;
- Second rank: State Councillor, first class; State Councillor, second class; and State Councillor, third class;
- Third rank: Councillor, first class; Councillor, second class; and Councillor, third class.

Class ranks are assigned in accordance with qualification levels of personnel and their performance assessment results. A next rank is assigned, if an individual receives “good” or higher score result in three consecutive annual performance appraisals, or “very good” result in two consecutive annual performance appraisals. Every promotion in rank is accompanied by a pay increase. Civil servants may be deprived of their class rank or demoted from their class rank only by a court decision in the event of committing illegal acts implying criminal liability, as well as in the event that a class rank was conferred to them in violation of established procedures for awarding the rank.

c. Civil servants' profile

Eligibility criteria

According to Article 27 of Law 158/2008, citizens of Moldova, who have not reached retirement age, who possess the appropriate educational background allowing them to perform requisite service functions, who possess knowledge of the Moldovan language and the official languages of interethnic communication and who have no prior criminal record are eligible for admission into the civil service.

Total number of civil servants

As of 2014, the total number of civil servants was 17,145. Of these 10,448 work in central authorities and 6,657 in local authorities.

Number of civil servants as proportion of the total population and of the labour force

Civil servants represent 0.48% of the country's population and 1.4% of its labour force.

Gender and age distribution of civil service

Of all public servants, 12,231 are female and 4,914 are male with an overall mean age of 42.7 years.

d. Civil servants' remuneration structure

According to the Central Public Administration Reform Division of the State Chancellery, the average monthly salary of civil servants in Moldova is 5,235 lei (USD 261 approximately). The salary structure consists of: [a] a fixed part, comprising of the basic salary, plus an allowance for class (and diplomatic) rank and special title; and [b] a variable component, consisting of an allowance

for the collective accomplishment of the tasks assigned to a structural unit / public authority. The variable component is paid in the form of an annual bonus.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The unit mainly responsible for the civil service is the Central Public Administration Reform Division of the State Chancellery. The Division is in charge of:

- Reforming and building capacity in the central administrative authorities, so that they may be able to formulate and implement national policies efficiently and effectively;
- Formulating/revising and promoting state policies and a regulatory frameworks for the civil service;
- Ensuring the advocacy and implementation of state policy for public service, particularly in human resources management;
- Monitoring compliance with the civil service legal framework;
- Coordinating implementation of the public administration reform programme state wide; and
- Contributing to the continuous modernization and improvement of the state administration's institutional and functional systems.

a. Organisation of the selection and recruitment process in civil service

In Moldova, different rules for recruitment, dismissal and career development apply to different groups of civil servants (Article 8 of Law 158/2008). Thus, for senior civil servants, the recruitment, dismissal and career rules are different than those for the rest of the civil service²⁹¹, although the specific recruitment procedures have only been applied since 2014. The senior civil service includes three salary grades with five steps in each. Appointments are indefinite.

A senior management (1st category) civil service position is filled by means of a competitive process (Government Decision 201/2009). The Government appoints a special standing committee comprising seven experts in the field of public administration to fill vacancies at the levels of the ministerial state secretaries and deputy heads of administrative authorities. Conversely, competition commissions are established by the responsible public authorities in order to fill, through competition, the positions of the head of the civil service and the deputy head of a public authority²⁹². All vacancies are advertised on the government's website, on the website of the public authority announcing the vacancy and in various national publications. The selection process provides for inspection and validation of the application forms, a written examination including several tasks and an interview.

²⁹¹ Article 8, Law No 158 (04.07.2008) "On Civil Service and Civil Servants' status", <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

²⁹² Parliament, President, Superior Council of Magistracy, Constitutional Court, Supreme Court, General Prosecutor's Office and Court of Accounts.

b. Promotion and transfer process in civil service

Promotion in the Civil Service of Moldova is based on the results of the performance appraisal. The decision to promote a civil servant belongs to the head of the public authority, where the civil servant works. Civil servants, whose performance appraisal has been rated “very good” or whose last two appraisals have been rated as “good” may be promoted to a higher position, provided that they meet all other requirements of the position.

Transfers take place between subdivisions of a public authority and between public authorities. A transfer is authorised by the head of the public authority²⁹³. It is carried out in order to meet the requirements of particular tasks in a public agency or at the request of the civil servant. In the former case, the written consent of the transferred civil servant is required. A request for a transfer is an instrument used by civil servants in order to advance their careers, horizontally. Secondment can also be used to improve one’s competencies²⁹⁴, but it is not widely practiced.

c. Performance appraisal, training and career development

Performance appraisal is regulated by the Civil Service Law (Articles 34 and 36) and by secondary legislation. It has been implemented by all public authorities since 2010. Professional performance appraisal is carried out annually for all three categories of civil servants: senior, managerial and executive civil servants. It is not undertaken for junior civil servants or for civil servants who have been in the position for less than four months during the appraisal period. Secondary legislation (Annex 8 to the Government Decree 201/2009²⁹⁵) contains provisions for internal complaints in this regard.

The direct supervisor carries out the performance appraisal for managerial and executive civil servants. For senior civil servants, the appraisal consists of two phases. First, the direct supervisor prepares the assessment report and proposes appraisal scores. Then, the documents are sent to an evaluation committee, which completes the evaluation form and takes the final decision. During a performance appraisal, the results are compared with targeted goals (indicators), which are based on appraisal criteria. The results of a performance appraisal are utilised to make decisions for promotion, an award of a higher qualification grade, a salary advancement, training or dismissal. The performance appraisal of civil servants takes either of two approaches: centralised and decentralised.

Annual training objectives are achieved once a civil servant has received 40 hours of training per year. However, the focus of this objective is quantitative, i.e. number of hours of training that a civil servant has received; rather than qualitative, i.e. the higher levels of competency acquired through training (OECD/SIGMA, 2012). Furthermore, data provided by central public authorities indicate that not all civil servants benefit from this number of training hours (40 hours per year)²⁹⁶.

The Government approves the Professional Development Plan for all public authorities annually, by State Order. The Plan is elaborated by the State Chancellery on the basis of requests received

²⁹³ Civil Service Law, Article 48.

²⁹⁴ Civil Service Law, Article 47.

²⁹⁵ Annex 8 to the Government Decree No 201 (11.03.2009) “On Enactment of Law on Civil Service and Civil Servants’ Status No 158-XVI of 4 July 2008,” <http://lex.justice.md/ru/331023/>

²⁹⁶ “Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine”, OECD/SIGMA: <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

by public authorities. The requests reflect the horizontal training needs identified at the individual and organisational levels, as well as the Government's overall strategic goals. A training service provider (to date, the Academy of Public Administration) evaluates the Plan. A quarterly report is submitted to the State Chancellery (centralised approach). Each public authority also approves its professional development plan for specific training annually.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The National Anti-Corruption Centre²⁹⁷ – formerly known as the Centre for Combatting Economic Crime and Corruption – is an independent agency established by Law 1104 in 2002. The Centre gave away its function of combatting economic crime, which resulted in a change in its title. The Centre is a mixed anti-corruption agency, responsible for both combatting and preventing corruption, with a staff of 350 individuals. The Centre's main responsibilities are:

- Prevention, investigation and countering corruption and corruption-related behaviour, offences and crimes;
- Prevention and combating of money laundering and the financing of terrorism;
- Preparation of legal drafts and other legislative initiatives for presentation to Parliament;
- Conduct of corruption risk assessments in public authorities, monitoring and data analysis;
- Conduct of training and consultation; and
- Coordination for development for integrity plans.

The Anti-Corruption Prosecutor's Office is a specialised office, established shortly after the creation of the Anti-Corruption Agency in 2002. This Office is in charge of leading all criminal investigations conducted by the National Anti-Corruption Centre. However, it can also conduct its own criminal investigations. The National Integrity Commission, established in 2012, is in charge of verifying public officials' assets, examining cases of conflict of interest and looking into other incompatibilities associated with public office tenure. In carrying out its mandate, the National Integrity Commission works with the National Anti-Corruption Centre and the Anti-Corruption Prosecutor's Office, when the need arises for the joint investigation of criminal cases. There is no special provision for an officer-in-charge of ethics compliance within the ministries and civil service agencies.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past Reforms

Following the elections of April 2005, the President, with the support of Parliament, announced that the implementation of the Central Public Administration Reform 2006-2013 (CPAR) programme would be one of the top priorities of his administration. Focusing on PAR helped him win over the support of the non-Communist opposition in Parliament, which realised that enhanc-

²⁹⁷ The National Anti-Corruption Centre was one of the winners of the "Innovative Solutions Scheme", launched by the Astana Civil Service Hub in 2015. The Hub marked out two innovative solutions of the Centre. The "Integrity Testing" mechanism of civil servants and the "Anti-corruption proofing" software, both developed, introduced and currently being in use.

ing professionalism and effectiveness in public administration was an important political step towards European integration. In response to one of the President's original reform objectives, i.e. to increase the salaries of civil servants, while downsizing of staff positions by 70%, the Prime Minister requested the international development partners²⁹⁸ and other development actors to provide technical assistance for PAR implementation.

UNDP and SIDA offered technical assistance that addressed, the initial need for PAR management capacity building and, in coordination with the World Bank, initiated the first phases of a horizontal functional reviews and analyses of the governance system, as well as of the civil service and decision-making systems in place. Additionally, the World Bank responded with a non-lending technical assistance programme in support of the Government, with a view to developing a credible agenda for public administration reform. The efforts of the development partners were driven by a desire to help the Government create a PAR strategy before taking action on downsizing or other administrative changes.

The results of these initiatives were:

- (a) On Institutional Reorganization:
 - (i) A government-wide functional review of the central public administration entities has been conducted;
 - (ii) A legal framework for the organization of public administration has been further developed; and
 - (iii) Capacity-building measures for the CPAR unit of the State Chancellery of the Republic of Moldova have been undertaken.
- (b) On the Government's Policy-Making Capacity:
 - (i) A policy planning system has been reviewed and a methodology for improved elaboration and coordination of policy proposals have been developed;
 - (ii) An on-the-job-training plan is under preparation or has been conducted and procedures for policy documents have been approved;
 - (iii) Government acts and additional regulations passed on policy coordination systems have been reviewed and amended; and, finally
 - (iv) Mechanisms linking policy and budget planning have been further developed further.
- (c) On a Merit-based Professional Civil Service:
 - (i) A draft Civil Service Law and secondary civil service legislation have been revised;
 - (ii) Civil service human resources management methodology and human resources functions have been developed further;
 - (iii) Capacity building measures in the civil service management entity have been conducted;
 - (iv) Civil service classification, grading and remuneration systems have been developed further;

²⁹⁸ The World Bank (WB), the United Nations Development Programme (UNDP), the Swedish International Development Cooperation Agency (SIDA), among other.

- (v) Training workshops and study tours for civil servants have been conducted; and
 - (vi) A civil service register has been designed and implemented; software, hardware and office equipment for the central ministries' personnel management units have been provided.
- (d) On Management, Information and Communication:
- (i) A communication programme to increase awareness, participation and support for the CPAR programme has been developed and implemented;
 - (ii) A CPAR website has been maintained;
 - (iii) Training and communication materials to increase the awareness and participation of major stakeholders in monitoring the CPAR programme have been disseminated; and
 - (iv) Surveys on CPAR implementation progress have been conducted.
- (e) Trust Fund Management:
- (i) technical assistance has been provided, including management support to the CPAR Unit in conducting financial, procurement and implementation monitoring and reporting activities and audit services.

As a result of all these initiatives, such modern personnel procedures and regulations have been introduced into the Moldovan public administration as:

- The development of job descriptions for civil service positions, in line with the appropriate methodological requirements;
- The delimitation of categories of positions in public authorities, through the endorsement of staff lists;
- Employment in the civil service, including through competitive processes;
- Probation for junior civil servants;
- Part-time jobs for civil servants;
- Ongoing professional development of civil servants; a written commitment to continue work in the civil service after completing training courses;
- Performance appraisal system for civil servants;
- Disciplinary liability procedures for civil servants;
- Regulation on the termination of civil service employment.

As part of the PAR programme, the Government committed itself to opening up its data and launching its first open data portal, in 2011. Four years later, the portal www.data.gov.md²⁹⁹ is already on version 3.0 and home to over 800 datasets. However, there are still areas that could be improved, as it appears that some most crucial data are still not available.

²⁹⁹ "Moldova: Small country, big data?", <http://europeandcis.undp.org/blog/2015/08/05/moldova-small-country-big-data/>

b. Current Reforms

According to the Division for Reform of the Central Public Administration of the State Chancellery, civil service HR management is currently being upgraded through the implementation of an automated information system. Its title is: "The Register of Civil Service and Civil Servants' Positions". This has been introduced together with a single government portal on vacant government positions in the administration³⁰⁰.

c. Planned Reforms

According to the Division for Reform of Central Public Administration in the State Chancellery, the following reforms are planned for implementation in the coming period:

- Development of an efficient management system of public administration;
- A variety of mechanisms introduced to support the best performing personnel;
- Development of the professional competencies of civil servants;
- Improving the system for the financial and non-financial motivation of public administration employees.

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³⁰⁰ <http://careers.gov.md>

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8. TAJIKISTAN

I. BACKGROUND

Area:	142,000 sq. km
Population:	8,296,000 (January 2015)
GDP:	USD 9.24 billion (2014)
GNI per capita:	USD 1306.6 (2013)
HDI:	0.624; ranked 129 out of 188 countries (2014)
Life expectancy at birth:	69.4 years
Mean years of schooling:	10.4

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	8.8	14.1	19.1	14.4	22.6
Regulatory quality	13.2	14.2	16.7	14.8	15.9
Rule of Law	5.3	16.3	11.8	10.0	15.4
Control of corruption	9.3	13.2	8.6	10.0	14.4

Source: World Bank (2015)

b. Political and Administrative Structure

Tajikistan is a presidential republic. According to the Constitution, the President is the Head of State and the Government. The bicameral legislature (*Majlisi Oli*) consists of a lower chamber *Majlis Namoyandagon* (Chamber of Representatives) and a higher chamber *Majlis Milli* (National Council).

The Judicial branch consists of the Constitutional Court, the Supreme Court, the High Economic Court, the Military Court and the Court of the *Gorno Badakhshanska* Oblast, Oblast Courts, the Court of Dushanbe City and district courts. The Prosecutor-General is responsible for the proper execution of the law and reports to the President and Parliament.

The President, *Emomali Rakhmon*, was elected in 1994 through a national referendum that was also conducted for the adoption of the Constitution. In 2006, he was re-elected for another 7-year term, and, in 2013, he was re-elected once again receiving 84 per cent of the popular vote. The last parliamentary elections took place in 2015. The People's Democratic Party (PDP), which is headed by the President, received 72 per cent of the votes. In total, 5 political parties are represented in the current Parliament. According to the OSCE, the 2010 elections were the third multi-party elections since 1997. It was noted that the Central Election Commission did not fully adhere to the principles of transparency and accountability during these elections.

Central executive authorities are established and dissolved by the President of the Republic and the Government. State power on the regional level, consists of representative and executive bodies. They ensure the observance and implementation of the Constitution, of the laws, decrees of *Majlisi Oli*, the acts of the President or the Government of the Republic.

The composition, powers and activities of local government are regulated by constitutional law. Likewise with the town and villages levels (*Jamoat*), which are regulated by law. Local government in Tajikistan includes the *Gorno-Badakhshan* Autonomous Oblast, the *Sogd* and *Khatlon* oblasts, the city of Dushanbe, and 68 cities and districts.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

As in other parts of the Soviet Union, Tajikistan did not have a specific law to regulate the civil service. Civil servants' recruitment procedures were determined by provisions in the Constitution, the Law on the Council of Ministers and other government regulations. Accordingly, the Law "On Civil Service"³⁰¹, adopted on 5 March 2007, began a new phase of civil service reform. This Law provides an organizational and legal basis of the civil service and determines the legal status and social guarantees of civil servants. The civil service system includes: [i] the state civil service; [ii] the civil service in the law enforcement agencies; and [iii] the state military service.

b. Definition of civil servant

In accordance with Article 1 of the Law "On Civil Service," civil servants must be citizens of Tajikistan. They hold a paid state position and exercise authority by state power delegated to them. Civil servants are divided into political and administrative officers. There are no categories for political civil servants, while administrative civil servants are classified into 8 categories – the highest category and categories from 1 through 7.

c. Civil servants' profile

Eligibility criteria

According to Article 11 of the Law on Civil Service, candidates applying for civil service positions should possess a higher and medium-level professional education, according to the category and level of specialisation of the civil service position for which they have applied. Professional experience or civil service work experience, military service record is also required for these posts. Candidates should also possess knowledge of the national legislation and be fluent in Tajik. Candidates must meet all the requirements of the Law. They cannot be younger than 18 years of age. Retirement age for female civil servants is 58 and for male civil servants 63 years. The Management of a public body, in consultation with the competent civil service authority, may decide to extend the terms of service for those who have reached the age limit, for up to two years. In such cases, a new short-term employment contract is signed with the civil servant.

Total number of civil servants

The total number of civil servants is 20 352, or 0.25% of the population and 0.4% of the workforce (July 2015).

³⁰¹ Law "On Civil Service," 2007, http://www.ahd.tj/images/doc/Zakon_OGS.docx

Gender and age distribution of civil service

Of the total number of civil servants (20,352), 76% are male and 24% female. The number of civil servants under the age of 35 years is 43.2%. The age distribution of civil servants is as follows: 18.3% from 18 to 28 years; 24.9% from 29 to 35 years; 25.4% from 36 to 45 years; 26.5% from 46 to 58 years; 4.5% from 58 to 63 years; and 0.2% from 63 years and above.

d. Civil servants' remuneration structure

The remuneration structure of civil servants is determined by the "Unified Tariff Wage of Civil Servants of the Government" approved by Presidential Decree No 923, in 2010. Remuneration consists of a basic salary and a qualification increment calculated on the basis of an officer's class, grade, number of working years, honours and awards received and academic accomplishments. Additional compensation may also be received for the execution of important work and for taking on the work of other employees in their absence³⁰². There are eight vertical categories of administrative positions with a 22% difference in remuneration between categories. There are also 14 horizontal steps with a 5% difference in remuneration between steps. Minimum salary for civil servants is determined by the President of the Republic. According to the Government Decree No 371 of 2013, the monthly base salary for administrative positions of the highest, first, second, third and fourth categories of state bodies, local executive bodies and town and village governments was 405 somoni (USD 85 approximately). For administrative positions of the fifth, sixth, seventh categories of the same agencies, the salary was 450 somoni (USD 95 approximately).

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The body responsible for HR policy formulation and implementation in the civil service is the Agency for Civil Service under the President of the Republic. Initially established, in 2001, as the Department of State Service under the President of the Republic, it was subsequently transformed into an Agency, in 2013. The legal authority of the Civil Service Agency is based on: the Constitution; the Law "On Civil Service"; the Regulation "On the Agency for Civil Service under the President of the Republic of Tajikistan"; other legal acts of the Republic; and international treaties and agreements that have been ratified by Tajikistan.

According to Article 18 of the Law "On Civil Service", vacant administrative positions in the public service are filled on a competitive basis. Competitive procedures are defined by the "Regulations on the Competition Procedure for Vacant Administrative Civil Service Positions", as approved by Presidential Decree No 659, on 20 May 2009.

a. Organisation of the selection and recruitment process in civil service

Recruitment for the administrative civil service except for the highest category positions is competition-based³⁰³. Civil servants can participate in a competition irrespective of what position they may hold at the time of application. A competition may be conducted either through a docu-

³⁰² Decree of the President of the Republic of Tajikistan "On Measures to Improve the Social Protection of the Population, an Increase in the Current Salaries of Civil Servants, Employees of Budgetary Institutions and Organizations, Pensions and Scholarships Sizes", http://base.spinform.ru/show_doc.fwx?rgn=31892

³⁰³ According to the Law on Civil Service, information about the date, place and conditions of competitions may be published in print.

ments' review process, for vacant posts in the highest, the first and the second categories of the civil service or through competition with probation period, for vacant posts in the third and fourth categories of the civil service.

Competitive examinations are held by decision of the responsible state body or official. The Competition Commission is the decision-making entity responsible for the selection and recruitment process. The documents' review process is organized by the Competition Commission, which evaluates the candidates in terms of their education qualifications, work experience in the civil service, other attributes, recommendations received, test results and other documentation in support of their application, submitted at the request of the interested state bodies. The Competition Commission is also responsible for the competition with probation process. In this case, eligible candidates are recruited on the condition that they will be on probation for a certain time period and that they will undergo training for the relevant civil service positions they have been hired to fill. In both cases, successful candidates are informed of the Commission's decision, in writing, within one month from the competition completion date. Decisions of the Competition Commission may be appealed in court.

b. Promotion process in the civil service

The promotion of civil servants is based on merit, talent, professional level, education and other qualification requirements (Article 7 of the Law on Civil Service). Inclusion in the State Personnel Roster is the way for promotion. The Roster includes civil servants who have attained higher qualifications or have successfully completed training, hold the relevant qualification rank and have been recommended for promotion based on their attestation results (Article 26, Law on Civil Service).

c. Performance appraisal, training, and career development

Performance Appraisal:

The "Rules on the Conduct of Performance Appraisal"³⁰⁴ for civil servants regulate the process for performance appraisal of administrative civil servants. The performance of political civil servants, administrative civil servants of the highest category, administrative civil servants who have been in their position for less than 6 months and of civil servants who have reached retirement age is not subject to an assessment. Performance appraisal is conducted through a procedure, which includes performance-related data collection and assessment of the positive and negative aspects of a civil servant's performance. The appraisal takes place every year, in December, according to a schedule approved by the Head of the state body. The appraisal is performed by the Head of the relevant division, while the performance appraisal of the Heads of divisions is performed by their direct supervisor. While civil servants are assessed, they prepare a record for the reporting period. Then, their supervisor completes a Performance Appraisal Worksheet Form, based on the civil servants' record³⁰⁵.

³⁰⁴ Rules of the Performance Appraisal Conduct approved by the President Decree No 1018 in 2011, <http://www.ahd.tj/images/doc/PRVAAR.doc>

³⁰⁵ Annex to the Rules of the Performance Appraisal Conduct.

Training and Career Development:

According to Article 12 of the Civil Service Law, civil servants undergo training to increase their qualifications in order to be promoted. The organisation responsible for training and advanced training of civil servants is the Institute for Advanced Training of Civil Servants. It was founded in 2002. In 2009, it was transformed into the Institute of Public Administration under the President of the Republic of Tajikistan. To date, the Institute has identified the key areas for training courses, retraining and professional enhancement of civil servants and thematic training. It has also developed training programmes and modules for civil servants, as well as a new theory and methodology for their professional enhancement. Furthermore, the Institute has developed different types of training programmes, as well as recommendations and guidelines focusing, in particular, on improving methods and techniques in public administration.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Agency for State Financial Control and the Fight against Corruption of the Republic of Tajikistan is a specialized body responsible for the prevention, detection, investigation and prosecution of corruption-related offences, as well as for audits of state finances. The Agency was established in 2007. As of 2013, the Agency has conducted around 5,500 inspections and financial audits of ministries and departments. Funded by international financial institutions, as well as other entities, these revealed financial damages worth more than 514.8 million somoni (USD 100+ million at the 2013 exchange rate). Half of this amount was recovered and returned to the state budget³⁰⁶. However, it appears that the Agency has not exercised the balance of its assigned functions adequately (OECD, 2014)³⁰⁷.

A positive step towards combatting corruption was the Establishment of the National Anti-Corruption Council, in 2010, and the creation of public commissions tasked with the prevention of corruption in some local governments. This initiative encouraged the wider involvement of civil society in the anti-corruption drive. However, operational capacity of these newly created entities requires further improvement, if they are to become real tools for civil society interventions in the anti-corruption effort (OECD, 2014).

Several Codes of Ethics for Civil Servants were adopted in 2004, 2010 and 2015. The latest is the "Code of Ethics of a Civil Servant of the Republic of Tajikistan"³⁰⁸. This encompasses a set of norms, principles and rules for the on- and off-duty conduct of Tajik civil servants. This new Code of Ethics has taken into account the recommendations of international organisations, including those of the OECD. For instance, the new Code has introduced fundamental principles of the public service and detailed definitions on the expected ethical conduct of civil servants. Following the OECD recommendations, ministries and departments have developed special codes of ethics for jobs exposed to greater corruption risks, namely those of the police, prosecutors, taxation and customs agencies and border guard officers.

Commissions on Ethics are established in all state bodies. They are assigned to monitor adherence to the Code of Ethics. However, the fact that these commissions are established at the departmen-

³⁰⁶ "Combating Corruption," information from the website of the Agency, <http://anticorruption.tj/page?cat=10>

³⁰⁷ Anti-corruption Reforms in Tajikistan. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan. 2014 Report. <http://www.oecd.org/corruption/acn/Tajikistan-3rd-Round-Monitoring-Report-ENG.pdf>

³⁰⁸ Code of Ethics of a Civil Servant of the Republic of Tajikistan, 3 December 2015, <http://cis-legislation.com/document.fwx?rgn=81279>

tal level, by decision of the Head of a state authority challenges their effectiveness, since a Head of a state authority can reject the Commissions' decisions unilaterally. Furthermore, absence of a higher authority overseeing civil service ethics allows for ineffective coordination and monitoring activities of the subordinate Ethics Commissions. It diminishes the possibility for proper ethical conduct monitoring of political public servants and members of the Government (OECD, 2014)³⁰⁹.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

The "Strategy for Reforming the Public Administration System of the Republic of Tajikistan for 2006 – 2015" was adopted in 2006 in order to ensure for a systematic approach to the reform process.

The Strategy identified the following priority areas:

- Increase the efficiency of the management of national development;
- Increase the efficiency of public finance management;
- Modernize the civil service;
- Develop the regional government administration.

Measures implemented aimed at creating a modern and professional public service include:

- Creation and updating of a register or roster of civil servants;
- Development of draft regulations for the implementation of the Law "On civil service";
- Development of the "Concept of Personnel Policy";
- Introduction of a new order for competitive recruitment in filling vacant administrative posts in the public service;
- Development and introduction of a new order on civil servants' attestation;
- Conclusion of the initial phase of pay reform in the public sector;
- Development and approval of job descriptions for every position in the public service;
- Organization of public service management training in higher education institutions around of the country;
- Introduction of special programmes for the accelerated career advancement of young public servants, who demonstrate abilities and promise;
- Creation of an information system for public service management;
- Improvement of the Code of Ethics for civil servants;
- Development of programmes to combat bureaucratic attitudes in government entities.

³⁰⁹ Anti-corruption Reforms in Tajikistan. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan. 2014 Report. <http://www.oecd.org/corruption/acn/Tajikistan-3rd-Round-Monitoring-Report-ENG.pdf>

The “Programme of Civil Service Reform in Tajikistan” was approved by the Government of the Republic in 2007³¹⁰. In order to implement activities purporting to create the appropriate legal and organisational conditions for the development of a professional civil service in Tajikistan. The Action Matrix attached to this public service reform programme covered: [i] a set of measures aimed at creating a regulatory and legal framework for a modern professional civil service; [ii] the development of a unified policy of human resources management in public administration; [iii] improvement of the remuneration system and of labour-social protection legislation for civil servants; [iv] introduction of modern information technologies to state administration by utilising an electronic document management system and other e-government applications; [v] development and capacity building of a Training Institute for civil servants; and [vi] creation of the necessary institutional arrangements for the implementation of reforms.

b. Current Reforms

On-going reforms continued and are further elaborated during this current period. Public administration capacity has been strengthened through the design and implementation of a new approach to capacity development, informed by lessons learned. This new approach was piloted by the Civil Service Agency. It has aimed to assist the Agency in streamlining its business processes and human resources management practices – including merit-based recruitment and performance appraisal – and in enhancing its IT capacity. Furthermore, the new Public Financial Management Modernization Project will assist the Information and Communications Technology (ICT) Centre, under the Executive Office of the President to select, prioritize, redesign and implement a number of public administration services and to improve the access to services by citizens, through electronic means³¹¹.

E-Government:

Development of e-government is framed in the “Concept of Establishing Electronic Government”³¹². Outcomes of the previous two stages of reform 2012-2013 and 2013-2015 have included the following: [i] the introduction of the Unified Network of Information Technologies; [ii] the launching of the legal database “Adlia”; and [iii] the establishment of an electronic document management mechanism. During the current period (2015-2020), automation of public service provision processes is planned. In this context, a government portal and an e-governance gateway will be developed to integrate existing information systems. Furthermore, the “National Programme for the Computerisation of Central and Local Authorities, Bodies of Local Self-Government in Towns and Villages (2012-2015)” is being developed. According to this programme, all public servants should have access to computers and the number of public servants with access to Internet in central and local authorities should be doubled by 2021. Additionally, the number of internet users among public servants in local government bodies in towns and villages should grow by 14-fold, during the same period. It is hoped that the introduction and integration of e-government in public administration will promote the creation of a more transparent governance system and contribute to corruption prevention efforts.

³¹⁰ Decision No 448, 31 August 2007.

³¹¹ The World Bank Group – Tajikistan. Partnership Programme Snapshot, <http://www.worldbank.org/content/dam/Worldbank/document/Tajikistan-Snapshot.pdf>

³¹² Concept of the Formation of Electronic Government in the Republic of Tajikistan, 2011, <http://www.ahd.tj/images/doc/Konsepsii%20elektron-pravil.doc>

c. Planned Reforms

According to the Division for the Reform of the Central Public Administration of the State Chancellery, the following steps will be taken in the coming period:

- Increase efficiency in combating corruption in the public service;
- Improve gender policy in the civil service;
- Improve the attestation mechanism of civil servants by testing;
- Improve the mechanisms for the establishment and use of the personnel roster / reserve;
- Develop educational programmes for civil servants in the personnel reserve;
- Develop a performance-based pay system and improved social protection for civil servants;
- Improve mechanisms for non-financial motivation of civil servants;
- Improve the mechanism for income tax and assets declarations for civil servants, taking into account the envisioned transition to electronic systems in the near future.

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9. UKRAINE

I. BACKGROUND

Area:	603,628 sq. km
Population:	42,6 million (2015)
GDP:	USD 131.81 billion (2014)
GNI per capita:	USD 3,560 (2014)
HDI:	0.747; ranked 81 out of 188 countries (2014)
Life expectancy at birth:	69.14 years (2014)
Mean years of schooling:	11.3 (2013)

Sources: World Bank; UNDP HDI; National Agency of Ukraine on Civil Service (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	24.88	34.15	25.36	30.62	40.38
Regulatory quality	29.41	34.51	33.97	28.71	28.85
Rule of Law	12.92	27.27	24.64	23.22	23.08
Control of corruption	7.80	29.76	17.14	11.96	14.90

Sources: World Bank (2015)

b. Political and Administrative Structure

According to the Constitution, as amended in 2014, Ukraine is a democratic republic with a parliamentary-presidential system of government³¹³. State power is exercised on the principle of a division between the legislative, the executive and the judicial branches. The President is the head of state, elected by popular vote for a five-year term.

Legislative power is vested in the Parliament - the "*Verkhovna Rada*" of Ukraine. It consists of 450 members elected for a five-year term. Half is elected through a closed-list proportional representation system in a single nationwide district, while the other half is elected in single-member constituencies. The *Verkhovna Rada* is tasked with the following functions: it determines the principles of domestic and foreign policy; it introduces amendments to the Constitution; it may impeach the president; and it declares war and peace. The Parliament, moreover, appoints the Prime Minister, appoints or approves appointments of certain officials and appoints one-third of the members of the Constitutional Court. It also elects judges for permanent terms; ratifies and denounces international treaties; and exercises certain oversight and control functions.

The Cabinet of Ministers is the highest authority of the executive branch of government. It is tasked to implement the domestic and foreign policy of the State. The Cabinet of Ministers is responsible to the President of the Republic and the *Verkhovna Rada*, within the limits provided for in the Constitution. The Cabinet of Ministers is composed of the Prime Minister, the First Vice Prime Minister and other Vice Prime Ministers and Ministers. The Prime Minister is appointed by

³¹³ Constitutional reform of 2004 significantly reduced the powers of the President in favour of the Parliament. However, in 2010, those constitutional amendments were quashed, and the initial 1996 Constitutional provisions were reinstated giving the President the power to appoint and dismiss the Government. Consecutive Constitutional amendments of February 2014 again re-shifted the balance in the favour of the Parliament (OECD 2015, pp. 10–11).

the *Verkhovna Rada* after receipt of the President's proposal. The executive power at the local level and in the Cities of Kyiv and Sevastopol is exercised by a local state administration. The Heads of the local state administration bodies are appointed and dismissed by the President upon nomination by the Cabinet of Ministers.

The Supreme Court is the highest judicial body in the general jurisdiction court system. General jurisdiction courts are established in accordance with territorial and specialisation criteria. Judges are appointed by Parliament for permanent terms, except for judges of the Constitutional Court and judges appointed for the first time.

The administrative structure of Ukraine is based on the principles of unity and indivisibility of the state territory. Exercise of state power is both centralised and decentralised. Ukraine is administratively divided into the Autonomous Republic of Crimea, 24 regions (*oblasts*), 490 districts, 460 cities, 111 city districts, 885 towns, 10,279 village councils and 28,388 villages³¹⁴. The Cities of Kyiv and Sevastopol have special status and are directly subordinated to the Republic. The Constitution recognises and guarantees local self-government in Ukraine as represented by district and regional councils.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

Regulation of the civil service in Ukraine is founded on the Constitution, the Civil Service Law and other laws, international treaties, resolutions of the *Verkhovna Rada*, Decrees of the President, Acts of the Cabinet of Ministers and of the central bodies vested with executive power.

Relations pertaining to civil service are regulated by the Civil Service Law of 2015 and those Provisions in the labour legislation, which are not covered by the Civil Service Law³¹⁵. The Civil Service Law of Ukraine (3723/1993) governed relations in the civil service until May 2016. Following the dramatic events at the beginning of 2014, which resulted to a change in government and led to the signing of the Association Agreement between Ukraine and the European Union, public administration reform has become a key component of the process of Ukraine's integration into the EU. As part of these reforms, the National Civil Service Agency developed a new Law on Civil Service. It was adopted by the *Verkhovna Rada* on 10 December 2015, (Law 889-VIII) and entered into force on 1 May 2016³¹⁶. The Law was based on the European best practices (primarily those of Poland) and on SIGMA's recommendations regarding the principles of professionalism³¹⁷. Rounds of consultation with public organisations and international or local experts also helped. The draft law was also supported by the President, as well as by both the executive and legislative branches. This demonstrated a consolidated stance towards civil service development³¹⁸ by all the relevant stakeholders.

³¹⁴ Verkhovna Rada website: <http://portal.rada.gov.ua/en/news/11868.html>

³¹⁵ The OECD has expressed its concern in relation to this Article, stating that "The law should establish explicitly that provisions on recruitment and promotion, but also with disciplinary procedures, demotions and dismissals are regulated solely by the Law on Civil Service and not by the Labour Code" (2015, p. 92).

³¹⁶ Except the norms requiring knowledge of English and French by the Senior Civil Servants (planned to come into force on 1 January 2018), http://lb.ua/news/2016/05/01/334298_vstupil_silu_revolyutsionniy_zakon.html

³¹⁷ New civil service – the European model of good governance for Ukraine. 2 March 2016, <http://www.center.gov.ua/en/component/k2/item/1875-new-civil-service-%E2%80%93-the-european-model-of-good-governance-for-ukraine>

³¹⁸ This also led to a positive evaluation of the draft law by SIGMA experts.

The Civil Service Law of 2015 defined the legal principles and organisational basis for a professional, politically impartial, effective and citizen-oriented civil service, which functions in the interests of both the state and society. It also defined the right to equal access to the civil service on the basis of personal competencies and merit. Furthermore, the Law included a distinction between political and administrative positions, thus ensuring the independence of the civil service from political party influence. Finally, it declared the political impartiality of civil servants³¹⁹.

Provisions of this Law apply to: The Secretariat of the Cabinet of Ministers of Ukraine; ministries and other central bodies of executive power; local state administrations; bodies of the Prosecutor's office; bodies of military management; and foreign diplomatic institutions of Ukraine. The Law does not apply to the President of Ukraine; the head of the Presidential Administration and his deputies, members of the Cabinet of Ministers of Ukraine, first Deputies and Deputy Ministers; people's deputies of Ukraine and deputies of local councils³²⁰. Furthermore, the Law envisages the introduction of the post of state secretaries in ministries responsible for the management of its personnel. It also introduces a range of innovations, including an open and competitive selection for all civil service posts, a simplified and comprehensive system of position classification³²¹ and a modified remuneration model³²². Changes in the system of civil service management will also be implemented. A Senior Civil Service Commission³²³ will be established to coordinate the selection and recruitment process for senior civil service positions, based on professional competencies and merit.

b. Definition of civil servant

The Civil Service Law of 2015 defines the civil service as a public, professional and politically impartial activity for implementing the objectives and functions of the state. Specifically, these functions include the following:

- Analysis of public policy at the state, sectoral and local levels and preparation of proposals for further elaboration, including the development and provision of expert drafts on programmes, concepts, strategies, laws, legal acts and international treaties;
- Implementation of state policy through national, sectoral and local programmes and the enforcement of laws or other legal acts;
- Provision of quality administrative services, accessible to all;
- Compliance to legislation by executive and administrative officers;
- Prudent management of public assets and finances and effective control of their usage;
- Civil service human resources management;
- Performance of other duties of state agencies, as defined by legislation.

³¹⁹ Civil servants of A category are prohibited to join political parties, while civil servants of B and C categories may not be involved in the activities of executive boards of the political parties.

³²⁰ Article 3 of the Law provides a full list of the positions regulated by the Law and, as well as exceptions from the Law.

³²¹ The classification of 7 categories with 15 ranks is replaced by classification of 3 categories and 9 ranks.

³²² Providing additional two monthly salaries for seniority and rank.

³²³ The composition of the Senior Civil Service Commission is defined by Article 14 of the Civil Service Law of 2015. It is a collegial body working on a voluntary basis.

According to the Civil Service Law of 2015, a state civil servant is “a citizen of Ukraine, who holds a remunerated civil service position in a state agency or its secretariat and performs the duties as are defined for this post in accordance with the agency’s mandate and in adherence to the principles of civil service”. Chapter II of the Law defines civil servants’ legal status together with their rights and obligations. Article 6 of the Law stipulates that civil service positions are classified in accordance to the order of appointment, nature and scope of responsibilities and the professional competencies which civil servants ought to possess to optimally perform the functions of a position. Accordingly, the law establishes the following classification:

- **Category “A”** is the highest level of the civil service (state secretary of the Cabinet of Ministers and his/her deputies; state secretaries of ministries; heads of the central executive bodies that are not members of the Cabinet of Ministers and their deputies; heads of offices of the Constitutional Court, Supreme Court judges, higher specialised courts and their deputies; chairpersons of the local state administrations, heads of civil service of other state agencies with nationwide jurisdiction;
- **Category “B”** includes heads of divisions in the Secretariat of the Cabinet of Ministers and their deputies; heads of divisions in the ministries, other central executive bodies and other state agencies and their deputies; heads of territorial bodies of the state agencies and their divisions and their deputies; deputies of the chairpersons of the local state administrations; heads of the offices of the courts of appeal and local courts; heads of divisions in the courts’ offices and their deputies; deputy heads of civil service of other state agencies with nationwide jurisdiction;
- **Category “C”** includes other civil service positions which do not belong to categories “A” and “B”³²⁴.

c. Civil servants’ profile

Eligibility criteria

According to the CSL of 2015 (Article 19), a Ukrainian citizen of legal age, who possesses good knowledge of the Ukrainian language and holds an educational degree no lower than a Masters for categories “A” and “B” positions and a Bachelor’s level for category “C” positions has the right to apply for a civil service position. Citizens older than 60 years of age may not enter the civil service. The Law further stipulates general and special requirements related to professional competencies that individuals intending to enter civil service should possess. Accordingly, applicants for positions in “A” category should have no less than seven years of experience including service at the “A” or “B” categories’ positions or management positions no lower than head of division of local self-government, or management positions in the relevant area for no less than three years. They must also have full proficiency of the national language and of a foreign language among those of the Council of Europe. Applicants for positions of the “B” category should have work experience in positions of categories “B” or “C” or previous experience of working for the local self-governance bodies or working in management positions in any organization, regardless of its ownership type, for no less than two years, as well as possess knowledge of the national language. Applicants for the positions of category “C” must possess a Bachelor’s degree and have knowledge of the national language.

³²⁴ The total number of civil service positions of the “A” and “B” categories in a state agency cannot exceed one third of its total staff members.

Total number of civil servants

In 2015, the total number of civil servants and local self-government officers was 380,257. Of these, 26.27% were in managerial positions and 73.72% in specialist positions.

Number of civil servants as proportion of the total population and of the labour force³²⁵

The total population of Ukraine is 42,600,000 people; hence the number of civil servants, in proportion to the total population is 0.88%.

Gender and age distribution of civil service

The civil service of Ukraine is largely female in composition. In 2015, male civil servants accounted for 25% (95,014), while female civil servants for 75% (221,096) of the total of both civil servants and local self-government officers.

d. Civil servants' remuneration structure

According to the CSL of 2015, a civil servant's remuneration consists of a basic salary, seniority pay, a fixed supplement for rank, payment for substitution of a temporarily absent civil servant (50% of the latter's basic salary), payment for performing the added duties of a vacant position and bonuses³²⁶. The Law sets nine remuneration groups based on civil service positions³²⁷. The basic salary scheme is defined by the Cabinet of Ministers on an annual basis, during preparation of the state law titled "On the State Budget of Ukraine". The CSL of 2015 also specifies that the minimum basic salary of a civil servant cannot be less than the sum of two minimum monthly labour wages. In addition, the Law envisages some non-monetary incentives in recognition of merit including the expression of gratitude, certificates of honour, advancement to a higher rank and recommendations for government and state awards as some way of acknowledging a civil servant's achievements.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Chapter III of the Civil Service Law specifies that the system of civil service management encompasses the Cabinet of Ministers – the central executive body responsible for formulation and implementation of state policy for the civil service – the National Agency of Ukraine on Civil Service, the Senior Civil Service Commission and Competition Commissions, Heads of Civil Service in state agencies and human resources management units. The head of the central executive body is appointed and dismissed by the Cabinet of Ministers. The term of service is five years with the possibility of an extension for one more term.

³²⁵ Parrado (2014) notes that "Civil service employment [in Ukraine] constitutes a very low proportion of public sector employment. In 2013, there were 335 270 civil servants, which represented 12.3% of public sector employment (2.7 million). Public sector employees constituted 13.3% of the whole private and public sector employment (20.4 million)".

³²⁶ Bonuses include: annual performance evaluation bonus, monthly or quarterly bonus based on a civil servant's contribution to the state agency's overall performance. Total amount of all bonuses paid to civil servants cannot exceed 30% of their total compensation for the year.

³²⁷ These groups are specified in the Article 51 of the CSL of 2015.

The National Civil Service Agency of Ukraine (NAUCS) was established, in 1994, to develop and implement a coherent policy on administration of the civil service³²⁸. The Agency is supervised and coordinated by the Cabinet of Ministers, through the Secretariat of the Cabinet. In July 2011, the Agency was reorganized into an independent body with special status. Under the new Law on Civil Service of 2015, NAUCS' main functions include:

- Development and implementation of state policy on the civil service;
- Draft laws and regulatory acts pertaining to the civil service;
- Clarifications and interpretations of CSL provisions and other relevant legal acts;
- Monitoring enforcement of the CSL;
- Conduct of civil servants' professional training needs-assessment and organisation of trainings;
- Facilitation of capacity building for educational organisations that provide professional training for civil servants;
- Equitable terms and conditions for the recruitment and promotion processes of categories "B" and "C" civil servants;
- Ensuring that a unified list of vacant civil service positions is duly compiled and published promptly, as well as a list of successful candidates of a competitive selection process;
- Technical support to the HRM units of state agencies;
- Monitoring vacant positions in the Senior Civil Service and initiating recruitment procedures to fill them;
- Developing standard qualifications / competencies' requirements for the Senior Civil Servants (Category "A") to be approved by the Cabinet of Ministers, in consultation with the Senior Civil Service Commission;

Under this Law, Heads of service of state agencies assume the following responsibilities (Article 17, Clause 2 of the CSL):

- Oversee, plan and manage a state agency's personnel, including the organization of competitive examinations to fill vacant positions for the civil service categories "B" and "C", as well as appointment to, and dismissal from, these posts;
- Manage career planning and provide incentives for promotion;
- Ensure placement of qualified specialists in filling civil service positions;
- Assign ranks to civil servants of the categories "B" and "C"; and
- Provide professional training of civil servants, etc.

Depending on the number of personnel employed in a state agency, either an HR service or a position of an HR specialist is established, which is directly subordinate to the head of the agency (Article 18 of the CSL). HR related tasks could also be assigned to any civil servant serving in a state agency. Personnel management units are responsible for the implementation of the state policy

³²⁸ The National Agency's Structure includes: Department of Organizational and Analytical Support of the Head and HR Management; Government and Local Self-Government Officials Department; Civil Service Policy Analysis and Strategic Development Department; Legal Department, Civil Servants and Self-Government Officials Training Department; Control and Audit Department; Organizational, Record-Keeping and Control Department; Administrative Department. It also has 27 regional branches and such subsidiary institutions as the Centre for Adaptation of Civil Service to the Standards of the European Union and the School of Senior Civil Service. (National Agency of Ukraine on Civil Service, 2015).

on civil service and other HR related issues, provision of analytical and organisational support to personnel management, staff development and career planning and drafting regulations concerning the civil service and labour relations.

a. Organisation of the selection and recruitment process in civil service

The CSL of 2015 stipulates that an open selection process to fill vacant civil service positions should be applied in line with the Regulation for conducting a competitive recruitment to fill vacant positions in the civil service³²⁹, as approved by the Cabinet of Ministers. According to Article 23 of the Law, a vacancy announcement is published on the official website of the hiring state agency and the NAUCS. The hiring agency submits a request for an announcement of a competition to fill specific vacancies to the NAUCS. The latter checks the compliance of the request with the relevant legislation and, if this is approved, proceeds with publication of the announcement.

The selection process consists of three stages: [i] verification of the professional qualifications of applicants based on documents submitted by the HR service of the hiring agency; [ii] testing; and [iii] interview or other evaluation method of the short-listed candidates. Interviews are conducted by the Selection Commission³³⁰, which selects the first and second best candidates³³¹ by majority vote. The Law requires that a new entrant into the civil service undergoes a six-month probation period.

The CSL also provides for additional competitive processes if the competition procedure was violated affecting the selection results or no candidates were selected or, finally, if the first candidate did not pass a special check and there is no second-best candidate.

b. Promotion and transfer processes in civil service

Promotion in the civil service is primarily based on the position category and rank of the staff concerned. According to Article 39 of the CSL of 2015, a rank is assigned on appointment to the civil service. Those who enter into the civil service for the first time are assigned to the lowest rank. Civil servants move to the next rank every three years based on their performance evaluation results. The Civil Service Law also stipulates that civil servants are promoted to a higher position after consideration of their professional competencies and following a competitive procedure, in accordance with the Law.

The CSL of 2015 also provides for the transfer of civil servants subject to their consent. This is implemented without a mandatory competitive procedure but based on their professional fitness and competencies. A civil servant can be transferred to the equivalent or a lower civil service position in the same or another state agency by a decision of the head of the relevant state agency. A civil servant, who has been appointed to a position on a non-competitive basis cannot be transferred to a higher position without participation in a competitive selection process. In case of reorganisation or liquidation of a state agency, transfers of civil servants are carried out, without

³²⁹ This Regulation defines the terms for competition, requirements for announcing vacancies, composition and duties of selection committee, application and review of documents, procedures for conducting tests, interviews and other types of evaluation of candidates. Competitive selection to the civil service positions in judicial bodies are set out in the relevant law. Restricted competition could be used for civil service positions dealing with classified information, state security and defence issues.

³³⁰ Composition of the Selection Commission varies depending on the categories of the civil service positions. The CSL envisages participation of representatives of public associations, civil servants from other state agencies, relevant experts, as well as trade unions' representatives.

³³¹ The second-best candidate can be appointed to the position within a year if the position becomes vacant or the selected winner rejects the job offer or s/he does not pass the special check (Article 29 of the CSL of 2015).

an obligatory competition, to the equivalent or lower position subject to their consent to a state agency taking over the functions of the former.

c. Performance evaluation, training, and career development

Performance evaluation:

The Law requires that civil servants' performance be evaluated annually in order to assess its quality and help determine: [i] the size of their bonus; [ii] their needs for professional training, and [iii] their career development plans. The civil servants' performance is assessed on the basis of a set of performance criteria and indicators measuring the effectiveness and quality of functions and duties performed, as well as degree of compliance with ethics rules, anti-corruption legislation and practice. Performance evaluation of Category "A" civil servants is conducted by the appointing official, whereas civil servants of the Categories "B" and "C" are evaluated by their immediate supervisor and the department head. Civil servants are informed of the results of their evaluation within three calendar days. Performance evaluation results may be rated "negative", "positive" or "excellent". Justification, however, must be provided for each rating³³². A civil servant receiving an "excellent" evaluation is entitled to a bonus and may enjoy significant career promotion prospects.

Training and professional development:

The CSL of 2015 guarantees the civil servants' right to professional training, career advancement and promotion based on their professional competencies and successful execution of their duties. The Law provides professional training opportunities to civil servants on a regular basis, with the intention to improve their professional skills. Professional training is financed from the State Budget and from other financial sources authorised by legislation. The Cabinet of Ministers approves the Regulation regarding the system of training, re-training, specialization and the enhancement of civil servants' qualifications in line with NAUCS's recommendations. The National Academy of Public Administration, under the President of Ukraine, provides technical and methodological support.

The civil servants' immediate supervisors, together with the HR units in their organisations, identify the training needs based on performance evaluation results. Civil servants, in cooperation with the HR units in their organisations, develop an individual programme for improving their professional competencies. This plan is then cleared by their direct supervisor and approved by the head of the government department (Article 49 of the Law). The CSL ensures that civil servants are provided with career-long improvement of their professional competencies. Advanced professional training to enhance qualification levels must be provided at least once every three years. The Law also provides for civil servants to undergo off-the-job training for up to six months by serving at another state agency or abroad³³³.

³³² A civil servant who receives a "negative" performance evaluation rating can appeal such a decision. A civil servant who receives a negative performance evaluation undergoes an additional assessment no earlier than three months after the initial evaluation. If two consecutive performance evaluations are rated "negative", civil servants are dismissed from the position they hold..

³³³ A civil servant's position and salary are maintained during such traineeship period (CSL of 2015, Article 48/8).

IV. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

A recent regional study by Transparency International on the status of corruption (2015) indicates that corruption is a major issue in Ukraine “*threatening economic development and political stability, as well as the credibility of the government*”. According to the “*TI Corruption Perception Index 2014*”, Ukraine ranked 142nd among 174 countries³³⁴. In its “*Global Corruption Barometer 2013*”, Transparency International reported that “*95% of citizens believed that corruption levels had either worsened or stayed the same over the intervening two-year period, with the judiciary and the police perceived as the two sectors most affected by corruption*”.

The Anti-Corruption Strategy, developed in 2014, explained that such high perceptions were the result of ineffective anti-corruption reforms. It also noted that Ukraine has not succeeded in implementing the recommendations provided by the Council of Europe Group of States against Corruption (GRECO)³³⁵, following its first and second assessment rounds³³⁶. Moreover, it was claimed that the Anti-Corruption strategy of 2011 was ineffective due to lack of clear performance indicators and monitoring and evaluation mechanisms. Thus, in 2014, Parliament adopted the Law “*On Prevention of Corruption*” and a new strategic document detailing the top priority measures to prevent and counter corruption³³⁷.

The Law on Prevention of Corruption provides for a comprehensive reform of the anti-corruption framework to be developed in line with international standards and best practices. It defines the legal and organizational basis of the corruption prevention system in the country, its content and procedures for implementing measures to prevent corruption as well as remedial measures for corruption offences. The Law also provides for the establishment of a National Agency for the Prevention of Corruption. It further introduces a new terminology, including such notions as “*anti-corruption due diligence*”, “*potential conflicts of interest*”, “*real conflicts of interest*”, “*personal interest*”, “*corruption offence*” and “*gift*”. Furthermore, it sets out regulations for prevention and resolution of conflicts of interest and provides rules of ethical conduct for public officials serving in local self-government bodies. The Law also sets limits to the value of gifts, as well as for the total worth of gifts, which may be obtained from a single source within a year and stricter rules for monitoring income and expense statements of civil servants and other public officials. Additionally, the Law makes it obligatory for companies subject to the public procurement procedures under the Law of Ukraine “*On Public Procurement*”, to introduce anti-corruption compliance programmes and appoint compliance officers to be in charge of such programmes.

In 2015, the OECD considered that the Anti-Corruption Strategy, adopted in the form of a law for the first time could facilitate the better implementation of the anti-corruption framework³³⁸. The Strategy, developed in close collaboration with civil society³³⁹, clearly defines priorities. It includes

³³⁴ Ukraine scored 26 on a scale from 0 (highly corrupt) to 100 (very clean); Transparency International, 2015, p. 25.

³³⁵ Ukraine joined GRECO in 2006.

³³⁶ In particular, until 2014, the GRECO's key recommendations to establish anti-corruption institutions, reform the prosecutor's office and civil service, introduce control systems to prevent conflicts of interest and ensure integrity of officials remained unimplemented. Only 13 out of 25 recommendations were fulfilled during the past six years.

³³⁷ Law “*On the Principles of State Anti-Corruption Policy in Ukraine (the Anti-Corruption Strategy) for 2014–2017*”.

³³⁸ Although, OECD stresses the fact that “... *the new Strategy is not based on in-depth study and analysis of corruption situation. It refers to several perception studies which confirm that corruption is seen as one of the key problems and it is widespread. No evaluation of the implementation of the previous strategy was conducted as a basis for the new Strategy. However, the monitoring team agrees that the main directions established in the Strategy may be sufficient a time of rapid changes in Ukraine*” (OECD, 2015, p. 24).

³³⁹ It should be noted that civil society have become the most active driving force in anti-corruption reforms: NGOs and experts formed the so-called Reanimation Package of Reforms, proposing a detailed action plan for immediate reforms in the anti-corruption field (OECD, 2015; see also Transparency International, 2015).

indicators measuring its implementation effectiveness. It also provides a framework for further anti-corruption reforms in the country. Specifically, it targets the following:

- Development and implementation of the state anti-corruption policy, i.e. establishment of a special independent state anti-corruption authority;
- Enforcement adherence to conflict of interest legislation;
- Increase of public participation in the fight against corruption and public access to information;
- Prevention of corruption by establishing transparency in political parties' financing³⁴⁰ and the adoption of a comprehensive legal framework for political lobbying;
- Establishment of corruption prevention mechanisms in central executive authorities and the operations of state-owned enterprises;
- Reduction of corruption in public procurement by introducing new public procurement legislation that will increase transparency in the procurement processes;
- Reduction of corruption in the judicial system;
- Helping the prosecution of corruption, through the establishment of an independent agency to deal with corruption-related offences among top-level officials; introduction of positions for specialized anti-corruption prosecutors; definition of corruption-related offences (including the introduction of a new criminal offence for submitting false information in asset declarations);
- Promotion of public intolerance to corruption. This envisages adoption of an action plan developed in collaboration with civil society representatives and implementation of information dissemination campaigns to raise public awareness;
- Evaluation of anti-corruption strategy effectiveness³⁴¹.

Noting Euromaidan's significant effect on the country's anti-corruption policy direction, the OECD pointed out that the new administration "*pledged to eradicate corruption but has so far failed to deliver convincing results going beyond the revision of the legal framework. However, there are some promising signs, notably regarding the radical overhaul of the anti-corruption institutional landscape*" (OECD, 2015, p. 5)³⁴².

According to the Strategy, two new institutions are due to be established: the National Agency for Corruption Prevention (the Agency) and the National Council for Anti-Corruption Policy acting as an advisory body under the President³⁴³. The latter represents "a high-level forum for the coordination of anti-corruption measures" (OECD, 2015).

³⁴⁰ The OECD Monitoring Report of the Istanbul Anti-Corruption Action Plan emphasises that "*Ukraine should also reinforce rules on integrity and corruption prevention for officials holding political offices. In particular, it should establish special regulations and enforcement mechanisms on tackling conflicts of interest for members of Parliament and for members of the Government.*" (2015, p. 7).

³⁴¹ This includes conducting broad statistical surveys and analyses of the effectiveness of the adopted anti-corruption legislation annually; determining the level of implementation of international standards in the field of anti-corruption policy; and publication of an annual report on the status of corruption and implementation of anti-corruption policies.

³⁴² At the same time, OECD notes that Ukraine has finally brought its criminal law on corruption in line with international standards – "All corruption offences and their elements are now criminalised, including the crime of illicit enrichment" (OECD, 2015, pp. 5-6). OECD calls for strengthening the capacity of law enforcement agencies, prosecutors and judges through trainings, guidelines and through the deployment of additional resources to ensure successful implementation.

³⁴³ "President Yanukovich established the National Anti-Corruption Committee (NAC) in February 2010. This institution, however, turned out to be dysfunctional. Since its establishment, it held only three meetings. The NAC was abolished by President Poroshenko on 14 October 2014 and replaced with the National Council on Anti-Corruption Policy" (OECD, 2015).

The Agency is a central executive body with special status, established by the Cabinet of Ministers to ensure the development and implementation of a national anti-corruption policy and to monitor compliance with anti-corruption legislation³⁴⁴. The Agency's main tasks are the following:

- Development of anti-corruption policy, as well as corruption research, analysis, coordination, implementation and monitoring of anti-corruption policy measures;
- Control of asset declarations (monitoring the declarations and lifestyles of persons authorized to perform functions in the state or local self-government, including verification and disclosure of declarations on a single web-portal);
- Protection of whistle-blowers;
- Methodological support of anti-corruption work of other state and local self-government bodies;
- Endorsement of anti-corruption programmes adopted by all public agencies;
- Public awareness raising activities and pursuance of international cooperation in the field.

The Agency is accountable to the *Verkhovna Rada*. Its work is also subject to public oversight exercised by a Public Council comprising 15 members.

Enacted in 2015, the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" (NAB) has led to the establishment of an independent national law enforcement agency³⁴⁵ tasked with the prevention, detection, investigation and prosecution of corruption offenses. It focuses on corruption crimes committed by high-level public officials and corruption crimes involving significant bribes, even in cases where no high-level public official is involved³⁴⁶. NAB is subordinate to the Government. The Director of the NAB is selected by a special commission on the basis of the results of an open competition. He/she serves a term of seven years. The selection commission is composed of independent experts chosen by Parliament, the President and the Government. Each of these bodies appoints three of its members.

Rules of ethical conduct for civil servants were introduced by the Law "On Rules of Ethical Behaviour" of 2012, until this was superseded by the Law "On the Prevention of Corruption" of 2014. The new Law defines general requirements for civil servants' conduct. The National Agency on Corruption Prevention approves the rules of conduct for state civil servants and local self-government officials and organises training, retraining and advanced training of state and local self-government employees. It provides clarifications, guidance and consultation on issues pertaining to ethical conduct-related legislation implementation, as well as on prevention and settlement of conflicts of interest issues.

The Law "On the Prevention of Corruption" also regulates the protection of whistle-blowers and reporting procedures. The Law stipulates that the National Agency, as well as other state authorities, notably the authorities of the Autonomous Republic of Crimea and local self-government authorities should create conditions that are conducive for their employees to report illegal behaviour by other persons anonymously, in particular through use of telephones, official websites

³⁴⁴ The Agency is established as a collegiate body consisting of five members who are selected through an open competition and appointed by the Cabinet of Ministers for 4 years. The Chairman of the Agency is elected by its members for a 2-year term.

³⁴⁵ According to the Law, the National Bureau consists of the central and territorial administrations that are legal entities under public law. The maximum number of staff of the Bureau (central and territorial bodies included) is 700, of which senior staff shall not exceed 200.

³⁴⁶ The National Bureau also has "exclusive investigative jurisdiction on foreign bribery cases regardless of the amount of the bribe or number and rank of officials involved" (OECD, 2015, p. 80).

and other means of communication. There is no special position of an officer in charge of ethics compliance within the ministries or civil service agencies.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Ukraine began reforming its public administration system gradually in the early 1990s, upon gaining independence from the Soviet Union. It endeavoured to ensure a fast transition from the Soviet-type bureaucracy to a new public management system. Development of the civil service in Ukraine underwent several stages. The first stage was preceded by the adoption of the 1993 Civil Service Law – and subsequent Presidential Decrees³⁴⁷ and resolutions of the Cabinet of Ministers. This includes the period between 1994 and 1999, when the principles for the development of a modern civil service were established and a specialised agency, dealing with civil service-related issues, was set up in 1994³⁴⁸. Starting in the early 2000s, a strategy on the new civil service system in Ukraine defined and identified the directions of reform and civil service development. The strategy also amended the procedures on the personnel roster and competition rules for vacant positions. It further introduced the annual evaluation of civil servants and it launched a research programme in the area of civil service development. During this phase, the concept of adapting standards of the European Union to Ukraine's civil service laid the foundation for the rapid transformation of the civil service. In 2005, the Civil Service Development Programme (2005-2010) was launched and a multitude of activities were undertaken to bring the civil service in line with the European administrative law principles. In 2006, SIGMA experts conducted a public administration assessment in Ukraine. It identified key challenges in the national civil service system but these issues remained unaddressed and a new Civil Service Law, which was sponsored in 2011, was never enacted. In this connection, Condrey et al (2013) in a UNDP report in 2011³⁴⁹ noted that *"significant reforms still need to be conducted, notably to improve the operations and responsiveness of the civil service"*, while they also acknowledged the country's progress achieved in stabilising the economy.

b. Current reforms

In this connection, the OECD in 2015 noted that civil service reform had been long overdue. Following the Euromaidan events, the Association Agreement between Ukraine and the European Union was signed in June 2014. It paved the way for large-scale institutional and structural transformations to take place in the country, including civil service reform. A number of OECD/SIGMA comparative studies on the professionalization of the civil service and anti-corruption efforts mapped all the relevant issues and development of human resources management policies in the civil service and the local government administrations, as well as on the anti-corruption front³⁵⁰.

³⁴⁷ In particular, these include Decrees "On Measures to Improve the Work of Staff in the Executive Branch, with the Heads of Enterprises, Institutions, and Organisations"; "On the Position of the Council of the Staff"; and "On the System of Training, Retraining, and Advanced Training of Civil Servants"; as well as such Government Resolutions as "On the Formation of Personnel Reserve for Civil Service"; "On Approval of the Official Investigation"; and "On Measures for the Training of Civil Servants".

³⁴⁸ The Department of the Civil Service System under the Cabinet of Ministers.

³⁴⁹ United Nations Development Programme Report "Support to civil service reform in Ukraine" (2011).

³⁵⁰ The following issues were highlighted: [i] lack of clear distinction between the norms of private and public law; [ii] inefficient systems for civil service appointments and for career promotion; [iii] excessive politicization; [iv] ineffective human resources management system; [v] ineffective remuneration system; [vi] ineffective system of professional training, retraining and advanced training of civil servants and local government officials; [vii] inadequate systems of public and state control over the activities of public authorities and local government personnel; and [viii] insufficient measures for the purpose of implementing corruption prevention policy effectively.

The State's commitment to reform the civil service is highlighted in a number of such documents as: the "Contract for Ukraine" on the development of the state concluded by the Government jointly with the European Commission, in May 2014; the Coalition Agreement of the "European Ukraine" in November 2014; the Programme of the Cabinet of Ministers of Ukraine approved by the *Verkhovna Rada* in 2014; and the Sustainable Development Strategy "Ukraine 2020", approved by the President in early 2015.

Preparation of a legislative framework that includes the new principles for the civil service in line with those of European Union standards – is one of the tasks included in the Action Plan on implementing the Association Agreement for the period 2014 to 2017. Reforms, initiated under this framework, are envisioned to contribute to the optimisation of the functions of government authorities and the delineation of their responsibilities. In line with the above, the National Civil Service Agency of Ukraine developed a Reform Strategy of the civil service and local government in Ukraine to the end of 2017. The Strategy was approved by the Cabinet of Ministers in March 2015. The new Law "On Civil Service" and the Law "On Service in Local Self-Government Bodies" were both adopted in 2015, thus harmonising provisions of the two legal acts³⁵¹.

De-politicisation, delineation and identification of political and administrative positions and, finally, introduction of the Institute of State Secretaries in ministries are considered the major priorities of the reform effort. In addition, change in the senior civil service management system is planned with the establishment of the Senior Civil Service Commission. Reforms are planned to provide for a transparent competitive selection process for recruitment to all civil service positions, including senior management posts, with the introduction of a competency-based approach in HR management. Position classification has been simplified, comprehensively introducing three categories and nine ranks against seven categories and fifteen ranks existing in the past. It is hoped that these reform initiatives will assist in building a professional and merit-based civil service adhering to European Union standards of good governance, thus helping raise the quality of public service delivery.

c. Planned reforms

According to information provided by the National Agency of Ukraine on Civil Service, adoption of the new Civil Service Law of 2015, elaboration of the Public Administration Reform Strategy 2015-2020 and the corresponding Action Plan for its implementation 2015-2017 will lead to implementing the following reform activities:

- Adoption of supporting regulations and further enforcement of the new CSL;
- Establishment of the Senior Civil Service Commission;
- Appointment of State Secretaries at the Cabinet of Ministers and ministries;
- Establishment of personnel management divisions in the ministries and civil service bodies to promote the introduction of modern HR management practices, under the supervision and coordination of the National Civil Service Agency of Ukraine;
- Introduction of integrated HRM information systems in the civil service;

³⁵¹ For instance, new legislation now allows for civil servants of the central government to move to the same or similar positions in local self-government bodies without a competition process.

- Structural optimisation of state agencies and rationalisation of the number of civil servants following a comprehensive functional analysis;
- Implementation of a revised remuneration system;
- Enhancement of the institutional capacity of the central executive body, responsible for implementation of the national policy for the civil service.

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Annex 3: State of Global Affairs in the area of Corruption – Perceptions & Hard Data

1. Introduction

Wary of corruption, people have tried to learn how much corruption there is in their respective organisation in their country and in the world and what its consequences are. This is not a simple task. It is greatly complicated due to its hidden nature tied to the widespread belief in its illegality and immorality. Nobody wants to be associated with corruption. This is the biggest obstacle in collecting information on the extent, levels and consequences of corruption. Since surveys seldom find satisfactory hard data, they have simply measured perception of corruption among different groups³⁵² of the population. Despite the fact that experts, aware of the unreliability of perception data note the subjective elements in developing survey questions and methodologies, perceptions have become more important than real data. They have acquired new salience due to the popularity of the world's best known corruption index: the Transparency International Corruption Perception Index, which is issued annually. The methodology of this Index would most likely not withstand a strict scientific test³⁵³. It is nonetheless accepted as an important global research tool in the area of corruption.

Notwithstanding its questionable scientific nature, it may be admitted that this Index enables some qualitative comparisons between corruption situations in different countries and in different periods of time. Therefore, it is still a very important source of information for anti-corruption experts all over the world and, as such, objectively influences anti-corruption activities in some countries. In the following sub-chapters, examples from different studies on various forms of corruption and corruption-related activities are presented. Some are based on perception and some on real, hard data. While looking at these studies, the difference between perceptions and real data should be kept in mind.

2. Transparency International Corruption Perception Index (CPI)

Transparency International released its first CPI in 1995. Described as the “poll of polls”, it presented the average scores which individual countries had received from businessmen and financial journalists when polled in a variety of contexts³⁵⁴. In the first year, 41 countries were included; in 2014, when the last CPI was released, as many as 175 countries and territories had been covered and the results presented in a way that enables regional and inter-country comparisons³⁵⁵. A comparison of five randomly selected countries from different regions of the world in different years enables the reader to understand the functioning of the TI CPI³⁵⁶:

³⁵² General population, different professional groups, etc.

³⁵³ Moreover, the methodology is changed from time to time, which by itself raises some doubts as to its scientific nature.

³⁵⁴ As defined by TI itself at http://www.transparency.org/files/content/tool/1995_CPI_EN.pdf

³⁵⁵ <http://www.transparency.org/cpi2014/infographic#compare>

³⁵⁶ A higher index means better control of corruption, less corruption and better ranking of the country.

Table 31: TI Corruption Perception Index 1995-2014 (5 random countries)

Country/Year	1995	2000	2005	2010	2014 ³²⁵
Georgia	/ ³²⁶	/ ³²⁷	2.3	3.8	52
USA	7.8	7.8	7.6	7.1	74
Singapore	9.3	9.1	9.4	9.3	84
Botswana	/ ³²⁸	6.0	5.9	5.8	63
Kazakhstan	/ ³²⁹	3.0	2.6	2.9	29

The table above shows that, while Singapore is one of the “cleanest” countries of the world, successful in fighting corruption, its score deteriorated significantly in 2014. The USA has registered a decrease in their long-term anti-corruption efforts, Botswana is constantly improving, Georgia started very low but has made a significant improvement, while Kazakhstan did much better back in 2000 than in 2005 but almost returned to that level in 2010 and 2014.

3. Transparency International Global Corruption Barometer

It is a perception survey. In its most recent edition of 2013³⁶², it has involved 114,000 people in 107 countries³⁶³. It basically consists of a set of questions asked of the general public. As an example, the following results were recorded for Kazakhstan³⁶⁴, which took part in the survey for the first time, in 2013 and for Georgia³⁶⁵.

In response to the question concerning public perceptions of corruption levels in different institutions of the country, the following results (i.e. percentage of respondents perceiving these institutions to be corrupt) were obtained:

Table 32: Perception of corruption levels in Georgia and Kazakhstan (2013)

	Political parties	Parliament	Military	NGOs	Media	Religious organisations
Kazakhstan	23%	27%	32%	23%	20%	15%
Georgia	28%	34%	13%	13%	42%	8%

	Business	Education	Judiciary	Health Services	Police	Public officials
Kazakhstan	40%	55%	63%	54%	66%	53%
Georgia	28%	22%	51%	32%	26%	26%

Important results were obtained in response to questions whether anybody from the respondent’s household had paid a bribe to any of the institutions listed above during the previous year. In the case of Georgia, the highest percentage of households paying bribes to one institution was

³⁵⁷ Between 2010 and 2014 the TI CPI methodology changed but still enables comparisons since results from 2014 simply have to be divided by 10.

³⁵⁸ Not assessed.

³⁵⁹ Not assessed.

³⁶⁰ Not assessed.

³⁶¹ Not assessed.

³⁶² Results can be found at <http://www.transparency.org/gcb2013>.

³⁶³ According to Transparency International it is the biggest poll in the world.

³⁶⁴ At <http://www.transparency.org/gcb2013/country/?country=kazakhstan>.

³⁶⁵ At <http://www.transparency.org/gcb2013/country/?country=georgia>.

5% and the bribes went to the Police and Health Services³⁶⁶. In the case of Kazakhstan, the highest percentage of households paying bribes was 54% and the bribes went to the Police. The other institutions in Kazakhstan reported for bribery showed the following percentages (of households): Land Services: 34%; Education Services: 31%; Judiciary: 29%; Health Services: 28%; Registry & Permit Services: 21%; Tax Services: 6%; and Utilities: 2%.

4. Transparency International Bribe Payers Index

It is an index, which ranks 28³⁶⁷ of the world's largest economies³⁶⁸ according to the perceived likelihood that companies from these countries would pay bribes. It is based on the perception of more than 3,000 business executives and, therefore, is plainly another perception study. It scores and ranks countries on a scale from 0 to 10, where a score of 10 means that companies from that country will never engage in bribery while doing business abroad.

The best result in 2011 was achieved by the Netherlands (8.9), followed by Switzerland (8.8), Belgium (8.7) and Germany (8.6). The worst results were achieved by Indonesia (7.1), Mexico (7.0), China (6.5) and the Russian Federation (6.1).

The general findings of the 2011 Bribe Payers Index Survey indicate that:

- Companies bribe each other;
- The situation in this area is not improving with time;
- Business integrity is important for every company;
- A company from a corrupt country is more likely to use bribes;
- China and Russia have the worst results and their impact is huge;
- Public works contracts and the construction sector are the areas exposed to the biggest corruption risks.

5. The World Bank Worldwide Governance Indicators

The Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators in six dimensions of governance for 215 economies over the period 1996–2014³⁶⁹. Those aggregate indicators combine the views of a large number of enterprises, citizens and expert survey respondents in industrial and developing countries. They are based on more than 30 individual data sources produced by a variety of institutes, think tanks, non-governmental organizations, international organizations, and private sector firms³⁷⁰. The results of this perception survey are given in the form of a governance score, ranging from -2.5 to +2.5, and in the form of a percentile rank (from 0 to 100). In both cases lower figures represent bad results/positions and higher figures represent better results/positions. One of the dimensions is “control of corruption”. In the last three surveys, Kazakhstan achieved the following results, which are compared with the results of a randomly selected country – Georgia:

³⁶⁶ In all the other categories, the percentage was lower.

³⁶⁷ It does not include Kazakhstan.

³⁶⁸ In 2011, when it was last conducted. It can be found at: http://issuu.com/transparencymatters/docs/bribe_payers_index_2011?e=2496456/2293452#search.

³⁶⁹ The last reports can be found at <http://info.worldbank.org/governance/wgi/index.aspx#countryReports>.

³⁷⁰ Description of the World Bank at <http://info.worldbank.org/governance/wgi/index.aspx#home>.

Table 33: Control of corruption indices in Kazakhstan and Georgia

	Governance Score	Percentile Rank
Kazakhstan (2004 / 2009 / 2014)	-1.10 / -0.88 / -0.76	11.22 / 20.57 / 25.96
Georgia (2004 / 2009 / 2014)	-0.61 / -0.22 / 0.74	28.78 / 51.67 / 75.48

It is obvious that both countries have registered an improvement in their efforts in the anti-corruption area. Specifically, Georgia has already managed to register a positive result in the Governance Score and has joined the top quarter of countries in controlling corruption. In the case of Kazakhstan, developments in the control of corruption are slower but the country has still joined the third quarter of countries fighting corruption.

6. EBRD/WB Business Environment & Enterprise Performance Survey

The Business Environment and Enterprise Performance Survey (BEEPS) is a joint initiative of the European Bank for Reconstruction and Development (EBRD) and the World Bank Group. It is a firm-level survey of a representative sample of a country's private sector. Its objective is to gain an understanding of the firms' perception of the environment in which they operate³⁷¹. The first BEEPS was undertaken in 1999-2000; the last one in 2011-2014. They were entitled: *"The business environment in the transition region"*, where the biggest obstacles for doing business in transition economies were analysed. For Kazakhstan³⁷², the following major constraints were identified: informal sector, electricity, access to finance, corruption. These were followed by workforce skills and transport. In Georgia³⁷³ the most serious business constraints were political instability, electricity and access to finance, while corruption took the ninth position.

7. The 2014 OECD Foreign Bribery Report

Of all the studies, this is the only one which is based on hard data. It represents an analysis of 427 investigated cases of companies from 17 countries³⁷⁴, bribing foreign public officials in the years from 1999 to 2014. The findings of the report³⁷⁵ can be summarised as follows:

- The three main sectors involved in foreign bribery cases were the extractive (19%), construction (15%), transportation and storage (15%) and information and communication (10%) sectors;
- Almost half of the cases involved bribery of public officials from countries with high to very high levels of human development (HDD). This is surprising because prior to the report, it was believed that foreign bribery most frequently took place in less developed countries. There, public officials were supposedly more susceptible to accepting bribes on account of their economic circumstances. The report clearly showed that, even in the most developed countries, human greed remains an important motivational factor;
- In 41% of these cases, management-level cadres paid or authorised the bribe, with the company CEO "bribing" in 12% of cases. This data demonstrates that management-level

³⁷¹ A description of the EBRD can be found at: <http://ebrd-beeps.com/about/>

³⁷² The report can be found at: <http://ebrd-beeps.com/wp-content/uploads/2015/09/BEEPSV-complete.pdf>

³⁷³ Ibid.

³⁷⁴ Not including Kazakhstan.

³⁷⁵ It can be found at: <http://www.oecd.org/corruption/oecd-foreign-bribery-report-9789264226616-en.htm>

employees are often very active in such illegal practices and, therefore, cannot claim that “they did not know what their subordinates were doing”;

- Bribes were promised, offered or given most frequently to employees of public enterprises (27% of cases), followed by customs officials (11%), health officials (7%) and defence officials (6%). A reasonable explanation can be found for each of these categories, taking into account their exposure to corruption: public enterprises mostly enter into business relationships with private sector companies; bribed customs officials can contribute considerably to reducing importers’ costs; and due to the extent of their business and specific nature of their products, health and defence are always among the most corruption-prone;
- In the majority of cases, bribes were paid to obtain public procurement contracts (57%); clearance of customs procedures was next (12%);
- The bribes were considerable; on average, bribes equalled 10.9% of the total transaction value and 34.5% of the profits.

Most surprising of all are data showing how the authorities found out about instances of bribery: in one of three cases, corruption came to the attention of the authorities through self-reporting by delinquent companies or individuals. The next most common sources were law enforcement authorities (13%) and mutual legal assistance among countries (13%). Companies that self-reported became aware of foreign bribery in their international operations primarily through internal audits (31%), as well as through mergers and acquisitions due diligence procedures (28%). It is evident that companies themselves most frequently detected and reported cases of corruption; however, it would be a mistake to attribute this solely to honesty and noble intent. Among the cases reported, there are undoubtedly cases where companies simply did not know what to do next or suspected that law enforcement authorities were about to knock on their doors. They chose to self-report in order to avoid more severe consequences.

The sanctions imposed for transgression also reflect the very different approaches by individual countries. Even though all international conventions require “effective, proportionate and dissuasive” sanctions, prison sentences were handed down to only 80 individuals found guilty of foreign bribery. The longest combined prison sentence imposed to date, in a case involving conviction of an individual for conspiracy to commit foreign bribery, is 13 years. In total, there were 261 fines imposed on individuals and companies, with the highest combined fine against one single company totalling EUR 1.8 billion. The highest monetary sanction imposed on an individual in a foreign bribery case was a forfeiture order amounting to USD 149 million.

What causes some concern is the fact that a large number of sanctions were the result of a settlement between the authorities and perpetrators. In 69% of foreign bribery cases, sanctions were imposed by way of settlement between the prosecution service or court and the company responsible. Even though such settlements enable faster and cheaper proceedings, eliminating the prospect of appeal, the process begs the question what facts would surface if criminal proceedings were allowed to follow their course and what sanctions would be imposed on the basis of these facts. Sometimes it is difficult to shake off the impression that settlements are used as a way of damage control by companies and individuals involved, rather than as the means of ensuring that justice will prevail.

8. Comparison of corruption trends between different regions of the world

An analysis of the studies presented above shows that there are differences among regions in regard to their exposure to corruption. In the TI CPI for 2014³⁷⁶ there are seven European countries among the highest ranking ones³⁷⁷ along with New Zealand, Singapore and Canada. The lowest ranking countries³⁷⁸ include five African and four Central Asian countries together with North Korea.

The TI Global Corruption Barometer for 2013³⁷⁹ shows that:

- Political parties are perceived to be the most corrupt organisations in Europe, North America and Australia;
- Parliaments are perceived to be the most corrupt institutions in Indonesia, Colombia, Lithuania, Japan and Paraguay;
- Media are perceived to be the most corrupt organisations in the United Kingdom, Egypt and Australia;
- Religious bodies are perceived to be the most corrupt institutions in Denmark, Sudan and South Sudan;
- The private sector is perceived to be the most corrupt part of society in Norway and Algeria;
- The Judiciary is perceived to be the most corrupt institution in Eastern Europe, Afghanistan, Kyrgyzstan and in some countries of Africa (Algeria, Congo, Tanzania), South America (Peru) and Asia (Cambodia);
- Healthcare institutions are perceived to be most corrupt in Eastern Europe (Albania, Azerbaijan, Serbia) and Africa (Morocco, Ethiopia);
- The police is perceived to be most corrupt in many African countries, in Central and South America and in Asia (including Kazakhstan);
- Public officials are perceived as the most corrupt part of society in Russia, Serbia, Libya, Pakistan and Kyrgyzstan.

According to the Transparency International Bribe Payers Index for 2011³⁸⁰, there are five European countries among the ones with the lowest probability that their companies will pay bribes, alongside Canada, USA, Singapore and Australia. The most recent edition of the World Bank Worldwide Governance Indicators³⁸¹ suggests that countries from Western Europe and North America may have achieved the best results in controlling corruption, while parts of Eastern Europe and Africa may still lag behind. Countries from Central Asia (including Kazakhstan) and South America show better results but still lie in the third quarter of countries controlling corruption.

The EBRD – World Bank Business Environment and Enterprise Performance Survey (BEEPS)³⁸² shows that corruption remains one of the main obstacles to doing business in transitional coun-

³⁷⁶ At <http://www.transparency.org/cpi2014/results>

³⁷⁷ Countries with the lowest level of corruption.

³⁷⁸ Countries with the highest level of corruption.

³⁷⁹ At <http://www.transparency.org/gcb2013/results>

³⁸⁰ At <http://www.transparency.org/bpi2011/results>

³⁸¹ At <http://info.worldbank.org/governance/wgi/index.aspx#reports>

³⁸² At <http://ebrd-beeps.com/wp-content/uploads/2015/09/BEEPSV-complete.pdf>

tries. There has been some increase in the share of firms reporting that informal payments were expected or requested when applying to be connected to electricity and a certain decrease in the share of firms reporting that informal payments were expected or requested by officials working in the areas of taxes, customs, licences, regulations and analogous services. All companies surveyed in the last study³⁸³ were paying just under 1% of their annual revenue in bribes. This represents a significant improvement from the previous survey³⁸⁴, when this percentage reached almost 5%. Results show that companies from Central Asia are still required to pay the largest amounts of bribes, totalling 1.75% of their annual revenues. Of course, this percentage was 7% just five years ago. This suggests that the situation is improving fast.

From the combined results of the surveys above the following conclusions may be drawn:

- No region or country in the world is immune from corruption;
- With the exception of international trade, the anti-corruption efforts of countries and international organisations have slowly started to yield results;
- In general terms, Europe and North America have achieved better results in fighting corruption;
- There are some countries³⁸⁵ in other parts of the world that are also achieving good results in fighting corruption;
- Africa and Central Asia are two regions of the world most vulnerable to corruption in the public and private sectors, though relationships between the two sectors are gradually becoming prone to less corruption;
- Traditional state institutions (police, judiciary, public officials) are considered to be very corrupt mostly in Africa, Eastern Europe and Central Asia;
- In the developed world, political parties are deemed to be the most corrupt part of society;
- Organisations like the military, NGOs and educational institutions do not represent a special corruption problem in any country of the world.

³⁸³ 2013-2014.

³⁸⁴ 2008-2009.

³⁸⁵ Australia, New Zealand, Singapore.

Annex 4: Anti-Corruption Policies

1. United Nations Convention on Anti-Corruption (UNCAC)

The UNCAC devotes a special provision to anti-corruption strategies, asking countries to develop and implement or maintain in line with fundamentals of their own legal system, effective, coordinated anti-corruption policies that promote the participation of society, reflecting rule of law, proper management of public affairs and public property, integrity, transparency and accountability³⁸⁶. It goes even further urging countries to endeavour to establish and promote effective practices aimed at the prevention of corruption³⁸⁷ and to evaluate, periodically, the relevant legal instruments and administrative measures with a view to determining their adequacy in preventing or fighting corruption³⁸⁸. Moving away from its legalistic wording, Article 5 of the UNCAC actually requests State Parties to the Convention to ensure:

- Not merely the adoption but also the implementation of preventive anti-corruption policies;
- That policies are effective and coordinated in their adoption and implementation;
- That policies reflect a society-wide consensus on their importance;
- That the main principles in the adoption and implementation of the anti-corruption policies be: the rule of law, managing public affairs in a transparent, ethical and honest way, taking care of public ownership in an open, responsible and fair manner, promoting general integrity, transparency and accountability;
- That anti-corruption measures be periodically assessed to determine the level of their usefulness.

Anti-corruption strategies usually take on specific forms, depending on the traditions in each individual country. Those forms have been developed through years of drafting and implementing different strategy papers. They depend on the aims of those papers. Sometimes, they are just lists of intentions³⁸⁹ of a country in a specific area. At other times, however, they are very effective documents with an easily recognisable goal to really change the circumstances and conditions in this particular area. "Lists of intentions" usually do not bring any practical results in the area they are dealing with. They serve political purposes in the same way that politicians are trying to sway their voters. This is always a very short-term exercise, and in the end, real and strong policies are adopted and previous lists of good wishes abandoned³⁹⁰. Strategies are most often followed by action plans, which normally use the strategy structure to ensure their implementation.

There are some more features where one anti-corruption strategy can differ from another considerably. These mostly concern:

- The institution responsible for drafting and/or changing the text of the strategy (in some countries it is drafted by NGOs, or by a group of experts from one branch of power;

³⁸⁶ UNCAC, Article 5/1.

³⁸⁷ UNCAC, Article 5/2.

³⁸⁸ UNCAC, Article 5/3.

³⁸⁹ They are also called "lists of good wishes".

³⁹⁰ For example, this was the case with Croatia, which at first adopted an "empty" and general anti-corruption strategy, which was later replaced with a very solid document in 2006.

- The institution responsible for the adoption of the strategy (government or parliament);
- The institution(s) responsible for the implementation of the strategy and its/their powers;
- The basic goals of the strategy (only law enforcement ones, preventive ones, combined);
- Areas of the strategy (law enforcement, prevention, education, awareness raising, combinations);
- Sectors in which the strategy should be implemented (public sector only, some or all sectors of society);
- The level of inclusion of civil society in the preparation and implementation of the strategy.

Despite the fact that decisions on the structure of strategies lie with their respective authors, serious anti-corruption strategies have at least the following elements and characteristics:

- The most important part of strategies are their goals, given in abstract form with actions in a concrete form. The rest – introduction, principles, description of the situation, its causes and consequences, description of the legal documents, etc – can be given in a concise manner;
- The following crucial points of the strategies must also be remembered: it has to be clearly indicated which authority adopts them; under what procedure; which authority is authorised for their implementation; what is the procedure that will ensure their implementation; and what are the consequences for non-implementation or poor implementation of the strategies. A general time span for their implementation and necessary revision should also be determined.

The aforementioned conditions must be fulfilled by any existing or new anti-corruption strategy in order to ensure compliance with the UNCAC. It should serve as guidance in the preparation of new policies or the improvement of existing ones.

2. Common elements of the existing anti-corruption strategies

A thorough analysis of the existing anti-corruption strategies reveals a very simple fact, namely that they have the same structure and the same substantial constituent parts. There are only two differences amongst them: the number of constituent parts, some of which have all, while others only a few; and the level of abstraction in which those parts are given. The parts are as follows:

- **Introduction:** It usually offers a very short description of the reasons for the adoption of an anti-corruption strategy and of its goals. What is important is that a definition of corruption be given in this part. Countries need to include a legal definition of this phenomenon in the introduction but it may not be an easy task. Sociological definitions of corruption are quite common but not the legal ones. Significantly, if a strategy against “corruption” is to be adopted, people have to know what they must fight against;
- **Basic principles:** They are a simple list of the most important features, followed by a brief outline of the strategy. This part is very important since it gives an overview of the main characteristics of the strategy. Some of the principles cited include: respect of human

rights, political will, cooperation of all sectors of society in its adoption and implementation, long-term orientation, prevention rather than mere repression, gradualism, transparency of the project, planned monitoring of the implementation and possibility of change;

- **Goals:** They can be given in very abstract form or in such ways that they do not need any additional explanation. Sometimes the list of goals is split into two parts: the main goals, namely, the establishment of appropriate ethical standards, long-term and permanent elimination of conditions conducive to the emergence of corruption, establishment of a suitable legal and institutional environment for the prevention of corruption; and additional goals, namely, identification of the sectors most susceptible to corruption, transparent and legal funding of political parties, successful reform of state administration, overcoming conflicts of interest in public offices, guaranteeing legal, professional and responsible adoption of decisions, establishment of appropriate mechanisms for reporting suspected acts of corruption;
- **Data on the existence of corruption in the country:** In order to underline the reasons for the adoption of the anti-corruption strategies, some strategies provide statistical and other data, from different national and/or international surveys on the extent of corruption and on areas heavily affected by it;
- **Reasons for corruption in the country:** To suppress corruption, the reasons for its emergence and development must be identified. Here, countries usually mention economic, social, cultural, political and legal reasons for corruption. The countries that do not include this part justify their decision by referring to the politically sensitive nature of the subject;
- **Consequences of corruption:** Given in an abstract way, they often tell us little about the real nature and extent of any problems. If, however, concrete consequences are described, this can make the adoption of the document much more problematic³⁹¹.
- **Actions for the prevention and suppression of corruption:** This is usually the longest and most important part of any strategy. Some countries make a distinction between preventive and repressive measures, while others list the actions to be implemented by area of implementation. Sometimes most of these measures are divided into legislative, institutional and practical. The areas often mentioned are the following:
 - [a] **politics:** measures in the area of financing political parties; limitations and regulations on conflicts of interest for functionaries; lobbying; reporting of financial assets of functionaries; codes of ethics for functionaries; and limitations on acceptance of gifts by functionaries;
 - [b] **public administration:** actions in the area of the system of civil servants³⁹²; limitations and regulations on conflicts of interest for civil servants; limitations on the acceptance of gifts by civil servants; introduction of different tools for the improvement of ethics in the public sector³⁹³; different systems of licensing; access to information of a public nature; public finances; different parts of the public sector³⁹⁴; whistle-blowing and whistle-blowers' protection; camouflage; and the secrecy of official document;

³⁹¹ Politicians may feel embarrassed by the list of consequences, which can easily be related to their actions and/or omissions.

³⁹² Recruitment, promotions, impartiality, integrity, responsibility, monitoring, etc.

³⁹³ Such as codes of conduct and/or integrity plans.

³⁹⁴ Such as public procurement, healthcare, taxes, customs, state subsidies, etc.

- [c] law enforcement:** actions in the area of proper resources; proper staffing; independence; impartiality; proper payment; reporting duties; introduction of multidisciplinary investigations; proper investigative powers; and responsibility of law enforcement officers;
- [d] judiciary:** actions in the area of proper resources; proper staffing; independence; impartiality; proper payment; criminal procedures; witness protection; and burden of proof;
- [e] economy:** actions in the area of the introduction of responsibility of legal persons for criminal offences and limitations for persons convicted for corruption offences; introduction of anti-corruption clauses in contracts; codes of ethics for the private sector; stock markets; insurance sector; gambling sector; and self-engagement of private companies in the fight against corruption;
- [f] civil society:** actions in the area of the inclusion of civil society in the decision-making processes; systems of concessions for non-governmental sector; regulations on public financing of civil society; transparency of financing in the civil society; and self-engagement of the NGOs in the fight against corruption;
- [g] media:** actions in the area of the independence and transparency of media ownership; codes of ethics for journalists; separation of different media roles³⁹⁵; judicial assistance in acquiring public information; and annual awards for best anti-corruption reporting;
- [h] public awareness:** actions in the area of permanent anti-corruption campaigns; anti-corruption handbooks for different categories of citizens; and introduction of anti-corruption components in school curricula;
- **International co-operation in the area of anti-corruption:** includes the acceptance and implementation of international legal instruments; and participation in regional and global anti-corruption initiatives and organisations;
 - **Implementation of the strategy:** in this part, responsible institutions and their roles and powers must be mentioned and basic procedures on implementation assurance, as well as general sanctions for non-implementation or weak implementation, must be provided.

³⁹⁵ Information provision versus commercial activities.

