



SIGMA

Support for Improvement in Governance and Management in Central and Eastern European Countries

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LITHUANIA PUBLIC SERVICE AND THE ADMINISTRATIVE FRAMEWORK ASSESSMENT 2002 SUMMARY

The Lithuanian track record on public administration and civil service reforms has been slow but steady since 1997. Future integration of the country into the EU and NATO is playing a crucial role. The EC Opinion of 1997, and the subsequent Progress Reports of 1998 and 1999, were major spurs for administrative reforms.

The Government is aware of the importance of continuing and sustaining public administration reforms. The administration has reached a higher degree of professionalism and stability since 1999, and now has mechanisms for self-evaluation and the capacity to propose and implement sound reforms for the years to come. Although commitment to EU and NATO integration is strong, government coalitions are rather fragile and consensus is difficult to obtain.

Public Service

In 1999 the current Law on Public Service and a Law on Administration were promulgated. The current legal set up for civil service is in the main in line with EU Member States, but implementation is slow and sometimes half-hearted. The reasons for this are chiefly short-lived governments and only slowly improving administrative capacity. Civil Service politicisation is being reduced, but petty corruption is still a problem. Measures to address these problems have been taken and implementation is proceeding, though at a slow pace. Mechanisms to ensure that common civil service management standards are applied across the administration are developing, but are not fully operational yet. Salaries are low and the discretion awarded for managers to determine individual salaries is too wide, which may adversely affect the development of civil service professionalism. The Institute of Public Administration has a central role on training, which it is approaching systematically. Improvements are already visible.

Administrative Legal Framework

The current legal framework for preserving legality and accountability has considerably developed during recent years. The Law on Public Administration regulates the general administrative procedures, while special laws regulate specific administrative procedures. Public institutions are liable to compensate interested parties for damages and loss of property in cases of unjustifiable unlawful decisions, or in cases of non-reaction. Conflict of Interest legislation exists and the head of each institution is responsible for its implementation. There exist a number of internal and external control mechanisms, which when fully implemented will basically meet the general standards. The Ombudsman holds sufficient powers and is largely respected. The Special Investigation Service (SIS) is responsible for combating fraud and corruption and is in charge of the implementation of the National Anticorruption Programme. The State Control Office, the supreme audit institution, is responsible for auditing the State budget. A specialised administrative courts system exists; specific procedures have been established in 2000.

Legal Quality

The quality of adopted laws has improved. Rules on legal drafting and on impact assessment exist. However, impact assessment is only obligatory in the context harmonisation. To this end, extensive training in impact assessment is provided. For laws not considered as being directly linked to EU accession, lead ministries assess only the foreseen financial impact. The Ministry of Justice is working on improving the quality of impact assessment. The quality of drafts is checked by different institutions, namely the Ministry of Justice, the European Law Department, and the Government Chancellery. In addition, the Legal Department of the Parliament checks every draft once submitted.

Recommendations

The recommendations proposed to the Lithuanian government are as follows:

1. The ongoing civil service reform needs to be continued, in particular necessary secondary legislation should be completed and implemented. Achievements, such as recruitment and promotion based on merit have to be maintained.
2. Personnel management techniques and training have to be further developed. To this end the resources of the Institute of Public Administration (premises, budget and staff) should be strengthened. Induction training schemes will need to be developed.
3. Salaries for civil servants and public employees should be increased to attract and retain qualified junior staff. The transparency and predictability of the salary system needs to be increased.
4. Efforts to curb corruption should be maintained, and necessary resources made available.
5. Ongoing efforts to improve the quality of legislation should be maintained and sufficient training made available.