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Public Management Forum

A Bimonthly Newsletter for Public Administration Practitioners in Central and Eastern Europe

Roundtable on Accession's

Link with
Administrative Reform

An Insider's Look at
Negotiating EU
Membership

How Governments Manage
European Affairs

Bulgarian Government
Pursues Reform Efforts

Developing the Capacity to Operate within the "European Administrative Space"

by Michal Ben-Gera

Last October, three representatives from each of 12 central and eastern European governments, along with experts and practitioners from EU Member States, the European Commission, and the SIGMA Secretariat, gathered in Athens to exchange views on preparation for European accession and public administration reform. The seminar's themes were framed by the Commission's *avis* of July 1997. Discussions focused on what central and eastern European countries had achieved in modernising their institutions for managing European affairs, and how they should proceed to develop the administrative capacity both to *become* and to *be* members of the European Union.

The Greek Ministry of the Interior, Public Administration and Decentralisation and the Greek National Centre of Public Administration hosted the seminar, which was organised by SIGMA, with the help of a steering group that included a representative of EU Phare. This issue of *PMF* highlights the main subjects considered at the "Athens seminar," and features articles by and interviews with some of the individuals who attended this major multi-country programme.

Managing European Affairs

The seminar began with an examination of the progress made by countries in putting into place administrative structures to manage European affairs. Answers to a questionnaire, developed by SIGMA with the assistance of experts from the region, provided the basis for discussion. SIGMA Administrator Tony Verheijen summarises the questionnaire results on pages 6 and 7. He emphasises that all the countries have assigned a clear ministerial responsibility in this area -- the prime



Photo: Daryl Benson

minister, the minister of foreign affairs, or a special minister for European affairs -- and that all have established working groups of officials to co-ordinate the work on the implementation of the White Paper on "Preparation of the Associated Countries of Central and Eastern Europe into the Internal Market of the Union." Verheijen notes, however, that working groups remain a weak link in the overall co-ordination structure.

Next, a panel of senior negotiators stimulated a lively discussion of what took place in the previous rounds of EU membership negotiations. Participants found this to be an exciting opportunity for a rare glimpse into the actual negotiations, but were also impressed by the complexity of the process, the large number of players and interests, and the importance of inter-ministerial co-ordination required to support the negotiating team. The idea that "if preparation and co-ordination back home is lacking, the negotiators cannot do their work" can probably be taken as the leitmotif of this session. Greek Ambassador (retired) Byron Theodoropoulos' advice on how to approach EU negotiations provides a succinct view of the wide-ranging discussion which took place during this session (page 3).

Continued on p.12 ➤

Forum Focus

The Emergence of a
European
Administrative Space

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Phare



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Luxembourg Council Paves Way for EU Negotiations

As we go to print, the Luxembourg European Council has just concluded that the ten central and eastern European applicants for EU membership, and Cyprus, "are destined to join the European Union on the basis of the same criteria and that they are participating in the accession process on an equal footing." Accession partnerships, to be established by 15 March 1998, will cover in detail for each central and eastern European applicant the priorities to be observed in adopting the Union acquis and also the financial resources available for that purpose.

The European Council will convene bilateral intergovernmental conferences in the spring of 1998 to begin negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia on the conditions for their entry into the Union and the ensuing treaty adjustments. At the same time, the preparation of negotiations with Romania, Slovakia, Latvia, Lithuania and Bulgaria will be accelerated in particular through an analytical examination of the Union acquis. This preparation may also be discussed at ministerial-level bilateral meetings with EU Member States.

From the end of 1998, the European Commission will make regular reports to the Council, together with any necessary recommendations for opening further bilateral intergovernmental conferences, reviewing the progress of each central and eastern European applicant state towards accession in the light of the Copenhagen criteria. Prior to those reports, implementation of the accession partnerships and progress in adopting the acquis will be examined with each applicant state in the European Agreement bodies. The Commission's reports will serve as a basis for taking, in the Council context, the necessary decisions on the conduct of the accession negotiations or their extension to other applicants.

The Luxembourg Council hints at the need for a capable public administration in all prospective EU Member States in declaring, for example, that both the incorporation of the acquis into legislation as well as the actual application of the acquis are necessary.

Bart W. Edes, Editor-in-Chief

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The Greek Experience of Accession Negotiations

by Byron Theodoropoulos

Former Ambassador Byron Theodoropoulos headed the Greek negotiating team during the negotiations which led to the accession of Greece to the then-EEC. Below he offers ten points of advice to those who will negotiate on behalf of prospective Member States of the European Union.

- Realise from the start with whom you are negotiating.

Candidates negotiate with the European Union as a whole, not with the individual Member States. Member States certainly negotiate among themselves before arriving at an agreed position to be presented to the candidate, but once they have arrived at such a position, it represents the EU stand as a whole. There is, however, wide scope for informal contacts with individual Member States with the aim of promoting better understanding of the candidate's viewpoint.

- Be clear in your mind what you are negotiating about.

You are not negotiating about revising existing treaties or other parts of the *acquis communautaire*. You are negotiating about the timetable of the application of the *acquis* by your country, ie essentially about the length of various transitional periods before the EU laws and fully applied by the candidate or with regard to the candidate.

- Order your priorities.

They are not your rivals in securing favours from the EU. Each may have his or her own problems, but you are all striving towards the same objective. You can learn from them, and they may learn from you. Good communication channels are essential to all.

- Watch your homefront.

This may prove your biggest headache. As a negotiator you depend on the information fed to you by the services back home. If it is insufficient or incorrect, your negotiating stance is weakened. But you also depend on the instructions you receive from home. Your government may base these instructions on internal political considerations or on misconceptions about the EU. It may sometimes prove more difficult for you to negotiate with your government about the instructions they send you than to deal with the EU.

- Do not nourish too high expectations from accession; it may prove more costly than you think.

The impact of accession may, on the whole, be a positive one. In certain cases, however, you may discover that it has adverse effects on this or that sector of your economy or that it may require more cost and effort from you to conform with accession standards.

- Remember that restructuring your economy will have to be done anyway, not just for the

- Estimate the relative importance of your simultaneous accession to the EU and NATO.

The two accessions may pose diverging demands upon your economy. Accession to NATO may require considerable new expenditure for military infrastructure to satisfy NATO standards, while accession to the EU may, at the same time, need more expenditure in other sectors of your economic infrastructure. Neither NATO nor the EU will be able to cover this additional expenditure in full. You will have a hard time deciding where to spend your money.

- Be aware of the possible weak spots of the European construction.

There are at least three "fault lines" in this construction which, if left unattended, may cause problems:

- a) the distinction between the "big" and the "small" Members, where some will be more equal than others;
- b) the gap between the economic power of the EU and the manifest weakness of its political will; and
- c) the possible increase in the gap within European societies between social classes, if a strict monetary policy is applied.

- We have no credible alternative other than positive, creative participation in the EU.

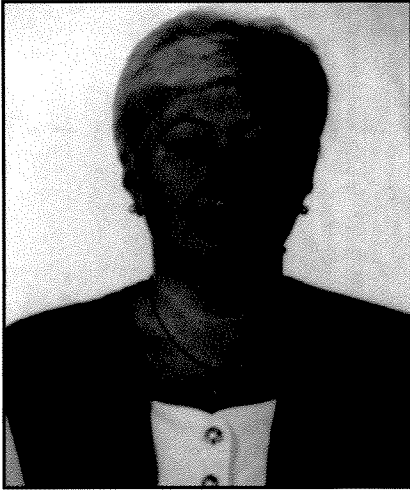
negotiating power on secondary items.

- Keep in touch with other candidates.

EU should not be used as an excuse in order to deflect the possible discontent caused by the increased effort.

Byron Theodoropoulos is Ambassador of Greece (retired). He may be reached in Athens at (30.1) 36.05.392.

Linking Preparation for European Integration with Modernisation



Svetlana Proskurovska

Courtesy photo

Central and eastern European countries are simultaneously tackling the overlapping challenges of modernising the public administration and preparing for EU accession. In the following roundtable interview, three participants in the Athens seminar comment on these major undertakings. Svetlana Proskurovska heads Latvia's Bureau of Public Administration Reform; Florin Lupescu directs the Department for European Integration in the Romanian Government's Directorate for Institutional Co-operation for European Integration; and Petr Kubernát serves as director of the Department for Co-ordination of Relations with the EU at the Czech Ministry of Foreign Affairs.

PMF: How useful it is to link the themes "Managing and Co-ordinating for European Integration" and "Public Administration Reform"?

Svetlana Proskurovska (SP): Linking European integration management with public administration reform is a key success factor for EU integration, because success in the integration process depends on a reliable, professional and motivated public administration. Administrative reform, in turn, should be closely related to the tasks

that weigh on the government. The integration process therefore serves as a guideline for the directions to be chosen and fills the general reform initiatives with concrete meaning.

The European Commission *avis* of most candidate countries states that the creation of an administration capable of managing the accession process is of the utmost importance. It is also imperative that, upon accession, the government at the central, regional and local levels is capable of implementing Community legislation and managing Community assistance from Structural Funds.

In view of preparation for negotiations and managing the negotiation process, it is critical to develop a responsive administration capable of integrating political and technical needs of the country into a coherent negotiating position, and able to react swiftly to the challenges arising from the negotiation process. It is essential to build good horizontal and vertical co-ordination mechanisms to ensure effective policy decision-making. Thus, there should be the closest possible link between the integration imperatives and administrative reform.

Florin Lupescu (FL): European integration, due to its ever-deepening process, demands the full commitment of the government. In parallel, the establishment of a "new" socio-economic system, democracy and a market economy has required changes in the scope and depth of state intervention. The shape, therefore, of the new public administration will be re-modelled based on the aims of this new system.

Directing governmental change towards the adoption and enforcement of EU principles implies close co-ordination of activities

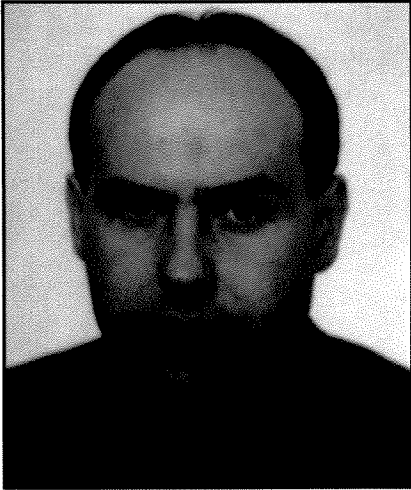
linked to the integration process. This horizontal mechanism carried out across state institutions is both a consequence of and a generator of public administration reform. This combination is necessary to effectively drive the management and co-ordination of government activities in view of membership.

Petr Kubernát (PK): The linkage between the two themes at the seminar was very useful. In the Czech Republic, we do not speak about the necessity of administrative reform, as the word "reform" seems to us very strong, but we recognise that the Czech public administration has to be improved, modernised and restructured to enhance performance and flexibility. We need a strong administration very well-prepared to handle European issues. "Management and Co-ordination of European Affairs" is very close to "Administrative Reforms"; we know that only qualified people in a well-prepared national administration will be capable of implementing and enforcing the *acquis communautaire*.

PMF: How do you perceive the relationship between the obligation to create sector-specific governmental institutions (eg environmental standards bodies, health inspectorates, and drug testing laboratories), and the need to modernise the public administration in general (ie "horizontally," across ministries and agencies)?

SP: The responsibility for the creation of the sector-specific institutions, such as inspectorates, undoubtedly rests with the responsible line ministry. However, to keep the administration rational and structurally coherent, a central body, responsible for the public administration, in general, should create clear-cut guidelines on the status, level of authority, functions, and lines of reporting for the types of institutions that should be established for implementation and

of State Institutions



Courtesy photo

Petr Kubernát

monitoring of the *acquis communautaire*. For example, in case of inspectorates, one must make sure that the control and monitoring functions are performed by an institution having the required degree of independence from the ministry in order to enhance the impact that these institutions are supposed to make.

FL: This question can be perceived as complementary to the previous one. The vertical effects of membership are deep since the implementation of the *acquis communautaire* requires not only a new or replacement set of laws, but also the establishment of institutions and adapted administrative mechanisms. Without the necessary articulation of the public administration, the *acquis* cannot be applied effectively in the candidate country and bring forth the benefits of membership.

The creation of specific governmental institutions for all *acquis*-related sectors becomes an engine of change in the administration as it yields political, administrative and economic gains. These institutions, which are being adapted to answer the needs of the market, perform

services for economic agents -- especially private entrepreneurs.

A public administration which meets the needs of the population yields political benefits at election time. Beyond this, a specialised institution will be more efficient in performing its tasks and, through EU transfer of knowledge, will bring a certain *savoir faire* which may spill over to other services of the administration. Finally, and assuming effectiveness, these structures should lower transaction costs in the economy as agents are better informed and able to apply rational expectations to their environment. Confidence nurtures growth and welfare: the main task of any government.

PK: I think that the relationship between the obligation to create specific governmental institutions and the need to modernise the public administration is very close and is not contradictory. The creation of new institutions would not obstruct the gradual improvement of the state administration. Some of these sector-specific governmental institutions will have a complementary role to the state administration and some of them will operate on their own. The goal is identical in both cases: to have in place a well-functioning, effective administration.

PMF: *What follow up actions would you like to see to this seminar?*

SP: Horizontal exchanges of information on the actions aimed to bring public administration closer to EU requirements, and challenges among relative ministries in candidate countries. Also publications on institutional restructuring going on in central and eastern European countries connected with pre-accession strategy. Possibly, sector-related seminars on strengthening sectoral institutional capacity.

FL: Organising a consistent follow-up to the Athens event is highly advisable. A system of workshops could be put into place to increase understanding of the process and impact of European integration on the work of ministries, and to improve co-ordination in this area. The process of preparation for negotiations, and the negotiations themselves, require significant involvement of all ministries. A shared understanding of the environment and the process can contribute to building the capacity to meet this challenge.

PK: I think that the continuation of this type of seminar could help the authorities of Associated Countries better manage the whole process of modernisation and improvement of the performance of their state administrations. Follow-up to this seminar could be based on two or three topics discussed separately, in special working groups, with the conclusions made during the seminar's final stage by all participants together. It also could be useful to devote time to questions on more concrete sectoral issues, such as the functioning of the state administration in the agricultural sector, regional subjects, etc., but always with the narrow connection with European issues. ♦



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Developing Systems for the Management of EU Affairs

by Tony Verheijen

In preparation for the Athens seminar, SIGMA sent a questionnaire to the ten countries in Central and Eastern Europe which have applied for European Union membership. The aim of the questionnaire was to create an inventory of the systems for the management of EU affairs in candidate states. This article contains a brief comparative overview of the questionnaire answers from all of the candidate countries, and the main issues arising from them.

The candidate countries report considerable progress in the development of institutions and structures for the management of EU affairs. Structures originally set up for the management of the Europe Agreements are being gradually transformed into structures which should eventually form the basis for full participation in the EU policy process. The legal basis for the institutional framework has been created in all countries and, with few exceptions, all the institutions provided for in legislation have been created.

Where the Secretariat is Situated

The location of European secretariats was one of the issues of discussion during the Athens meeting. Traditionally, EU secretariats in most Member States have been under the ministry of foreign affairs (MFA). However, with the increasing importance of the national dimension of EU policy-making, other ministries, in particular ministries of economic affairs, have obtained an increasingly important role in EU policy. It was therefore

Location of European secretariats

Location of the main secretarial unit	Ministry of foreign affairs (MFA)	Centre of government	Other ministry or independent administrative unit	Split between MFA and other ministry
No. of countries	3	4	2	1

Types of structures in place, divided by level of activity

Level 1: Top level decisions	Created or planned	Not planned or created
Special meeting of the council of ministers	Bulgaria	
Council of ministers plus advisory council	Slovakia	
Ministerial committees: permanent and non-permanent members	Czech Republic, Estonia, Latvia, Lithuania, Poland, Hungary, Slovenia	
Ministerial committees with variable membership	Romania	
Level 2 and level 3: preparatory work		
Permanent committee of deputy ministers or committee of senior civil servants	Czech Republic, Lithuania, Hungary, Estonia, Poland, Latvia, Slovenia	Romania (ad hoc meetings), Slovakia (ad hoc meetings)
Committee of deputy ministers and committee of senior civil servants	Bulgaria	
Co-ordinating secretariat		
European secretariat	all countries (de facto)	

interesting to see whether the candidate states have opted to establish the secretariat at the MFA, or whether they have taken into account the changing nature of the EU policy process.

Two of the four countries in which the main secretariat is placed at or under the centre of government also have a small secretariat for foreign policy issues at the MFA. In the country where functions are split, the MFA still controls the main secretariat functions. For the time being, therefore, the MFAs play a key role in the majority of the candidate countries. It will be important to improve structures for the

internal management of EU affairs. Compliance units set up for the legal approximation process could become an important element of such structures, but in view of the experience of EU Member States this will not be sufficient.

The Role of Working Groups

The management of EU affairs in and between line ministries was the next issue raised in the questionnaire. In most countries, units for EU affairs in the line ministries have been planned or created. The creation of inter-ministerial working groups appears to be a more problematic

Compliance control units in the administration

Compliance control unit	Legislative council	Decentralised system	European secretariat	Specialised unit under the Centre of Government, a ministry or PMO
No. of countries	2	3	2	2

No response from Slovakia

issue. Whereas the central decision-making structures for EU affairs are relatively permanent, frequent changes have been made in the structure and position of working groups.

The questionnaire responses give the impression that working group structures are the weakest link in the institutional system. This issue warrants reflection since working groups do not only have a role in policy formulation on substantive questions related to European integration but can also exercise a co-ordination function at the level of senior officials.

All candidate countries have begun preparations for management of the accession process. The MFA appears to have obtained a central role in the negotiation process in most countries.

Management of Approximation

Structures for the management of the approximation of laws are generally well-established. Procedures to ensure compliance of new legislation with EU standards have been put in place, and national strategies for the revision and adaptation of legislation are in the process of implementation. The procedures put in place, however, mostly concern the process in the administration.

Relations between the administration and parliament in the approximation process are not always well-developed. This can pose problems in particular under coalition

governments and under governments which lack a clear majority in parliament. The development of a compliance control system for the whole institutional system might be worth considering.

Self-Analysis Highlights Weak Points

The self-analysis of the institutional system and procedures for the management of EU affairs, carried out by the majority of the countries responding to the questionnaire, reveals rather obvious weaknesses in the policy-making systems. The weakness of co-ordination capacities is a general problem for most central and eastern European administrations. The same is true for policy implementation.

Central and eastern European states have had to create a new institutional network for policy implementation. This institutional network has not yet been completed in most of the candidate states. This affects policy implementation in EU affairs just as much as policy implementation in any other area.

The concerns over implementation capacities expressed by the European Commission in the *avis* are in line with this self-analysis, but should be placed in the right context. Apart from the development of policy co-ordination capacities and the construction of policy implementation networks, the lack of qualified personnel is the other main weakness of the policy-making systems for EU affairs mentioned in the self-analyses.

Administrative Reform and European Integration

The last main category of questions in the questionnaire were related to the link between administrative reform and European integration. Apart from the problems in the administrative systems discussed in the previous section, the lack of clear institutional connections between administrative reform units and the structures responsible for the management of EU affairs is an important potential source of problems.

Considerable progress has been made in the development of systems for the management of EU affairs in central and eastern Europe. Existing systems can probably cope with the preparation for accession, if the main deficiencies highlighted above are dealt with. Whether these structures will be sufficient to manage EU affairs once countries join the Union is a different matter.

Substantial improvements will have to be made in policy implementation capacities and the development of accountability mechanisms, in addition to the improvement of structures for policy development and a better integration of administrative reform policy and EU accession policy. ♦

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European Integration and Public Administration: What Progress has

by Jacques Fournier

The link between European integration and administrative reform was one of the topics addressed at the Athens seminar. Without a doubt, this issue will remain at the centre of the EU accession process in years to come.

The Basic Facts Are Clear

Thanks to the discussions held in 1997, including the conference in Rotterdam hosted by the Netherlands' Presidency (see *PMF* Vol. III, No. 4, page 7), and the position taken in July 1997 by the Commission in its opinions (*avis*) on the accession talks, the basic facts can now be more clearly identified.

First, there is nothing in the body of European law (*acquis communautaire*) on the general organisation of public administration. Under the subsidiarity principle, this issue is decided by individual EU Member States. This applies to future as well as current Members.

Second, Member States are, however, subject to what lawyers call a "performance requirement". They

must be in a position to implement EU legislation and policies in their own countries. In this respect, they are all interdependent. The smooth functioning of the European Union as a whole and the interests of individual Member States depend on the administrative capacity of each country. EU government is in fact a chain of national administrations. And that chain is only as strong as its weakest link -- as we have seen with external border controls.

None of the countries applying for membership is judged perfectly capable of applying European law in the medium term.



Image Bank/Scor Bonstein

The European Commission places great emphasis on this point in its opinions. For the first time, the administrative capacity of applicant countries to enforce European law in the medium term has become a decisive factor in its rulings.

Third, according to the Commission, there is still a long way to go before applicant countries in central and eastern Europe acquire that capacity. The Commission's opinions show that in this respect it has noted serious inadequacies in most European Union policy areas (competition, telecommunications, indirect taxation, veterinary and plant health controls, transport, labour inspection, environment, consumer protection, border controls, international police/judicial co-operation, customs, financial audits, etc.).

Apart from these sector-specific inadequacies, other more general criticism is emerging, even if the Commission is careful not to impose a model. The list includes the lack of a coherent overall plan for administrative reform in several countries; poor legislation, resources and morale in the civil service; failures in interministerial co-ordination; and weaknesses in the fight against fraud, corruption and crime.

On that basis, the overall assessment is both prudent and qualified. None of the countries applying for membership is judged perfectly capable of applying European law in the medium term. However, four countries are considered likely to be capable, and the other six possibly capable. All applicant countries have accordingly been asked to pursue their reform effort. Depending on the country, that effort will have to be "substantial", "major", "broad", "sustained",

been Made? What Remains to be Done?

“strong” or “significant”. Further analysis is impossible at this point, given the imperceptible differences between these adjectives.

Future Policy has Yet to be Defined

This is one of the major challenges of the pre-accession period. For instance, it will affect the “Accession Partnerships” which the Commission is planning for each applicant country. It will be decisive for the opening and progress of accession negotiations. Here, too, a number of comments are relevant:

1. It is obviously crucial for the countries concerned to be able to retain control over the reform of their public administration. As someone said at the Athens seminar, the countries themselves must be the “driving force” behind preparations for the accession partnerships and the annual action plans drawn up within that framework. This is in line with the principles governing relations between EU Member States. It is also a matter of common sense. Reform can only work if it is based on perfect local knowledge of the country concerned and if those who will be implementing the reform take ownership of it.

2. The key to success is strong political determination, in the form of a comprehensive government action plan and proper structures to guide its implementation. In west and east alike, administrative reform does not always arouse interest among politicians, either because they underestimate what is in fact the vital

role played by government in a market economy, or because they are put off by awkward issues that do not always produce spectacular results.

In the pre-accession phase, there is no longer room for any lack of interest. Every government is now aware that this is an important issue. It is up to them to tackle it in the right way. What structures are needed for this? What scope and direction should reform projects take? What links are needed with the management of European affairs? All these questions are practical in nature, and the SIGMA programme could help to provide some answers in the months to come.

3. A proper balance should be struck between the horizontal and the sectoral approach. The Commission will probably place the emphasis, as its mandate requires, on the future policy required in each sector to implement European law. Many of the support and twinning initiatives it is planning will be given over to this. But sectoral

issues should not mask the broader picture. Of course the legal frameworks for agricultural, environmental or telecommunications policy have to be established. And it is advisable to have police, customs and veterinary services that operate correctly in terms of both quantity and quality. But this cannot be achieved in isolation. It will only succeed if a number of general systems have been set up or re-organised -- interministerial co-ordination,

government decision-making, civil service regulations and management, budget procedures and control mechanisms -- to ensure the smooth running of the public administration.

EU government is in fact a chain of national administrations. And that chain is only as strong as its weakest link -- as we have seen with external border controls.

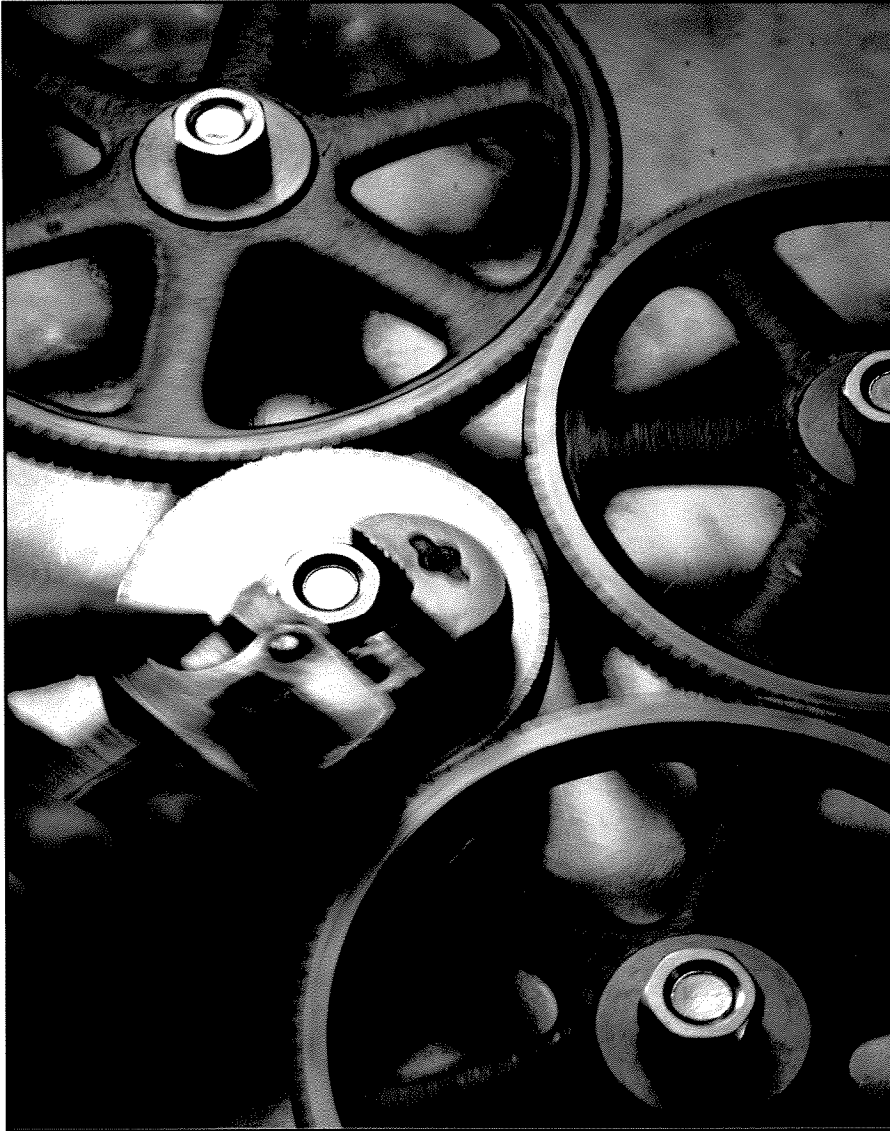
4. A “European Administrative Space” is beginning to emerge. In each sphere of administrative policy, it offers applicant countries a range of solutions that are similar enough to provide some common ground and broad enough to leave each country substantial room for manoeuvre in terms of policy options.

The gradual emergence of this “space”, which does not impose standards, is a logical step forward in the construction of the European Union. National governments meet, compare notes and join forces to draw up and enforce EU standards. It is quite natural that they should increasingly influence each other. One of the roles of the SIGMA Programme is to help public administrations in central and eastern Europe to fit into this “space”. There they will find possible answers to the questions facing them today, while at the same time enriching the space with their culture and their experience. ♦

National governments meet, compare notes and join forces to draw up and enforce EU standards. It is quite natural that they should increasingly influence each other.

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Bulgaria Implements Changes to the Public Administration



PIXL/David Abner

The Government which assumed power in Bulgaria in May 1997 has undertaken an ambitious programme of reform to modernise the public administration and to prepare the country for eventual EU membership. With the European Commission's avis on Bulgaria as a reference point, two leading Bulgarian officials report on the challenges confronted, and on the actions planned or already underway. Vesselin Metodiev is Deputy Prime Minister and Minister of Education and Science, and Jasmine Popova heads the European Integration Department of the Ministry of Foreign Affairs.

PMF: The European Commission avis states that Bulgaria must radically improve management, training and overall professionalism throughout the public administration. Among other things, the Commission says Bulgaria should develop audit and financial control organs, strengthen the institutional structure for European integration, and improve co-ordination between ministries and different levels of government for administration of EU assistance programmes. What do you think of the Commission's assessment of Bulgaria's administrative capacity to apply the acquis?

Vesselin Metodiev (VM): It is with understanding that the Bulgarian Government accepts the assessment of the European Commission. We agree that the existing institutional structure and systems of supervision of the activities of the public administration do not correspond to the contemporary requirements for a well-functioning state machine. There is also room for improvement in respect to training and professionalism of civil servants. Regrettably enough, it proved difficult in just one hundred days to make up for a seven-year-long period of inactivity. However, evidence of our willingness for change is shown by that fact that along with transformations in the economic sphere, another top priority for the Government is reform of the public administration.

Jasmine Popova (JP): The Government which assumed its functions in May 1997 has started the implementation of extensive reforms in the country's political and economic life. Unfortunately, too much has been missing during the previous years in this field, so the slow development in the field of EU integration cannot be overcome within a few months of activity.

Following the creation of the Currency Board, one of the most important fields where the Government adopted the necessary legislation was in the adoption of a new mechanism for co-ordination of European integration. A decree adopted on 10 July 1997 entrusts the Ministry of Foreign Affairs with the co-ordination of all the activities of the public administration related to the implementation of the Europe Agreement and to the creation of a national policy regarding the preparation for European Union membership.

A new body -- the Council on European Integration -- has been established and is

headed by the Minister of Foreign Affairs. The council is composed of deputy ministers responsible for European integration in the ministries and the institutions of the public administration, and develops opinions and proposals in the field of European integration for decisions by the Council of Ministers. The Council on European Integration is assisted in its activity by a body composed of heads of divisions on European integration in the ministries and institutions, and by 18 permanent working groups dealing with the preparation of specific projects and elaboration of priority matters of European integration.

Through the establishment of this mechanism and its successful start, the shortcomings of the old system have been avoided, including duplication of activities, operational problems, and lack of responsibility for the implementation of integration policy. The Government hopes that the improved functioning of mechanisms for European integration will give a strong impulse to the whole activity related to the performance of Bulgaria's duties regarding the European agreement and the implementation of the *acquis*.

PMF: *The avis reports a need for Bulgaria to establish a clear legal basis for the civil service, develop recruitment and career planning policies, raise public confidence in the civil service, and employ sufficient and properly trained staff with a high degree of integrity in the area of justice and home affairs. What is the Government doing or planning regarding the management of the public service?*

VM: Presently under discussion is the Law for the Structure of the State Administration, its Job Positions and Qualification Requirements. On the one hand, this law provides for standardisation

of the structure of the public administration with a view to improvement of interaction within and between various institutions, as well as the elimination of redundant departments and sections. On the other hand, mandatory requirements are being introduced for all civil servants whose performance is to be periodically assessed. This will lead to greater professionalism and to a determined ambition for qualification improvement. The next step will be Parliament's passage of the Civil Service Act whereby civil servants' rights and obligations will be defined.

JP: The Government is preparing several acts which are relevant to the public administration's activity. One of the latest acts adopted by the Parliament is the law on access to the archives of the State Security, ie the Law on Dossiers. Senior civil servants will be classified in 27 groups and subject to a check on whether or not they have been collaborators with the State Security. This step will help to determine and remove from the higher levels of the civil service those persons who have delivered information against other citizens during the communist regime.

Another act included in Parliament's agenda is the Law on Positions and Ranks. This law envisages the establishment of uniform positions valid for all public administration units, as well as conditions and requirements for filling them. The Deputy Minister has mentioned the Civil Service Act, which is on Parliament's agenda for the first six months of 1998. The adoption of this act will allow the development of the legal basis necessary for building up of a public administration capable of fulfilling the requirements of preparing for EU membership, and characterised by the necessary stability, competence and motivation.

PMF: *What are the main challenges confronting the Government in its effort to reform the public administration and improve administrative capacity to apply the *acquis*?*

VM: In addition to what I have said before, a crucial problem is adequate personnel selection and, more precisely, how to make the public administration a more attractive place for young, talented Bulgarians. Presently, budget restrictions and the presence of the Currency Board do not allow for the introduction of proper high salaries within the state administration. Financial security would make it easier to recruit qualified individuals, who currently are lured to the private sector by better-paid jobs. Furthermore, a sufficient public sector salary would serve as a check against corruption. Yet another problem is the "inaccessibility of the system." The public administration should open up to the needs of society, doing away with all of its useless "secrecy."

JP: The main challenges -- the problems which the Government will have to give priority to settling -- are correctly formulated in the part of the European Commission's opinion which concerns the administrative capacity to implement the *acquis*. One of them is the problem of corruption which, as was just noted, is due to a great extent to the low salaries in the civil service sector. Unfortunately, the financial situation of the country does not allow the total elimination of this factor in the near future. Corruption due to low pay exists not only among civil servants working in the tax and customs administrations, but also among the employees working in the judicial branch.

Continued on p.14 ►

Public Administration in the News

Slovene Ministerial Post for Europe

Igor Bavcar has been appointed to serve as Minister for European Affairs, a new position created within the Slovene Government. Source: Europe, Agence internationale d'information pour la presse.

Romanian Newsletter on Reform

The Government of Romania's Council for Reform has launched a monthly newsletter to report on public administration. The newsletter, *Caietele Reformei*, aims to sensitise key decision-makers and implementers of reform within the Government about activities of reorganisation and restructuring geared

towards increasing the Government's effectiveness in line with European norms. Launched with support of EU Phare, the newsletter reports on government policy, legislation and regulatory measures, international assistance, personnel matters, activities of the Council for Reform, and Phare actions in the area of public administration reform. The eight-page publication boasts a circulation of 3,000 and is distributed to central government offices, ministries, departments, prefect offices, Parliament, the Office of the President, media and international organisations. Source: Government of Romania, Council of Reform.

State Audit Institutions Meet

The presidents of over a dozen central and eastern European state audit institutions will meet with the European Court of Auditors in Warsaw, 25-26 March 1998, to discuss information sharing and strengthening co-operation. The Polish Supreme Chamber of Control (NIK) will host the meeting. A web site with the conference agenda and list of participants, as well as links to numerous Internet homepages concerning audit and administrative oversight, may be found at: <http://www.oecd.org/puma/sigmaweb/relsites.htm>.

"The last person who quit or was fired will be held responsible for everything that goes wrong."

<http://www.bazza.com/sj/humour/DilbertsLawsOfWork.html>

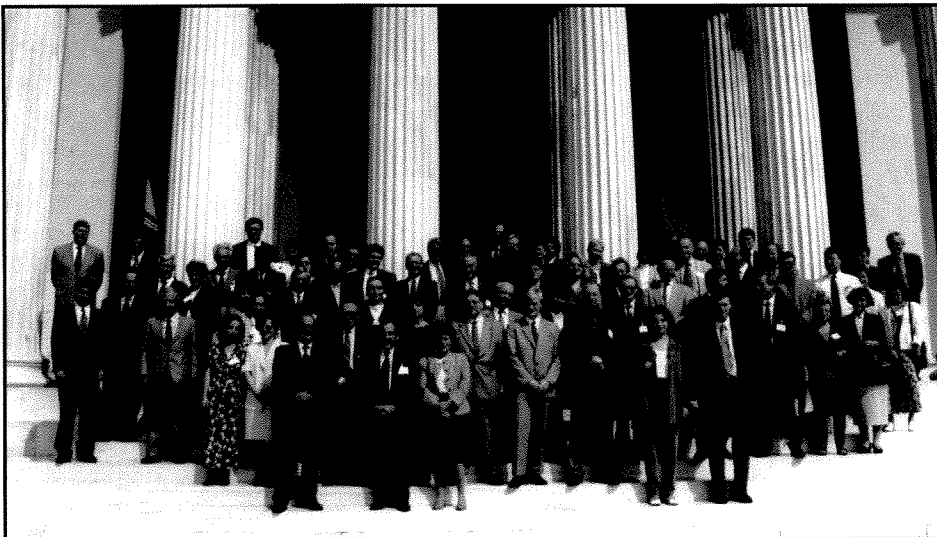


Photo: P. Bantoulis

Participants, Multi-country Seminar on European Integration and Public Administration Reform, Athens, October 1997.

➤ *continued from p.1*

"Obligation of Results"

As can be seen from the interview with three seminar participants on

"Linking Preparation for European Integration with Modernisation of State Institutions," (pages 4-5), the relationship between these two major endeavours is not always a direct one. In most cases, it is based

not on the *acquis communautaire*, but rather on what has been called "the obligation of results" or "the performance requirement".

This link is specifically addressed in the article by Jacques Fournier. He observes that meeting the administrative requirements of accession means that countries have the capacity to implement the *acquis*. This means the continuing requirement to be effective members and the capacity to operate within the "European Administrative Space." And in this space, while there is rarely a specific *acquis*, the models developed by current Member States provide fertile ground for learning and adaptation. ♦

Michal Ben-Gera is SIGMA Advisor for Policy-Making, Co-ordination and Regulation. She can be reached in Paris at tel: (33.1) 45.24.13.98; fax: (33.1) 45.24.13.00; e-mail: sigma.contact@oecd.org. See also PMF, Vol. III, No. 4. SIGMA will publish the conference papers during the first half of 1998.

Constitutions in the CIS

Transition to Democracy -- Constitutions of the New Independent States and Mongolia, Council of Europe

The disintegration of the former Union of Soviet Socialist Republics (USSR) created in its wake a group of twelve countries now referred to as the Commonwealth of Independent States (CIS). Those countries eagerly acquired all the trappings of independent states, namely flags, national anthems, state coats of arms and, above all, constitutions designed to organise state power within society.

Prepared by the International Institute for Democracy, and published by the Council of Europe (COE), *Transition to Democracy -- Constitutions of the New Independent States and Mongolia* brings together the constitutions of these twelve members of the CIS. The

publication also includes the Constitution of Mongolia, because of its former close ties with the USSR. From a historical point of view, these texts are of interest within the context of their recent history and their concern to strengthen existing national sentiment within countries which are often not homogenous nations. They also provide a revelatory view of the democratic aspirations of these new countries and also pose the dilemma of how such constitutions can be applied, breaking the practices which often tied a nation's fate to a single leader, party or tribe.

Transition to Democracy features an introduction by Professor Florence Benoit-Röhmer, and provides detailed

chronologies of the events which led to the adoption of these constitutions and provides an opportunity for reflection on the meaning of democracy. The publication should be of particular interest to constitutional law specialists, researchers and students, as well as all those watching developments in the republics of the former Soviet Union. It also serves as a complement to an earlier COE report which included the constitutions of central and eastern European countries. ♦

Transition to Democracy -- Constitutions of the New Independent States and Mongolia, ISBN 92-871-3356-5, 1997. To order: Council of Europe Publishing, Finance Division, 67075 Strasbourg, France; tel: (33.3) 88.41.25.81; e-mail: ce.publishing@seddoc.coe.fr; FF 150, US\$ 38.

INBOX:



A COMPENDIUM OF RECENT PUBLICATIONS AND ARTICLES

Note: All publications below are available in English unless otherwise noted.

From SIGMA

SIGMA Papers: No. 19. *Effects of European Union Accession: Part I, Budgeting and Financial Control*, 1997, 175 pages. French forthcoming.

SIGMA Papers: No. 20. *Effects of European Accession: Part II, External Audit*, 1997, 151 pages. French forthcoming.

SIGMA Policy Brief No. 3: *Public Procurement*, 1997, 8 pages. Also in French.

To order: SIGMA Information Services, SIGMA-OECD, 2, rue André-Pascal, 75775 Paris Cedex 16, France. Tel: (33.1) 45.24.13.16; fax: (33.1) 45.24.13.00; e-mail: sigma.contact@oecd.org. SIGMA publications also are available free of charge on the Internet at: <http://www.oecd.org/pumalsigmaweb>.

From PUMA

Modern Budgeting, 1997, 134 pages. Also in French.

Trends in Public Sector Pay in OECD Countries, 1997, 149 pages. Also in French.

In Search of Results -- Performance Management Practices, 1997, 133 pages. Also in French.

To order: OECD Publications Service, 2, rue André-Pascal, 75775 Paris Cedex 16, France. Tel: (33.1) 49.10.42.83; fax: (33.1) 49.10.42.76; e-mail: compte.pubsing@oecd.org.

OTHER PUBLICATIONS

FELBINGER, Claire and Marc HOLZER, eds. "Public Administration in Transformation: Challenges to the State and to Public Management," *Public Productivity and Management Review*, Vol. 20, No. 4, June 1997, pp 359-362.

KETTL, Donald F. "The Global Revolution in Public Management: Driving Themes, Missing Links," *Journal of Policy Analysis and Management*, Vol. 16, No. 3, Summer 1997, pp 446-462.

RAHM, Dianne and B.J. REED. "Going Remote: The Use of Distance Learning, the World Wide Web, and the Internet in Graduate Programs of Public Affairs and Administration," *Public Productivity and Management Review*, Vol. 20, No. 4, June, 1997, pp 459-482.

VIDLAKOVA, Olga. "Agenda 2000: Jak hodnotí ve szém posudku Evropská komise veřejnou správu v České republice?," *Státní Správa a Samospráva/S'97* (Czech Republic), Volume 38, 1997, pp 3, 10-11.

To order: S'97, Na Perstýne, 110 00 Praha 1, Czech Republic. In Czech.

WOLLER, Gary M. and Kelly D. PATTERSON. "Public Administration Ethics: A Postmodern Perspective," *American Behavioral Scientist*, Vol. 41, No. 1, 1997, pp 103-118.

► *continued from p.10-11*

One way of reducing corruption to acceptable, minimal European conditions, is to change legislation in a way which simplifies and limits the number of administrative procedures. Another approach to decrease "administrative blackmail" is to narrow the framework of -- and create unified requirements for -- the process of decision-making on the part of civil servants. Total reform is underway in the judicial branch, but one way to correct the present "inaccessibility" of magistrates is to introduce a law allowing for their removal in clearly defined circumstances where there exists proven incompetence or violation of the high requirements of the legal profession.

Another problem is the fact that in a

Bulgarian legislation and its unified implementation in the country. This problem may gradually be overcome through the introduction of relevant forms of training and qualification among civil servants, as well as through the implementation of different EU assistance programmes.

Legislation will have to be adopted in the different fields addressed by the White Paper to create or reorganise bodies for control and monitoring of the execution of Bulgaria's duties regarding the approximation of legislation. Implementation cannot be carried out without these bodies.

PMF: *What can central and eastern European countries aspiring to EU membership learn from each other in the field of public administration?*

VM: Prior to the period of the totalitarian regime, the Bulgarian public administration was a well-functioning machine. It had been developed for decades availing itself of all positive aspects of the European model. Today, when looking for a role model, Bulgaria turns to all public administrations that already have proven their effectiveness. At the same time, this country has specific features and traditions which should not be cast aside altogether. The difficulty as such appears when trying to pick the most appropriate foreign models for the specific Bulgarian conditions.

However, it is by now quite evident that the Bulgarian administration's audit and control system is ineffective. Consequently, the example of Hungary and its ombudsman may prove to be very

examinations and interviews, and civil servant qualifications.

PMF: *What are your Government's priorities for public administration reform in light of the avis?*

VM: In late 1997, the Law for the Structure of the State Administration, its Job Positions and Qualification Requirements was presented to the Council of Ministers. This law will create all the necessary preconditions for adoption of the follow-up Civil Service Law, which is expected to be passed by Parliament in spring 1998 and to come into effect at the beginning of 1999. Between now and 1999, all civil servants should upgrade their professional skills, obtain the required qualification training and re-training to be capable of entering the open competitions for a given job.

These steps, along with the creation of an ethics code for civil servants, have as their objective the development of a new type of public servant, one which serves the society that provides for them.

JP: We have already mentioned the priorities concerning the development of a legislative base necessary for building up a stable and competitive public administration. We also envisage the introduction of modern computerised links for information exchange among the different units of the public administration. This should promote fast and operational co-ordination of the decision-making process.

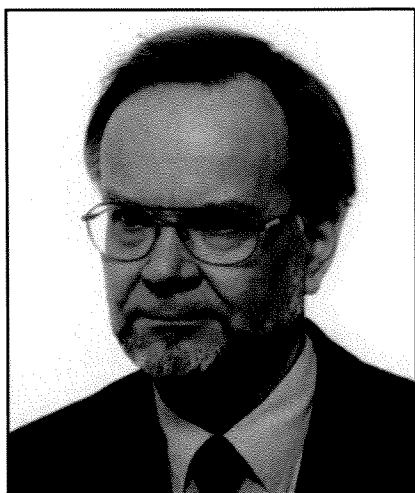
To implement the Council of Ministers' decree creating a co-ordinating mechanism for European integration, we

their particular fields of responsibility. Also foreseen is the introduction of legislation establishing a three-instance judicial system. Urgent activities for raising the qualification of judges will be undertaken not only with reference to the principles of European law, but also to the adoption of practices of the European Court in implementing the law. ♦

Vesselin Metodiev may be contacted in Sofia at tel: (359.2) 887.20.68; fax: (359.2) 981.17.36; and Jasmine Popova at tel:(359.2) 73.74.12; fax: (359.2) 70.75.89. PMF appreciates the assistance of Zlatina Niklova, Head, Chancellery Department, Bulgaria Council of Ministers, in arranging this interview. For commentary on the public administration-related aspects of the European Commission's avis of Estonia and Poland, see PMF Vol. III, No. 4, pages 3 and 10 respectively.

EIPA Supports Implementation of the Association Partnerships

by Yrjö Venna



Courtesy photo

Yrjö Venna

It is no exaggeration to say that the European Commission's opinions on the applications for membership of the Associated Countries competed well with the best-sellers on the book markets last summer in Western and Eastern Europe alike. Many civil servants spent their holiday evenings reading the 100-page country analyses prepared so carefully by Commission experts. We may disagree about the conclusions, but the Commission deserves our congratulations, having been able to complete the exercise on time. Each candidate country provided the Commission with about 5,000 pages of background material that was analysed, compared and condensed to form this package of information.

Having worked in the area since the fall of communism, the European Institute of Public Administration (EIPA) has a great interest in the enlargement process. Since the Institute's establishment, each enlargement has been a challenge to integrate the new Member States into the Community and help them become efficient Members as soon as possible. We can all agree that the current phase of Eastern enlargement is completely different to any

previous enlargement. All efforts should be focused in order to make the process a success, and, in accordance with its mission, EIPA wishes to contribute to this end. After the Commission released *Agenda 2000* in June 1997, EIPA analysed and summarised the documents concerning the ten applicant countries and published this information as *Agenda 2000: An Appraisal of the Commission's Blueprint for Enlargement*.

Programmes Under Development

Due to its European character and international networks, EIPA is well-placed and equipped to fully participate in this process of preparing applicant countries for membership. Programmes under development include:

- Specialised Negotiations Training. In this intensive seminar, previous negotiations are analysed and processes simulated.
- Training and Consultancy on Selected Policy Issues. There is a need to focus training on those issues raised in the *avis*. Through its links with the national administrations of the Member States, EIPA can identify the best practitioners to assist the candidates.
- Development of Public Service. As the Commission noted, competent civil servants must be available for the purposes of applying and enforcing the *aquis*. EIPA offers its comparative experience in developing programmes in this field.
- Administrative Requirements for Operating Structural Funds. EIPA is conducting a research programme to analyse structures and processes in the Member States. This programme will create a knowledge base for finding the best solutions for the applicant countries.
- Karolus Exchange Programme. The Commission has proposed extending this programme to include the Associated Countries. This would allow civil servants working in the field of the internal market to work in a Member State and study the implementation of the *aquis*.
- Training of Judges and Lawyers. Current programmes can be expanded to meet growing needs. It is also important to support domestic in-service training centres for judges and lawyers.



Associated Membership at the Institute

EIPA's Board of Governors has decided to offer the governments of the Associated Countries an opportunity to join the Institute as associated members. This allows them to second an expert to the Institute and participate in EIPA's Scientific Council. This national expert is a valuable link to his or her home administration providing two-way channel of communication with EIPA. Seconded experts can collect and analyse information on EU matters. They can also identify needs of their home administration and help design programmes to fit specific needs. Hungary was the first to sign the agreement in December 1997. ♦

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SIGMA

SIGMA -- Support for Improvement in Governance and Management in Central and Eastern European Countries -- is a joint initiative of the OECD Centre for Co-operation with the Economies in Transition and the European Union Phare Programme. The initiative supports public administration reform efforts in thirteen countries in transition, and is principally financed by Phare. The Organisation for Economic Co-operation and Development is an intergovernmental organisation of 29 democracies with advanced market economies. The Centre channels the Organisation's advice and assistance over a wide range of economic issues to reforming countries in Central and Eastern Europe and the former Soviet Union. Phare provides grant financing to support its partner countries in Central and Eastern Europe to the stage where they are ready to assume the obligations of membership of the European Union.

Phare and SIGMA serve the same countries: Albania, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Estonia, the Former Yugoslav Republic of Macedonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

Established in 1992, SIGMA works within the OECD's Public Management Service, which provides information and expert analysis on public management to policy-makers and facilitates contact and exchange of experience amongst public sector managers. SIGMA offers beneficiary countries access to a network of experienced public administrators, comparative information, and technical knowledge connected with the Public Management Service.

SIGMA aims to:

- assist beneficiary countries in their search for good governance to improve administrative efficiency and promote adherence of public sector staff to democratic values, ethics and respect of the rule of law;
- help build up indigenous capacities at the central governmental level to face the challenges of internationalisation and of European Union integration plans; and
- support initiatives of the European Union and other donors to assist beneficiary countries in public administration reform and contribute to co-ordination of donor activities.

Throughout its work, the initiative places a high priority on facilitating co-operation among governments. This practice includes providing logistical support to the formation of networks of public administration practitioners in Central and Eastern Europe, and between these practitioners and their counterparts in other democracies.

SIGMA works in five technical areas: Public Administration Development Strategies; Policy-Making, Co-ordination and Regulation; Budgeting and Resource Allocation; Public Service Management; Administrative Oversight, Financial Control and Audit. In addition, an Information Services Unit disseminates published and on-line materials on public management topics.

ON THE AGENDA



Upcoming Programmes

18-20 March 1998, Prague, Czech Republic. Sixth Annual NISPAcee Conference on "Public Administration and Social Policies in Central and Eastern Europe." Contact: NISPAcee Secretariat, Hanulova 5/B, 840 02 Bratislava 42, Slovakia. Tel: (421.7) 78.53.57; e-mail: nispa@nispa.sk; WWW: <http://www.nispa.sk>. In English.

25-26 March 1998, Warsaw, Poland. "Meeting of Presidents of SAI's of Central and Eastern Europe and the European Court of Auditors." Contact: Supreme Chamber of Control (NIK), POB P-14, 00 950 Warsaw 1, Poland. Tel: (48.22) 25.44.81; fax: (48.22) 25.73.76; e-mail: nik@nik.gov.pl; WWW: <http://www.nik.gov.pl>. In English, Polish and Russian.

30-31 March 1998, Paris, France. Ninth SIGMA Liaison Group meeting. Contact: Jacqueline O'Mahony, SIGMA, Paris, France. Tel: (33.1) 45.24.13.04; fax: (33.1) 45.24.13.00. In English and French.

14-17 September 1998, Paris, France. IASIA Annual Conference on "Schools and Institutes of Administration: Agents for Enhanced Human Resource Management and Change." Contact: IIAS, Brussels, Belgium. Tel: (32.2) 538.91.64; fax: (32.2) 538.91.64; e-mail: toda3347@euronet.be. In English and French.

14-17 September 1998, Paris, France. EGPA Annual Conference on "Modernising the State for the Citizen: Alternative European Models." Contact: IIAS, Brussels, Belgium. Tel: (32.2) 538.91.64; fax: (32.2) 538.91.64; e-mail: toda3347@euronet.be. In English and French.

Please note that not all of the programmes included in this calendar are open to every public administration practitioner or the general public. Details are provided directly by the organiser, who may be contacted for further information. If your organisation is planning an event, please send details to SIGMA (address on page 2). A more complete calendar of events may be found at: <http://www.oecd.org/pumalsigmaweb>.