

**SIGMA**

# P M F

*Public Management Forum*

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

Czech European Union  
Information Strategy

Regulatory Impact  
Analysis in Estonia

New Stage  
in Hungarian Reforms

Poland Further  
Decentralises

## *Aiming to Get Government Right*

by Derry Ormond

Public administration reform continues to evolve significantly in Central and Eastern Europe, with ever greater attention being given to the modernisation of state institutions. For example, in August 1998, the newly installed Government in the Czech Republic cited reform of the state administration as one of its five key governing priorities. (Fighting economic and other crime and implementing a "Clean Hands" policy aimed against corruption were identified as other priorities). There are several reasons for this increased concern with modernisation of state administration.

It is clear that in a general situation of scarce resources public sector effectiveness and efficiency are essential to properly direct government expenditure, encourage private initiatives and respond to the rising expectations of the citizenry. Public administrations are coming under increasing strain due to the continuing challenges of combatting corruption, brain drain of talented individuals to more lucrative private sector jobs, and the lack of clarity about civil service roles, rights and duties. Further, the huge workload originating from the legal and organisational transformations required for accession to the European Union (and, in certain cases, to the World Trade Organisation and NATO) is testing the limits of the administration's capacity to function effectively.

### *Rising to Meet the Accession Challenge*

Across Central and Eastern Europe, governments have made EU membership a leading policy goal. The issue of preparing the public administration for this goal is usually expressed in terms of compliance and enforcement capacities in individual sectoral areas, such as regulations and inspectorates to enforce European standards of health and safety at work. These are part of the far-reaching *acquis communautaire*.

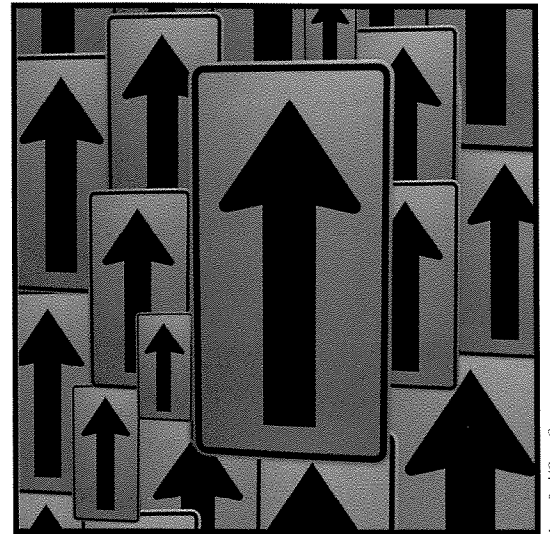


Image: Ian/Carry City

A sectoral approach to administrative reform is necessary but not sufficient. General, cross-governmental systems of government management, such as personnel management, budgeting, policy-making, procedural standards, and control and redress mechanisms need to be redesigned or strengthened. Apart from the general criteria of democracy and rule of law (cf the Copenhagen criteria), and the *obligation de résultat* (the necessity to actually perform), such cross-governmental administrative capacities are not treated in the *acquis*.

Central and eastern European countries have made great strides in modernising their administrations over this historic decade. They have created institutions responsible for planning and implementing administrative reform and taken practical measures in numerous areas. Important laws have been enacted and regulations drafted on the structure and operation of public institutions, including measures defining the status of civil servants, government purchasing practices, administrative oversight procedures, etc. Aspiring EU Member States have set up bodies responsible for European issues, in charge of among other things the preparation of applying the *acquis* (and in this way they make the link directly with administrative reform). Continued on p.3 ➤

### **Forum Focus**

Interview with  
Lithuanian President

Vol. IV - N° 5  
Sept/Oct 1998



## Derry Ormond Retires

Derry Ormond, Head of the OECD Public Management Service (PUMA) and author of this issue's cover article, was the inspiration behind SIGMA. He retires at the end of October 1998, but we hope his vision will continue to guide SIGMA. Thirty-six years ago, Derry joined OECD to help southern European countries which had particular development problems. Well before it became fashionable, Derry identified the capacity of the state as the real problem of development and even invented the term "public management". He also realised that old forms of technical assistance were not working and would never work in this sensitive field. So he created a new approach called technical co-operation, in which there were neither donors nor recipients, just collective learning, and he designed a manageable work programme to tackle the rather nebulous concept of public management.

These three ideas -- subject matter, geography, partnership -- were the basis of a new OECD programme. Immediately the ideas were put to the test, for in the early 1970s, a wave of democratic transitions happened stretching from Portugal to Turkey, which led to closer integration with Europe and, eventually, with the exception of Turkey, to accession. At the time, Derry recognised that governance capacity was not just a challenge for southern Europe but would be the constraint on growth for the whole of the OECD area, and indeed the world. Out of this, was born PUMA which is now a recognised authority in the field and increasingly solicited by other international organisations and countries.

What was learned and tested in the 1970s was almost made redundant in the late 1980s, as the countries prospered. But then the Berlin Wall came tumbling down, and PUMA was ready to join up with the European Union and create SIGMA. If SIGMA is appreciated in the countries of Central and Eastern Europe, it is because we have remained true to Derry's vision which is, like him, grounded in modesty and respect, and a shared ambition that each country should have a professional governance apparatus which is the foundation of democracy and the rule of law.

Bob Bonwitt - Head, SIGMA Programme

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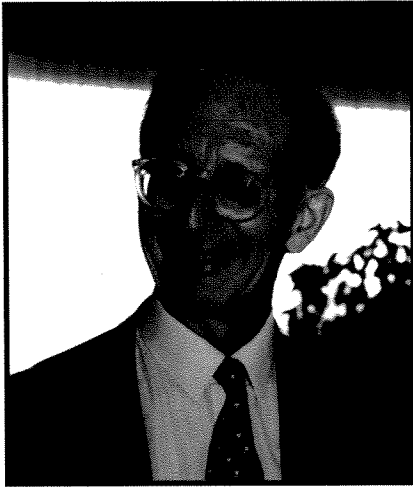
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Derry Ormond

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### Pursuing System-wide Change

Despite the progress made, much remains to be done, especially with regard to the effective implementation and monitoring of decisions. Among the issues which must be answered are how to effectively generate tax revenue, enforce laws on public health or the environment, issue administrative permits needed by business, and provide ways for citizens to obtain information and appeal decisions. Finding the most practical answers remains difficult.

Experience from many countries shows that administrative reform is a time-consuming process. It requires material and human resources which are often sorely lacking. It presupposes changes in attitudes and cultural transformations which can only be achieved very gradually. Although administrative reform is very technical, it has important political ramifications. What can be done to facilitate the process? Four prerequisites, among others, seem essential.

The first is the existence of political will. Administrative reform is a thankless task. It runs into many obstacles and its benefits tend to become evident only with time. For reform plans to be taken to conclusion, they must have the strong and continuous backing of politicians. This in turn means

that it is best for the authority responsible for the planning and oversight of reforms to be located as close as possible to the centre of government (eg in the Council of Ministers or the Office of Prime Minister). Further, it is important that a consensus across the political spectrum be sought on administrative reform to protect reforms from policy revisions resulting from changes in government.

The second prerequisite is that planning and implementation of administrative reform be approached in an integrated way. Ten separate reforms, however well planned, do not amount to general reform if they are based on different principles and are not carried out in a co-ordinated fashion. There is a need for an overall strategy even if it is decided to concentrate selectively on just two or three major objectives. Regardless of the quality of available international assistance, a comprehensive vision can come about only from the country concerned. Each country must set up organisations and processes to enable it to generate and pursue its own vision. Only with that vision will measures carried out as part of various programmes be co-ordinated and complementary, rather than incompatible as is sometimes the case.

The third condition, perhaps the most debatable, but also one which experience shows is necessary, is that careful consideration should be given to risks involved in skipping any steps. Some EU Member States, as well as other OECD Members, are currently experimenting with contracting out public management or introducing market-type mechanisms which add flexibility to the traditional operating rules of their public administration. Such innovations may be productive in countries which already have sound administrative systems, but when applied in countries where the governmental system is still being assembled, they may have detrimental consequences, or the necessary conditions may not be in place.

Fourth, reforms need pressure and support from outside government if they are to succeed. Civil servants may always have good reasons not to change their habits; business investors have very good reasons to get good service from the administration. Thus, the business community is one example of an area from which pressure can be mobilised. The requirements of Brussels are just another such lever.

### Establishing Priorities

This issue of *PMF* sheds light on the experience of Hungary's pursuit of system-wide change. In the article appearing on pages 10-11, Dr. Imre Verebélyi of the Hungarian Institute of Public Administration describes Hungary's priorities for modernising the administration and what progress has been made since a comprehensive government reform programme was launched in 1996. The challenges he describes will be familiar to reformers throughout Central and Eastern Europe.

In the following pages readers will also find a description of Swedish budgetary reforms, which should be of interest to budget officials in transition countries where the parliament plays a major role in the budget process. Also inside: Lithuanian President Valdas Adamkus on the role of the state and duties of civil servants in a well-functioning democracy; Professor Yehezkel Dror of The Hebrew University on enhancing the capacity of government to make critical choices; Kai Liiva of Estonia's Ministry of Justice on the use of regulatory impact analysis in her country; and Petra Mašinová of the Czech Republic on formulation of an EU information strategy. Finally, we publish a report on Poland's plan on state decentralisation, adopted during the summer after considerable public debate. ♦

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# Sweden's Budget Reform Highlights Major Role of Parliament

by Ulf Bengtsson and Dr. Ingvar Mattson

Sweden's Parliament has a larger role in the budget process than parliaments in other EU Member States. For this reason, Sweden is an interesting example for central and eastern European countries where, in part due to coalition governments, parliaments fulfil important functions in the budget process.

Sweden evaluated its budget process in 1992. That exercise, together with a severe fiscal crisis in the early years of the decade, stimulated discussion in a parliamentary commission of inquiry, which at the time was considering procedures in the *Riksdag* (Parliament). In 1993-1994, the commission proposed changes to the budget process; these were implemented in 1994-1996.

## Top-down Approach

The proposed changes to the budget process were supported by empirical research from other countries and included:

- prolongation of the mandate period from three to four years;
- adoption of a two-stage, "top-down" budget decision procedure in Parliament;
- assigning a co-ordinating role to the *Riksdag* Finance Committee; and
- transition to a calendar-based budget year.

In addition, an expenditure ceiling was introduced in 1995, and a *Budget and Fiscal Management Act*, governing the budget process and specifying the distribution of financial power, was put into force at the beginning of 1997.

The reformed budget process represents a top-down approach. Budget discussions in Government start from a medium-term forecast of economic development and a projection of central government revenues. Expenditures are projected on the basis of macro-economic and other assumptions. The expenditure aggregate and the revenue forecast are confronted with



Ulf Bengtsson

budget policy restrictions, such as the Maastricht criteria and other, self-imposed restrictions. If the general restrictions are violated, countermeasures are sought through expenditure reductions or tax increases.

The expenditure ceiling is tri-annual and nominal, and comprises all central government expenditure. New decisions normally concern only the third year of the period. The expenditure ceiling also contains a budget margin to account for forecasting uncertainty. The main function of the margin is to avoid frequent modifications of the ceiling due to fluctuations in the expenditure aggregate. The margin is not included in balance calculations, and thus it cannot be used for new expenditures unless new revenues are raised.

During the parliamentary spring session, the *Riksdag* discusses the spring economic bill containing the Government's assessment of the economic situation. This measure also contains propositions on long-term budget policy aims and proposed expenditure ceilings. The *Riksdag* determines the tri-annual ceilings, which are binding upon the Government as it prepares the budget bill.

## Preparing the Budget Bill

The *Riksdag* processes the budget bill in two stages during the autumn session. The Finance Committee co-ordinates the process,



Dr. Ingvar Mattson

but appropriations are prepared by 15 of the 16 standing committees. In the first stage, the frameworks for expenditure during the coming year are dealt with. The budget is divided into 27 expenditure areas and the *Riksdag* determines frameworks for each of these. Around the 20th of November, the *Riksdag* makes a single decision determining the allocation of expenditure among different expenditure areas, changes in taxes and charges, as well as an estimation of revenues.

In the second stage, the different committees treat the appropriations of their respective expenditure areas. At this stage, any proposals made from opposition parties or Members of Parliament for increased expenditures must be matched by another proposal that reduces expenditure by at least the same amount. The *Riksdag* decides on all appropriations within the total expenditure area by means of a single decision.

## Crisis Created Political Will

The positive message of the reforms of Sweden's budgetary institutions is that substantial institutional change can be implemented under favourable conditions. The macro-economic and fiscal crisis of the early 1990s created a strong political will to change the budget institutions. ♦

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## Developing the Means to Make Critical Choices

by Yehezkel Dror

**A** main task of governments is to make critical choices, that is choices which have a high probability of having major impact on the future. Modalities of introducing a market economy, decisions on trying to join the European Union and NATO, large scale infrastructure projects, ecological policies, redrafting of constitutions, design of taxation and social insurance schemes — these are examples of critical choices facing central and eastern European countries in one form or another.

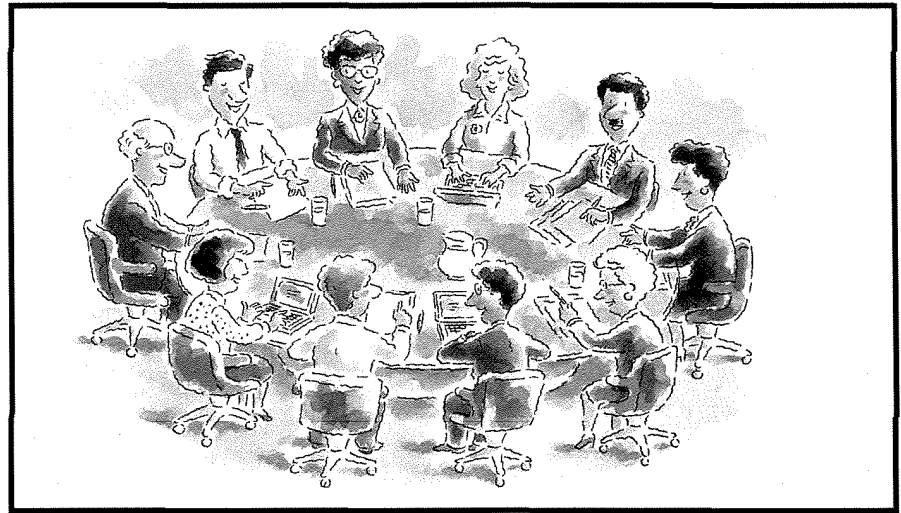


Image: Bank/Larry Ross

The nature of critical choices is well expressed in a saying by Confucian Xunzi: “Yang Zhu lamented at a crossroad: ‘if a man makes an error of half a step in the wrong direction, when he awakens to the fact, he will have made a blunder of a thousand lives.’” It is this high cost of mistaken critical choices which makes their improvement imperative.

The variables which determine the capacity to make high quality critical choices include administrative reforms, but go beyond these to include political culture, personal characteristics of top-level decision makers and public opinion shaping processes. But there are many ways in which governments can upgrade their critical choice making capacities, even when faced by multiple social, political and bureaucratic rigidities.

### What Governments Can Do

Based on experiences in various countries and theoretical analysis, five main steps lead towards better critical choices in government.

First, there is need for deep *professional reflection capacities*. This involves putting policy planning staff near top decision makers, especially the prime minister; upgrading professional policy advice, with the help of intense workshops in modern policy knowledge; and, in the longer run, developing graduate university programs in public policy. Deepening capacities also includes

establishing policy creativity, research and development organisations (think tanks) to explore main policy areas and to prepare new options with the help of interdisciplinary knowledge and multiple experiences. Caution should be taken to shield those who undertake this type of reflection from the pressures of practical, daily work overloads.

Second, *crisis handling* must be improved and related to long-term policy reflection. Multiple crises are unavoidable during societal transformation processes within unstable global environments. Such crises pose many dangers, but the ways in which crises are handled often constitute critical choices. Therefore, crisis decision making must be upgraded, through creating capable facilities to manage crises, setting up professional crisis management staff, and conducting regular crisis exercises with the participation of senior decision makers or their advisors.

Third, creating a *decision making process at the centre of government* assures full presentation of options and outcome evaluation by ministries which prepare proposals, the opportunity to challenge main proposals by other ministries and the prime ministerial policy planning staff, and systematic monitoring of implementation and outcomes.

To meet these requirements, governments *need an active cabinet secretary* and written guidelines

on submitting proposals to the prime minister and the cabinet, as well as computerised management of implementation monitoring.

Fourth, something must be done to provide ministers with *time to consider main policy parameters and think through critical choices thoroughly*, with the help of, eg periodic three-day retreats devoted to specific issues.

Fifth, high quality critical choices in a democracy need a *well-informed political elite and serious discourse* on main issues, in spite of sharp disagreements. “Off the record” one to two-week retreats devoted to national issues for members of parliament together with senior officials, academics, grass roots leaders, business managers, and mass media commentators can help to build up the “political culture” essential for high quality critical choices. Founding a kind of “national policy college” to run such activities may be worth considering.

These five steps can yield better critical choices and are feasible if a serious effort is given to their implementation. Therefore, they should be given high priority in public administration reforms. ♦

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## Poland Moves Forward with Decentralisation of the State

On 27 July 1998, following months of lively public debate, Poland's President, Aleksander Kwasniewski, signed a law which divided the Polish state into 16 new provinces (voivodships), and established rules for local self-government. On 7 August, the government established the county (powiat) boundaries. This continues a long process of bringing decision making closer to the Polish people and assigning responsibilities for public sector functions to different levels of government.

### The Beginning of Decentralisation

In 1990, Poland reinstated self-government on the level of the commune (*gmina*). The communes constitute the basic level of the Polish public administration and meet the most important collective needs of local government. They operate nurseries, kindergartens, elementary schools, libraries and cultural centres. They are also responsible for public order, the maintenance of local roads, and environmental protection within their jurisdiction. Communes finance these services with budgetary funds acquired through direct taxation, and with subsidies and matching funds provided by the central government. Today, there are 2,489 communes in Poland.

Experience during this decade has shown that the communes have been a success. Yet it was clear from the outset that not all public sector tasks are appropriately delegated to this lowest level of government. Thus, in 1992, steps were taken to create an additional level of self-government, the county (*powiat*). After initial preparations, a pilot programme was launched in January 1994 to transfer tasks and competencies of future counties to 45-50 of Poland's largest municipalities.

The project aimed to test the costs of carrying out tasks by local governments and their managerial abilities.

### Introducing Two New Levels of Government

In early 1998, the Government submitted to Parliament draft laws to build on the initial reforms. Two additional levels of self-government were proposed: the aforementioned counties and the larger provinces (voivodships). There was general agreement across the political spectrum that reform should be guided by the principle of subsidiarity (assigning government tasks to the lowest appropriate level), and the principle of retaining a unitary state structure (ie federalism was rejected).

As decreed, there will be 373 self-governing counties, including 65 urban *gminas* which will assume *powiat* functions. The *powiats* will be large enough to efficiently maintain many everyday institutions of public life that may be too burdensome for smaller communes. These include secondary schools, general hospitals, police headquarters, sanitary and fire inspectorates and tax offices. Yet they will be small enough, with an average population of around 100,000, to place the administration and control of these institutions in the hands of citizens they actually serve. Indeed, it is planned that they will be small enough to encourage citizens to take on an active role in local electoral politics, and large enough to utilise citizens' public involvement on a broader scale, eg through non-governmental organisations.

Unlike the communes, which are responsible for all matters that have not been explicitly assigned to other levels of

government, the county will implement only those tasks that have been clearly defined for it in the law. The Government originally proposed the creation of 12 provinces, but deliberations in Parliament and in the public sphere raised this number to 15, and eventually 16.

At the provincial level, there will be a dual structure of public administration. On the one hand, counties will have independent legal identities, their own budgets, and extensive powers in the area of economic policy. On the other hand, a state-appointed Provincial Governor (*Voivod*) will ensure that national policies are executed and enforced within the county, and that state institutions operating in the region perform their functions appropriately. This dual structure is intended to preserve the unitary character of the state. The Provincial Governor will be responsible for making sure that the decisions made by county self-governments comply with laws, and for delivering services related to law-enforcement and public security. The provinces' decision-making bodies will be popularly elected councils (*Sejmiks*).

The provincial self-governments will develop regional economic development policies to ensure that the county's human and material capital is put to best use. Experience has shown that these policies cannot be designed or managed either by the central government or by local governments whose primary responsibility is the delivery of direct public services.

### Financing Local Government

The delegation of tasks to lower levels of government will be accompanied by the decentralisation of public finances to these lower levels. At present, the Parliamentary



Illustration: Laszlo Chitt

Committee on Territorial Self-Government and Regional Policy is working on the Government's draft Law on Revenues of Territorial Self-Government Entities. This draft is to be the principal legislative act embracing all the issues relating to the finances of territorial self-government entities. A more general act will be the Law on Public Finances, the draft of which has also been submitted to the *Sejm*, and which will replace the existing budget law.

This public finance reform aims to: guarantee local self-governments' independence; ensure that revenues are sufficient to meet the tasks and powers of all levels of public administration; provide rules and procedures which will permit the utilisation of EU structural funds; and increase the transparency and accountability of public expenditures.

The Government expects that the new, multi-layer structure of the public administration will be compatible with the standards existing in Western Europe, thus facilitating Poland's integration into the European Union.

#### *Adoption and Implementation*

In June 1998, after taking into consideration various possible configurations for the country's provincial map, the *Sejm* and Senate approved a law creating 15 new provinces. However, the President vetoed this measure, sending the Parliament back to work. Within a few weeks the two chambers had agreed on a new law creating 16 provinces. President Kwasniewski signed this measure into law on 27 July. The political deliberations over decentralisation attracted considerable media attention and

stimulated vigorous debate among interested members of the public, particularly on the question of what geographic areas would qualify for provincial status.

In August, the Government announced that elections would be held for positions at all three levels of local government -- communes, counties and provinces -- on 11 October 1998. The autumn vote will put into place the democratically elected officials charged with governing during this key stage of public administration reform from the beginning of 1999. ♦

*For more information on Polish decentralisation, contact the State System Reforms Department at tel: (48.22) 694.61.08; fax: (48.22) 628.65.29 or refer to the Internet site <http://www.kprm.waw.pl/reforma> or send an e-mail to [dkprm@kprmin.gov.pl](mailto:dkprm@kprmin.gov.pl). For general information on financial relations between local and central government, see State Budget Support to Local Governments, SIGMA, 1994, available upon request from the address on page 2.*

# The Role of the State and the Key Traits of a Good Civil Servant



*Courtesy photo*

*Lithuanian President Valdas Adamkus*

*Valdas Adamkus became President of Lithuania in February 1998. The 71-year-old leader has the distinction of having served for over two decades in a Western civil service: From the early 1970's until June 1997, he worked at the United States Environmental Protection Agency before returning to the country of his birth to run for President. In this interview, President Adamkus offers his views of where Lithuania stands in its economic and democratic evolution, and how civil servants should conduct themselves in carrying out their duties.*

**PMF:** *What is your vision for the Republic of Lithuania, including the role of the state?*

I envision the Republic of Lithuania not only as a democratic state with open society, but also as a country of opportunity for young people who could become influential and important not only for Lithuania but for the entire European Community just as well. Lithuania, I believe, is a country which is going to be financially, industrially and culturally

an important member of the European Family and contribute significantly. The role of the state here should be based on the basic principles of protecting the rights of individuals. The duty of the state is also to create opportunities for the participation of elderly people in creating free society based on the principles of justice, as well as to provide better opportunities for the younger generation striving for a better education.

**PMF:** *As President, you have a number of powers, including the right to: settle basic foreign policy issues; appoint, upon approval of the Seimas, the Prime Minister, and charge him or her to form the Government; propose candidates for Supreme Court judge and State Controller; and refer laws approved by the Seimas back for reconsideration. How do you think these and other powers of the President should be executed?*

**“The civil servant should be highly qualified and...should be fully dedicated to the public and conduct himself in accordance with...public service ethics.”**

The seemingly “limited” constitutional powers do not prevent me from active participation in public life. Apart from the responsibility to settle foreign policy issues, the Constitution of Lithuania provides for a variety of opportunities for the President, i.e. to select the most talented people to different positions, including the Supreme Court judges and the State Controller, etc. I believe there is no need for any extension of the rights of the President. The most important is that the President

properly and fully exercises the rights vested in him by the Constitution.

**PMF:** *How do you assess Lithuania's progress during this decade towards a market-oriented democracy?*

A newly independent country is faced with multiple issues. It has to start from the very beginning and build an up-to-date economy and market-oriented democracy. This decade is probably not enough time to fulfil all the expectations of the people nor what the neighbours in a democratic society are expecting our country to accomplish. Yet, I am certain, we are going to make not only progress but a leap into the future because the dedication and the belief in the free market is so strong that our people are going to advance faster than would have happened in a normal way.

**PMF:** *What were the most rewarding aspects of your civil service career in the United States?*

The most rewarding aspect of my experience in serving as a civil servant in the United States is that it provided me with the basic understanding of what continuity of the services by the Government to the people means. It is the continuity of independent actions disregarding the political affiliations and the political responsiveness to the governing political structure.



## Interview with Lithuanian President Valdas Adamkus

“The role of the state here should be based on the basic principles of protecting the rights of individuals.”

*PMF: What do you see as the key differences between the “administrative cultures” of the public service in the United States and its counterpart in Lithuania?*

At present, it is difficult to describe the framework and the limitations in comparing the two systems. Lithuania is coming up from a very centralised, one party oriented system, I would call even a dictatorship, into the free, independent civil service which, as I indicated before, gives the opportunity for the public servant to exercise his duties and, most important, to apply talent. So it will probably take a good decade more until the two services could be compared and one will be able to highlight the advantages and disadvantages or even difficulties that exist in the Lithuanian service.

*PMF: What, in your view, are the characteristics of a good civil servant?*

First and foremost, the civil servant should be highly qualified and able to exercise his duties being immune from any possible oppression. He should be fully dedicated to the public and conduct himself in accordance with the public service ethics which actually guide him in serving nobody else but directly the public.

*PMF: How can foreign consultants and donor organisations best contribute to democratic development in your country?*

In the last seven years, foreign contribution through consultants and donor organisations has been remarkable since it provided the basic elements in creating a completely new approach to a civil service in this country. I believe that the experienced services of foreign donor organisations is the best assurance that Lithuania works for the future and is on the right track. That kind of assistance is greatly appreciated in Lithuania.

*PMF: You are an expert in environmental policy and spent many years working in this field. What are the main environmental challenges facing Lithuania as it further integrates into Europe?*

“Lithuania is coming up from a very centralised, one party oriented system...into the free, independent civil service which...gives the opportunity for the public servant to exercise his duties and, most important, to apply talent.”

Lithuania is not a newcomer in the field of environment. It has already been more than a decade since the introduction of different Western concepts and philosophies of environmental movement started. The challenge facing Lithuania right now is to implement more or less actively at least some of the policies which are

well known to both the leaders of the environmental movement and to the Government and which are very tightly connected with the economic development in this country. However, the younger generation and active participation of all European environmental organisations and movements keeps Lithuania at close level with what is being achieved in Europe. I am convinced that with additional improvement in economic life Lithuania will be among the front-runners in environmental quality not only throughout Lithuania but contributing to the European environment as well. ♦

*PMF acknowledges the kind assistance of Arturas Kazlauskas, Deputy Director, European Committee Under the Government of the Republic of Lithuania, in arranging this interview with President Adamkus.*

# Hungary Reaches New Stage in the Implementation of its Public

by Dr. Imre Verebélyi



Courtesy photo

Dr. Imre Verebélyi

*Hungary launched a comprehensive programme for reform of central and local public institutions in 1996. While the country has made great progress in modernising the organisational and functional structure of the public administration, work has only recently begun on improving the operational processes of government.*

The initial policy programme of the Hungarian Government which took power in 1994 did not propose comprehensive reform of the public administration. In the ensuing two years, attention turned increasingly towards the proper administrative implementation of measures aimed at stabilising the debt-laden public finance system. Reducing, rather than improving, the administration became the priority during this period of fiscal consolidation.

During the first half of 1996, however, the Government set forth the major directions of public administration reform at both the central and local levels, and identified improved organisation and operation as the priorities of such reform [These are annexed to Government Decision No. 1100/1996.(X.2.).] The timing was good in

the sense that managers were looking more closely at their activities and spending in light of the administrative streamlining. On the other hand, reform was hindered by the fact that the Government was already half-way into its term in office; as international experience has shown, some reform measures are easier to implement soon after a newly elected government assumes power.

## Uneven Progress

In considering reform of Hungary's public administration, it is important to distinguish between changes to the system framework of central and local administration -- its fundamental organisational and functional structure, and its staffing arrangements -- and changes to operational processes. Up to now, most of the envisioned reforms related to the system framework have been implemented, and good progress has been made in preparing the groundwork for completing others. However, reform of operational processes aimed at promoting the administration's efficiency, professional nature, and high quality as perceived by customers has only just begun in the administration.

Unfortunately, the focus on the major tasks associated with changing the whole public administration system has diverted attention away from the features of the public administration system which do not need "reforms," per se, but simply better organised and more orderly day-to-day working practices. These include compliance with the rules of hierarchy, *ex officio* co-operation, accuracy, professionalism, freedom from undue influences, proper ethical standards, efficient control, and regular evaluation of performance and quality of work.

It will take both reforms aimed at modernisation and at the adoption of more orderly and better organised conditions in the

public administration to correct the public's loss of confidence in the public administration. Among other things, improved financial rewards and increased recognition of civil servants will be necessary to make progress in these two complementary areas.

## Advances in the System Framework

Great strides have been made to modernise the system framework of both the central and local administrations. Local government was established in 1990, and adjustments to its operation have been mostly minor since then. Over the past four years, attention has been concentrated on improving co-ordination and control of regional (decentralised) public administration organs. In late 1997, a new organisational structure serving these purposes was put into place.

At the central level, practice and legal regulation have more clearly separated the roles of political leaders from permanent, administrative executives in ministries. An action plan confirming the position of some 50 central, non-ministerial organs has been completed to facilitate rapid reorganisation during the latter half of 1998. Other steps taken include:

- strengthening of the role of the Prime Minister and providing a legal basis for his office to be headed by a minister;
- preparation of a report on amending the Constitution to recognise the structure of the public administration and state administration; and
- comprehensive revision of civil servants acts covering personnel in both central and local administrations.

## Deficiency in Operations

As mentioned above, in contrast to the system framework, the administration's operational processes require considerable

# Administration Programme

improvement. The reform programme identified three major areas for action: 1) official application and enforcement of the law; 2) organising the public administration in general; and 3) revising regulation by the public administration. These are addressed in greater detail below. These modernisation tasks are aimed at improving the effectiveness, quality and efficiency of the administration's operation.

## Official Application and Enforcement of the Law

Among the steps being taken to improve application and enforcement of law is the introduction of a legislative amendment to treat administrative delays in a way more favourable for the customer and tougher on the defaulting office. Indeed, several legal statutes have been introduced to simplify and accelerate the administration of cases by authorities and the system of its judicial revision.

Ministerial-level decision making is being decentralised, and progress is being made in the modernisation of the body of law on misdemeanours. General and particular rules of public administration proceedings are undergoing change, as is the organisation of public administration functions in local districts.

Experiments with providing a new type of customer service have been started, such as county-level information and service centres, and the "single window" administration model also has been introduced.

## Organising the Public Administration in General

Tools are being developed to measure and evaluate administrative performance and quality, and improvements have been made to the administrative support given to political decision makers. New methods of service delivery are being tried, including outsourcing. Training programmes have

been introduced to raise standards of service-provision and law enforcement. Further, the Government Commissioner for Modernisation, together with the Hungarian Public Administration Institute, has devised a scheme to collect and compare the best organisational practices.

## Revising Regulation by the Public Administration

Efforts have been made to improve legal regulations in connection with the public administration's regulatory activities, but more remains to be done. Politicians continue to demand the preparation of numerous regulations, and the preparatory units have not always been capable of meeting quality standards, since they are over-burdened and in some cases short of the expertise required for legislation.

On the other hand, progress has been made in "substantive deregulation." As a result of liberalisation, the restrictive role of the state has been reduced in a variety of areas. Aside from this type of deregulation, the process of "legal, technical deregulation" is drawing to a conclusion. This process involves the removal of outdated regulations from the effective body of law.

Deregulation, though, has not offset the increase in the volume of legal regulations. This increase has been related mostly to the growing regulatory obligations concomitant with the change of the administrative system and legal approximation with EU legislation. Growth also has been influenced by the fact that politicians and legal drafters in the administration have often attempted to regulate the widest possible areas they could imagine.

## Rationalisation

The growth of the number of administrative bodies and of individuals employed in

Hungarian state organs came to an end in 1995-1996. The number of persons employed in the administration was cut by 6,700 and billions of forints were saved. Over 40 percent of the 500 regional state administration organs were disbanded; while others were merged or re-organised into profit-oriented entities or NGOs in line with reform directions.

Having progressed beyond the phase of difficult and painful streamlining, future rationalisation will be carried out only in the course of the gradual changes to duties and organisations. By international comparison, the size and operating costs of the country's public administration are not large or high.

An under-financed public administration system, weakened by unfounded reductions, would lead to a peculiar, new type of waste. With this in mind, streamlining should also only be carried out as a supplementary measure along with proper reductions of work load. The major trend in administrative modernisation will be towards enhanced effectiveness, quality and efficiency.

## Reforms and EC Avis

In assessing Hungary's application for accession, the European Commission had an altogether positive view of the public administration reform programme and its organisation. It urged the continuation of the reforms commenced a year and a half ago. Its position was that if Hungary continues to make progress in public administration reforms, it shall be capable in the medium term of developing the structures that will help it efficiently introduce the *acquis* in practice. ♦

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## Estonia Acts to Improve the Quality of Legislation

by Kai Liiva



Country photo

Kai Liiva

*Regulatory Impact Analysis (RIA) aims to improve the quality of government interventions by providing an ex ante assessment of how proposed legislation and regulations will affect a country's economy, budget and policy effectiveness. Estonia's Ministry of Justice is preparing a law-drafting handbook which, among other things, aims to integrate RIA into the daily work of government as one means to enhance the effectiveness of legislation. Its experience may interest public officials in other countries seeking to make greater use of RIA.*

In its regulatory process, Estonia faces problems similar to those in other central and eastern European countries: intense timetables, variable quality largely due to high staff turnover in ministries, political pressures, the challenge of European Union enlargement and harmonisation of law with the *acquis communautaire*. For such reasons, the frequent claims of transition countries that they are not ready to do things "better" are understandable. Nonetheless, some positive steps can be taken in the short term.

### Handbook for Law Drafters

One example is the ongoing effort of the Estonian Ministry of Justice to prepare a

handbook to improve the quality of law drafting by unifying and clarifying practices, and by integrating regulatory impact analysis into the regulatory process. The handbook, covering legal theoretical issues and technical and linguistic requirements, will guide drafters in ministries step-by-step through the preparation of laws, presidential decrees, and governmental and ministerial regulations.

Estonia has a continental type legal system, and examples are often taken from Germany and Austria during legal drafting. Consequently, the German *Handbuch der Rechtsförmlichkeit* (Bundesministerium der Justiz, 1991) and the Austrian *Handbuch der Rechtssetzungstechnik* (Bundeskanzleramt, 1992) have been extensively used in preparing the handbook. International reference materials drawn upon in drafting the chapters on RIA include the *Regulatory Impact Statement Handbook* (Victorian Office of Regulation Reform, Australia) and *Regulatory Impact Analysis Statement Writer's Guide* (Treasury Board of Canada). The Ministry of Justice has also drawn upon the *Recommendation of the Council of the OECD on Improving the Quality of Government Regulation* and several SIGMA publications.

Currently according to a June 1996 Government Order, and a November 1993 Decision of the Board of the Parliament, an explanatory letter must accompany each draft bill submitted to the Government and to the Parliament. The letter explains the economic and social consequences and organisational changes resulting from the passage of the measure. However, because of a lack of time, inadequate supervision and, most importantly, a lack of knowledge, the above-mentioned acts have not been applied correctly, except regarding budgetary costs. Also, during the concordance period, when ministries review the draft, they should evaluate the impact of the proposed laws in relation to their governance area, but instead they often

concentrate on minor details and legal issues. To reinforce the compliance of the mentioned requirements and to provide better guidance to drafters, the handbook section concerning RIA is being prepared with the help of the Ministries of Finance, Economy, and Environment, and other state bodies.

### Early Analysis Avoids Problems Later

At present, ministries must submit draft policy proposals to the Ministry of Justice for approval. To promote more sensible policy development, though, such proposals should in the future start with an identification of the problem that the draft is meant to resolve, offer alternative considerations, and present a simple evaluation of the costs and benefits. This early analysis would also help to avoid drawn-out arguments with ministries when they have spent time and other resources on a draft which later appears to be harmful or too hastily prepared. The definition of the problem and the aim of the law will be presented again in the explanatory letter accompanying the draft (adjusted by any new information and more detailed analysis).

The need for organisational changes in several areas in law-making procedure has emerged during the preparation of the handbook. Estonia needs to continue to seek ways to make the regulatory process more transparent and regulations more cost-effective. In order to find the most suitable approach for Estonia and to be responsive to societal needs, the Ministry of Justice has decided to carry out additional research on RIA, the division of competencies, policy development and planning, and approval procedures. ♦

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# Czech Republic Formulates EU Communication Strategy

by Petra Mašínová



Courtesy photo

Petra Mašínová

*Most central and eastern European countries have begun to organise strategies to inform the public about the European Union and implications of eventual membership. In the Czech Republic, the Ministry of Foreign Affairs co-ordinates the Government Communication Strategy on EU matters, and has recruited public relations agencies and other experts to aid in its implementation, monitoring and evaluation*

The main tasks facing the Czech public administration during the pre-accession period are to:

- 1) ensure the availability of EU-related information for citizens so that they may determine for themselves how to decide in an eventual referendum, and
- 2) safeguard an adequate flow of information to the professional target audiences that will facilitate preparation for the country's accession to European structures in technical and organisational terms.

Responding to the mounting interest in EU-related information in 1996, the Czech Ministry of Foreign Affairs prepared a number of ad hoc projects expected to be acid tests for the actual impact of an overall strategy of information for the public. Among these projects, the Ministry of Foreign Affairs

contracted a professional public relations agency to analyse, on the basis of public opinion research, the opinions of the Czech public on the EU. The project defined selected target audiences and led to the creation of a database of information needs of target groups.

## Government Communication Strategy

In June 1997, the Governmental Committee for European Integration adopted the outline of the Government Communication Strategy on EU matters. This was then further elaborated by the Working Committee for the Implementation of the European Agreement. Together, these texts set out the Government Communication Strategy. The strategy consists of a systematic, target-oriented and efficient educational programme. It defines those who actually disseminate information, through which methods and forms, the content of such information, the period of dissemination, and how the entire process is to be co-ordinated and financed.

## Inter-Ministerial Communication

The Ministry of Foreign Affairs has set up a system of regular co-operation with other ministries and state institutions to ensure efficient implementation of the communication strategy. A single steering, co-ordination and consultative committee called the Advisory Committee for the Implementation of the Government Communication Strategy assures this co-operation. To prevent duplication of efforts and financing of communication activities, the Advisory Committee supervises each submitted project.

## Public Relations Consultants

The Ministry of Foreign Affairs is the responsible body for co-ordination and implementation of the Government Communication Strategy. However, it does not have sufficient capacity and skilled personnel in the field of public and governmental relations to

be able to effectively co-ordinate, evaluate and monitor the course and the results of the implementation process of the Government Communication Strategy.

Public relations agencies have been contracted to implement, monitor, and evaluate specific programmes and activities. There is also a need for specialised technical assistance and expertise in the field of public and governmental relations. Two independent experts, one with extensive experience in the Czech public and governmental relations environment (Czech expert) and one with wide experience in the field of EU public and governmental relations matters (foreign expert), are assisting the Ministry of Foreign Affairs with the implementation of the Government Communication Strategy.

As well as developing an inventory and an analysis of the quality and effectiveness of information activities carried out up to now, the Ministry of Foreign Affairs is responsible for other, smaller scale information activities. These include the production of the multimedia CD-ROM, an EU Encyclopaedia, an Internet site on the Czech Republic's accession to the EU, some booklets on EU matters, a television series dedicated to regional issues, etc. The information flow will continue after any referendum and eventual accession.

## Financial Resources

The efficiency of the Strategy depends upon financial resources. A fully fledged communication strategy such as this can be implemented only by means of combined funding from several sources. Phare and the state budget support information activities. In addition, the private sector and NGOs are financing or co-financing activities. ♦

*Petra Mašínová manages the Czech Republic's EU Communication Strategy. For more details on the strategy and programme activities, she can be reached in Prague at tel: (420.2) 24.18.25.13; fax: (420.2) 24.18.20.46. For information on other Candidate Country campaigns on European integration, see PMF Vol. IV, No. 3, 1998.*

*Public Administration and Development: Improving Accountability, Responsiveness and Legal Framework*, 1998, edited by IAS and the United Nations.

This volume contains the proceedings of the International Technical Forum on Public Administration and Development organised jointly by the International Institute of Administrative Sciences (IIAS) and the United Nations to prepare the 50th Resumed Session of the UN General Assembly on the theme of "Public Administration and Development."

The Forum addressed the complex questions of improving accountability, responsiveness and legal frameworks in the public sector, particularly in

developing countries. Topics covered include: the role of the state and the future of public services faced with the problems of transition and development; the institutional implications of changing policy management; the role and scope of public administration in central and eastern European countries; recent changes in Asian public service in a context of privatisation; a Latin American view of urban transportation as a socio-economic policy; and what form of administration for what state.

The annexes include the Resolution adopted by the UN General Assembly on

"Public Administration and Development;" highlights of the General Assembly Resumed Session on the same topic; and the historical background of the IIAS and the UN. ♦

*Public Administration and Development: Improving Accountability, Responsiveness and Legal Framework, 1998, 140 pages. To order: IOS Press, Van Diemenstraat 94, 1013 CN Amsterdam, the Netherlands; fax: (31.20) 620.34.19; e-mail: order@iospress.nl. Gld 95 or £31.*

## INBOX:



### A COMPENDIUM OF RECENT PUBLICATIONS AND ARTICLES

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

#### Recent Publications & Articles

AGH, Artita. "Changing Parliamentary Committees in Changing East-Central Europe: Parliamentary Committees as Central Sites of Policy Making," *The Journal of Legislative Studies*, Vol. 4, No. 1, 1998, pp 85-100.

ALBERT-ROULHAC, Catherine. "The Influence of EU Membership on Methods and Processes of Budgeting in Britain and France, 1970-1995," *Governance*, Vol. 11, No. 2, 1998, pp 177-208.

IZDEBSKI, Hubert and Michal KULESZA. *Administracja publiczna: zagadnienia ogólne*, 1998, 330 pages. To order: Liber, ul. Krakowskie Przedmiescie 24, 00 325 Warsaw, Poland; e-mail: liber@liber.com.pl. In Polish.

JARUGA, Alicja, NOWAK Wojciech A., and Bożena LISTECKA-ZAJAC. "Polish Public Sector Accounting in Transition: Evidence from the Mid-1990s," *Financial Accountability and Management in Government*, Vol. 14, No. 2, 1998, pp 105-122.

KAPTEIN, Muel. *Ethics Management: Audit and Developing the Ethical Content of Organisations*, 1998, 228 pages. To order: Kluwer Academic Publishers, P.O. Box 17, 3300 AA Dordrecht, The Netherlands; tel: (31.78) 639 23 92; fax: (31.78) 639 22 54.

MAURO, Paolo. "Corruption and the Composition of Government Expenditure," *Journal of Public Economics*, Vol. 69, No. 2, 1998, pp 263-280.

NICOLAIDES, Phedon. "Negotiating Effectively for Accession to the European Union: Realistic Expectations, Feasible Targets, Credible Arguments," *EIPASCOPE*, No. 1, 1998, pp 8-13.

OLSON, David M. "Committees in the Post-Communist Polish Sejm: Structure, Activity and Members," *The Journal of Legislative Studies*, Vol. 4, No. 1, 1998, pp 101-123.

ROSE, Richard, MUNRO Neil, and Tom MACKIE. *Elections in Central and Eastern Europe Since 1990*, 1998, 124 pages. To order: CSPP, Univ. of Strathclyde, Glasgow G1 1XH, Scotland, UK.

## Public Administration in the News

### *Bulgarian Civil Service Law*

The Bulgarian Government has adopted a draft Civil Service Law. According to Mario Tagarinski, Minister of the State Administration, the bill provides long-term career opportunities for civil servants; ensures continuity and transparency in the state administration regardless of political changes; defines the rights and responsibilities of civil servants; and offers clear-cut criteria for selection of civil servants. Another objective of the proposed legislation is to motivate civil servants and improve their image in the public's eye. The Minister stated that, together with the Law on the State Administration, the draft Civil Service Law

"lays the foundations of a modern administrative system." He also said that "for the first time in our post-communist history, the bill sets a condition for political neutrality of the civil servant." Source: *Daily Chronicle* (electronic news bulletin).

### *Czechs Target Corruption, Administrative Reform*

The Czech Cabinet released its policy statement setting forth the new Government's main priorities. These include fighting corruption and economic crime, reforming the state administration, promoting foreign investment and approximating laws with EU legislation. Source: *The Prague Post*.

### *More Funds for Romanian Local Government*

The Romanian Senate has approved a law aimed at increasing the financial independence of local government. According to the law, 50 percent of taxes on wages will go to the state budget, 40 percent to the local government, and 10 percent to county councils. Since the Chamber of Deputies has approved a different version of the law, a mediation commission will have to find a formulation acceptable to both houses. Source: RFE/RL Newline.

## OECD Report on the Y2K Problem

"The Year 2000 Problem" -- the threat that computers and other electronic devices with embedded computer chips will shut down or malfunction at the turn of the century -- has been called one of the most complex management challenges in history. In response to a request by OECD Ministers, the OECD's Public Management Service (PUMA) co-ordinated the drafting of a report that includes a review of economy-wide and sectoral impacts of the problem and a chapter on the role and actions of governments. It concludes that there is reason for concern in many countries, especially non-OECD countries, and lists ten areas where sustained government action is needed.

The report is available in English and French on the OECD Web site at <http://www.oecd.org/puma/gvrnance/it/y2k.htm>. (Paper copies are available from the address on page 2.)

*"Experience is something you don't get until just after you need it."*

*Unknown.*

# SIGMA

**S**IGMA -- Support for Improvement in Governance and Management in Central and Eastern European Countries -- is a joint initiative of the OECD and the European Union. The initiative supports public administration reform efforts in thirteen countries in transition, and is principally financed by the EU Phare Programme. The Organisation for Economic Co-operation and Development is an intergovernmental organisation of 29 democracies with advanced market economies. 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*

**2-20 November 1998, Paris, France. Seminar on the "Organisation of Governmental Work."** Contact: International Institute of Public Administration, 2 avenue de l'Observatoire, 75272 Paris Cedex 6. Tel: (33.1) 44.41.85.00; fax (33.1) 44.41.85.59. In French.

**23 November 1998, Paris, France. Third EUROSAI Congress on "Value for Money Audit and Audit Effectiveness."** Contact: Chambre Régionale des Comptes d'Alsace, 14, rue du Faubourg de Pierre, 67000 Strasbourg, France. Tel: (33.3) 88.14.36.00; fax (33.3) 88.23.02.57. In English and French.

**14-15 December 1998, Jerusalem, Israel. International conference on "Reforming Legislatures: Tensions Between Legislation and Oversight."** Contact: R. Hazan, Dept. of Political Science, The Hebrew University of Jerusalem, 91905 Jerusalem, Israel. Fax: (972.2) 588.13.33; e-mail: mshazan@mscc.huji.ac.il. In English.

**25-27 March 1999, Sofia, Bulgaria. 7th NISPAcee Annual Conference on "Improving Relations Between the Administration and the Public."** Contact: NISPAcee, Hanulova 5/B, 840 02 Bratislava 42, Slovakia; tel: (421.7) 785.357; fax: (421.7) 785.557; e-mail: nispa@nisp.sk. In English.

**12-14 April 1999, Oxford, England, UK. "Public Administration and Development -- Jubilee Conference 1999."** Contact: PAD Journal, Marlborough House, Pall Mall, London SW1Y 5HX, England, UK. Fax: (44.171) 747.63.35; e-mail: cf.walters@commonwealth.int. In English.

*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>.*