

COUNTRY STUDIES

Viktor Nižňanský
Jaroslav Pilat

Public Administration Reform
in the Slovak Republic
—Management of the Process

MASTERING DECENTRALIZATION
AND PUBLIC ADMINISTRATION REFORMS
IN CENTRAL AND EASTERN EUROPE

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INTRODUCTION

The public administration reform is a long-term, never ending process. It has been up and running since 1990 in the Slovak Republic, 2 years in the Czechoslovak Federate Republic, and more than 10 years in the independent Slovak Republic. From the start, it was understood that it was going to be a complex task comprised of 4 reform processes:

- Change of the territorial arrangement,
- Reform of the public administration institutions.
 - a) New arrangement of the state administration, including the reform of the central state administration bodies
 - b) New arrangement of the self-government (creation of its second level and reform of the local self-government),
- Decentralization of the powers and competencies, decentralization of the public finances and decentralization of the political power from state administration to self-government bodies,¹
- Modernization of the public administration (legislative framework and management, control, and education).

The process of the reform started by electing the local self-government bodies (towns, villages), in 1990. Then, in the years between 1991 to 2001, there were changes provided within state administration only (disintegration followed by integration of the offices, cancellation of the county level and then its application at the circuit level and then once again its cancellation...), these changes cost several billions of Slovak crowns (the estimated cost was about 25 billion Slovak crowns). The year of 2001 created movement in the area of decentralization and creation of the second level of the self-government—a region.²

The study contains the process of the preparation and realization of the public administration reform since 1989, since the fall of communism, or from 1990, when the

new legislation was approved, till today. The study of the development is divided into three units:

- The chronology of the development from 1990 to 2001.
- The description of the public administration reform management process is divided into three stages: from 1990 to 1992, 1992 to 1998, and 1998 to 2001.
- The summarization of the knowledge.

In the last twelve years, there have been 7 changes of government in Slovakia. Each of them had its own idea of public administration, its structure and system of work. Some of the ideas were compatible sometimes they were totally different. It is necessary, for better understanding, to include in this material some short outlines of the models of public administration, which were preferred at different times. The management techniques and methods of the decentralization reform are stressed in this study.

THE CHRONOLOGY OF THE DEVELOPMENT IN 1990–2001

After the fall of communism, in 1989 the new government headed by Mr. Milan Čič was appointed. Vladimír Mečiar, later known as a triple Prime Minister, was appointed to the position of Minister of Interior in February 1990. The main task of this government was to lead the country to free elections, when after more than 40 years the parliament would be freely elected again. Some changes in the structure of public administration were planned at that time, mainly re-construction of the self-government, within the preparation of democratic changes. Based on the resolution of the government, the Minister of Interior was charged with the preparation of this task.

The free elections were held in June 1990; the new government was appointed. The government program, which was about the big changes towards democratic regime, contained also the changes in the structure of public administration, its democratic functioning and reconstructing

of the self-government. There were no thoughts about creating the second level of self-government. These ideas arose for the first time in 1991.

The municipal law was adopted by the parliament in the autumn of 1990, which reconstructed the self-government in Slovakia and split the public administration to state administration and self-government. The system of national committees was abolished. The municipal law empowered the municipalities with some powers and competencies. In the spring of 1991, the law on municipal property was adopted, which transferred selected property of the state to the towns and villages that allowed the real functioning of the self-government.

There was also a new law adopted: *law on organization of the ministries and other state central bodies* (so called ‘large competency law’), which divided the powers and competencies among these bodies and set the basic mechanisms of their functioning and the relations among them. In accordance with this law, based on the government resolution, *the whole process of the public administration reform management, organization and its decentralization was managed by the Ministry of Interior.*

Some members of the government were replaced after Prime Minister Mečiar was dismissed from his position in March 1991. The government was then headed by Prime Minister Ján Čarnogurský. The concept of the reform of public administration was worked out by the Ministry of Interior and approved by the government. This concept contained the creation of the second level of the self-government and also the proposal of a new territorial arrangement of Slovakia to new units—so called ‘župy.’ The material was submitted for discussion to the parliament. The next parliament elections were planned to take place in June 1992, the members of the parliament decided not to change the character and structure of the state. They left the final decision for the new parliament, which was created after the elections. This policy seemed to be a big mistake, because it allowed for the possibility of an autocratic regime in 1994 to 1998, but also the cardinal delay of public administration reform in comparing with other post-communist states.

In the period between 1992 to 1995, there were some attempts to continue the preparation of the reform, but without any real result. The following two reasons are important:

- *An independent Slovak republic was created on 1 January 1993 by the constitutional law adopted by the Federal*

Assembly of the Czech and the Slovak Federative republic. The government and the parliament were focused mainly on creating the structures of a new state, and its central bodies,

- *The destabilization of the political scene.* In the spring of 1994, Prime Minister V. Mečiar was dismissed again, the new government was appointed for six months and new elections of the National Council of the Slovak Republic (parliament) were held in autumn 1994. The HZDS won the election again and Mečiar returned to the position of Prime Minister.³

The Ministry of Interior organized the work on the reform between 1992 to 1996, aided by the special commission, headed by the Deputy Prime Minister. This commission was cancelled and only the Ministry of Interior organized the works after the power changes, with the clear support of the majority in parliament, mainly after the 1994 elections.

The law on territorial and administrative arrangement of the Slovak Republic and the law on local state administration were approved in the first half of 1996. The president of the Slovak Republic sent back both these laws with comments for new discussion and approval, but they were approved again in an unchanged form. The ruling political parties were talking about public administration reform and decentralization, in fact there was only the state administration reform, because the new structure of the local state administration was established (district and county state administration bodies). They did not consider the transfer of competencies and powers to the self-government. Within the new territorial and administration arrangement, 121 circuits and circuit offices were cancelled. From 38 districts 79 new districts were created and also 8 new counties and county offices. At the same time, in spite of the attempt to integrate local state administration, 23 network of the specialized local state administration remained. The law led to the creation of the second level of self-government within the county areas, but decentralization of the competencies and finances remained unsolved. This ‘reform’ was approved in spite of serious reservations and disagreement not only from the experts, but also from the citizens of Slovakia. The realization of the reform stopped after this change of the state administration structure in that election period. The government prepared the draft law on the regional self-government, but it did not contain the real decentralization of the competencies and political powers. It was denied not only by the parliamentary opposition and representatives of the self-government (their resistance turned to open demonstrations), but also by the representatives of the Council of

Europe. After that, the coalition withdrew the proposal from the parliament. This step had also its political background. The coalition leaned more to the centralist model of the state and realization of the elections to the regional bodies before parliamentary elections was raising the risk of failure for ruling parties.

In political outlines to the coalition agreement and in the program of the next—Dzurinda's coalition government, after the 1998 elections, a new obligation appeared—to continue and bring to an end the public administration reform. The government, due to its program would realize the decentralization and consider a need of the new territorial arrangement of the Slovak Republic. By the approving of the government program, members of parliament obliged the government to submit the conceptual document on the continuation of the reform measures, till the end of June 1999. First, the Ministry of Interior was given this task, but then the decision was changed and the position of government plenipotentiary was created to deal with the decentralization and public administration reform. The past experiences showed that if such a wide process, as public administration reform is managed only by one government resort, it does not bring the effective results.

The plenipotentiary (Viktor Nižňanský) was appointed for the purpose of reaching the cross-cutting approach and the preparation and organization of the reform process and including the non-government institutions to the process of preparing the reform. The main task of the plenipotentiary was to prepare and submit conceptual documents for necessary political decisions⁴ at the level of coalition political parties, government and parliament.

The plenipotentiary was given by the government the task to work out and submit *The Strategy of Public Administration Reform*. It was a complex framework document, which outlined the basic way and mechanism of the reform process. For the acquittal of this task, the plenipotentiary created a team of experts, self-government representatives and NGO representatives. Also foreign experts participated in the work within Phare support programs and other support programs. At this stage, coalition parties appointed their experts, who were informed about the whole process and they had to inform their political parties. The series of discussions about the possibilities of the reform within individual sectors⁵ was part of the preparation. This document was worked out and submitted to the coalition council and government in May 1999. The government approved it and related resolution in August 1999.

The basic contents are:

- Continuation and realization of 'dual model' of public administration,
- The framework list of the competencies, which will be decentralized from the state administration to the self-government,
- The time schedule of the preparation and realization of the reform,
- Organization of the next preparation.

In the government resolution to this document, the plenipotentiary was given the task to work out the *Concept of decentralization and modernization of public administration*, that described detailed individual reform processes, together with the tasks and time schedule their realization by individual ministries. During the preparation of the Concept, 24 meetings took place in the regions of Slovakia with the participation of the representatives of the local state administration, local self-government, NGO-s and the citizens. The range of decentralization of the competencies, they're financing, inter-municipal cooperation and changes of the territorial arrangement were discussed. These seminars were organized to keep the public informed about the preparation of the public administration reform, approved by the government and supported by the Canadian government. Several expert teams existed during that period, supervised by the plenipotentiary and supported by the Phare program. They worked on the solution of the partial reforms. The Concept was worked out and submitted in January 2000. The first, coalition council dealt with it, and, in spite of the previous intentions, put this document to the process of inter-ministerial comment procedure and to discuss it in the government advisory bodies. It was done by the left-parties SDL (democratic left party) and SOP (party of citizen's understanding). This material was worked out and submitted to the government in January 2000. The government approved it in April 2000; in the government resolution to this document concrete tasks and concrete terms for their realization were given to the individual ministries. The government appointed the Deputy Prime Minister for Economic Affairs to be a coordinator of the works related to the public administration reform within the government. The mandate of the plenipotentiary was prolonged for the period of the next preparation and realization of the reform.⁶

The reform, as mentioned above, consisted of four components:

- New territorial arrangement of the Slovak Republic.
- Decentralization of the competence, finance and political power.

- The reform of the institutions (bodies) of the public administration—creation of the second level of the self-government, cancellation of the district offices and re-organization of the local state administration and re-organization of the central state administration bodies.
- Modernization—there were some principles of related concepts submitted in the Concept—education of the employees in public administration, informatics, management, but also the control in public administration (auditing). The Concept contained the reform principles of the central bodies and the central government with the aim first to realize a rationalization within the existing structure and then, in the second phase, the radical change of the structure of the central bodies will be realized. The project of ‘Audit of the central state administration bodies and their financing’ was based on this idea (‘audit’). Further, the relationships within public administration, mainly those related to labor law, were provided individually by the new acts on the state service and civil service. The project of the audit is still realized under the supervision of the Deputy Prime Minister for Economic Affairs Ivan Mikloš. The government resolution was the result of the audit, it contains more than 50 individual tasks for various central state bodies, further, there are the recommendations for the cancellation or unification of some organizations, that are founded by central state bodies. There are proposals for privatization of operation of some of these organizations and proposals for a change in the way of financing such organizations and operations. There was a bigger problem in the preparation of new draft laws on state service and civil service. The preparation of these drafts was the task of the Ministry of Labor, Social Affairs and Family. This Ministry is due to a coalition agreement—in the hands of the post-communistic SDL (democratic left party), the philosophy of these drafts was mainly about conserving the contemporary status, or to reach a status, when to make any personal changes would be very difficult, also dispensing with excess clerks. Also the possibilities for attracting young, well educated people to public administration were not included to these drafts, as well as the system of the ‘fast track’ for these people, ... These ministerial drafts were refused mainly by the Deputy Minister for Economic Affairs, who, together with his team elaborated the alternatives to the individual provisions of the draft laws. These basic discrepancies caused by that the preparation and approval of these acts in the government took too long and the process was too complicated. Finally, there was a compromise reached on the

special meeting of the government in March 2001; both of the acts were approved and then also by the parliament, in the summer. The object of the act on state service is the regulation of the law relations by providing state service. There are the rights and obligations of the state and state servant related to the state service. The civil service, according to the law, is a performance of the work in the public interest, related to local self-government. Further, the law provides the civil service and the relations related to the labor law to those employees, which are different legal entities active in the area of public administration. The government individually discussed and approved the concept of education, the new informatics system started to be realized (mainly within state administration—Govnet system), the concept of the control (auditing) was elaborated, which still has not been discussed in the government, but some provisions were included to several laws.

The process was significantly reduced in its speed after the concept’s approval. Mainly the left part of the coalition started to put up barriers, in spite of their confirmation of the basic documents in the government. The SDL was changing their statements to the issues of the territorial arrangement, speed of the reform process, using its influence in the ministries, managed by the ministers nominated by SDL.

Due to ever increasing delays, the realization of the time schedule for individual tasks became more and more unrealistic. Finally, the discussion about the next continuation of the reform became the discussion about the new territorial arrangement of Slovakia, in spite of the complexity of the concept. The government approved two resolutions related to the proposed change and both confirmed this proposal. The coalition political parties did not reach the agreement, because the left parties were changing their opinions and the SMK (Hungarian coalition party) preferred their own idea of territorial arrangement, mainly in the second half of 2000. These caused disagreements, the concept was not submitted to the parliament and the political decisions were made by discussing and approving the new laws related to starting the public administration reform in 2001.

In the spring of 2001, the government approved several laws, which were submitted to the parliament for the next legislative procedure. The discussion about the new territorial arrangement became really acute. The new proposed model predicted the existence of three levels of public administration (municipality, region and state), providing

existing elected bodies on all three levels. The new 12-unit arrangement of Slovakia, the so-called ‘župy’ was recommended. This division respected historical and natural regions created over the centuries. The left part of the coalition (Democratic left party and the part of the Party of citizen understanding) changed its mind several times and finally joined the opposition in favor of preventing the 1996 model, which the SDL voted against at that time. The post communist joined the opposition at the voting in the parliament and outvoted the rest of coalition. After this voting in the parliament the plenipotentiary resigned from his position⁷ and the Deputy Prime Minister for Economic Affairs gave up his coordination role.

In September and October 2001, parliament approved laws related to decentralization, but their content does not always correspond with the Concept as initial material for the next reform process. After the discussion, which took several months, the Ministry of Interior was given the coordination role.

The bodies of the new regions will be created in the election in 1 December 2001. They will initiate their functions, at the start of 2002. The competencies and the property, necessary for their activities will be transferred in several stages between 2002 and 2004. The new system of financing of the self-government is anticipated in January 2002. The transferred tasks will be financed by the subsidies until that time.

THE DESCRIPTION OF THE PUBLIC ADMINISTRATION REFORM MANAGEMENT PROCESS

Period of 1990–1992

The first changes in the state took place before the first free elections. Based on the government resolution, the *Ministry of Interior* was given the task to consider and work out a new model and structure of the local public administration bodies, which will replace existing national committees. The national committees were the only bodies of public administration. The government decided to cancel the structure of national committees—local, district and county in the summer of 1990. This decision was based on analysis from the Ministry of Interior. The Ministry of Interior proposed to abolish the system of the national committees and divide the public administration to elected

self-government and appointed state administration. There is a need to highlight one of the basic tools of managing the reform process, which was used later and still is.

The government, due to the Constitution, approves the decisions as a whole body. Only this body is entitled to give the tasks to ministries or other central state bodies and requires the fulfillment. This can only be done according to the approved law. The parliament approved the law on organization of the ministries and the other central state bodies (further ‘competency law’) in 1990. This law regulates the activities of the ministries and the other central state bodies as well as the relations among them. But according to this law, no one individual ministry can give the task to each other and require the fulfillment; the same about the Deputy Prime Minister. So the basic and the most used order is to approve the government resolution, where the tasks are already given to the ministries and also the term of the fulfillment (and sometimes the duty to report about it to the government).

Just because the Ministry of Interior is responsible for the internal state administration, due to the competency law (central state body in the area of internal administration), the government gave (and then was giving) the tasks related to the changes within the public administration just to this ministry. The ministry to that responsible only to the government.

In relation to the public administration reform, we do not consider this mechanism of managing as an efficient one. The public administration reform is too wide a process and the cross-cutting approach and coordination within the state administration, it is also necessary externally.

After the 1990 election, the government decided in its program to continue with the process of changes in the public administration, its decentralization and democratization. *Three expert work groups were created*, which had to consider the new territorial arrangement and the future optimal model of the public administration in Slovakia. The Ministry of Finance created the first one, the Ministry of Interior created the second one. The third one was created in the parliament by the resolution of the Slovak National Council.⁸

The government appointed at the same time the *Commission of the Slovak government for solving the public administration and the territorial and administration arrangement*. This commission reviewed all the three projects and chose the most suitable. It was the one worked out by the parlia-

mentary work group. Then the government appointed the new members of the commission to solve the problems public administration, besides the members of the government the representatives of the self-governments and the experts from the NGO-s were included. Also the chairman of the representative association of the self-governments (ZMOS—The Association of the Towns and Villages) became a member. The Deputy Prime Minister was the head of the commission, the minister of interior was his deputy. The government resolution that created this commission gave to the commission concrete tasks and the time schedule for their fulfillment, to work out the laws and their submission to the parliament.

The new element appeared during this period in the area of managing the reform process: the creation *the cross-cutting commissions*, which had a more complex approach to the problem and such a commission could consider the problem from several points of view. This was not only about the primary relation between the government and the Ministry of Interior. The new commission could review several different alternatives, because the parliament was also included in the process through its expert group. At the time of giving the commission its tasks, the Deputy Prime Minister was responsible to the government, also the minister of interior who acted on his behalf. The basic relation and communication between the wide work body and the government was preserved. The *next new element* was enlisting the experts to the process. Who did not come from the government or the parliament? They could influence the process as members of the government commission, in which the representatives of the NGO-s and the self-government were involved.

The proposals, as the results of the work of the commission, were submitted to the parliament, which had to approve the laws necessary for starting the reform process. That political representation decided not to approve such principle decisions so close to the parliamentary elections (summer 1992); they left this decision to the parliament, which would come from the elections. The new government, after its formation *revoked the time schedule of the works* on the public administration reform. It stopped the process of the systematic changes, the government forbade the recruitment of new staff into the public admi-

nistration, and ordered the lowering of budgets to the local state administration proportionally. This was done through the government resolution.

In that period, lots of foreign institutions helped us, also in the area of the public administration reform. The government created *The Government Center for Coordination of the Programs of the Foreign Support in Public Administration* for better order and to use these programs effectively. The Ministry of Interior was responsible for setting up the center, and the Ministry of International Relations co-operated with this center in its foreign activities. This was the first attempt to coordinate the foreign support for the purposes of its effectiveness. This center did not do any meaningful activities until after the 1992 elections and was later cancelled.

Period of 1992—1998

After the 1992 elections, the development focused on the separation of Czechoslovakia, so the problems of public administration reform were pushed back. Based on the constitutional law approved by the federal parliament, the Czech Republic and the Slovak republic became two independent states from January 1, 1993. Then the state and its representatives focused on building the structures of a new state, which were necessary to act, because the majority of the (mainly federal) bodies had its seats in Prague.

The government started to deal with the reform again in August 1993. *The head of the government commission for solving the public administration and territorial arrangement had to work out and submit to the government the report on the progress of the work on the concept of the local public administration.* The head of the commission was at the same time the Deputy Prime Minister; he was given by the government resolution the task to submit the proposal of the concept of the local and regional self-government. This concept was approved in October 1993 by the government; together with the time schedule for the preparation and the realization of the concept was approved. Within this government resolution the Deputy Prime Minister—the head of the commission and the other members of the government were given the concrete tasks to work out the draft laws, which would be submitted due to the time schedule to the government and parliament. It was quite complex document, which would bring, as a result, the creation of regional level of the self-government and start the process of the decentralization from the state administration bodies to the self-governments. The concept was submitted to the parliament, to make

the members of the parliament familiar with this document, which was the starting point of the reform.

At that time, the mechanism of the work of the government commission still functioned. There was a possibility to comment and change developing materials. Through this commission, the external experts could comment and influence the documents that were developed at that time. The next managing procedure was as follows: also the legislative intents, which would be submitted by the individual ministers to the government, were first submitted to the Deputy Prime Minister as head of the commission. This allowed the previously mentioned external experts to comment on the 'pure government' materials. It was at that time, substantial element in the process of management and coordination of the works necessary to start the public administration reform.

The problems arose within the government at the end of 1993 and they culminated in the political crisis within the ruling party (HZDS). Roman Kováč, Deputy Prime Minister and the head of the commission for public administration reform was one of Mečiar's critics.

Based on the government resolution, the concept of the public administration reform was withdrawn from parliament in January 1994. In March 1994, some of the tasks were removed from the deputy Prime Minister and were given to the minister of interior. This was, in fact, the end of the work of the commission, which provided the cross-cutting approach. The next work would be done under the leadership of the minister of interior. Nothing concrete was realized, because the crisis ended by the removal of Mečiar and his government. Then the president appointed the new government with Jozef Moravčík as Prime Minister. The next parliamentary elections were declared to be held in September 1994.

The new government renewed the activity of the government commission for public administration reform and re-appointed the Deputy Prime Minister as its head. The Deputy Prime Minister (head of the commission) was given the task of submitting to the government a complex concept of organization and working of the public administration and a proposal for the fulfillment of the remaining related tasks in May 1994.

The head of the commission submitted to the government the report on the state of the tasks related to public administration reform in June 1994. The ministries and the other central state bodies were given the duty to cooperate with the government commission. The materials, which had to be worked out, would be first submitted to the head of the commission. The mechanism of managing the reform process was renewed again, other state structures also cooperated on the work of the reform. The third sector experts actively took part in this work. The opinions (comments) of these experts made their way to the commission through its members, also materials submitted by its head to the government.

Also the new element appeared in the managing of the reform process. The Deputy Prime Minister was given the task to inform the government on the works related to decentralization every three months in the year's between 1995 to 1996.

The parliamentary elections were held in September 1994. The winner the HZDS formed a new government coalition together with SNS (Slovak national party) and the ZRS (Association of the workers of Slovakia) in December 1994. The personnel changes were held at all levels of the state administration. Only after this 'cleaning process,' did the government parties start to deal with the administration reform process.

In February 1995, the government abolished the *Government commission for solving the public administration and territorial arrangement of the Slovak Republic*. Several government resolutions of the previous governments were cancelled, those related to the public administration reform and the time schedule of the realization of individual tasks. Also the reports of the government commission, completed with its information (also the result of the cooperation with external experts) were cancelled. The Ministry of Interior was the only body coordinating the public administration reform works, responsible only to the government. The new element appeared in the managing process. The government created a new advisory body the Council of the government for the public administration. The representatives of the ministries were appointed as the members together with only one representative of the local self-government.

The Council of the government for public administration is the advisory body of the government. The members were appointed mainly from the representatives of the central state administration bodies. The head of the Council is the minister of interior. Its activity does not relate only to administration reform, but the public administration as a whole. This body does not approve the decisions it approves only the recommendations, which have only the advisory character. In comparison to the previous commission, the council does not work out its own documents, it only comments on worked out documents, which would be inserted for the meetings of the government. It is a 'harmless' body, dealing with the technical details, not the conceptual aspect of the documents.

In October 1995, the government took into consideration the report of the minister of interior on the works on public administration reform and the statement of the Council of the government for public administration to the proposal of the works on the reform. The individual ministries and central state bodies were charged with working out a concrete analysis, which will review the brand new public administration model, which was not compatible with the previous works. After these analyses working out the ministry of Interior would elaborate the process of the works on the local public administration reform, completed with these analyses. The government resolution contained also the time schedule for the individual tasks.

In the area of the management, a substantive change appeared. The wider expert team did not elaborate on the future model of the public administration to submit to the government for approval. The government approved the model and then the ministries and central state bodies were given the concrete tasks for its realization. It was the movement from the mechanism of the expert discussions and consensus to directive mechanisms based on the previous political decision.

Based on the works realized in the autumn of 1995, the parliament approved two laws elaborated by the Ministry of Interior, which were discussed by the advisory body

(Council of the government for public administration), in the first half of 1996. These 2 laws were:

- First, the law on territorial and administration arrangement of the Slovak Republic.
- Second, the law on the organization of the local state administration in the Slovak Republic. At the same time the laws presently in place were cancelled. The government introduced this innovation, as the decentralization of the public administration, in fact *there was only partial de-concentration of the decision procedures from the central state bodies to the local state administration bodies.* But no second level of the elected self-government was created and no strengthening of the local self-government was done. Related to the techniques of the reform management, nothing changed.

The Ministry of Interior also elaborated on the draft law on regional self-government. Strong resistance arose against its creation within the 8 states, not just from the experts, but also from among self-government representatives. The government was afraid of losing its position and support in the next election, this draft was withdrawn and was not submitted again until the end of the election period (autumn 1998). In the area of the public administration reform nothing relevant was done until the formation of Mikuláš Dzurinda's government. There was nothing to manage, when no reform was realized.

Period of 1998–2001

One of the priorities of the new government was to continue the process of public administration reform, realize the real decentralization and consider the necessity of change of the territorial arrangement. The National Council of the Slovak Republic gave the task to the government—to submit to the parliament the strategy of the next preparation and realization of the reform. The Ministry of Interior was given this task first. *But then, in February 1999, the government changed its previous decision and appointed the government plenipotentiary for public administration reform and approved his status.* Due to his status, the Prime Minister controlled the activity of the plenipotentiary.

From the management's point of view, the next *new element* appeared—the government plenipotentiary was appointed just for this purpose. With his appointment, the cross-cutting approach was reached, which is necessary for such a wide reform. The plenipotentiary was not em-

powered by any powers to influence the work of individual ministries. His task was to prepare the conceptual documents, provide the cooperation with non-government sector and submit the documents to the government advisory bodies. His position was more political than executive.

The plenipotentiary submitted the strategy of the next reform process in May 1999; the government approved the resolution to that in August 1999. In total there were 12 strategy discussions, which were held in Bratislava and organized by M.E.S.A.¹⁰ Approximately 600 experts participated, including ministers, state secretaries, representatives of the parliament, state administration, self-government etc. Following that, the government gave another task to the plenipotentiary, to work out the Concept of the decentralization and modernization of the public administration.⁹ There were 32 discussions held across Slovakian regions, with representatives of the local state administration, local self-government and also the citizens. The Concept also contained the concrete tasks, concrete procedures, which would be done, in cooperation with the plenipotentiary, and also the time schedule. The works were planned to continue to this time schedule. After long discussions within the inter-ministerial commenting procedure, the government approved this document in April 2000. The concrete tasks with the time schedule were given to individual ministries by the government resolution. The coordination of these tasks was given to the Deputy Prime Minister for Economic Affairs, and the status of the plenipotentiary was changed, too. The above-mentioned Deputy Prime Minister took over his functions from there on. The documents, elaborated by the plenipotentiary, were submitted to the government through the Deputy Prime Minister.

From the initial approval of the strategy every decision tended to weaken the cross-cutting approach. The position of the plenipotentiary was also reduced by the fact, that he was not given any concrete tasks, (he just participated on the tasks of the Deputy Prime Minister) and the position of the Deputy Prime Minister was not strengthened towards individual central state administration bodies. He could only coordinate their activities and use the government meetings to correct those proposals, which were submitted by individual ministries and were in contradiction to the Concept.

In the summer of 2000, the plenipotentiary elaborated the initiative document, submitted by the Deputy Prime Minister to the government. The reason was the lack of respect for the government resolution related to the Concept of the decentralization. The ministries were given the tasks to elaborate the projects of the decentralization of the competencies to the self-government within individual resorts, due to the Concept and to the resort reforms (of education, health-care, social affairs etc). These projects were not efficiently elaborated on, they were (1) overdue and (2) not in line with the concept as it was stated in the government resolution. At that time (autumn 2000), the unwillingness of the state bodies to realize the reform and give up the competencies in favor of the self-government started to appear more and more often. The individual ministries started to fulfill their tasks related to the reform only 'pro-forma.'

The aim of the initiative material was to create the conditions for quicker and more effective coordination of the reform process. Contents of the material came out from the government resolution related to the Concept of the decentralization. By this resolution, the Deputy Prime Minister was given the coordination role at the reform process. Due to the Concept, some of the institutions, providing the reform process were proposed:

- The coordination and expert unit within the Office of the Government;
- The coordination group;
- The deputy Prime Minister for Legislative;
- The council of the government for public administration;
- The central state administration bodies;
- Contact persons in the state administration bodies.

The coordination and expert unit within the Office of the Government

Would provide for the Deputy Prime Minister for Economic Affairs following activities:

- Coordination of the works on the preparation and realization of the reform (consultations, discussions, time coordination);
- Considering the materials elaborated by individual central state administration bodies from the Concept point of view;
- Expertise reviews, preparation of the alternative solutions;
- Coordination of the foreign support, partnership in the support programs;

- Propagation of the reform, information of the state and course of the reform.

The unit had two employees: project manager the head of the unit and the coordinator of the foreign support, mass-media policy.

The external experts cooperated with the unit in the area of the legislative agenda, economy, finance, regionalizing and mass media policy.

The sources of the financing of the unit:

- Two employees: salaries paid by the Office of the Government;
- External experts: from the support programs;
- Space and technical equipment: office of the Government.

Coordination group

had the following tasks:

- Discussing the materials submitted to the government;
- The recommendations and suggestions to the expert unit;
- Reviewing the political, economic and social suitability of the proposed solutions.

The members of the coordination group were:

- The chairman: Deputy Prime Minister for Economic Affairs Ivan Miklos
- Members: state secretaries from: Ministry of Interior, Ministry of Finance, Ministry of Education, Ministry of Labor, Social Affairs and Family, Ministry of Construction and Regional Development, the representative of ZMOS (Association of towns and villages of Slovakia), government plenipotentiary for public administration reform.

Deputy Prime Minister for Legislation

Due to government resolution coordinates the legislative works on the preparation of public administration reform with the works on the preparation of the amendment to the Constitution, election laws and the proposal of the constitutional act on the security, due to the Concept of the decentralization and modernization of the public administration.

Council of the government for public administration

The tasks due to its statute.

Central state administration bodies

Due to government resolution Nr. 230/2000 (related to the Concept):

- Implementation of the decentralization and modernization;
- Elaborating the projects of transferring the competencies due to the Concept and resort reforms;
- The preparation of the legislative intentions and laws;
- The preparation of the list of laws touched by the process of decentralization.

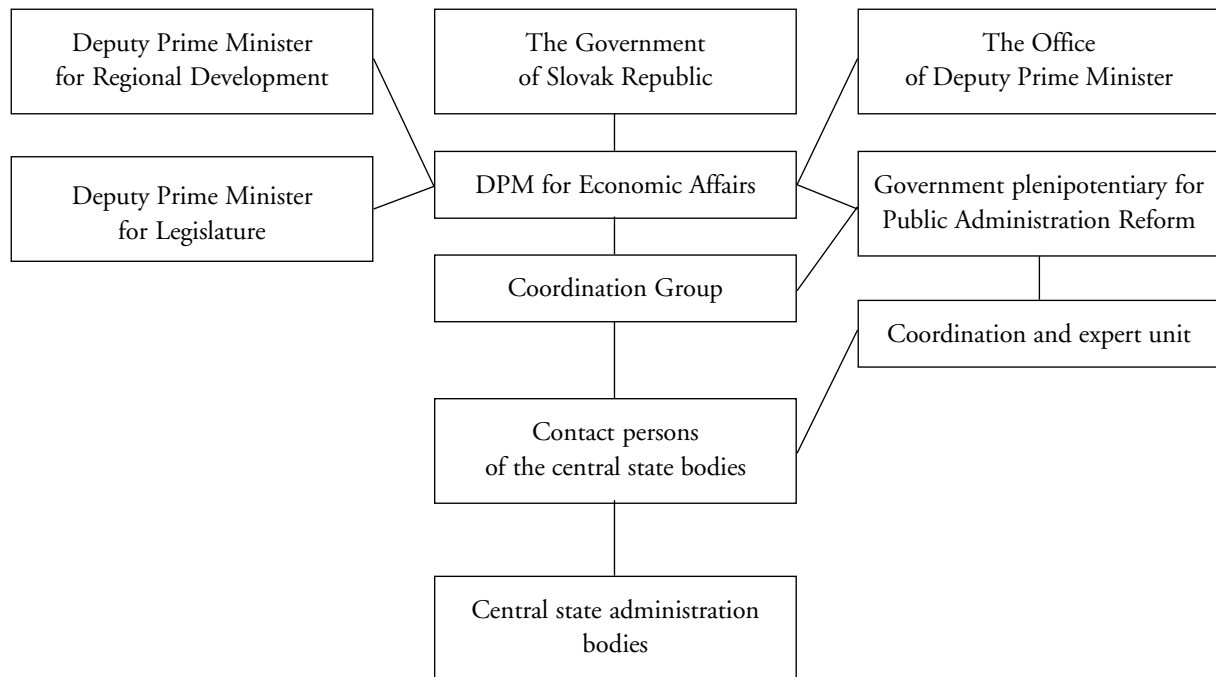
The contact persons (the office) on the central state administration bodies

Will provide: implementation of the reform of the relevant ministry, information about the impact of the proposed solutions of decentralization, contact and cooperation with the coordination and expert unit, with the representatives of the support programs.

This government resolution was cancelled in November 2001, when the ministry of Interior was given the coordination role again. The change of the organization and realization of the reform was caused by the voting of the parliament on the first two laws related to the public administration reform in July 2001. This voting was followed by the resignation of the plenipotentiary and the Deputy Prime Minister giving up the coordination role. During this period, the following documents were elaborated and approved by the government:

- The starting points of the public administration reform financing due to the Concept,
- The general outlook of the expenses related to the public administration reform,
- The list of articles of the Constitution and the laws touched by the process of the decentralization,
- The proposal for solving the status of the ombudsman,
- The alternative proposal for arrangement of the local state administration,
- The proposal for inter-municipal cooperation,
- The projects for transferring of competencies from state administration to the self-government,
- The project for finding solutions and time schedule for the realization of public administration.

Figure 1
The Scheme of the Reform Management Valid Since June 2000 until October 2001



During the preparation of the laws related to public administration reform, no special techniques of management or coordination were used. The relevant ministries worked out the documents, based on the government resolution. The Ministry of Interior elaborated the amendment to the municipal law, the Ministry of Finance elaborated the laws related to the property and financing.

There was also an important role for the foreign partners and donors within the process. There are several projects completed and other on-going projects aided by foreign support. The first group is connected to pre-accession support, related to the preparation of Slovakia for EU accession, and the second group of donors is concerned with supporting bilateral agreements. Their support is not only aimed at the central level, but also local public administration. This support is focused on the governmental (state) institutions and the first group supports independent NGO-s also.

Several projects have been financed within pre-accession support from the EU Phare fund. During the Mikuláš Dzurinda period of government there was: Assistance for the Office of the Government of the Slovak Republic, which contained specifications of the strategy of decent-

ralization and modernization of public administration due to the strategy formulated by the government plenipotentiary for decentralization and modernization of public administration, elaboration and proposal of optimal structure of public administration, professional attitude of civil servants, improvement of services delivery; the other was a support project to the National program of decentralization and modernization of public administration in the Slovak Republic—implementation of the project Audit. The project contained the whole coordination of the audit implementation, monitoring of the audit process, general advisory to the ministries in the area of audit, preparation of the conceptual materials related to transparency of relations among central state bodies and subordinated organizations (annual reports, public bills, contracts, etc) the preparation of the conceptual materials to the transformation of such organizations (concept, law), draft to the law on public procurement, realization of the concept in the form of pilot projects and other works; the other larger project is the Twinning project, which is running right now, realized by the consortium of the states of Spain, Great Britain and France and it is focused on the support of the process of reform, legislative area, control (auditing) area, education in public administration, improvement of the management of services delivery.

The other projects, which have to be mentioned, are: project supported by the British Department for International Development (government agency), which is realized together with the British organization Public Administration International and is focused on various aspects of modernization in public administration, for example: fast tracks, public procurement, education, quality of the services, ... And there are also some other foreign donors, which have to be mentioned, too, because of their support the programs within public administration: USAID, UNDP, CIDA—Canadian Urban Institute, Dutch Royal Embassy, British know-how Fund, and many more.

In September 2001, the National Council of the Slovak Republic approved one of the most important decentralization laws, the law on the transfer of some competencies from the state bodies to municipalities and upper-tier territorial units, so called 'little competency law.' Its preparation was quite complicated and from the coordination point of view quite nonstandard. The relevant ministries were given the task to elaborate the proposals of the competency decentralization within their resorts. These proposals would be submitted to the Ministry of Interior; this ministry had to summarize these proposals and submit it to the government as one united law. The first proposals were really poor; the content of the competencies was not in line with the Concept. Then the Prime Minister himself took the initiative. The work group was duly appointed, it is made up of state secretaries from the relevant ministries concerned. This work group had to work out brand new proposal, which would correspond with the Concept as much as possible. The Prime Minister personally supervised the work of this group and the result of this work was submitted to the government after he had expressed his satisfaction. From the coordination and management technique's point of view, such a procedure is not unusual, but even non-standard (the Prime Minister can not supervise the preparation of every law).

After approving the organization law on the regional self-government, election law and 'little competency law', the new additional laws were approved by the parliament in October 2001: the law on regional property, the amendment to the law on municipal property, the amendment to the municipal law and the amendment to the law on budgetary rules.

The approval of these laws could be considered as a start of the public administration decentralization process. However, it does not mean, that the principles approved by the government within the strategy and Concept were

involved. The laws (maybe except election laws) have several deficiencies, the competencies between the state administration and self-government is too divided, creating space for the state administration to intervene in the functioning of the self-government (breaking the principle of subsidiary). Some of the problems are for example the new arrangement of the state administration on all levels is still not definitely decided (breaking of the principles of effectiveness, rationality and transparency). Also the fiscal decentralization was not realized, the funds for public administration would be divided still through the state budget. The state bodies, in several cases, restrict the self-government bodies in their ownership rights (based on the law, but non-constitutionally).

Related to the management of the reform process today, we cannot talk about the cross-cutting management and coordination of this process. The legislative proposals are being prepared separately by the relevant Related Ministry, approved by the government, and passed to the parliament where, within the coalition, some space for the possible changes will be agreed. It is the result of processing the quick and strength reform that had not been done, and have the political decision about the phased process of the decentralization. The process of decentralization will proceed over several years, phase by phase.

THE SUMMARY

The reasons for the proposed complex changes in public administration:

- a) Request for more efficient public administration,
- b) Necessity of the increase of the economy of state and its lower self-governed units,
- c) Need for the reform of functioning of state administration,
- d) Tendencies of the Slovak Republic to enter into united economic and safety area.

The analysis of the state of public administration showed its real deficiencies:

- a) The model of public administration and centralist managing of the state remains unfinished,
- b) Absence of quality control system in public administration,
- c) Increase of ineffective costs in public administration caused by its structure,
- d) Lack of diligence in the process of managing on all levels,
- e) Ignoring generally accepted principles of financing of local self-government (the Slovak Republic did not

ratify article No. 9 of the European Charter of local self-government),

- f) Local self-government could not participate in regional development because of inefficient distribution of competencies,
- g) There was no suitable educational system for the civil servants,
- h) Existing territorial arrangement had a negative influence on social and territorial organization of the Slovak society,
- i) Not only did citizens have little or no knowledge, but also representatives of public administration, its status and tasks in new conditions.

The real success of this government coalition is the moving up of the decentralization and public administration reform process. The government had achieved what no other government or parliament had done since 1990. The Slovak Republic will have elected self-government bodies on the second level, for the first time for several decades. At the same time, Slovakia progressed within the pre-accession process towards NATO and European Union.

But looking at the circumstances and expert potential, which this coalition disposed of, we have to state its failing in some intentions, some of them were only half-successful.

The aim of the coalition was to realize four reforms. The form and technique of the management would be modified to that. Mainly the cross-cutting approach would be strengthened and the agenda of the Prime Minister, or appointed Deputy Prime Minister (or alternatively, creating the minister 'without chair' responsible for the reforms and taking out the relevant competencies from the individual ministries at the same time). During the eleven-year reform preparation, almost all the governments begun this way, but after some time, the preparation was returned back to the Ministry of Interior.¹⁰

The necessary decisions, which were to be performed, had its political and expert-political character, but the political decisions must be done before the expert-political ones. The disagreements among the coalition parties in the political part of the reform (the agreement on the territorial re-arrangement, speed of the reform, election system) caused the prolonging of the preparation stage and complications in the effective management process. Later, when there was a danger of coalition splitting, the decisions were approved very quickly without any chance to influence their quality, it was impossible to manage it suitably. The original intention composed over 2 years, will take consi-

derably longer, and if the next government does not take measures to speed up the process. The seed and timing of the reform steps are very important elements for the successful project.

In spite of the partial progress, there are several areas in public administration reform, which remained unfulfilled due to the concept and they are still waiting to be solved:

- Replace centralized, segmental, scattered and bureaucratic system by decentralized, territorially integrated system, set on political responsibility of elected representative system. To change the system, its character from centralized to decentralize.
- Spreading the decentralized competencies and elimination of divided competencies between state administration and self-government,
- Decentralization of the public finance by the strengthening of the original revenues of the self-government,
- New system of finance balancing,
- Continuing in the privatization of the property and activities,
- Reconstruction of the local state administration (cancellation of the district offices),
- Reconstruction of the central state administration bodies,
- Change of territorial arrangement,
- Local self-government reform,
- Creating changes in the election system for the National Council of the Slovak Republic.

The preparation and realization of the Public administration reform is insufficient, mainly in the decentralization process, which has its own political background. And the permanent dispute about the character of the state, between the followers of the HZDS (right) and party followers from the Slovak Democratic and Christian Union, Christian Democratic Movement, the Democratic Party, the Hungary Coalition Party and the flexible policy of the (left) parties, Democratic left party and party of Citizen Understanding expressed in the regular changes of the government and ruling groups. From this point of view, the first move of the decentralization process since 1990, as well as in the modernization of public administration (the change of the legal environment, the laws on state service and civil service, educational process, etc.), is the success in such a political surroundings.

Another issue, which arose, was the difficulty of realizing the reforms within a wider coalition that consists of the members from the whole political spectrum. Coalition

parties created a 'coalition council,' for considering staunch decisions. This body adopted political decisions before discussing important materials in government; every one in the party had a right of veto. This process led to many positive compromises, but on the other hand it caused delays regarding substantial changes and in many cases large deformations of original proposals. In the case of public administration reform, many issues, already approved by the government were reviewed again in the coalition council. It was also caused by the composition of the coalition council, where the 'decisive voice' belonged to the heads of political parties and heads of political clubs in the parliament. These people were not bound by the government resolutions. A Very good example is a dispute about the change of the territorial arrangement. In spite of dual approval by the government, SDL, SOP, but for the some time also SMK (Hungary coalition party) were blocking the possibility of the change in the parliament. Following that, the special commission consisting of experts and politicians of the government coalition was created. This commission had to reach the compromise proposal of the changes, commission failed, because of lack of respect for the (SDL and SOP) the changes supported by SMK and vice-versa. Finally, the proposal was submitted to the government without agreement of the coalition council, supported by SDKÚ (Slovak Christian and Democratic Union), KDH (Christian Democratic Union) and SMK. These parties have a majority in the government, so the proposal was approved. As it turned out the situation in parliament changed, where coalition parties SDL and SOP joined the opposition and refused governmental proposals of laws. Finally, the parliament approved an opposition proposal, it means no change of the territorial arrangement. It shows that there is one coalition in the government and the other in the parliament. In spite of the fact, that this breaks the coalition agreement, the effort of Slovakia to join the EU and NATO holds this coalition together. The sensitivity of common progress of left and right parties is rising with the closing end of election period. The approving of unpopular measures shows that it is necessary to do it immediately after the election period. The meaning of such a step is much more important in the case of wide political coalition.

The case study on the process of the public administration reform can be used for the instruction mainly in the unitary states, with the coalition governments consisted of the right and left parties.

NOTES

- ¹ There is so called “dual model” of public administration created in Slovakia since 1990, so there are independent bodies of the state administration and the self-government.
- ² The second level of the self-government is called region in Slovakia. In fact, related to its powers, it has the character of the second level of the self-government, as for example powiat (Poland), department (France), province (Spain), but it is not like a länder (Germany, Austria), region (France, Italy), wojewodztwo (Poland).
- ³ Also in this time the political mistake was made, related to possible change of the character of state. After the fall of Meciar’s government, the new one declared the election to be held in six months from the beginning of its functioning without any reason. It was made on the impulse of Democratic left party (SDL), which believed in its election success. The return of the previous power was allowed.
- ⁴ As the political decisions we can consider the change of the territorial arrangement and the fastness of the reform steps.
- ⁵ Under the supervision of M.E.S.A.10 (NGO), 12 conferences took place in Bratislava, with the participation of (approximately) 600 state administration representatives (ministers, state secretaries...), representatives of the parliament, self-government, NGO-s and foreign experts. The results of these discussions were transferred to the draft of the strategy and later the concept.
- ⁶ The Prime Minister coordinated the work of the government plenipotentiary at the preparation of the Strategy; in the government resolution approved with the Concept, the Deputy Prime Minister for Economic Affairs became a coordinator since that time. Several models of the decentralization management were considered during preparation of the Concept, but the composition of the coalition and coalition agreement did not allow the plenipotentiary to have a stronger position.
- ⁷ The reasons for resigning were as follows: it was impossible to cooperate with non-solid coalition, leaving the principles approved by the government in the concept and change the government draft laws by the parliament in all reform proposals (territorial arrangement, the scope of decentralization, new structure of the local state administration,).
- ⁸ Slovak National Council existed within Czechoslovakia, since January 1, 1993 it is National Council of Slovak Republic.
- ⁹ The detailed related concepts (of education in public administration, of informatics, of the control (auditing), of the financing), as well as the draft laws would have to be worked out by the individual central state bodies, following the approved Concept.
- ¹⁰ The reasons: inability realize the reform right after the forming of the new government with the necessity of building the wide coalitions with different ideas, differently oriented political parties of the coalition preferred their own policy through their ministries, devaluing the meaning of the decentralization and public administration reform.

