

PUBLIC ADMINISTRATION REFORM: A MIXED PICTURE

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Contents

Introduction	21
Institutional Reform and Constitutionalism	21
Central Government Reform—Continued Limited Achievements	24
Civil service reform	26
Reform of administrative structures	27
Training: the problems in developing new training systems	29
Explaining Problems in Administration Development	30
The legacy of history	31
Economic pressures	32
Political polarisation and a lack of continuity	33
The ‘legal bias’	33
Contradictory signals from international actors	34
Viable Alternatives?	35
Local government: a successful start	36
Definition of the size of basic self-government units	38
Functions, finances and property	38
Relations between local state administration and local self-government	39
<i>Figure 1. Middle-Level Local Government Tiers in Central European Countries</i>	40
Finding a new equilibrium between central government and local self-government	41
A preliminary balance	41
Conclusion	42
<i>Further Reading</i>	43
<i>Bibliography</i>	363

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Introduction

An analysis of progress in institutional development and public administration reform in Central and Eastern Europe, more than 10 years after the start of the transition, yields a mixed picture of success and failure.

Assessments of central government systems by the European Union (EU) and in academic publications continue to paint a dire picture of public administration. This may come as a surprise if one considers the overall achievements in Central and East European (CEE) states in building new political institutions. With the exception of some of the successor states of ex-Yugoslavia and a few states in the European part of the former Soviet Union (FSU), the states in the region have created generally accepted constitutions, built the political institutions provided for in these constitutions and undergone one or more peaceful changes of government and leadership. Progress in the development of democratic systems of local self-government is generally acknowledged, even though in most Central and East European states several questions regarding the status, functions and financial management of local self-governing authorities remain to be addressed.

In this chapter a brief review is made of progress on both central and local government reform in Central and Eastern Europe. The chapter starts with a brief comparative overview of the institutional frameworks put in place. Then it focuses on a comparative analysis of success and failures of public administration reform at central and local government level in order to contextualise a discussion on governance in multi-ethnic states later on in this volume.

Institutional Reform and Constitutionalism

The overall governance framework can be considered settled in most states in the Central and East European region.¹ The states in the region went through a period of institutional flux, the duration of which varied strongly. Scenarios ranged from a short transitional period in Hungary (2-3 years), which ended with a fundamental revision of the previous constitution and institutional framework, to a prolonged political battle over the consti-

¹ With the exception of Federal Republic of Yugoslavia; Belarus, where further institutional transformation seems to be inevitable if democratic systems of governance are to emerge; and possibly Bosnia-Herzegovina—once an indigenous fully operational system of governance will start to function.

tutional framework, in Poland, where it took until 1997 before a final constitutional settlement was reached.²

The Debate on Parliamentarism vs. Presidentialism

The debate on presidentialism vs. parliamentarism focused on the relative merits of different types of institutional models. In pure presidential models, such as in the US, the government depends fully on the president for its appointment and dismissal, while in pure parliamentary models the government depends fully on the confidence of the parliament.

The arguments of those advocating systems based on strong, directly elected presidents, with wide-ranging powers was that this model:

1. Would provide a combination of direct democracy and strong leadership.
2. Safeguard the new democracies against the woes of coalition politics.

Those advocating the creation of parliamentary system of government argued that:

1. Giving too much power in the hands of one politician, whether directly elected or not, would stifle the development of truly democratic systems of government.
2. There are tried and tested methods to limit potential instability arising from parliamentarist systems, such as constructive no-confidence votes, in which a government cannot be dismissed unless parliament also agrees on the appointment of a new prime minister.

In the early years of the transition to democracy there was a strong academic and political debate on the suitability of institutional models for the new democracies of Central and Eastern Europe, a debate on the relative merits of presidentialism versus parliamentarism (see above).³ In the end, most Central and East European states have opted for some form of a *semi-presidential system* (for an in-depth discussion, see Elgie 1999). Slovakia joined the long list of states with semi-presidential systems with the direct election of President Schuster in Spring 1999; it represented a compromise between the two extremes outlined above. Interestingly, this form of government previously was quite rare in European states, with Finland, France and Iceland the only examples until the transition in Central and Eastern Europe.

Semi-presidential systems with strong presidential offices have been created, for instance, in Russia and the Ukraine. The semi-presidential systems of Poland and Romania have strong presidents in legal terms, but their real strength depends on the extent to which they can count on a clear and supportive majority in parliament. Bulgaria and Slovakia have created semi-presidential systems in which presidents have very limited powers, even though at times presidents have played a crucial role in forging political stability.⁴

² Even more radical examples include the attempted coup in Russia, which also resulted from a conflict between institutions.

³ See for a summary of the debate: Verheijen (1995) chapter 1.

⁴ Verheijen (1995).

The Role of Presidents in Stabilizing Political Systems
President Zhelev in Bulgaria 1990-1996

The case of Bulgaria provides an interesting illustration of how a directly-elected president managed to play an important role in stabilizing a polarized political system in the early years of the transition to democracy. Zhelev used his limited powers, such as the ability to submit legislation to the constitutional court, in a way as to try to prevent a 'dictatorship of small majorities' (a term coined by the American political scientist Jon Elster). Zhelev did not make himself popular with any of the political forces in the country by playing this role, especially not with the Union of Democratic Forces, the party that had nominated him. However, by being a president above party politics he did play a crucial role in preventing an escalation of the political conflicts that marred the early years of the transition in Bulgaria (see also Verheijen 1995, chapter 5).

The experience of the states that have opted for semi-presidential systems has been one of gradually finding a balance of power between president, prime minister and parliament. This balance has generally been achieved, even if there have been in many states turbulent periods in political development and even lengthy political stalemates between president and legislature, in particular on the issue of the appointment of a prime minister. The cases of Russia, Poland and, in more recent times, Lithuania highlight such conflicts.

Fewer states in the region have opted for creating parliamentary constitutional systems, often including a weak presidential office, the incumbent of which is generally elected by the parliament, for instance, in Hungary and the Czech Republic. The latter systems give much more formal power to parliament, as the government depends fully on the confidence of the parliament, with the president having very limited influence over the appointment and dismissal of the government.

Pure presidential systems do not exist in any European state at the current time, even though the Russian system has de facto leaned towards this model.⁵

The institutional compromises which have led to the prevalence of semi-presidential systems of government in Central and Eastern Europe have not created the much feared instability associated by some with such systems. Regardless of the initial political turmoil surrounding the creation of semi-presidential systems in several states (see Elgie 1999), a balance of power between the main state institutions has gradually emerged, allowing for a stabilisation of the political system in the overwhelming majority of Central and East European states.

⁵ Some states not discussed in this volume, but nevertheless often considered 'European', such as Azerbaijan and Georgia can be considered presidential in real terms, even if from a formal constitutional point of view they are not.

Central Government Reform—Continued Limited Achievements

In contrast to the development of the overall constitutional and institutional system, where important achievements have been made, the level of progress in the reform of public administration at the central government level remains incomplete. The following section will provide a comparative analysis of progress in several key areas, as well as an explanation why this particular area of reform has proven to be so problematic.

Key indicators of the limited progress in central government administrative reform include:

1. Academic publications on public administration in Central and Eastern Europe continue to focus on the need to address some of the classical issues in public administration.

A comparison of academic work on central government reform written early on in the transformation process (for instance, Hesse 1993) with more recent publications⁶ would lead one to conclude that little progress has been made in addressing the *key issues* in public administration development, such as *structuring politico-administrative relations, creating a system of employment conditions which allows the civil service to attract and retain highly qualified staff, defining a new accountability system and developing management and policy-making capacities*. A review of the last five issues of the proceedings of the Annual Conferences of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee) leads to a similar conclusion⁷

2. Negative assessments in European Commission Opinions and Progress Reports.

A second indicator of the limited progress in administrative reform in Central and Eastern Europe are the Commission Opinions and Progress Reports.⁸ The 1997 Commission Opinions highlighted serious deficiencies in the administrative systems of the candidate states (European Commission 1997 and Fournier 1998). Whereas the Opinions are moderately positive on the development of the overall institutional system, the central public administration is singled out as a weak link in this system. *What is reflected in the opinions are fragmented, politicised administrations, rife with allegations of corruption, underpaid staff and a resulting high degree of staff turnover. Policy-making capacities are evaluated as weak and the lack of personnel development strategies is frequently pointed out.*

The 1998 and 1999 Commission Progress Reports again evaluated public administration capacities as weak in most of the candidate states, with progress in administrative capacity development assessed as mixed at best.

3. High disapproval ratings in public opinion polls.

A further indication of the weak administrative capacities at central government level is the continuing high level of citizens' distrust in central administrations

⁶ Verheijen and Coombes (1998); Hesse (1998); Verheijen (1999).

⁷ The NISPAcee Annual Conference provides one of the main platforms for academic discussion on developments in public administration in Central and Eastern Europe (see <http://www.nispa.sk> for further reference). Jabes and Vintar (1996); Jabes (1997, 1998, 1999); and Jabes and Caddy (2000).

⁸ <http://www.europa.int/comm/enlargement/index.html>.

Levels of Trust in Central Public Administration

A. Confidence levels

In a comparative study on Civil Service Systems in Central and Eastern Europe (Verheijen 1999), the general picture of levels of trust in public administration was dismal. In the nine states dealt with in the study, the number of citizens expressing trust in the public administration never exceeded 40%, with a low of 10% in Russia (based on material from Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary, Bulgaria, Russia and Yugoslavia).

B. Perception of behaviour: comparison with the previous regime

A study by Miller, Grodelund and Koshechkina on corruption in Central and Eastern Europe includes the following discussion on relative appreciation of behaviour of officials:⁹

Two out of three citizens in the Czech Republic said most of their politicians now behaved worse than they did under communism, so did 82 percent in Slovakia and 87 percent in Ukraine, though much less in Bulgaria. People in Bulgaria and the Czech Republic were evenly divided on whether officials who deal with ordinary people and their problems now behaved better or worse than they did under communism; but 66 percent in Slovakia and 89 percent in Ukraine claimed such officials behaved worse.

4. The widely acknowledged link between inadequate administrative capacities and failure in economic reforms.

Finally, the low quality of administrations is considered an important explanatory factor for the economic downturns and crises that several Central and Eastern European states have experienced in recent years. In Bulgaria, failure and corruption in the administration were considered a major factor in the severe economic crisis of 1996-1997 (Dimitrova and Verheijen 1998). In the same period these conditions also held for Romania (International IDEA 1997). In the Czech Republic, the economic downturn of 1997-1998 gave rise to a debate on the need for administrative reform which had been a neglected issue until that time (see Vidlakova in Jabes 1999). In 1999 in Lithuania, serious criticism of the government planning capacity and budgetary patterns resulted in the creation of a 'Sunset Commission' which examined ways to downsize the administration and improve its effectiveness and efficiency.

The following comparative section on reform in three key areas—civil service reform, the development of training systems and structural reform—provides an illustration.

⁹ Miller, Grodelund and Koshechkina (1999) *Are the People Victims or Accomplices? The Uses of Presents and Bribes to Public Officials*, Discussion Papers No. 6, Budapest: LGI. See also: <http://www.osi.hu/lgi/publications/dp/index.html>.

Civil service reform

Civil service reform has in most states been limited to the development and adoption of civil service legislation—considered the *main reform tool for addressing problems like politicisation, fragmentation and instability*. Regardless of the adoption of civil service laws in an increasing number of states in the region, the problems of instability and politicisation have not been resolved in most states, and in no case has the adoption of laws led to the development of a well-working system of long-term career development.

In Hungary, where a civil service law was adopted as early as 1992, the development of a well-balanced recruitment and promotion system has still not evolved. Furthermore, politicians have made extensive use of loopholes in the law, such as the fact that the civil service law does not make it mandatory to advertise vacancies. Hungary, however, at the same time constitutes the most positive example of administrative stabilisation. Staff turnover has been reduced significantly since the adoption of the civil service law. The question that remains, and on which there is an ongoing debate in Hungary, is how the impact of the civil service law can be taken beyond stabilisation.

In Poland, the incoming government in Autumn 1997 halted the implementation of the 1996 civil service law and adopted a new law in 1998. The incoming government was reluctant to work with civil servants in office and with management structures created and staffed by the previous government, thus the scuttling of the law. Under the previous communist regime, Poland was the only state in Central and Eastern Europe to have a civil service law; it continues to use the old 1982 law in conjunction with implemented elements of the new civil service law, which mostly apply to higher level civil servants.

Civil service laws were adopted in Estonia, Latvia and Lithuania within a relatively short time span. Even though in all three cases the laws were based on continental European tradition, the impact of civil service legislation has been very different from case to case. In Latvia and Lithuania, the adopted civil service laws were never fully implemented. In Latvia, the revision of the law is still not complete, while, in Lithuania, a new civil service law was adopted in 1999. In Estonia, the civil service law, adopted in 1995, entered into force in January 1996. Unlike in the other two Baltic States, the Estonian civil service law has been implemented. However, since the implementation of the civil service law was not enshrined in a clear public administration reform concept (the development of which was completed only in 1998), the overall impact of the law has remained limited.

In Bulgaria, a new civil service law was adopted in August 1999 and its implementation has just started. The Romanian government adopted new civil service regulations by decree in late 1999.

In three of the EU candidate states, Slovenia, the Czech Republic and Slovakia, civil service laws are still pending. In these three states there has been neither the political will nor the political consensus necessary to pass a civil service law.

In conclusion, from the perspective of adopting relevant legislation, the positive picture is really a false impression. *Civil service laws seldom have had the impact they were expected to have: to be a catalyst for the stabilisation, de-politicisation and professionalisation of the central administration*. They have in many cases been reconsidered even before the implementation process was completed or have not been fully implemented at all.

*Reform of administrative structures:
An underestimated element of administrative development?*

The redesign of administrative structures is a core element of administrative reform. Even if a professional civil service is constituted, this will have a limited impact as long as they are not embedded in well-designed administrative structures. Well-designed administrative structures should be based on: (1) *functioning horizontal and vertical co-ordination systems*, (2) *a clear definition of responsibility and accountability* and (3) *provide civil servants with the necessary freedom of action*.

The development of new administrative structures has legal as well as cultural aspects. The redefinition of the role and position of ministries, their subordinated organisations and the core executive unit¹⁰ in the administration is a crucial aspect of the administrative development process. This element is of particular importance in Central and East European states, since the core executive units of the administration used to 'shadow' line ministries under the previous regime and played a dominant role in the process of policy co-ordination. Policy processes were therefore 'top heavy', based on co-ordination at the top. Core executive units also tended to manage large numbers of subordinated institutions. Accountability lines were directed towards the leading political party.

The reform of policy-making and implementation structures and systems could have been expected to be one of the most difficult elements of the administrative development process in Central and Eastern Europe. Nevertheless, little or no attention was given to this element of reform until recently. Policy-making and implementation processes still show many features of the previous systems, as discussed above. Even in new states, such as the Baltic States, the division of labour between ministries and the core executive unit in the policy process still shows some of the features of the former system. The SIGMA Centre of Government Profiles¹¹ provide a clear illustration of this point.

Main Issues Hindering the Developments of Effective Policy-making Processes

1. Lack of delegation in the administration;
2. Lack of 'filtering mechanisms' in the policy process, needed to separate routine issues from the core political issues for debate at government level;
3. Lack of strategic planning capacities in the centre of government offices.

In some states attempts have been made to redefine the role of the different components of the central administration in the policy process. Poland has carried out a substantial reform of the administration of the Council of Ministers, with the objective to create a small core Prime Minister's Office, among others, by 'pushing down' co-ordination tasks into the administration. In Hungary, attempts have also been made previously to

¹⁰ For instance, chancelleries, prime ministers' offices, cabinet offices or councils of ministers.

¹¹ <http://www.oecd.org/puma/sigmaweb/acts/cogprofiles/>

'slim down' the Prime Minister's Office, though the current government has again expanded the number of substantive shadow units in the office (Meyer-Sahling 2000).

A thorough and sustained reform effort will be required for policy-making systems to start working more effectively, in particular a comprehensive redefinition of the role of the different units in the administration and the relations between these units. This is an issue that has not featured on the administrative development agenda until quite recently.

During the last few years initiatives have been taken in several states to adopt laws to regulate the role and function of the different institutions in the administration and to rationalise the way in which the administration works. In Bulgaria, the Law on Public Administration was adopted in 1998, which defines the type of institutions that can exist in the state administration, how these relate to one another and what the role and function of different types of institutions can be. Other states have also taken initiatives of this kind in recent years, such as Latvia, Lithuania and the Republic of Macedonia. The adoption of such laws is a tentative step in the direction of a rationalisation of the policy process in these states; however, one should pose the question to what extent these laws can and will be enforced. In the drafting process there has been a great resistance among line ministries to what is considered to be the limitation of their ministerial autonomy. It therefore remains to be seen to what extent such laws are enforceable.

The development of a new administrative culture will be even more difficult to achieve. Under the previous regimes the operation of administrative systems was based on secrecy and suspicion, both in relations with citizens and in relations between the different elements of the administration. Adopting laws cannot change these types of attitudes. The potential to bring about change in the administrative culture depends heavily on the willingness of politicians to allow and stimulate co-operation between civil servants working at different administrative units and to encourage officials to adopt a client-friendly approach towards citizens. So far there is little evidence of a decentralisation of responsibility inside the administration or of co-ordination being 'pushed down' to lower levels in the administration. Even if formally more co-ordination structures are set up at the lower levels of the administration, this has often not led to real changes in policy-making practises.¹² The development of a different administrative culture depends on the adoption of enabling legislation and procedural rules in the administration and on a clarification of accountability relations.

In view of the discussion above on civil service legislation, it seems doubtful that much progress can be made on this second core element of administrative development. The definition of the framework structure of the central administration should have been an issue at the start of the administrative development process, not at the end. Obviously it takes time to bring about changes in administrative culture, but it seems that lack of trust between politicians and civil servants remains a feature of many Central and East European administrations. The development of a new legislative framework for the administration and the development of a less centralised administrative culture are therefore elements in

¹² As an example, reviews of European Integration policy co-ordination systems in three Central and East European states, carried out by SIGMA, confirmed that there is still a high degree of reluctance among politicians to 'decentralise' policy co-ordination.

the administrative development process in Central and Eastern Europe on which most of the work remains to be done.

Training: the problems in developing new training systems

Training can play an important role in the development of new administrative systems. Whereas civil service legislation can set the framework for the development of a stable and professional civil service, training can be used as an instrument to fill in the substance of the framework. Training can also make a contribution to the development of a coherent administration. Joint pre- or post-entry training of new recruits can help in creating a sense of community among new civil servants. This sense of community could play a role in reducing the still universally high degree of fragmentation in Central and East European administrations. Joint training of top level officials can have a similar effect.

In order for training to have a positive impact on the way administrations work, training efforts should be underpinned by a well-defined human resource policy and training strategy. Furthermore, pre- or post-entry training for new recruits should be carried out in parallel to in-service training to bring about changes in attitudes and work practises among existing staff. In Central and East European administrations the method of training high quality young graduates and inserting them into the administrations as 'change managers' was unlikely to work on its own, in view of the very fundamental changes to be introduced in work practises, in attitudes and in relations with citizens and politicians.

Training—if implemented in the right way, combining a sustained effort at in-service training with the development of high-quality initial training programmes for new recruits—could have had a significant impact on Central and East European administrations. Instead, the lack of developed human resource development policies, in tandem with a lack of progress in creating suitable new training structures in Central and Eastern Europe, can be considered key elements of the failure to develop new administrations.

The Fate of Training Institutions in Central and Eastern Europe

In the early years of the transition, there were numerous attempts to develop new government *initial training institutions* in a number of Central and East European states. The National School of Public Administration in Poland provides the most interesting example of this 'first generation' of initiatives. The Polish school was created as an integrated element of the administration, based on the French model of the *École Nationale d'Administration*/National School of Administration (ENA). The concept of the Polish school was based on the assumption that by inserting highly qualified graduates in top positions in the administration, it would be possible to create a 'multiplier effect' and bring about rapid change. This high level training of young promising staff would have to be accompanied by in-service training for those already in the administration to achieve the desired effect. However, the parallel in-service training system was never made fully operational, which limited the impact of the institution. However, unlike other similar institutions created in the early 1990s, the Polish school is still working; its graduates are still guaranteed a position in the administration and have the obligation to work for the administration for a defined number of years.

Two other training schools created in the early 1990s—the Slovak School of Public Administration at Academia Istropolitana and the Romanian National School of Public Administration—were either closed down (Slovakia) or progressively marginalised for political reasons (Romania).

The experience in developing government-run or -funded *in-service training institutions* has been slightly more positive. The Latvian School of Public Administration was given a central role in the training of civil service candidates. However, when the implementation of the civil service law was halted by the government in 1997, the role of training in the civil service development process was reduced significantly. In some other states in-service training institutions have also been established. In Slovenia, Estonia and Lithuania, government and semi-government in-service training institutions are among the most important providers of in-service training. In other states the creation of such institutions is planned. The problem with these training institutions is that very often they are little more than managers of training programmes and do not actually have a core body of permanent trainers in the staff, which in practise has often made them overly reliant on training supplied by foreign institutions.

The problem of using training as a reform tool has two aspects in the Central and East European context.

First, governments have generally been reluctant to use training as an element of reform programmes. The emphasis has generally been put on the adoption of legislation rather than on the application of more complex reform tools like training. As a result of this most governments have no training policy or programme. The general scepticism among politicians about the usefulness of training as a reform has thus become a self-fulfilling prophecy.

Second, training capacities in Central and East European states are generally not well developed. A lot of training is ‘imported’. ‘Imported’ training might have been useful in the early stages of the reform process, as an information and awareness raising tool, but is now of much less value, unless it is tailor-made and aimed at the transfer of specific, job-related skills. The training capacities of national institutions are still too limited and for budgetary reasons most governments have not been willing to invest in their development. Thus there is a stalemate situation, which makes it difficult to use training as a reform tool at the current time. Only sustained support of the development of local capacities might provide a solution to this problem.

Explaining Problems in Administrative Development

The following section addresses five important factors explaining the limited progress of administrative development in Central and Eastern Europe. They are: the legacy of history, economic pressures, political polarisation, the lack of a balanced ‘package’ of reform instruments and the changing and often contradictory signals of external organisations.

The legacy of history

The legacy of history remains one of the most important potential explanations for the problems in administrative development in Central and Eastern Europe. Whereas before WW II the development of administrative systems in Central and Eastern Europe was more or less in line with continental European tradition.¹³ The divergence which have occurred between the administrative systems of the Soviet block and the West of Europe in the period 1945-1990, explains much of the difficulties of the process of administrative reform in Central and Eastern Europe. From the perspective of Western bureaucracies, there are three major factors which make the two systems differ significantly. These are: full politicisation, the abolition of the distinction between civil servants and other workers in terms of labour relations and fragmentation brought about by communism.

Under the former communist system public administration tasks were more or less divided between the Party and the state administration. The state administration only fulfilled a part of the traditional functions of the public administration. The previous regimes in Central and Eastern Europe created an administrative apparatus which worked according to the principle of subordination of the administration to political power and priorities. A parallel Party bureaucracy was created, consisting of Party members, which developed policies, gave orders and controlled the state bureaucracy at each hierarchical level. The part of the systems which was considered most similar to a traditional state administration was in reality a subordinated mechanical organisation. The state administration carried out its tasks without giving professional input or feedback to the policies developed by the party bureaucracy. Giving feedback or professional inputs was punished rather than rewarded. The administrative side of the political administrative process was fully politicised, creating a so-called '*Politbürokratie*' (Josza 1988 and 1989). Politicisation of the public administration was common practise under the previous regime and supported by ideological considerations.

The public administration was an *important instrument of suppression* for the state in the politico-administrative systems of Central and East European countries before 1989. Therefore there was a need to rapidly depoliticise the administration after the change of regime. However, the impact of forty years of institutionalised and ideologically supported politicisation of the general perception of public administration has made the depoliticisation of the administration a difficult issue.

The system of employment conditions in place under the previous regime made it easier for politicians to continue the tradition of politicisation. Where specific legislation governing the employment conditions had been in place before the establishment of the communist regimes, this legislation was abolished; under communism employment conditions were regulated under the Labour Code. The idea of a civil service, distinct from other sectors of the economy in function, tasks and position, vanished with the 'privatisation' of the administration.

The third part of this legacy is the fragmentation of the administration. Public administration previously consisted of ministries subordinated to the government. The central office of government, the Council of Ministers, was often substantially larger than cabinet

¹³ With the obvious exception of the USSR.

offices or departments of general affairs in Western Europe. Constitutionally, the Council of Ministers was controlled by the parliament.¹⁴ In reality, however, it was politically subordinated to the Central Committee of the Communist Party, while the top layers of the administrative structure were controlled by the Party bureaucracy. This rather straightforward governmental system often complicated the creation of a State Council. The State Council was a kind of collective head of state to which the parliament delegated certain powers (often foreign and defence policy). The relation between State Council and Council of Ministers was often not defined clearly.¹⁵ Initially the State Councils lacked the administrative apparatus needed to prepare and implement decisions in an efficient way. The State Councils developed their own bureaucracy soon after they had been created. *Four different types* of bureaucracies co-existed in Central and Eastern Europe before 1989, all highly politicised and in competition with one another: Communist Party Bureaucracy, Council of Ministers administration, State Council administration and the ministries. Public administrations were characterised by an iota of co-operation and co-ordination.

In conclusion, the previous regimes left a cursed legacy in terms of public administration. The previously existing civil service tradition was supplanted by the direct subordination of officials to political parties in a system characterised by horizontal and vertical institutional fragmentation.

Economic pressures: working against administrative development

Economic pressure could have been a potential catalyst for the initiation of administrative reform processes. *Efficient and effective administrations are needed to attract foreign investment, to ensure state income from taxation and to perform a number of other tasks crucial to the often still-fragile economic recovery process.* The weakness of administrations has been considered an important factor in the economic crises, which have plagued several Central and East European states in recent years. Therefore there appear to be several strong economic arguments for the prioritisation of administrative development. However, even though economic conditions, at first glance, constitute a potential incentive to politicians to move administrative development forward, the specific nature of the administrative problems in Central and Eastern Europe has so far created the reverse effect.

The nature of administrative 'reform' in Central and Eastern Europe is often misunderstood. The use of the word 'reform' in itself would mean that the objective of the process would be to change an existing administration. However, Central and East European states did not have a 'public administration' as it is generally understood in 'Western Europe'. This has important implications for the nature of the processes under way in Central and Eastern Europe—processes of developing new administrative systems, not of reforming established systems.

It is important to note that building a professional, stable and impartial administration is costly and requires a considerable investment, even if one opts for the creation of

¹⁴ See the analysis of the institutional systems of Central and Eastern European countries under the Communist regimes in F.J.M. Feldbrugge (ed.) (1987) *The Distinctiveness of Soviet Law*, Dordrecht: Martinus Nijhoff Publishers, pp. 5-33.

¹⁵ *Ibid.*

a 'career' civil service with a limited scope.¹⁶ The cost of recruitment, training and the employment conditions associated with a career civil service are considerable, both in the immediate term and for the future.¹⁷ The notion of administrative reform as used in Western Europe and other OECD states—the main objective of which is usually saving money—therefore does not apply to Central and East European states. The economic conditions in these states make the implementation of reform strategies more difficult.

Political polarisation and a lack of continuity

Central and East European voters have virtually thrown out the government in office on every occasion. This affects administrative development policies in particular, since these are not 'vote-winning policies'. Governments mainly concerned with framing popular policies to keep the allegiance of a volatile electorate are unlikely to 'invest' in administrative capacity development, which is generally an issue that does not 'speak' to the voters.

As an aggravating factor, political party systems remain highly polarised, which further reduces the potential for continuity in policies. Interestingly, this appears to affect economic policies, where there is a certain degree of continuity even when governments change, much less than administrative development. However, the reversal of administrative development measures, strategies and even laws remains common practise throughout the region, including in states which were considered to have overcome the high level of adversity deemed characteristic for states in transition or in the early stages of consolidation. The absence of long-term policies to stimulate administrative development therefore does not need to come as a surprise.

The 'legal bias'

Politicians in Central and Eastern European states often appear to have mistaken the term '*Rule of Law*' as '*Rule by Law*', especially where public administration development is concerned. The adoption of laws has so far been the main and sometimes the only administrative development tool. Where administrative development strategies have been adopted, they are often little more than a framework for a package of laws. The problems with this type of approach to administrative development is that the value of law as a reform instrument depends heavily on the quality of their implementation and that laws do not change mentalities. These implementation problems have certainly reduced the value of law as a reform instrument.

The overreliance on laws as reform instruments would not come as a surprise to those who have studied the Central and East European administrative tradition. Most states in the region have a strong legalistic tradition stemming from the pre-World War II period, based either on the German, Austrian or, to a lesser degree, on the French model. The approach of the previous regime (creating legitimacy through law) has strengthened, rather

¹⁶ Under consideration, for instance, in Latvia, where the number 'civil service' posts is unlikely to be higher than 200.

¹⁷ Considering, for instance, the cost of pensions.

than weakened the legalistic bias. The EU, which also focuses very much on legal requirements for membership, has, perhaps involuntarily, strengthened this bias towards using legal instruments in administrative development. It is important that advisers to Central and Eastern European governments put more emphasis on the development of a multi-instrument approach to administrative development, stressing the importance of law as one but not the only reform instrument. The formation of multi-disciplinary reform teams would be an important step in this direction.¹⁸ The expert team which carried out the review of the Slovak state administration, is one rare example of such a multi-disciplinary team, including economists, lawyers as well as public administration specialists. The recommendations of the expert team, which were endorsed by the government in August 2000, have created the basis for a comprehensive reform of the structure and management of the state administration.

Contradictory signals from international actors

At first glance, external pressure to carry out administrative reform seems to be considerable. The EU is the main organisation to have important political leverage in the region. EU membership conditions include the creation of stable, professional and accountable administrations,¹⁹ which should provide incentives to Central and Eastern European governments. However, the EU has been far from consistent in the signals it has sent to the candidate states. The re-orientation of PHARE assistance towards the development of sectoral administrative capacities—through twinning arrangements between candidate states and member states—could be interpreted by governments of the candidate states as an indication that general administrative capacities are of less importance than the creation of technical capacities to implement and enforce the *acquis communautaire*. The Commission recognises the potential dangers inherent in this approach and has continued to put pressure on candidate states to create a stable and professional civil service. However, if some financial support for general administrative development is not continued, there is a strong likelihood that the concerns about the development of sectoral capacities will move the development of a professional and coherent administration further down the political agenda.

Other institutions, in particular the World Bank and the International Monetary Fund (IMF), have also increasingly put pressure on Central and Eastern European governments to give more priority to administrative development. The interest of the World Bank, and to a lesser degree the IMF, in promoting public administration development is still quite recent and it is too early to predict to what degree these institutions will be able to have a significant impact in this area. However, the work of the World Bank has generally focused on improving management in public administration, rationalising central government structures²⁰ and the development of fair and sustainable reward systems in the region. These are

¹⁸ I owe this point to Michal Ben-Gera, Formerly Head of Policy-Making, Co-ordination and Regulation at SIGMA.

¹⁹ As defined in the so-called SIGMA baseline criteria (SIGMA, 1999).

²⁰ In particular in Latvia.

some of the core issues identified earlier on as crucial to the success of public administration development. In this respect the work of the World Bank has the potential to become a catalyst for administrative development in years to come.

Viable Alternatives?

The complex reasons why administrative reform has failed to produce good results are difficult to address. It is clear that politicians need to be convinced, one could even say 'converted', to the idea of a professional administration. This remains one of the keys to a process of successful development of professional and impartial central administrations. However, even if one could address the issue for the politicians currently in government and parliament by means of training and information provision, the considerable turnover among parliamentarians would still make it difficult to find a long-term solution to this problem. Building a 'political culture' which accepts the idea of an impartial public administration has taken decades in most European states. Re-introducing the concept to societies which have had impartial administrations in the past (at least to some degree) might take less time, but still more than ten years. This problem is aggravated by the fact that there are few indications of a possible decrease in political polarisation.²¹

Alternative Approaches to Central Government Reform

Three possible methods can be proposed to improve levels of achievement in public administration, taking into account the complexities of the Central and East European situation:

1. Investing in the development of a political culture that accepts the idea of an impartial and professional public administration by convincing politicians and mobilising public opinion.
2. Using a different approach to reform, applying multiple reform instruments rather than focusing almost solely on legislative reform.
3. Using the potential leverage of the academic community.

A *change in reform instruments*, a second measure to be considered, might be easier to bring about, at least at first glance. However, for a variety of reasons it is unlikely that there will be a considerable change in the use of reform instruments. First, the European Union (EU) membership requirements, which potentially have a high degree of influence at least in the candidate states, have focused primarily on the adoption of laws and regulations. Second, whereas the adoption of laws is relatively 'cheap', the investment required to develop sustainable training capacities would be considerable. This also explains, in part, why the adoption of laws, as such, has not led to significant changes: implementing laws does require budgetary means, which very often are not made available.

²¹ The attempts of incoming governments in Bulgaria (admittedly a special case), Poland and Hungary in 1997 and 1998 to 'convert' administrations by means of dismissals, using loopholes in laws, etc., shows the still deeply-seated sense of suspicion among political forces.

Whereas there might be viable alternatives in terms of strategy and the use of reform instruments, a combination of reluctant politicians, political polarisation and the 'confirmation' of the current approach by potentially influential external actors like the EU, make it very difficult to bring about a real change in approach. The academic community, another potential 'change agent' with 'privileged access' to politicians is still often dominated by lawyers, which currently limits the potential role of the academic community in this respect. Unless one of the above potential sources of influence could and would bring about a change in approach, it may take a generation before professional and impartial administrations will be in place in Central and East European states.

Local government: a successful start

Public administration reform at the central government level emerges as a problematic, complex and contentious issue. But analyses of local government reform yield a rather different and more mixed result. Whereas there are many issues that remain to be addressed, at the same time significant progress has been made, especially when considering the *legacy of dual subordination and democratic centralism* that characterised the previous communist system of local governance.

The creation of local self-governing authorities, often with rather broad competencies, has been completed in virtually all Central and East European states at least on one level of government (see Bennet 1994, Coulson 1995, Verheijen and Coombes 1998). Even though these authorities have encountered serious difficulties, due to problems of size²² and budget, they remain popular with citizens (see Baka on Hungary and Bercik and Kuklis on Slovakia in Verheijen and Coombes 1998). Popular affinity with the newly created democratic structures at the grass-roots level has stifled moves towards a recentralisation of self-government, at least in Hungary and Slovakia.

The above development is highly important for the creation of sustainable democratic systems of governance. The development of participatory approaches to local governance is extremely important in this region in particular. The previous regime discouraged and even penalised public participation in policy-making. The development of a culture of local governance that stimulates and facilitates participation could play an important role in reversing the trend of alienation and disaffection. The development of inclusive systems of local governance is an important first step towards building participatory systems of government overall. Obviously, this first step is easiest to make at the local level, where a number of instruments can be applied to promote broad participation such as:

- local elections,
- local referenda,

²² The creation of local self-governing authorities was in most Central and East European states guided by the principle that each community should have the right to create its own self-governing authority, which has led to the establishment of large numbers of very small authorities in many states (e.g. Hungary, Czech Republic and Slovakia). The lack of a second level of self-government which could co-ordinate the first level has created serious problems.

- public hearings,
- citizens' initiatives, such as petitions.

Laws on local elections can be designed in such a way to make it easy for citizens to vote as well as to stand for elections, for instance, by requiring only small numbers of nominations for the registration of candidates. In Poland, only 20 signatures are required in smaller municipalities. Provisions on local referenda can facilitate citizens' initiatives by allowing for groups of voters to initiate referenda as well as by making results binding for the local council. In Hungary, a variety of systems are in place in municipalities that allow groups of voters to initiate referenda, requiring 10 per cent of eligible voters' signatures in some cases, up to 25 per cent in others. The right of citizens to call public meetings, participate in public hearings and submit petitions to local politicians are further instruments that can be applied much more easily at local government level than at central government level. Provisions to facilitate participation have been included in various ways in the legal frameworks that regulate local government. Local government laws in most states, including Hungary, Slovakia and the Czech Republic, include provisions on local referenda. The overall level of popularity of local governments, which is higher than that of central governments in virtually all states, indicates that local government indeed has the potential to help building the foundations for the further development of pluralist democracies in Central and Eastern Europe.

In terms of democracy, this element of public administration reform has been a success, at least in a majority of the Central and East European states.

In terms of effectiveness and efficiency, further measures need to be taken to ensure effective service delivery to citizens, for example, through co-ordination and co-operation in delivery between small self-governing authorities. In terms of sustainability, local self-governing authorities need to be put on a sounder financial basis. However, in general, local government reform in Central and Eastern Europe has so far delivered good results. Democratic self-governing structures at the grass-roots level have been set up and a basis for the further development of a sustainable system of local self-government has been established.

The following is a comparative discussion of some key elements of local government reform and an illustration of how these are being addressed in Bulgaria, Hungary and Slovakia, drawn from research work carried out between 1995-1998.

Reform of Local-Central Government: Some Key Issues

1. The definition of the ideal size of basic units of self-government.
2. Division of labour between central government and self-governments.
3. The separation of county/municipal property from state property.
4. Local government finances: How to strike a balance between financial independence and control of public deficits.
5. Definition of the relations between local state government and local self-government.
6. Finding a new equilibrium in relations between central government and local self-government

Source: based on Verheijen and Coombes (1998) chapter 10.

Definition of the size of basic self-government units

Decisions on the size of basic self-government units generally are a *trade-off between efficiency and democracy*. Giving self-government status to each identifiable settlement is obviously the most democratic form of self-government, but this can create substantial problems of *sustainability and quality of service delivery*, unless a higher tier unit of self-government is created to which some functions can be transferred. In Hungary and Slovakia, the principle of self-government was applied in a way that granted the right of self-government to even the smallest settlements. A large number of self-governments were thus created, some with numbers of inhabitants lower than 500. In Hungary, a higher tier of local self-government was created to fulfil some of the functions small local self-government units were unlikely to be able to cope with. In both countries the smallest self-government units are experiencing considerable problems. They lack the financial means to provide adequate services and have as a consequence become financially dependent on central government. In addition, it is more difficult for such units to attract qualified staff. Furthermore the duplication of administrations makes the system expensive to run. However, at the same time, there is widespread popular support for the small municipalities, which makes it difficult for central governments to abolish the local government system.

In Bulgaria, the principle of *sustainability* was given preference over giving rights of self-government to each unit; the territory of self-governing units was determined in a way as to ensure that the smallest basic self-government units would still have at least 5,000 inhabitants. However, smaller settlements inside municipalities were given representation in the form of *executive mayors*, who manage lower tier administrative units. In this way a solution was found for the problems of sparsely populated municipalities dotted throughout mountain areas. However, the system of executive mayors has generally not worked well. This has given the population of more remote settlements the feeling of being too far removed from local decision-making, a situation that does not help local self-governments in their attempts to increase their level of legitimacy.

Possible alternatives, such as using *single or multi-purpose joint councils* to deliver certain types of public services, as is practised in France and Italy, have so far not been used extensively in the region.

The above cases show the difficulties involved in deciding on the size of the basic self-governing units, which constitutes a difficult trade-off between democracy and efficiency. It is therefore likely that it will take more time before a more permanent self-government system will emerge in most Central and East European states.

Functions, finances and property

The unambiguous definition of functions, financial means and self-government property is a basic condition to be fulfilled to allow self-governments to function independently. This issue has been resolved to a varying degree in the three cases discussed here.

In Hungary, a clear separation of municipal and state property was carried out early on in the reform process. The tasks of municipalities and counties are considered finalised. Financial independence of local self-governments is guaranteed in principle, though local

governments depend to a large degree on fluctuating levels of central government funding.²³ However, this is counterbalanced by *their practically unlimited right to take out loans*, even from foreign banks, which provides them with an important bargaining tool with a central government bent on reducing the public deficit in the context of EU accession.²⁴ Furthermore the predominant proportion of central government transfers are not earmarked, which further increases the freedom of local self-governments to determine their own expenditures.

In Bulgaria, local government tasks are also clearly defined. The system of financial relations between local and central government has also been defined quite clearly, even though the system as it works is rather disadvantageous for local self-governments. Bulgarian local governments do not have similar revenue raising and borrowing rights like their Hungarian counterparts, but, like in Hungary, the main portion of *central government transfers are not earmarked* (even though more or less binding 'directions' are sometimes issued), which gives local self-governments some degree of freedom in expenditure management. The provisions of the law providing the basis for separating state and municipal property in Bulgaria were implemented only in the last few years. For a long time local self-governing authorities were thus deprived of important potential income and had no incentive to try to use property on their territory in the most profitable way.

In Slovakia, the discussion on the division of tasks between the state and local self-government has not yet reached its conclusion. A number of 'expensive' policy areas, such as health and education, were transferred from local government to state control in 1990. The central government intends to transfer many of these competencies to local government control over the next years. However, the previous experience of other institutions, such as health insurance companies, which received inadequate compensation for functions they had taken over from the state in the mid-1990s, have made local governments reluctant to accept any transfer of functions—unless a transparent financing system will be created. The definition of municipal property was finalised early on in the reform process.

Relations between local state administration and local self-government

The relationships between local self-government and local state government in Bulgaria, Hungary and Slovakia are characterised by a high degree of separation. They therefore more closely resemble the *dual system* of local-central government relations that exists in the United Kingdom and in Ireland, rather than *the fused system* in place in most continental European states. In fused systems, central government appointees work together with elected representatives in managing self-governing structures, whereas dual systems rely on regulations and instructions as the main instrument for steering policy delivery by local authorities. The rather strict separation between local state government and local self-government in the former cases can be explained as a reaction to the high level of integration under the previous regime. Similarly, the preference for small basic units of self-government can be explained as a reaction to the high level of centralisation.

²³ The proportion of transferred income tax has varied between 100% in the first year after the adoption and 5% at the current time.

²⁴ The risk involved with municipalities taking out loans has been limited by the provisions of the law on municipal bankruptcy.

Figure 1. Middle-Level Local Government Tiers in Central European Countries 1999

Countries with Dominantly Governing Mid-level Tiers	Direction of Change	Countries with Dominantly Self-Administrative Mid-level Tiers
Latvia	(→)?	
		Lithuania
		Estonia
Poland ← (1 Jan 1999)		
	←	Czech Republic
	(←)?	Slovakia
Hungary		
	←	Slovenia

Source: Tamás M. Horváth (ed.) (2000) *Decentralisation: Experiments and Reforms*, LGI: Budapest, p. 49

It is still difficult to predict how the relationship between local state government and local self-government will evolve. The two main elements of the relationship that need clarification are the nature of the supervisory role of local state government and the form that methodological assistance from local state government to local self-government will take.

In relation to *the supervisory role*, institutions of local state government should, in theory, only have the right to contest the legality of local self-government decisions in the courts, except when local self-governments are performing certain functions on behalf of the central government. Due to the existence of a rather extensive system of local state government in Bulgaria, Hungary and Slovakia, the number of tasks self-governments actually perform on behalf of the central government is rather limited, so direct supervision should appear rather rarely. In reality, however, local authorities often appear to be under significant informal pressure from local state government authorities,²⁵ which indicates that there is a difference between the relations as regulated by law and the real character of the relations between local state government and local self-government. Such informal pressures can significantly limit the real independence of local self-government.

The second aspect of the relationship between local state-government and local self-government that needs further clarification is the provision of '*methodological assistance*' by local state government institutions. This methodological assistance usually consists of advice on the organisation and management of local self-governments. In the early stages of the development of self-governments, small self-government units, in particular, do need assistance from local state government officials. However, some ten years after the start of the development of local self-government institutions in Bulgaria, Hungary and Slovakia, there is now a less apparent need for methodological assistance. There is a risk that local state government institutions will use their right to provide methodological assistance to extend their influence over the management of self-government institutions. It may, therefore, be

²⁵ Research in other CEE states indicates a similar pattern.

worth considering whether the provision of methodological assistance should remain an explicit part of the tasks of local state government institutions.

Finding a new equilibrium between central government and local self-government

The position of self-governments vis à vis central government in the three Central and East European countries discussed here varies significantly. Two main factors can be singled out which largely determine whether self-governments are able to act independently and stand up to central governments in defence of their interests. The first factor is the extent to which self-governments really use the powers which legislation assigns to them. The second factor is the extent to which local self-governments are able to develop a coherent interest group structure to counterbalance the power of central governments.

The results of the research work referred to above show that there is a marked difference between Bulgaria, Hungary and Slovakia as regards the attitude of local self-government towards central government. Whereas in Bulgaria local government officials still suffer from a mentality of subordination, self-governments in Hungary, and to a lesser extent in Slovakia, show a high level of self-confidence. As a result Bulgarian local governments have not managed to make the best use of their relatively extensive competencies. Local governments take few initiatives and often look for approval by central government bodies before doing so. As a result, local self-governments have failed to gain high levels of legitimacy with local citizens. Local governments in Hungary and Slovakia have managed to gain much more support from local residents. The reluctance of central government in Hungary to reduce some of the extensive powers of local government and the lack of a decision on amalgamation of local self-government units in Slovakia can, in part, be explained by the fear of an electoral backlash.

The development of a *coherent interest group structure* can help local self-governments to improve their position vis à vis central governments. Notably, among the three states discussed here, the only country in which local self-governments managed to develop a common interest group is Slovakia.²⁶ In Hungary and Bulgaria, local government interest groups are divided along political lines, leaving local governments open to 'divide and rule' tactics from above. The Slovak local government association ZMOS has cross-party membership and therefore is able to put pressure on the central government to take local government interests into consideration as it makes relevant policy decisions. Even though ZMOS still finds it difficult to influence central government policy, it still has much better chance of helping local government reach its objectives than the divided interest groups in Hungary and Bulgaria.

A preliminary balance

Progress in the development of local self-government and the redefinition of relations between central and local government in the early stages of the transition to democracy was impres-

²⁶ ALAL in Lithuania is a further example of a unified and rather influential local government association.

sive, particularly when compared with progress in central government reform. However, the results of field research carried out in Bulgaria, Hungary and Slovakia indicate much work remains to be done in this area, as in many other states in the region. By the year 2000, Hungary was the only country among these three, and generally one of the few states in the region, to have fully established a system of both local self-government and local state government, closely modelled on the German system. A more permanent system of relations between state and self-governments remains to be put in place in the near future in all three countries. Progress in the still less politically controversial area of local government reform therefore remains considerably more impressive than in the area of central government reform. Political polarisation also seems to play a much less significant role.

Conclusion

A comparative review of institutional reform in Central and Eastern Europe reveals a highly contrasting picture of achievements and failures. While the basic institutional framework for policy-making has been created in virtually all states, with few well-known exceptions, progress in public administration reform at central government level remains unsatisfactory. At the same time, the roots for any democratic system of governance—local self-governing institutions—have been created in most states of the region, providing a good foundation for further development.

The reasons for the uneven development of governance structures in the region are complex. Though the creation of core governance institutions and an agreement on accepted basic ‘rules of the game’ in the form of constitutions or constitutional laws is a condition *sine-qua-non* for states to function at all, the impact of deficient systems of public administration is felt only after a longer period of time. Only in recent years has the link between weak systems of public administration and weak economic performance has become an issue of concern to policy-makers, spurred by the growing importance of administrative capacity requirements as a condition for EU membership. A complex set of factors—the legacy of the previous regime, weak design of the reform process, political polarisation, factors, as well as a lack of consistent external pressure—explains the disappointing results in public administration development. There are no easy remedies for this problem, making it likely that in many Central and East European states policy-making and, in particular, policy implementation will remain serious bottlenecks in the operation of the institutional system.

The prevailing picture of the development of new administrative structures, especially the creation of local self-governing institutions, is more positive. Even if the process of developing new administrative structures cannot be considered finalised in virtually any of the states of the region, the problems to be addressed seem more easily resolvable. A discussion of three representative case studies has highlighted some five to six key areas where work remains to be done to complete the development of local government systems, and in particular local-central government relations. In general, the development of structures for grass-root’s democracy appears to be much more advanced than the creation of modern central administrations. This reflects the clear wish to break with the past system early on in the transition process, the less politicised nature of local government

reform, and, perhaps most importantly, a much higher degree of citizens' interest.

More than ten years after the start of the post-communist transition, the process of institutional transformation in Central and Eastern Europe is by no means complete, even though significant progress has been made on the creation of core political institutions and, to a lesser degree, on local government reform. For a diverse set of reasons, the development of new systems of public administration at the central government level has proven to be the most complex element of the reform of governance systems. This imbalance in the institutional reform process in Central and Eastern Europe must be addressed, so that systems of governance in the region can help foster rather than hinder economic development, social progress and EU integration.

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