

INTRODUCTION

The civil service in Europe is a key element in the construction of democratic states and open and transparent public administrations undergoing modernisation. In the socio-political transformation the states of Central and Eastern Europe have undertaken, the civil service has also been seen as an essential element of a modern law-governed state they seek to build. The transformation in this part of Europe has taken root and become permanent. This so because, firstly, a reconstruction of the legal system has taken place, consisting in the modernization of constitutional law, secondly, arrangements such as the decentralization of power have been introduced, and thirdly, a modern system of territorial self-management – underpinned by values such as subsidiarity, has been created. Over time, however, with so many new reforms being introduced time and again, their public administration structures have become very unstable to the point of being defined as their typical feature. According to the experts¹, democracy in this part of Europe is only wafer thin, as despite the legal arrangements introduced, only certain democratic procedures are applied, and in terms of values – those are respected only part of the time.

The idea of introducing reforms in order to improve the functioning of the state has become popular and quite common, gaining momentum in the 1990s. In the beginning the reforms were comprehensive and the names of its authors memorable. Over the last twenty years, however, the scope and breadth of these reforms kept changing, the justification for the changes becoming less clear and the reforms themselves more chaotic. Central and Eastern European states have taken advantage of the rich experiences of the old fifteen but at the same time they were able to verify and adjust these reforms having had the chance of seeing how they have fared in practice. Researchers studying Central and Eastern Europe (Charles Demmke and Jan-Hinrik Meyer-Sahling) have noticed that while the old EU member states seek to change or reverse the privileged position of civil service employees the new member states make a point of strengthening their

¹ M. Barański (ed.), *Władza państwowa i administracja publiczna w państwach Europy Środkowej i Wschodniej*, Toruń 2007, passim; R. Chrabąszcz, J. Hausner and S. Mazur, *Administracja publiczna w wybranych krajach Europy Środkowo-Wschodniej*, Kraków 2003.

role². A possible explanation of this fact is that public administration has become the mainstay of law and order in countries undergoing a continuous process of profound transformation; possibly, still, it has become a bastion of the 'old order'.

The role of the civil service becomes particularly important in a situation in which Central and Eastern European states have found themselves, that is immersed in an fast-tracked social and political transformation. The civil service fulfills an important function in a democracy – being a guardian of its laws and satisfying a variety of social needs. It is charged with stabilising social conflicts and indicating new goals for the country. Under a pseudo-democratic government the civil service can become a sham, treated as a fig leaf by the government, a vehicle facilitating the state's accession into the European Union, sending the message the country in question is, indeed, democratic and governed according to the expectations of those who support the idea of democracy. Or the establishment of a civil service can be seen as an attempt at strengthening a certain professional group enjoying privileges and a higher status than others; or it can be a way of finding the answer to the question, 'how to manage a state'?

It seems to be the appropriate time to launch a study of the civil service in Central and Eastern Europe. On the one hand, twenty years of transformation have gone, on the other, the coming years could prove to be crucial for countries undertaking to democratize their public administration systems, countries such as Russia, Ukraine, or Moldova. It is also a significant venture for Polish academia since the issue in its entirety is rarely discussed by Polish political; more often than not, most seminal publications concern civil service in France, Great Britain and Germany. The civil service in Central and Eastern European states as a subject area of research in Poland, for all intents and purposes, does not exist. The subject's significance is recognized by practitioners: the Civil Service Department in the Chancellery of the Prime Minister propagates the idea of the civil service at conferences, in studies and recommendations. All this however, does not do justice to the civil service: there is still a dearth of information about it, both, in the practical and theoretical dimension.

For the purposes of this project the countries under study have been divided into two groups: the first includes those countries of Central and Eastern Europe which belong to the European Union: Latvia, Lithuania, Estonia, Slovakia, the Czech Republic, Poland, Hungary, Romania, Bulgaria and Slovenia; the second includes those which are not EU members, Ukraine, Moldova and Russia, and build their civil service systems following European models while suffering from inadequate democracy.

² D. Bossaert and Ch. Demmke, *Civil Services in the Accession States: New Trends and the Impact of the Integration Process*, EIPA, Maastricht 2003; Ch. Demmke, *Are Civil Servants Different Because they are Civil Servants?* EIPA, Maastricht 2006; Ch. Demmke and T. Moilanen, *Civil Services in the EU of 27 – Reform Outcomes and the Future of the Civil Service*. Peter Lang, Frankfurt/M 2010.

A comparison of the patterns and standards of civil service introduced in CEESs with those in the so-called old fifteen lead to very interesting conclusions. In terms of legal regulations and ethical standards we see many similarities, the difference is evident in the implementation process. The lack of social awareness and control prompt politicians to treat these standards instrumentally. Attempts at reforming the system often appear to be chaotic, short term, and copied from Western European models – unquestioningly. At times, forsaking a reform, treated by the experts as delay or backwardness, allowed a country to avoid making a mistake; in other cases, it led to delaying modernization and precluding prospects for improving the quality of administration services. Thus, it seems that reforming the civil service carries a high degree of risk; the effectiveness of reforms is measured in an unreliable fashion as the reforms follow in succession at too high a pace to allow for the effects to set in; or when some are abandoned altogether, at times they are reintroduced into the system just a few years later.

The civil service cannot be studied without defining the context in which it must operate. The mere existence of a civil service law does not determine its functioning in practice. To understand the essence of civil service in a given country we must find out what historical, economic and political factors were at play when it was passed, what amendments were made and for what reason.

In the study of these reforms we can limit our brief to include the acknowledgement of these reforms, point to the causes and try to explain the trends; however, from the point of view of a political scientist what becomes interesting is the effectiveness of reforms, the potential course of change and effects they might bring for the country and its citizens. Claims are also made that the post-bureaucratic forms of organisation can bring worse results than the traditional models of bureaucracy.

The main purpose of this project is to try to establish what civil service arrangements have the states of Central and Eastern Europe implemented patterned on the long-established European civil service model, what institutional and legal set-ups they have transposed and which solutions are typical of each individual country.

This work will verify the hypothesis that the construction of a civil service in Central and Eastern Europe varies from country to country and its transformation has still not run its course. The author has adopted a thesis that clearly defined systems of civil service function in a three-fold manner: under relatively stable legal and institutional conditions (Romania, Bulgaria and Estonia), the civil service is in its initial stage (Moldova, Ukraine and Russia) and there are systems where the internal evolution is still underway – in its search for the optimal way to develop (Poland and Hungary).

The author has made the assumption that the implementation of norms, procedures and values of the Western European civil service in the states of Central and Eastern Europe is twofold. In terms of legislation there are no substantial

differences across countries bent on building a civil service, with the exception of differences within the given model adopted. In practice, however, it has been revealed that the arrangements in regard to the civil service adopted in the CEESs differ considerably from their models. Firstly, seeking to model their civil service on a career or position model they are after the best possible arrangements – and this stage is not over yet; secondly, the delayed implementation of certain arrangements makes it possible to ascertain that they have been found to be unjustified in the countries they are emulating, so they are forfeited altogether; thirdly, decisions involving the introduction of legal measures often carry the hallmarks of political interference.

In effect, for instance, the ethical codes adopted become a mere dummy designed to present the institution of the civil service as being driven by ethical standards; in practice these are just empty slogans with which the members of the civil service corps do not identify.

The first chapter of this study analyses the origins of the civil service, its essence and system of values. It also has a theoretical focus when it seeks to define the civil service, examine civil service models and changes the CEESs introduce into their civil services. The second chapter provides a characterization of the organisation of the civil service in the CEESs, including the legal and institutional context and changes introduced into the service. The focus of the third chapter are employment relations in the civil service, and in particular: recruitment principles, assessment, appointments, promotion and transfers of senior civil servants and departure from the civil service. Senior positions in the civil service are the focus of the fourth chapter, which in addition to this, aims to define the concept of the civil service, provide recruitment models, and discuss the employment and promotion of senior officials; it is also concerned with the problems encountered in the management thereof. Chapter five looks at the rights and responsibilities of civil servants and dwells on training as means to professionalising the civil service. Chapter six provides an overview of the specific nature of reforms in Central and Eastern European states. The final, seventh, chapter explores the implementation of European values of the civil service in the CEESs, chiefly, the principle of political neutrality, conflict of interest, impartiality and professionalism.

In the writing of this work the author drew upon books which deal with the European and Polish civil service, as well as primary sources: documents, legal acts, statistical analyses and official websites. At times in order to accurately convey the peculiarity of certain arrangements in the civil service in different countries, the author decided to include in her work fragments of the original surveys and documents adopted. This tactic was deemed necessary in order to reliably describe the arrangements existing in the countries studied. To this end the author found as extremely useful literature in Polish, English and Russian. English language literature was especially useful in the analysis of European standards of the civil service and axiological foundations of its operation, and in the research

of the civil service based on EIPA³. It turned out that the extensive research carried out by Charles Demmke and Jan-Hinrik Meyer-Sahling on the civil service in European Union states, including its Central and Eastern European members, were topical and comprehensive. The output of English language literature is richer and more interesting than the, not that easily-available, literature on the subject produced in the countries under examination.

Of European authors, who merit our particular attention are experts such as: Ch. Demmke, D. Bossaert⁴, S. Horton⁵, P. Heywood⁶, J. Halligan⁷, A. Bekke, F. van de Meer⁸, E. Page⁹ i G. Peters¹⁰, D. Bossaert and J.H. Meyer-Sahling¹¹. These are authors who have been studying the European civil service for many years, analysing in detail its evolution, standards and modernization in the states of the so-called fifteen and those of Central and Eastern Europe.

³ Ch. Demmke, *Civil Services in the Accession States – New Trends and the Impact of the Integration Process*, EIPA, Maastricht 2004; Ch. Demmke, *European Civil Services between Tradition and Reform*, EIPA, Maastricht 2004; Ch. Demmke, *Are Civil Servants Different Because they are Civil Servants?* EIPA, Maastricht 2006; Ch. Demmke, T. Henökl, and T. Moilanen, *What are Public Services Good at? Success of Public Services in the field of Human Resource Management*, Slovenian EU-Presidency, EIPA, 2008 (not published); Ch. Demmke and T. Moilanen, *Efektowność dobrego rządzenia i etyki w administracji centralnej: ocena wyników reform w kontekście kryzysu finansowego*, EIPA, December 2011.

⁴ Ch. Demmke, *Civil Services Between Tradition and Reform*, Maastricht 2004; D. Bossaert and Ch. Demmke, *Main Challenges in the Field of Ethics and the Integrity in the EU Member States*, Maastricht 2005; D. Bossaert et al, *Civil Service in the Europe of Fifteen: Trends and New Developments*, Maastricht 2001; D. Bossaert and Ch. Demmke, *Śłużba cywilna w państwach akcesyjnych. Tendencje i wpływ procesów integracyjnych*, Łódź 2003; Ch. Demmke, G. Hammerschmid and R. Meyer, *Decentralisation and Accountability as Focus of Public Modernisation Reforms*, Office of Official Publications of the EU, Luxembourg, 2006.

⁵ S. Horton, 'The Civil Service', in S. Horton and D. Farnham (eds), in *Public management in Britain*, London 1999; id., *Zarządzanie zasobami ludzkimi (HRM) w Brytyjskiej Służbie Cywilnej*, in *Rozwój kadr administracji publicznej*, Białystok 2001; id., *Evaluation of Leadership Development and Training in the British Senior Civil Service: the Search for the Holy Grail*, Paper for the Third Transatlantic Dialogue, USA, 2007.

⁶ P. Heywood and V. Wright, 'Executives, bureaucracies and decision-making', in P. Heywood, M. Rhodes and V. Wright (eds.), *Developments in West European Politics*, London 1997; P. Heywood and J.-H. Meyer-Sahling, *Występowanie stref korupcji w zarządzaniu polską administracją rządową*, Warszawa 2008.

⁷ J. Halligan, *Civil service systems in Anglo-American countries*, Cheltenham–Northampton 2003.

⁸ A.J.G.M. Bekke and F.M. van de Meer, *Civil service systems in Western Europe*, Cheltenham–Northampton, 2000.

⁹ E.C. Page, *Political Authority and Bureaucratic Power. A Comparative Analysis*, Prentice Hall 1992.

¹⁰ B. Guy Peters, *Administracja publiczna w systemie politycznym*, Warszawa 1999; id., *The Future of Governing*, Lawrence, KS: University of Kansas Press, 2001; B. Guy Peters and J. Pierre, *Politicization of the Civil Service in Comparative Perspective*, Routledge 2004.

¹¹ J.H. Meyer-Sahling, *Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after EU Accession*, OECD, SIGMA, Paris, April 2009.

This research area is by no means a finite subject. The changing external context, primarily consisting in European integration, globalization and intensive democratization in this part of the world will indubitably impact the management of the civil service in the future.