

Public administration reform concept

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1. Current situation

Since Belarus is a super-presidential republic by the form of government, the main powers concentrate in the hands of the head of state (the president); there is no real separation of powers (legislative, executive, and judicial); the society has virtually no control mechanisms to restrain and limit the power of the President, most of the bodies of power are directly or indirectly accountable to him. This makes the Belarusian political system unbalanced and vulnerable, as too much power is concentrates in the hands of one person (the president). This also leads to atrophy of state institutions, first of all legislative bodies (state and local) and the entire judicial system.

The issue of rivalry/competition and coordination between different state bodies is quite acute. There are contradictions between the goals and interests of ministries and departments, when, for example, somehow more liberal ministries offer economic reforms, and power ministries (*silovoki*) suggest repressions. A kind of “tug-of-war” exists between the Presidential Administration and the government (the Council of Ministers), however, since the president has the right to turn down any of the government's proposal, the latter is by nature in a subordinate position. This problem is not unique to Belarus, however the country does not have a working mechanism of checks and balances: there is no coordination at the Council of Ministers level, and the public interests are not considered. Instead, the final decision always resides with the Presidential Administration, whose main interest is to serve the president who wants to maintain his power.

The general imbalance of the political system causes the main weaknesses and problems of public administration (the executive branch, in particular). Ministries do not develop policies but follow the instructions of the Administration of the President, the Security Council, and other structures that belong to the “the inner circle”. State policy is not evidence-based as it is not developed on the basis of any objective information (research, statistics) and for socially significant purposes, but to complete the president's arbitrary demands. Many documents are classified "for restricted circulation" without sufficient grounds and therefore are not available to the general public.

Civil servants do not implement strategic tasks, they work on what at the moment seems relevant to the president and his administration, or they implement randomly assigned "targets" - e.g., of industrial production. For example, now the municipal and emergency services are busy removing flags and destroying street art instead of fulfilling their principal functions.

The country lacks an adequate legal framework that would regulate the civil service and public administration. There is no law on public administration setting its main principles and objectives. As a result, government agencies are overloaded with *ad hoc* orders and demands from higher-level organizations. The 2003 Law on Civil Service has been updated many times, but the long-promised new version was never adopted. Civil servants' job security depends on their superiors, which is set out by the nature of short-term work contracts.

While hiring and appointing to senior positions, nepotism, or preferential treatment of relatives and friends play an important role. There is no adequate system for competitive merit-based recruitment, where relevant competences are tested and the specialists with the best performance are promoted.

The main criteria for being appointed to a state position is a loyalty to the regime. The main personnel policy tool is a direct appointment, and the main HR body is de-facto the Administration of the President. The quality and practical value of training at the Academy of Public Administration under the Aegis of the President (as the main educational institution in the field of public administration and actually a mandatory stage in civil service career) is often questioned by the graduates themselves.

There is practically no local governance. and the role of local councils (which are de-facto appointed, not elected) is to only approve local budgets drafted by local executive committees. Since they are not accountable to citizens, the councils are not motivated to solve local problems. Like MPs, they view themselves as a part of the “power vertical” rather than a full-fledged legislative and representative bodies. Local authorities have only limited power to design and implement independent policies. Budgeting process is strictly top-down, hierarchical, and centralized. At the same time, there is no separate ministry responsible for regional development.

2. Public administration reforms for the nearest future (before the new elections)

In the short-term perspective, it is acceptable to use the existing legislation. The following actions are key for the improvement of the public administration system:

- The public administration reform plan should be drafted based on the analysis of the existing problems in the public administration system. This task could be implemented jointly by specialists who already work in ministries, together with independent experts and specialised international organisations (ex., SIGMA¹, OGP², Global GovTech Partnership³, etc.). The Council of Ministries should be the coordinating body which owns the draft of the reform plan. The Ministry of Finance should then develop a new budget based on the goals set for the government and the public interest.
- Ministries should start developing policies (economic, foreign, demographic, social, etc.) and should be relieved of the functions unrelated to their mission (for example, managing state-owned enterprises).
- Policy and regulatory development processes should be based on evidence (research and data) and subject to the impact assessment (IA) on business and society.
- A body responsible for the civil service should be created (for example, a Civil Service Agency or a specialized department in one of the ministries). This body should be tasked with developing the civil service reform (which would include transparent competitive recruitment, the abolition of short-term contracts, performance evaluation etc). The principles of holding the highest state positions (competition, open access, approval process, etc.) should be established. Urgent measures should be taken to prevent/avoid politicization and to remove ideologically motivated civil servants from the public administration system .
- All statistics and information about the work of state bodies should become public (except for secret information determined by clear criteria), including information about the budget and the public procurement.

¹ SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the EU, created with the aim of improving public administration to support socio - economic development.

² OGP (Open Government Partnership) is an international organization that promotes public administration reforms to support openness to civil participation and control.

³ The Global GovTech Partnership is the World Bank initiative aiming to introduce advanced information technologies in the public services providers.

- The tools for civic participation in decision-making that already exist in national legislation should be actively used both at the national level (e.g., public discussions of normative legal acts, open collective appeals of citizens – petitions) and at the local level (e.g. public discussions⁴, local assemblies⁵, local referenda⁶, territorial self-governance, and citizens' initiatives to organize meetings, to request a report, to propose a legal act for the consideration of the local Council⁷, or to recall⁸ the members of the local Council). The work on participatory budgeting (PB)⁹ should start. This would allow citizens to prioritize a part of their expenditures at the local level and give them the opportunity to make real decisions about how the part of the budget money will be spent.

These measures would help to at least partially restore citizens' trust in the authorities and help move forward to a meaningful discussion and finding solutions for both national challenges and urgent problems of local communities. As a part of the constitutional reform, these institutions can be defined, expanded, and complemented in the new Constitution.

3. Public administration reforms after the elections, but before the constitutional reform

If new elections are held before the constitutional reform, i.e., the new president gets the same super-concentrated powers, these powers should support the reforms. Along with the development of constitutional reform, the following steps should be taken in the sphere of public administration:

- Implement public administration reform based on the principles of transparency, inclusiveness (participation of various groups of citizens), efficiency and evidence-based approach.
- Continue the reform of the civil service with an emphasis on depoliticization (increasing independence) of the civil service and adopt the code of ethics for civil servants. Ideally, a new law on the civil service should be designed,
- Build a system of realistic and measurable long- and medium-term planning. It is important to clearly define missions, goals and objectives of individual ministries and committees (agencies) and give them clear functions. There should be a legal framework and clear procedures for the assessment of their performance. It is equally important to make sure that financial and human resources are available for this transformation, and that there is a political will to support it.
- Refocus the public service delivery system to a client-oriented approach based on best practices. Maximise the use of ICT (e-governance).

⁴ mandatory mechanisms for coordination with residents for projects and initiatives in urban development and environmental sector. The same mechanisms can also be used to discuss other local issues.

⁵ A joint meeting of a group of citizens to discuss local and state-wide public and social issues for making proposals and taking decisions.

⁶ Meetings are held to resolve issues that are of crucial importance for the residents of a particular administrative-territorial unit and fall within the competence of the relevant Councils, executive and administrative bodies. It was never implemented in Belarus.

⁷ Granting a certain number of citizens, the right to directly submit a draft legal act on local issues for consideration by the local Council.

⁸ There are currently many initiatives to recall MPs, but so far this has never happened in Belarus.

⁹ A procedure for democratic discussion and decision-making, where residents decide how to allocate part of the local or national budget. At the moment, there is no legal provision for such an institution, but there is also no clear prohibition that prevents from implementing it.

- Develop and adopt a law on access to public information and personal data protection, which establishes the right of citizens and organizations to receive unclassified information about the activities of public administration bodies, the budget, etc.

4. Reforms of the public administration system after the constitutional reform

At this stage, it is difficult to say exactly how the future constitutional reform in Belarus and the subsequent design of the political system will look like, but it is obvious that we should address the main drawback – the over-concentration of power in the hands of one person. In addition to decentralization, it is necessary to establish real separation of powers, to build a system of checks and balances, and to grant the necessary powers to the Parliament. It is possible that the party system will become more important in shaping the government bodies.

Priorities for the public administration system reform at this stage should be the following:

- to sustain the separation of the public administration system into ministries that develop policies and agencies or committees that implement them.
- to complete the civil service reform, including the separation of political and non-political positions (i.e. political positions at the level of ministers which follow the line of the party or a coalition in power; and non-political – to create continuity and stability in the work of government bodies).

The legislative branch guides the government's work in terms of policy development.

The role of the Council of Ministers and the Ministry of Finance is consolidated. The Ministry of Finance operates on the grounds of results-based budgeting, rather than item-by-item budgeting.

Ministries have missions (strategic vision and long-term goals of their work) and mandates (clearly defined powers, responsibilities, and rights).

Legislation and policies are developed in an inclusive manner, which means various groups of society are engaged in the development process.

National legal framework is consistent; the requirements for writing legal acts are the same for all ministries; legislation and all explanations to it are publicly available.

Next steps in the local governance reform include developing and adopting a new law on local governance that provides for electing those on the key local government positions. There will be a need for financial decentralisation (since the larger portion of locally collected taxes should remain in the regions, and elected local councils should have the authority to distribute these funds) and to introduce the legal framework for the institution of civil participatory budgeting.