

Department of Economic and Social Affairs
Division for Public Economics
and Public Administration

Promoting Ethics in the Public Service



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Notes

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The term country as used in the text of this publication also refers, as appropriate, to territories or areas.

The term dollar normally refers to the United States dollar (\$).

The views expressed are those of the individual authors and do not imply any expression of opinion on the part of the United Nations.

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Foreword

This report is the product of a policy dialogue which took place in Brasilia, a Colloquium on *Promoting Ethics in the Public Service*, held in December 1997. Upon request from the Government of Brazil, the United Nations Department of Economic and Social Affairs (UN/DESA), Division for Public Economics and Public Administration (DPEPA) provided substantive input to the Colloquium's programme. UN/DESA's involvement was part of its ongoing work on the issue of public service ethics, under the rubric of professionalism and leadership in civil service systems.

Brazil launched a reform of the state in 1995 and is currently re-examining the role of the state. As part of this exercise, Brazil has also been making a conscious shift towards a managerial administration, with a greater results-orientation than its previously legal-rational model. It has been modernizing the public service, emphasizing quality service, performance and professionalism. Given this overall context, the Government of Brazil considered ethics in the public service to be a timely issue. The integrity of public servants has a direct bearing, not only on their performance but also on public perception of government credibility.

This report has been prepared by the Governance and Public Administration Branch of the Division for Public Economics and Public Administration (GPAB/DPEPA). The Division would like to acknowledge the contributions of Ms. Elia Yi Armstrong, a UN/DESA Consultant. It would also like to acknowledge the work of Mr. Francisco Amorim, UN/DESA Interregional Adviser, who was instrumental in collaborating with the Government of Brazil in the conception and planning of the event.

The Division would like to acknowledge the Brazilian Council of State Reform for its partnership. Mr. Joao Piquet Carneiro, Vice-President, prepared a summary of the Colloquium, which is included in this publication. It would also like to acknowledge the Brazilian Ministry of Federal Administration and State Reform (MARE), the United Nations Development Programme office in Brazil, the Bank of Brazil and Hyundai Company for their sponsorship. Minister Luiz Carlos Bresser Pereira of MARE presented a paper on civil service ethics, which is also included in this publication.

The Division would like to thank the international consultants who prepared the papers which were presented in the Colloquium: Professor Gerald Caiden of the University of Southern California and Mr. Peter Unwin of Transparency International-United Kingdom. It would also like to thank Mr. Gary Davis, Deputy Director, for presenting the paper prepared by the United States Office of Government Ethics. Further, the Division would like to thank the international discussants, Mr. Howard Wilson, Canadian Ethics Counsellor, and Mr. Janos Bertok, Administrator, Public Management Service (PUMA), the Organisation for Economic Cooperation and Development (OECD), for their commentaries and presentations of experience of other countries.

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Executive Summary

Ethics is gaining prominence in the discourse about governance today. There is a perception that standards in public life are in decline. This raises questions about the costs of misconduct on the part of those who have been entrusted with guarding public interest and resources. These costs are losses in trust and confidence in public institutions and losses in precious resources which were meant to support the economic and social development of nations and peoples. There is a move worldwide to restore a measure of trust and integrity in public institutions and officials, to safeguard democracy and promote better governance.

Like many other countries, Brazil is currently re-examining the role of the state, after having launched a reform of the state in 1995. As part of this exercise, Brazil has also been making a conscious shift towards a managerial administration, with a greater results-orientation than its previously legal-rational model. It has been modernizing the public service, emphasizing quality service, performance and professionalism. Given this overall context, the Government of Brazil considered ethics in the public service to be a timely issue. The integrity of public servants has a direct bearing, not only on their performance but also on public perception of government credibility.

At the invitation of the Government of Brazil, United Nations Department of Economic and Social Affairs (UN/DESA), Division for Public Economics and Public Administration (DPEPA) co-organized a national colloquium in Brazil on *Promoting Ethics in the Public Service*, in 1997. In Brasilia, 300 senior federal and state public servants as well as representatives from the business community, the media, the academy, and

professional associations discussed launching a national ethics initiative in the public service. The United Nations involvement indicated its interest in and a mandate for assisting Member States to improve their public administration in order to better achieve their economic and social development goals. For fifty years, the United Nations Programme in Public Administration and Finance has been providing research and analysis to inter-governmental bodies and policy advice and technical cooperation to Member States, upon request.

Although the issues discussed during the Colloquium were placed in the Brazilian context, they are universal in scope. The programme started with the questions, what are professional ethics and, more specifically, what are civil service ethics? This was followed by a discussion of the values which embody the essence of public service professionalism. Then a very concrete example of an ethics programme was given to illustrate how these values could be translated into a system of workable, manageable and enforceable standards. Finally, the importance of involving actors outside of the public service – the private sector and civil society – and their roles were debated. In conclusion, the participants recommended a number of specific measures to promote ethics in the public service, including fostering public involvement, improving the legal framework and instituting ethics as an integral part of human resources management in the public service.

The Colloquium witnessed presentations and discussions that are relevant not only to Brazil but to other countries, in either introducing or making changes to ethics management in their public service.

Introduction

Ethics and governance

Ethics is gaining prominence in the discourse about governance today. There is a perception that standards in public life are in decline. This raises questions about the costs of misconduct on the part of those who have been entrusted with guarding public interest and resources. These costs are losses in trust and confidence in public institutions and losses in precious resources which were meant to support the economic and social development of nations and peoples. There is a move worldwide to restore a measure of trust and integrity in public institutions and officials, to safeguard democracy and promote better governance.

It could be argued that the perception of a fall in public standards is linked to the shifting role of the state, which is undergoing tremendous reform. Globalization, technological advances, spreading democratization and fiscal crises are challenging states to deal with strong external forces, be smart in serving its citizenry, devolve power, and divest itself of obsolete activities. As a result, the public service, as an institution, is under pressure to transform itself to respond to these changes. As public servants are asked to take on new and sometimes conflicting roles, there is a need for a cost-effective structure and an encouraging culture to enforce standards and guide their behavior.

The role of the United Nations

The United Nations has an interest in these new challenges which public services are facing everywhere and a mandate for taking action. It has been assisting Member States to improve their public administration in order to better achieve their economic and social development goals. For fifty years, the United Nations Programme in Public Administration and Finance has been providing research and analysis to inter-governmental bodies and policy advice and technical cooperation to

Member States upon request. It has organized fora where countries could consult one another about their experiences, both in comparing problems which they face and sharing best practices in finding solutions.

Currently, this Programme is carried out by the United Nations Secretariat, through the Department of Economic and Social Affairs and, more specifically, the Division for Public Economics and Public Administration. The Programme is advised by a Group of Experts, which meets biennially and reports to the Economic and Social Council and ultimately the General Assembly.

In 1996, the General Assembly adopted resolution 50/225 on *Public Administration and Development*. This resolution broadly confirmed the vital importance of governance, public administration, and finance to the development process. It also acknowledged the role of the United Nations in assisting governments, at their request, in strengthening government capacity for policy development, administrative restructuring, civil service reform, human resources development and public administration training.

Further, the most recent Meeting of the Group of Experts on the United Nations Programme in Public Administration and Finance, held in 1998, acknowledged that the State must be in the forefront of implementing change and smoothing the path for progress. The Experts called for new approaches to management, exemplifying openness, adaptability, participation, flexibility, diversity and responsiveness. They recognized that facilitating change and fostering a new image for the public service call for new career structures which emphasize mobility, the importance of integrity and professionalism and the overriding claims of merit in the recruitment, placement and promotion of public servants.

Responding to these trends and in light of the continuing mandate to strengthen the institution of the public service, the United Nations has been focusing on the issues of professionalism and leadership in civil service systems. Recently, it has co-organized two major regional conferences, one for Central and Eastern Europe and the other for Africa, and has been involved in national level policy dialogues on public sector ethics and anti-corruption initiatives in Brazil and Namibia. In the case of Brazil, the United Nations tapped into its experience in this area to co-organize a *Colloquium on Promoting Ethics in the Public Service* in 1997, upon request from the Government of Brazil.

The case of Brazil

Brazil is the largest country in Latin America, covering more than 8.5 million sq. kms, with an estimated population of 157 million (Instituto Brasileiro de Geographia e Estatistica, 1996). It is a middle-range country when compared to other countries in terms of its GDP. In 1996, its per capita GDP was \$US 4,743 (the Economist Intelligence Unit), GDP growth was 2.9%, average consumer price inflation was 16.5%, and foreign debt was US\$ 172.4 billion (Presidency of the Republic, Brazil 1996: From Reform to Growth).

Brazil, like many other countries, is currently examining and reforming the role of the state and its apparatus. The launch of its reform, in 1995, seeks changes in the administrative chapter of its 1988 Constitution, public institutions defined by their functions and place in the state sector, administrative style from legal-rational to managerial, and the social security system for public servants and other state sector employees. In 1995, there were about 580,000 federal civil servants, covered by the civil service law (down from 780,000 in 1989). This was out of about 1.2 million public sector employees, including public and joint capital companies. The average annual federal public payroll expenditure as per cent of GDP was 3.17% between 1988-1994 while the combined state and municipal public payroll expenditure was

6.53% for the same period (Brazilian Ministry of Federal Administration and State Reform, 1995).

Within this context, the Council for State Reform and the Ministry of Federal Administration and State Reform are considering another dimension of its public administration ethics in government. Given its recent past the end in 1985 of a twenty-year long authoritarian regime, a new Constitution in 1988, the impeachment of its first directly elected President in 1992, and a series of scandals in the past few years the Government of Brazil indicated that it was a crucial time to examine integrity in government.

The Colloquium organizers decided to begin in the executive branch of government, and more specifically the public service. They wanted to consider redefining values, ensuring new or modified standards of behaviour, and inspiring public servants to higher levels of conduct. They concluded that to make any ethics initiative a success, all partners in governance both federal and state levels of government, the private sector and civil society needed to play an active role. Part I of this publication is a summary of the Colloquium panel discussion.

Promoting ethics in the public service

Although the issues discussed during the Colloquium were placed in the Brazilian context, they are universal in scope. The programme started with the questions, what are professional ethics and, more specifically, what are civil service ethics? This was followed by a discussion of the values which embody the essence of public service professionalism. Then a very concrete example of an ethics programme was given to illustrate how these values could be translated into a system of workable, manageable, and enforceable standards. Finally, the importance of involving actors outside of the public service the private sector and civil society and their roles were debated. What resulted were presentations and discussions that are relevant not only to Brazil but to other countries, in either introducing or making changes to their public service ethics management.

Considering their relevance to other contexts, the Colloquium papers are included in Part II of this report. A brief summary of the papers follows.

In his paper on the *Higher Civil Service's Ethics*, Luiz Carlos Bresser Pereira, Brazilian Minister for Federal Administration and State Reform distinguishes ethics as the science of moral practices from ethics as a hierarchy of values and norms. He suggests that professional ethics reflect the latter definition and examines the hierarchy of values that applies to the leadership of the civil service. He looks at the many roles of a senior civil servant – manager, political agent, member of a profession, and individual person – which give rise to differing, and often conflicting, sets of values. In sorting out a hierarchy of values for the leadership of the civil service, Minister Bresser Pereira suggests that a bureaucratic model of public administration needs to give way to a managerial model. Moreover, the civil service itself needs to adopt more democratic and republican values to reflect the ongoing changes in society.

The paper on *The Essence of Public Service Professionalism* by Professor Gerald Caiden of the University of Southern California attempts to identify the unique set of values to be upheld by the public service. Professor Caiden highlights the multiplicity and complexity of changes which are currently taking place. He observes that never before has civilization required such high quality public leadership and effective government. In considering public service professionalism, he lists: providing public benefits, enforcing the rule of law, ensuring public responsibility and accountability, setting an example, improving professional performance, and promoting democracy. Professor Caiden concludes that being professional means more than just employing professionals or paying lip service to professional values. It requires a thorough understanding of professionalism and strict adherence to public norms of model behaviour.

The paper *Ethics Programmes as a Means of Fighting Corruption*, describes the role and work of the United States Office of Government Ethics

(OGE). The paper begins by noting the growing global awareness of the need for effective anti-corruption measures. This concern has been evident in the work of major international organizations and individual countries. The paper seeks to contribute to the global dialogue by holding up the American model, not for emulation but for a consideration of its various components. After highlighting the critical incidents in American history which led to the creation of the current ethics management system in United States, the paper describes OGE programmes. The OGE interprets federal conflict-of-interest statutes, issues Standards of Conduct for the executive branch, publishes informal advisory opinions, receives financial disclosures, reviews the nominations of senior officials, trains government employees, and provides assistance to agencies to administer their own ethics programmes as well as periodically reviewing them.

The final paper on *The Role of the Private Sector and Civil Society in Promoting Ethics in the Public Service* is by Peter Unwin, a founding member of Transparency International-U.K. Mr. Unwin draws upon his distinguished career in the British Diplomatic Service and the Commonwealth Secretariat as well as his involvement with Transparency International to make observations about ethical standards in the public service and the interaction of governments with other segments of society. He compares the situations in Britain, the Commonwealth and in Central and Eastern Europe. He then focuses on the role and importance of the government, politics, public administration, business, academia, education, the media, and other attitude formers in beneficially influencing ethics in the public service. He concludes by outlining a *modus operandi* which would include an emergence of a kind of national coalition to promote higher ethical standards throughout society, and in the public service in particular for a society which achieves ever higher ethical standards within its public service will be able to deliver steadily increasing satisfactions to all its members.

Future directions

A glance at the newspapers or a glimpse of the news on the television show that ethics and anti-corruption issues continue to figure on the public agenda. They are no longer confined to only local and national levels of government but are spilling over into the international arena. There is a growing recognition that countries need to cooperate at the transnational level to stem corruption and other problems, such as organized crime, which are associated with it. Efforts by international organizations such as the *Inter-American Convention Against Corruption* by the Organization of American States and the *Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions* by the Organisation for Economic Cooperation and Development are signs of current consensus for future work in this area.

fostering proper conduct in government affairs and in commercial transactions. In addition to concerted action, the United Nations also acknowledges the value of countries learning from one another. In this spirit, the Secretariat and other agencies are providing the fora for cross-fertilization of ideas to take place and technical cooperation to assist individual countries to consider policy options and implement concrete measures to promote ethics and combat corruption.

The presentations and discussions during the Brazilian Colloquium demonstrate that Brazil is not alone in facing challenges in promoting ethics

The United Nations has also adopted a number of resolutions to indicate the position of its membership. *Action Against Corruption* and the *United Nations Declaration Against Corruption and Bribery in International Commercial Transactions* show the interest that the Organization has in

in the public service. However, the Colloquium considered these challenges within the unique context of Brazil for homegrown solutions. As a direct result of the Colloquium, a federal anti-trust and a regulatory agency overseeing the petroleum industry introduced Codes of Conduct. In addition, the Council for State Reform also decided to recommend introducing a Code of Conduct for ministers, vice-ministers, and other high-ranking officials. This present report seeks to add to the global dialogue on promoting ethics and combatting corruption in the public sphere.

Part I

Colloquium Summary¹

Introduction

The *Colloquium on Promoting Ethics in the Public Service* was held 8-10 December 1997 in Brasilia. The event was jointly conceived and planned by the Council for State Reform of the Federal Government of Brazil and the United Nations, Department of Economic and Social Affairs (UN/ DESA), and sponsored by the United Nations Development Programme (UNDP) and the Ministry of Administration and State Reform of Brazil (MARE).

The main objective of the event was to start an open discussion in Brazil on how to implement practical initiatives, aimed at promoting sound ethical principles and conduct by public servants. The emphasis was on the executive branch. In effect, the limited scope of the seminar was a strategy devised to avoid too broad and theoretical a discussion of the theme of ethics and to allow concentration on specific questions concerning the executive branch.

The colloquium consisted of four plenary sessions and eight panels for discussion of specific issues. The participants were public servants of the executive branch of the federal government as well as selected guests from the congress, the judiciary and public service unions.

The attendance, both in the plenary sessions and in the panels, exceeded our most optimistic estimate in itself a clear demonstration of the interest that ethics in government now arouses in Brazil.

The speakers and subjects covered in the plenary sessions were the following:

- Mr. Luiz Carlos Bresser Pereira, Brazilian Minister of Administration and State Reform, on *Higher Civil Service's Ethics*;
- Mr. Gerald A. Caiden of the University of Southern California, on *The Essence of Public Service Professionalism* (unfortunately, Professor Caiden was unable to attend the Colloquium and his paper was presented by Dr. Daisy A. Valdés);
- Mr. F. Gary Davis, Deputy Director of the U.S. Office of Government Ethics, on *Ethics Programmes as a Means of Fighting Corruption: the Case of the United States*;
- Mr. Peter Unwin of Transparency International-U.K., on *The Role of the Private Sector and Civil Society in Promoting Ethics in the Public Service*; and
- Mr. J. G. Piquet Carneiro, member of the Brazilian Council for State Reform, on *Improving Ethical Conduct on the Federal Public Service of Brazil*.

Commentaries were also given by Howard Wilson, Canadian Ethics Counsellor from the Prime Minister's Office of Canada, and Janos Bertok, Administrator from the Public Management Service (PUMA) of the Organisation for Economic Cooperation and Development (OECD).

In addition, the panels addressed the following subjects:

¹ The United Nations would like to acknowledge Mr. Joao Piquet Carneiro, Vice-President, Council for State Reform, Brazil, for having prepared this text for the Fourteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance.

- Democratization, communication and ethics in the public service;
- State reform and ethics in the public service;
- Values involved in the promotion of ethics in the modern public service;
- The involvement of civil society as educator and watchdog;
- Restoring pride and prestige to the public service; and
- Promoting ethics initiatives in the public service.

The participants in each panel, with the assistance of the highly distinguished foreign experts, had to seek answers to specific, pre-selected questions. Perhaps the dynamics and conclusions of the panels, as well as the posture of the civil servants, allow for some interesting observations. What follows are summaries of the discussions in the panels.

Democratization, communication and ethics in the public service

Questions:

What may be expected from the media in the development of a policy aiming at the improvement of ethical conduct in the public sector? Should the press itself adopt rules of ethical conduct in its relationship with the government? Is it possible to visualize a relationship between the press and the government that would contribute to the development of more ethical standards in the public service?

Of all the panels, this one had particular political relevance. The answers by participants indicated a deeply skeptical opinion about the feasibility of the press playing an efficient institutional role in the field of ethics. Moreover, it became clear that civil servants in general are resentful of the press, in spite of the fact that virtually all major scandals were investigated as a result of denunciations by the press. This reaction seems to stem from a perception that the press is responsible for the current deterioration of the public image of the public sector.

- Ethics in public management;
- The private sector as partner of the government in securing ethics in the public service;

From their standpoint, the role of the press during the past few years has been one of denunciation. Rampant competition in the media has caused irresponsible denunciations, based on insufficient investigation, unreliable sources, and distortion of facts. As a result, public institutions have been discredited, according to the prevailing opinion of the participants.

A cooperative posture of the press, although desirable, is overshadowed by its tendency to highlight negative facts and ignore positive ones whenever the public sector is concerned. According to the participants, journalists and the press benefit from impunity. From their viewpoint, a healthy system is like the ones adopted in the United States and the United Kingdom, where freedom of the press is guaranteed, but journalists and the media are responsible for error or libel. Furthermore, since globalization and technological development are increasing, the power of the press will continue to expand.

The participants made the following recommendations:

- The press should act as a watchdog and whistleblower but in a competent, accurate and responsible manner. Positive facts and information relevant to society must also be published.
- The agenda of the press and the agenda of the government must be kept separate.
- The public sector should:
 - Take the initiative of divulging facts that are relevant to society through the press;
 - Promote the creation of organizations such as the Senate-TV; and
 - Effectively regulate the use and preservation of confidential and privileged information.

One interesting aspect of this panel is the ambivalent opinion which public servants hold about the role of the press. On the one hand, they resent what they consider a systematic campaign against the public sector. On the other hand, they still consider the press as a vehicle to divulge

State reform and ethics in the public service

Questions:

What are the reasons for the negative image of civil servants? How can this reputation be rescued? To what extent does state reform contribute to improving ethical conduct in the public service?

Again, the answers indicate that the main external cause of the negative image of the public service is a result of the biased posture of the media. The media emphasize often a distorted image of the public sector. These negative aspects include corporativism, corruption and nepotism.

Another reason indicated by the participants is the deterioration of public services. Citizens are looking for better quality services while civil servants are not prepared to meet this growing demand for efficiency and quality. Further, according to participants, oversized government structures, together with excessive power to legislate, has created complex proceedings and excessive controls. Bureaucratization has brought a paralysis to the administration, impunity to civil servants, and a generalized feeling of impotence on the part of society.

Among the internal causes of the loss of prestige of the public service, the participants mentioned administrative discontinuity and a lack of adequate human resources policies. These policies should emphasize professionalism, the merit system, and working conditions compatible with the public service.

The participants in this panel made the following recommendations:

matters of interest to the public sector and to society.

It is also relevant to point out, as background information, that during the past 15 years, the press image evolved from one of heroic resistance against dictatorship to one of adherence to inquisitorial practices.

- The introduction of basic notions of ethics and citizenship in the academic curriculum at all levels of education;
- The implementation of the proposed executive agencies and social organizations (non-governmental entities with a public purpose) as well as of the strategic nucleus of the state, as defined in the Plan of State Reform as a means of securing administrative continuity; and
- The implementation of the principles of managerial administration, with an emphasis on human resources policies based on productivity, merit, professional qualification, and adequate remuneration.

Values that promote ethics in the modern public sector

Questions:

To the extent that probity and dedication are fundamental values, are there, today, objective conditions to promote these principles in the public service? Some countries have adopted mechanisms whereby public servants may secretly denounce immoral conduct. Would it be feasible or advisable to adopt a similar system in Brazil, where denunciation in the working environment is not well regarded?

In their answers, the participants agreed that the legal framework applicable to ethical problems in the public service is already quite vast from the Constitution to the Code of Ethics although its actual implementation is insignificant. Nevertheless, public servants, in general, abide by ethical standards applicable to the public service and sanctioned by society. According to the participants, the gist of the problem lies in insufficient implementation.

The participants recommended the following initiatives:

- To define a methodology for the implementation of statutory provisions already in force;
- To reduce the punitive character of the Code of Ethics, in order to emphasize education, without an over reliance on punishment;
- To the extent that ethical conduct is intended to protect primarily the public service, not the indi-

Ethics in public management

Questions:

The Bidding Law and other statutes impose strict limitations on public servants, which frequently lead to an uneconomical decision-making process. Is this the best way to promote probity in the public service? If not, what other options are available? Public opinion considers that, in spite of the laws in force, violators are never punished. After all, does the ethical problem lie primarily within the executive branch or the judiciary?

The participants agreed that the Bidding Law and other restrictive statutes hinder technological development, to the extent that they require a vast but inefficient apparatus of control. Besides being uneconomical, these laws contribute to excessive rigidity with insignificant results from an ethical standpoint.

The real question, according to the participants, is not to determine whether impunity is a problem of the executive or the judiciary. This type of criticism does not bring concrete results. Another factor pointed out by the participants is that a myriad of ethics rules exist in laws and decrees without creating adequate instruments of implementation and control.

The participants of this panel presented the following recommendations:

- A reduction of formalistic and bureaucratic controls in connection with government purchase of goods and services;
- The organization of a central regulatory agency for government purchases;

vidual civil servant, a sound human resources policy should emphasize professionalism, qualification, and retraining programmes which should include ethical notions and principles; and

- To include principles of citizenship in the academic curriculum, starting in elementary schools.
- Better training of the personnel in charge of bidding and contracts;
- An emphasis on ends and goals, rather than means and procedures; and
- The transformation of the existing Courts of Account, in charge of external control, to more independent and flexible institutions.

The private sector as partner of the public sector

Questions:

Is it feasible to institute in Brazil, similarly to what is being done in other countries, restrictions upon former public servants with respect to employment and the rendering of services to private organizations? Inasmuch as corruption in government is a phenomenon that normally involves private interests, is it feasible to improve ethical standards in the public sector without a corresponding effort in the private sector? In the United States, the relationship of public officials with the private sector is regulated in great detail. To what extent should the Brazilian Government regulate gifts, other favours, and courtesies?

The participants were in favour of rules, restricted to certain offices and functions where the public servant has access to privileged information. Again, they were worried about the risk of excessive regulation, leading to impunity or bureaucratization. Regarding revolving door type of regulation, the participants were afraid that post-employment quarantine rules may stimulate remunerated idleness. (It is interesting to note, in this context, the conservative approach of public

servants regarding the use of public funds to pay the salaries of non-working public servants.)

The recommendations of this panel were somewhat generic:

- The promotion of a campaign, led by the public sector, in favour of ethics in government ;

The involvement of civil society as educator and watchdog

Questions:

Certain countries have created mechanisms, accessible to society, of reporting unethical acts in the public sector. Is it feasible or desirable to create similar mechanisms in Brazil? What are the risks involved? How can we avoid the participation of civil society in such a process, leading to an inquisitorial culture?

The participants were of the opinion that Brazil is moving from a concept of civil society completely divorced from the state to a new notion of civil society, engaged in the formulation of public policies. This breaks the state monopoly on the policy-making process. However, the transition process is quite complex and slow, in view of the heterogeneity of society and the still unclear model of the state that it wants to create.

Experience shows that where society is organized, the efficacy of the public sector is greater. Thus, the creation of a new model of the state is essential to the completion of the transition. The new model of the state will then regulate the ethical standards of the public service.

The participants consider that the existing institutional controls of ethical transgressions are adequate. The problem, however, is insufficient investment in education, directed to the understanding and promotion of ethical principles. Moreover, the concept of ethics in the public sector also encompasses democratization of public services and their quality and availability to the public.

The participants made the following recommendations:

- The regulation of gifts and courtesies in a general manner, applicable to the whole public sector; and
- The introduction of educational programmes with the purpose of stimulating a debate about ethics, promoting social cohesion, and citizenship values.
- The debate concerning ethics should involve the public sector in general, including decentralized and autonomous agencies of the government, quasi-governmental agencies and private companies that render public services by means of government concession;
- The Code of Ethics should be decentralized, for implementation purposes, towards each specific area of the public service;
- Decentralized debates should be promoted through meetings, seminars, workshops, etc.;
- There should be the creation of a locus in government to discuss ethical questions;
- Professionalism should also be reinforced with respect to the observance of ethical principles; and
- Transparency and accountability should be improved.

Restoring pride and prestige to the public service

Questions:

When and why did the notion of the dignity of the public service, and the status it conferred on the individual public servant, become lost in Brazil? Is there any way of redeeming the prestige of the public service in the short term or would that depend on a slow evolutionary process?

The first question caused some commotion among the participants in this panel, for some of them considered the mere supposition of a loss of dignity as offensive to public servants. This over-reaction betrays a psychological, if not an explicit, resistance to the idea that unethical conduct may be common place in the public service. (It should be pointed out that Brazil has a tradition, inherited

from the French model of administration, of respect for *la fonction publique*.)

Above all, the participants attributed the deterioration of the once positive image of public servants to the crisis of the state which, in Brazil, means a deterioration of services, dwindling resources, a lack of proper training, and salary deterioration in

- The implementation of human resources policies that promote better working conditions, training and deployment of public servants, in general, and of managers, in particular;
- The analysis of the potential advantages of privatization of certain services in terms of more ethical conduct;
- The reconstruction of the image of the public service;
- The introduction of ethics in the curriculum of all courses directed to public servants;
- An orientation of services to the public, where complaints may be submitted by service users;
- The definition of the criteria and prerequisites applicable to the appointment of public servants, other than through admission tests; and
- The increase of administrative transparency and accountability.

Launching an ethics initiative in the public service

Questions:

Assuming that the question of ethics in the Brazilian public sector is not one of expanding the existing legislative framework, what would the content and messages of a policy of improving ethical conduct be? Would an initiative limited to the executive branch be sufficient or should all three branches of government be involved?

The participants agreed that a sound policy should seek a clear definition of the values involved in ethical conduct, which should include society as sharing responsibility for their implementation. They also emphasized that the abundance and variety of legal norms concerning ethics are a hindrance to their practical implementation.

the wake of the fiscal crisis. Inefficiency is the result of poor professional qualification of civil servants in general, and particularly at the managerial level, where political appointment has replaced merit and competence.

The panel made the following recommendations:

Moreover, public administration lacks transparency of the decision-making process. As for the legislative and judicial branches, it was pointed out there is no efficient oversight of unethical conduct in either one of them.

The panel made the following recommendations:

- An investment in education at all levels, with an emphasis in matters dealing with moral and ethical values;
- The development of training programmes, with an emphasis on professionalism and ethical conduct;
- The promotion of seminars, meetings and round-tables to discuss different aspects of ethical conduct in the public service, including not only the executive but the legislative and the judicial branches as well;
- The simplification and modernization of the legal framework dealing with ethics in the public service;
- The enactment of pragmatic rules of conduct, in a participatory manner, aiming at their application to all hierarchical levels; and
- The creation of decentralized institutional mechanisms of complaint and control, such as the ombudsmen.

Final observations

As stated initially, this Colloquium was the first initiative to discuss, directly with civil servants, how to deal with the question of unethical conduct in the public sector. A certain degree of hostility among participants became clear, right at the outset. This ill feeling was verbalized when the participants on one panel were confronted with the question of why the notion of dignity in the public service had been lost.

Even assuming that the question had been phrased in an inadequate manner, the underlying verification is that public servants do not feel comfortable when they have to admit that ethical transgressions do exist. However, it is worth pointing out that this hostile posture was gradually abandoned during the course of the meeting, when it became clear. Even though it would be premature to draw a final conclusion regarding the attitude of public servants in the field of ethics, certain observations are definitely relevant for a wider audience.

First, there is virtually a consensus that abundant and strict legislation is not the answer to ethical transgressions. The real problem lies in implementation of the existing laws and regulations, whose embodiment of inadequate implementation is the Code of Ethics of 1993.

Second, implementation is not simply a matter of making the courts act in a more effective manner. It is also an educational process where the three branches of government should be involved.

Third, in a vast and diversified government structure, it is important to de-centralize initiatives through motivational efforts (seminars, round-

tables, etc.) with the direct participation of civil servants in each area of government.

that we were dealing with a universal phenomenon, not with some sort of ethical distortion of the Brazilian public service only. Towards the end of the meeting, the initial tense atmosphere was replaced by one of genuine interest in the search for answers to specific questions.

Fourth, in order to improve ethical standards in the public sector, it is also important to improve ethical standards of the private sector. This is why the participants put so much emphasis on the teaching of ethics at all levels of formal education.

Fifth, new institutional channels of communication of society with the government should be created, in order to allow the public to present their complaints with respect to ethical violations in the public sector.

Perhaps the most important political aspect, particularly in infant democracies, is the ambivalent feeling of public servants regarding the role of the press. Undoubtedly, a discredited press would be detrimental to the goals of democracy.

Part II: Contributed Papers

Higher Civil Service s Ethics

by Minister Luiz Carlos Bresser Pereira
Brazilian Federal Administration and State Reform

Morals, ethics and professional ethics

Morality is the set of norms through which societies historically define behaviour that is viewed as good or bad, as acceptable or not by the community. Ethics, on the other hand, may be seen as being synonymous with morality, the science or theory of moral practices. Ethics is also thought of as the character or ethos of an individual or a group the hierarchy of values and norms which he/she or they identify for him/herself or themselves against a prevailing moral code. Generally, I will use the term *ethics* in the latter sense for this paper.

Morals or morality originate in social practices while ethics, as a science, is a rational endeavour. Ethics, as a set of principles, give a rational justification for behaviour. They define individual and group priorities, and in the end, they may arrive at a systematic body of moral norms, as individual and group practices get interwoven.

Professional ethics

Professional groups, although limited by moral norms, define their own ethics. They give priority to one or other social objective. They hierarchically organize their values and beliefs. For instance, artists value beauty highly; business entrepreneurs, profit; economists and managers, efficiency; politicians, power; jurists, justice; and the military, order.

Professional ethics will share values in common with society. Although the hierarchy of values will vary from time to time and from group to group, there is a general understanding of professional ethics. On the other hand, there are differentiations among professions such that we can suggest as it were ethics of beauty, truth, justice, order, profit, innovation, efficiency, power, etc. These professional ethics are related and subordinated to

the existing morality of a society and are observed and interpreted. Morality, in turn, was

discovered from divine (religious) or secular (natural) sources or was invented by a logical process of reasoning and deduction according to Walzer. Thus we have set up a system of moral legitimacy. Professional ethics are legitimized by an existing morality which, in turn, is given value by revelation, logical deduction (invention), or simply by interpretation. Starting from these assumptions, which ethics characterize the higher civil servant?

Ethics of the civil servant

A simple answer would be that, like all managers, the higher civil servant would value efficiency. But to be more precise, it is necessary to add power and effectiveness. Higher civil servants want to be obeyed because of their management role. They want to see implemented the decisions that they or the politicians above them make in the name of the state. In this management function, they are also committed to public interest.

For instance, because they value efficiency, higher civil servants want to see state services delivered at a minimum cost. Their reason is a reason of means, of an instrumental rationality. Because they value power, they are permanently concerned with their authority which emanates from the power of the state. But efficiency and authority are subordinated to and, believed to be, consistent with the fundamental objective of the state: the public interest. (This is in contrast with the private manager who subordinates efficiency and authority to profit of a business enterprise.)

However, civil servants, and particularly higher officials, are not just managers. They also operate at a political level as non-elected politicians. They do not only help politicians formulate poli-

cies and make decisions. In many cases, they have the final say, as in autonomous regulatory agencies. Thus, the ethics of higher officials, as they mix management and political functions, involve not only efficiency but also power and the public interest. Because power is one of their first considerations, public officials value more than any other activity the implementation of the decisions they make or make on behalf of politicians. And they want this to be done in an efficient way, assuring value for money while at the same time consistent with the public interest.

If we agree that the four major political objectives that contemporary societies strive for are the well-being of their citizens, order, freedom, and equality or justice, these are also valued by high civil servants and basically in the order just outlined. The well-being of citizens and economic development are brought about by efficiency or an increase in productivity. Managers and economists are experts in efficiency. Their comparative advantage in relation to other professions lies here. Thus, although valuing other objectives, higher civil servants are supposed to give priority to efficiency.

The civil servant and self-interest

What has been outlined above are the ethics of the civil servant, in general terms. But it is also important to consider personal interests. After all, civil servants are also self-interested individuals. How can they reconcile professional ethics and self-interest?

There are two views on this dilemma: the neo-liberal or the individualistic view, which is well represented today by the rational choice school, and the moralist or the social-Christian approach. For the rational choice school, as in other schools of thought, the civil service should be consistent with the public interest, efficiency and effectiveness. But to achieve these outcomes, citizens should not count simply on ethical and moral principles alone, given the intrinsic egoism which characterizes human nature. Instead, government decisions should limit the monetary values in-

for example.

involved in order to avoid corruption. (This is the origin of the minimum state proposal.)

Second, since a basic level of state is unavoidable, strong institutions should be established to clearly protect the public interest and ensure that it will not be solely dependent on the personal morality of politicians and civil servants. Here lies the origin of the 19th century bureaucratic public administration, based on strict legal procedures that limit the discretion of officials and arbitrariness of their decisions.

On the opposite side is the moralist or social-Christian approach, common among religions and the political left. Starting from an optimistic view of human nature, its proponents expect civil servants to be honest, generous, and committed to the public interest. We are caricaturizing these two views to illustrate the extremes of a continuum of views. One assumes an ontological distrust while the other an essential confidence in human nature.

As an alternative, we may consider an historical or republican approach that intends to be more than a mere combination of the views mentioned above. Elected public officials are a projection of the society in which they live. They are subject to moral precepts and will define their own ethics with as much firmness and consistency as these practices and values are embedded in that society. On the other hand, they are a part of the elite of that society and, thus, play a strategic role. As long as they constitute a government, their behavior, although conditioned by society, will be a determining factor in the changes for the good or bad that take place.

But do higher civil servants have the freedom to act in the public interest? To answer this question, there is no reason to adopt a deterministic vision, be it based on rational choice or on class conditioning and ideology. Self-interest and class conditioning are a reality but not ultimate restrictions. The capacity of high ranking officials to act in the public interest depends on three factors: the fact that they are part of the elite, the moral constraints

that civil society imposes on them, and on existing First, the fact that they are a part of the elite and therefore function above the survival level means that they have the freedom to make decisions not based on their own survival. Second, the more civil society shows cohesiveness, organization, and clear moral principles, the more civil servants will make decisions in the public interest. Finally, the more that public institutions are democratic, the more the three powers which constitute a government will be representative. Thus, politicians and officials will be more accountable; the decision-making process will be more transparent; the press will be more free; and the decisions by civil servants will be more ethical.

What about bureaucratic controls? They can be seen as inefficient in today s environment of rapid economic and social change since they were designed for the 19th century. But are they still necessary?

Yes, they are necessary. They can be seen as the fourth variable (besides participation by the elites, cohesiveness of civil society and the degree of democracy), guaranteeing that decisions be not just determined by self-interest or by class-interest. In fact, one can see a trade-off here. The more cohesive and democratic a society is, the less it needs to rely on strict bureaucratic controls.

Thus the approach I am taking here rejects a narrow historical or sociological view. The extremes of dogmatism or radical relativism can be avoided if we assume that senior civil servants are political agents, in addition to being professional managers and bureaucrats. Starting from this assumption, high ranking civil servants are committed to political as well as administrative tasks. In this sense, their profession must acknowledge the central political values of contemporary societies democratic and republican.

Civil servants as political agents

More often than not, senior civil servants are often a part of an elite, as are politicians, businessmen, journalists, and intellectuals. As such, do they value moral integrity more than other professional

democratic institutions.

groups? How do they reconcile the drive for personal security, which is so strong among them, and the required changes that current push for more democratization makes? Why are they so often accused of maintaining the status quo?

To address these issues, I will follow the approach which sees civil servants both as bureaucrats and political agents. According to this view, senior civil servants ethics would be characterized by a combination of the following traits: strict moral principles, a high value on security, limited but increasing democratic convictions, instrumental rationality, and a strong commitment to the public interest in spite of a corporatist view. I will now address each of these traits and compare them with the ethics of politicians and businessmen.

Moral principles and security

The attempt to observe strict moral principles is a classical characteristic of the bureaucracy and particularly of high ranking officials. There is nothing more detrimental for a top civil servant than to be accused of corruption or even of lenient moral principles. An official has two sources of recognition: technical competence and reputation or honour.

Regarding the latter, the strict observation of moral principles is important to a civil servant. If a civil servant is caught in an ethical violation and tarnishes his or her reputation, his or her career is seriously damaged.

This is sometimes less critical for a politician or a businessman whose criteria for success does not depend so much on personal honesty. A politician depends on popular support and a businessman on profits. Popular support may depend on the moral reputation of a politician. And as democracy and civic awareness strengthens, this becomes increasingly true. However, the capacity that voters have to control the honesty of politicians is limited. The capacity that bureaucratic superiors have of controlling the conduct of their subordinates is higher than that of the voters controlling the behavior of politicians.

Security is another defining trait of a bureaucracy. It is a trait associated more with the lower than the higher bureaucracy, as the latter tend to feel more personally secure and ready to confront more risks. But even senior bureaucrats value security considerably more than politicians and businessmen. They traditionally avoid risk. They accept a smaller monetary gain than businessmen and less power than politicians in exchange for higher job security.

Thus morality and security come together. A strict moral code enhances civil servants' career and security. However, this alone does not prevent corruption. Corruption will occur more where the bureaucracy is less professional, where the legal system is less defined, where the internal and external controls on the bureaucracy are faltering, where a political regime is more authoritarian resulting in less freedom of the press, weaker opposition parties, a weaker civil society, and fewer mechanisms of social control and participation.

Corruption and capitalism

Corruption within the civil service often originates at the interface with the private sector. For example, keeping all other variables constant, the bureaucratic regimes in the former Soviet Union tended to embrace higher moral standards, where the private sector was practically absent. Yet, these regimes proved to be so inefficient in allocating resources and promoting entrepreneurship that they ceased to be viable alternatives for contemporary societies. Thus the challenge is how to preserve and enhance ethical principles within the civil service in the context of a capitalist economy. As Mr. Etkin (1997:89) underlines, the context of individualism and bloody fight for survival in the economic sphere leads to the loss of social values. In order to avoid this scenario, a proper combination of cooperation and competition, moral values and self-interest, state coordination and market competition, and political accountability and bureaucratic controls is required.

Ethics and social values

These days, ethical concerns have greatly increased. This increasing importance of ethical problems in contemporary society is probably to compensate for the loss of social values that came with a crisis of the state. This crisis was accompanied by the breakdown of the utopian prospects of a socialist society and the resulting dominance of a neo-liberal or neo-conservative credo, which encouraged individualist or egoist values. It can be argued that the moral standards of the civil service, like other moral standards, have been affected by this change.

On the other hand, the present concern with ethical behaviour may be attributed to the progress that democratic regimes have experienced during the last quarter of this century. As long as democracy is accompanied by a demand for high moral standards, this concern with ethical values will continue to be apparent. Although it is possible to continue to rely on this trend, it is clearly not enough to assure high moral standards of the civil service. Two other conditions are essential: the creation of institutions of social control and the definition of appropriate forms of public administration.

As for the latter, there are two opposing alternatives: strict norms and procedures, thus limiting the scope of officials' discretion or clearly defined objectives, allowing more autonomy for officials. The first can be seen as a bureaucratic administration and the second, as a managerial administration. The former, based on general distrust, is an attempt to return to a form of administration which prevailed in the 19th century. The second, based on limited confidence and higher levels of responsibility, is the administration which will probably be dominant in the century to come.¹ In both cases, administrative controls are essential. But in managerial public administration, one counts not only on the intrinsic moral quality of senior civil servants but also on the merits of decentralization with responsibility, administrative

¹ For a discussion of bureaucratic and managerial public administration, see Bresser Pereira (1996a, 1996b).

control of outcomes rather than of procedure, and increasing social control.

Instrumental rationality, professionalism, and limited but increasingly democratic beliefs are other traits that define higher civil servants' ethics. The quest for efficiency, the ideas of cost reduction or getting value for money are essential to the bureaucratic ethos. Civil servants see themselves as professional agents of rationality, as they are trained to define and implement more adequate administrative means of achieving desired results. Their professional legitimacy originates from the assumption that they are technically competent, i.e. capable of making the state efficient.

Yet, this assumption is not necessarily true. According to the bureaucratic administrative model, officials are not supposed to define the ends nor even the means. That they are not supposed to define objectives is reasonable, since in a democracy, politicians who represent the people have this role. But herein lies the problem. Civil servants may think that politicians are drawn more to power than reason. The problem becomes exacerbated when civil servants are also severely limited in determining the means, since in a bureaucratic public administration, both the ends and means are defined by law.

Bureaucratic controls are essentially procedure controls—procedures that are defined in the law. It is not difficult to understand how this approach is in contradiction with a rational, efficient administration, particularly in a world where technological progress and social change are taking place at an accelerated pace.

This contradiction is partially resolved as new forms of administration, less bureaucratic and more managerial, are being attempted in many countries. A managerial or new public administration is replacing the classical bureaucratic model, where officials are granted more autonomy and responsibility.² This new phenomenon is occurring in countries such as Britain, New

Instrumental rationality and democratic beliefs

Zealand, the United States, and more recently Brazil in the last few years. High ranking officials situated in certain agencies—particularly ones defining and implementing policy—are given substantial autonomy from political pressures, being able to rationally define ends and particularly means. In this instance, it is clear that they are not only bureaucrats but also political agents who have a substantial influence in the definition of objectives. They are competing with elected politicians in this process. Thus while politicians assume that they are speaking in the name of the people, civil servants hope to be indirectly doing the same, as they act in the name of rationality.

According to democratic principles, officials are supposed to serve politicians, who in turn serve or represent the people. In a principal-agent approach, at the primary level, the principal is the people and the agent is the politician. At the secondary level, the politician is the principal and the civil servant the agent. Yet, democratic values are not so well entrenched in the bureaucracy as one would expect, nor do events unfold in the manner suggested by the simple principal-agent model.

High-ranking civil servants are clearly political agents who, inside the state apparatus, share political power with politicians. However, although politicians in modern democracies are forced to adopt democratic values, this is not necessarily the case for bureaucrats. Modern democracy is a more recent historical phenomenon than modern bureaucracy. Modern democracy only became dominant in this century while bureaucracy originated in 18th century Prussia. On the other hand, the principle of authority which is marginal for politicians is central for bureaucrats.

These are probably the two main explanations for civil servants' ethics which conserve authoritarian traits such as a preference for secrecy and difficulties in dealing with accountability. Highly placed bureaucrats may formally speak about the

² On the subject, see Abrucio (1996) and Bresser Pereira (1997b)

merits of transparency but show difficulty in actually carrying measures to promote transparency, since secrecy is more compatible with authority. Like other entities, the bureaucracy created its own mechanisms of legitimacy and power. One of these mechanisms is the ownership. Some high level civil servants tend to believe that they are the monopoly of instrumental reason, that only they have the correct idea of what society needs and how those needs can be met. These bureaucrats increasingly speak of serving citizens but are unable to build institutions which make them accountable to citizens. This is because civil servants have been traditionally taught to respond to their superior, not to the citizenry. They may serve the citizen, since it is fashionable to say that modern civil servants are customer-oriented. But in many cases, this is still a slogan rather than an effective practice.

On the other hand, the state assumes two roles for civil servants. First, the state is the employer, with whom civil servants sometimes establish conflicting relations, demanding higher salaries and more recognition. Second, the state is the representative of the general will, and civil servants identify themselves with this general will by becoming the protector of the *res publica* or the public interest. In some cases, they identify the public interest with their own interests.

Corporate and the public interest

The ethos of the higher civil service embodies the republican perspective of protecting the *res publica*. The civil servant is a professional of the *res publica*. The rational choice proposition which states that civil servants are self-interested persons who make trade-offs between rent-seeking and a desire to advance their career is false. Such civil servants, ones who see their profession as a business like any other, are exceptions rather than the rule. Most civil servants usually make trade-offs between the desire to advance themselves and the public interest. Their ethics are quite strict in this sense.

However, many civil servants look out for their corporate interests in that they insist that they are

of specific and exclusive information. This is parallel to other circumstances. For example, to be a successful politician, it is crucial to have a sense of political timing or charisma. To be a successful entrepreneur, it is necessary to have an economic intuition.

consistent with the public interest. Although this is a characteristic of all professions, it is most visible in the civil service. Why? While other professions do not have an obligation to serve the public interest, the civil service does. Thus the interest of the civil service and that of the public can easily become indistinguishable.

There is no easy solution to this problem. Actually, civil servants face a permanent contradiction between their corporate and the public interests. As long as they are clear that they are not just agents of the elected politicians but also of the people or the nation, they will be able to resolve this contradiction. The solution also requires a competent, well-recruited, well-trained, and well-paid civil servants. And existing administrative institutions and practices must compensate competence, effort, and performance.

This is why a managerial public administration is more consistent with a highly ethical civil service than a bureaucratic one. It starts from trust and is based on personal capacity. It assures autonomy to the officials and requires responsibility. It reduces procedural controls while asserting control by outcomes and social controls. It assumes that democratic and republican values are already dominant in a society, although by no means assured.

Conclusion

Public officials are part of the elite. As such, their ethics, besides being the ethics of power and efficiency, are the republic ethics of the public interest as a goal which must be actively pursued. Yet, corruption of this professional ethics may have two origins: personal and political. Negative personal traits such as dishonesty, laziness, etc. are in the first category while pursuing corporate interests and nepotism are examples of the second. These forms of corruption of the public functions are prevalent in contemporary states, but they are

compensated by the personal virtue of a large number of officials. Modern democracies are able to ally managerial competence and discipline with republican virtues of fighting for the public

interest. Civil servants understand that they are political agents, that they have a direct responsibility to their nation.

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The Essence of Public Service Professionalism

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As the world approaches a new century and another millennium, humanity is confronted with imposing challenges, fateful choices and hopeful outcomes, demanding principled leadership and institutional creativity. An exchange of localized thermo-nuclear, chemical or biological weapons can quickly escalate into regional if not global catastrophe unless the international community prevents their further spread, reduces existing production and stocks and firmly controls deployment. The continued dependence on fossil fuels for energy, the perpetuation of unsustainable economic development and the accumulation of indestructible garbage threaten the planet's ecology. They already result in irreversible destruction of nature's bounty, and the situation will only worsen unless countries reverse direction and take serious realistic steps to protect the environment.

Uneven wealth distribution combined with differential population pressures widen the gap between rich and poor and feed resentment, anger and frustration likely to explode into violence unless a more even playing field is provided and special assistance is given to the world's most neediest, underprivileged and deserving. People's instinctive enterprise and initiative can go so far but unless coordinated and channeled in positive ways, they can be self-destructive; instead of benefiting their fellow mankind, they can benefit only a few at the expense of the many.

Possibly never before has civilization required such high quality public leadership and effective government. Humanity has to realize that all have to change direction, alter living styles and cooperate in rethinking the future if tomorrow is to be significantly different from today. Narrow-

mindedness is a luxury of the past. Now a broad, shared vision of the future is necessary if mankind is to improve the human condition. History shows what works and what does not, what works better if not best and what works poorly if at all. Clearly, no institution or set of institutions suits all; just as people are different, so their social arrangements need to be different to accommodate their different abilities, values and objectives. Above all, a different future requires new thinking, new designs, new capacities and new measures of performance.

In the past, government or rather the administrative state did meet creditably most of the tasks thrust on it. Indeed, it did so well that too much was thrust on it, too much was expected of it, too much credit was given to it. On hindsight, it seems that it entered territory where it had no real business to be. It undertook tasks and objectives well beyond its capabilities. It dominated or even replaced better suited institutions. Those who steered its destiny failed to see potential rivals better reequipping themselves, exploiting their specific advantages and the government's own disadvantages, readjusting more rapidly to new environments, and better understanding changes in public attitudes and moods.

In the end, these protectors of the status quo had to cave in to increasing pressures to cut government down to size, reduce bloated public bureaucracies, deregulate, lower public expenditures and taxes, and replace or begin the process of replacing unwanted government with other social institutions. The international community added its weight to follow global trends toward greater democratization, debureaucratization, deregulation, and privatization.

But then it was discovered that perhaps the pendulum had swung too far or too fast or inappropriately. Government was being weakened. Its capacity was being reduced even in territory rightly its prerogative, and the values for which it stood undermined and ignored. The downgrading of government had reduced the world's capacity to deliver public goods and services and had severely damaged the image, morale and performance of public service professionalism, the backbone behind a competent, capable and creditworthy public administration.

On becoming professional

Ever since government was institutionalized at the dawn of civilization, the need has been recognized for career public servants to staff its machinery to ensure that public policies were implemented and made a reality. This was in contrast to employing amateurs who proved unfit, unqualified, incompetent, exploitive, untrustworthy and corrupt. It was a mistake to believe that government work was so simple that anyone could do it. Actually, it was quite complicated and required considerable skill and experience to do it well as many good-hearted and otherwise qualified volunteers have found throughout the years. It was a mistake to think that blind loyalty or blood ties or friendship or ideological identification alone were sufficient to prevent deceit, fraud, skimming, theft and other criminal acts. It was a mistake to assume that amateurs had the best interests of the rulers or the ruled at heart rather than their own irresponsible and dangerous self-interests. Time and time again, the incompetent deserted or abandoned their posts, misled the military, sold out to foreigners, absconded with funds, plotted treason, provoked civil war or civil disobedience, in short, made a complete mess of public business.

Nevertheless, despite the overwhelming historical evidence, rulers still ignore professionalization and they have only themselves to blame when disaster strikes and their regimes turn into plutocracies or kleptocracies for the lack of a professional public service infrastructure.

For centuries, it has been recognized that a proper professional public service has been a crucial link between the rulers and the ruled. It transmitted instructions from the rulers to the ruled and relayed the reactions and responses of the ruled to the rulers. For the rulers, it was seen as an important tool or instrument through which they exercised their power and commanded obedience. For the ruled, it represented the majesty and authority of government and delivered a host of collective or public goods and services unavailable from any other source. As intermediaries, public service professionals were expected to give their undivided loyalty to the rulers and devote themselves wholeheartedly to conducting public business, giving assistance to the best of their abilities in return for which they were accorded favoured social status and a secure remunerative livelihood.

Like other embryonic professions, career public servants were expected or obliged:

- To learn their craft (in their case the craft of public administration);
- To become experts in some chosen speciality (such as conducting diplomacy, raising and preparing and organizing the military, supervising the construction and maintenance of public works and buildings, obtaining loans and raising taxes, keeping records and auditing the accounts, issuing and enforcing regulations, administering justice and guarding prisoners and delivering welfare to the needy);
- To set a personal example of exemplary behaviour and conduct;
- To maintain the highest level of knowledge and skill, avoid conflicts of interest by placing the their altruistic concern for the public interest over their own self-interest;
- To discipline wrongdoers and any other members believed disgracing the profession;
- To expose cranks and malpractices; and
- To generally advance the state of their art through research, experimentation, creativity and innovation.

In time, with the evolution of democracy, they were obliged to stay in the background and not to embarrass publicly their superiors, but, more importantly, to be advocates of the public interest, guardians of public property and money, stewards of properly conducted public business, protectors of the rule of law, patrons of the under represented (including the dispossessed, the underprivileged, the defenceless, and future generations), and social change agents (planners, policy formulators, educators, socializers, interventionists, community activists, and propagandists). Indeed, their origins as public administrators, managers of public organizations, has been increasingly obscured by their assuming greater responsibilities than merely seeing that the machinery of government runs smoothly.

Public service professionalism is no longer just another job or occupation. It is a challenging calling involving a commitment to serving the public, advancing its interests and avoiding temptations to put oneself first before one's public duties, obligations and responsibilities. It entails that one's actions and behaviour are open at all times to public scrutiny and one is subject to public judgement over one's failure to act. This implied obligation to go to the assistance of one's fellow human beings, to help others in distress and danger, is law in some countries but it applies specially to all professional public servants often at great risk to themselves. There are no time limitations; they are on call all the time, vacations not exempted.

In short, the public is a hard taskmaster and not a particularly rewarding employer. Professional public servants short of the bureaucratic pinnacle cannot enjoy the largesse that private organizations may provide because perquisites and even competing salaries are considered unnecessary or wasteful public expenditures. The rewards have to come from the job itself, from satisfaction in serving the public and the community, in delivering much needed public goods and services without which the public would gravely suffer, in being close to the centre of government power and able to exercise inside pressure on decision-

makers, in being able better than most to influence the shape of the society, the environment and the future, and in earning the respect and admiration of the public for a job well done.

The values of public service professionalism

Today there are so many conflicting demands being made on professional public servants that they have to prioritize and choose among several competing value sets. Which particular set is preferred depends on cultural socialization, political regime, social conditions, economic pressures, institutional arrangements, peer group pressure, organization culture/bureaucratization, and even personal conscience. Again which set is employed varies from country to country, regime to regime, government to government, organization to organization, according to the conditions at any particular point of time and the nature of the organization's activities, supporting groups, vested interests and clientele, not just internal rules, group norms and individual preferences.

Providing public benefit(s)

No professional public organization works entirely for its own self-benefit. There has to be a much wider redeeming social or community or global purpose. This should in theory eliminate self-perpetuation and bureaucratic aggrandizement. Furthermore, a professional public service organization endeavours to do no harm and to advance universal human values.

Meeting an identifiable social need. The activities pursued must be grounded in a perceived public need. They must add value to society. They must advance certain objective standards of public welfare and public well-being. The costs and efforts involved must be judged by people to be worthwhile and demonstrably so as they are, for instance, in saving and preserving life, and alleviating pain, hunger and sickness.

Doing good or furthering the public interest.

All government activities give discretion to public administrators to use the authority and resources entrusted to them to greater effect, which suggests

that they use their expertise to shape their programmes by questioning their future direction, objectives, purposes, policies, outcomes, consequences and image to discover whether they could be improved in furthering the public interest. The idea of the public interest, advancing the human

- Not only the present generation but future generation too;
- Not only human beings but other living creatures too; and
- Not only other living creatures but the planet's whole environment, and also presumably one day the galaxy and the universe once human beings voyage outside the planet.

Advancing universal human values. The Constitution of the United States specifically mandates public officials to establish justice, insure domestic tranquillity, provide common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. But these are universally cherished objectives of government and they are implied of all representative and responsible governments. The Constitution of the United States also includes a bill of human rights which has since become a model throughout the world and such a statement of fundamental human rights has since been extended in the United Nations Universal Declaration of Human Rights (1948) which enjoins all Member States to enforce them along with many other United Nations declarations for the benefit of mankind, such as declarations against genocide, capital punishment, dangerous substances and organized crime.

Improving the quality of life. As public benefits include qualitative gains which are not quantitatively measurable, so the theory and practice of economics do not suffice. Making a difference in people's lives for their betterment is considered a worthy aim in itself as is making them happier, more capable of helping themselves, more secure and safe, more comfortable, and more capable of coping with their situation. No accurate price can be put on preventing war, crime and violence, avoiding epidemics, insuring peace of mind,

condition, embraces expressions of doing good for:

- One's fellow human beings, indeed for all humanity;

developing better citizens, preserving natural beauties, safeguarding clean air and water, and the like which are valued in themselves.

Avoiding harm. Do no harm or at least do least harm if harm cannot be avoided. Public service professionals do not act out of malice or spite. They do not inflict unfair punishment. They do not cause needless pain or discomfort. They do not tax or charge just because they have the power to do so. They do not exploit their position to hurt others.

Doing one's civic duty. Public service professionals understand that harm may come to them for one of the obligations of their job is readiness to sacrifice themselves. They are required to put the greater public benefit above their own comfort, convenience and even life. Members of the military, police, firefighting and emergency health services are reminded of this every working day. But every professional public servant is expected to lead the way in doing his/her civic duties and in being on call at all times to volunteer to help others in distress.

Being accessible and allowing access. It is not enough for professional public services to promise to deliver key public goods and services; they actually have to deliver, not merely go through the motions. The public actually have to receive those public goods and services, not just a select few but all who demand them. They should be physically and financially accessible instantly to all who need them. Their access should be made convenient to those who need to avail themselves, not made deliberately inconvenient or even secret to discourage access and thereby reduce demand. And, of course, the public goods and services provided should be the best available in the conditions.

Enforcing the rule of law

The law is meaningless unless it is enforced. Meaningless laws make a mockery of government. The uncertainty and unreliability wreck the credibility of government and the arbitrariness invites exploitation, abuse, discrimination and corruption. If the situation should get completely out of hand, chaos gives way to anarchy or to the harsh imposition of order under tyrannical rule. People like to know where they stand even if they disagree with the law; they prefer the law to the discretionary rule of fallible human beings. They know that the worst excesses of government have been committed by rulers who considered themselves above and beyond the law. The rule of law affords some protection against wanton misuse of power and position, and it is the first principle of democratic government.

Following constitutionalism. Constitutions put express limitations on the jurisdiction and the power of government and build in institutional safeguards against its worst excesses. They override all other laws which must conform to their provisions with the possible exception of martial law. They determine who really exercises legitimate authority, where legitimate power is located, what valid procedures and processes must be followed and how disputes over interpretation are resolved. Whether or not professional public servants are obligated to pledge allegiance to the constitution, they are expected to uphold its precepts which detail what they are or are not permitted to do.

Respecting political subordination. Professional public servants are subordinate to the law-makers legislators, elected officials, judges and non-career executives. They serve their will and hence are politically directed. Although they may try to convince their superiors to do their bidding, they cannot overstep their subordinate position without usurping government itself and thereby exiting public administration for the political arena where they will be judged like other politicians. Otherwise, there are strict boundaries to their political initiatives and when exercised they must be publicly attributed to their political superiors and they themselves keep in the background unless

permitted to take front stage. Furthermore, they may be bound by rules that limit their active participation in public political activities meant to keep them self-effacing and their personal views unknown outside their offices.

Accepting governmental restraints. To ensure that experts remain on tap rather than usurp power on top, the three branches of government (executives, legislatures and judiciaries) impose restraints on their public administration subordinates and issue orders as to what they can or cannot do and they have their separate and independent means of enforcement. Similarly, different levels of government restrain the freedom of action on one another as do institutionalized bureaucracies at the same level of government which protect their turf when threatened by possible intruders.

Observing official propriety. Professional public servants are loyally expected to support the institutional status quo. Besides pledges of allegiance, they may be obliged to demonstrate daily their support by wearing special uniforms and displaying certain symbols representing government. Should they find that in good conscience they can no longer serve loyally, they are expected to resign and leave public service, not to undermine or sabotage the government from within. Even so, their willingness to show support may be restricted by prohibitions on holding office in more than one jurisdiction, on public political activities and on public demonstrations of their fidelity.

Obedying administrative limitations. Professional public servants cannot commit their governments to any course of action without express delegation of authority before or permission after. This is especially true of pledges of public resources and finance which must receive higher approval. On the other hand, they must apply the law without reservation. Slipshod application, half-hearted implementation, and, worse still, neglect of enforcement makes for ineffective government, unfair discrimination and widespread corruption as government decisions lose their authority and universality for they may no longer be considered binding.

Pursuing justice and fairness. Since all are subject to the same law, all should be treated with the same respect when being judged. Everyone, from the highest to the lowest, should be informed of all relevant information, provided with equal protection, dealt with according to fair and non-discriminatory procedures, accorded a proper hearing and allowed the right of appeal to a separate and independent authority removed from the original hearings, and the whole process should be open and transparent to prevent possible miscarriages of justice. In short, similar judicial procedures should prevail in public administration to ensure fair administrative practices, recognizing that administration operates differently from the constitution and the judiciary. In public administration it is not allowed to give special consideration and treatment to individuals which cannot be extended generally to all individuals in the same circumstances.

Ensuring public responsibility and accountability

What largely distinguishes the public from the private realm is that in the latter the actors are only responsible to and for themselves within the bounds set by the law. In the public realm, the actors are responsible to the public both for what they do and for what they should have done but failed to do. Professional public servants cannot just sit idly by and watch the public being wilfully harmed and the law ignored. They are obliged to pursue the public interest and enforce the law irrespective of the difficulties encountered and the harm that may befall them. They act not on their personal behalf but on behalf of all the public.

Being brothers keepers. Being in the very heart of government, professional public servants are in the best position to act as protectors of the public interest, guardians of their property and stewards of public welfare. They have to act as if they were dealing with their own personal affairs and were affected personally by everything the government does. Just as children are dependent on their parents, so members of the public are dependent on public servants in many respects. Besides being patrons of the helpless, the needy, the neglected,

the underprivileged and the poor, they have now become patrons of the arts and sciences, wild life, the wilderness, scenic beauties, sustainable development, fair market conditions, more equal opportunities and a whole range of research and cultural amenities. While we all may be responsible for one another, professional public servants are becoming increasingly responsible for everyone and everything that cannot stand on its own feet.

Being open and transparent. As much of government as possible should be known to the public. Openness guarantees that wrongdoing will eventually be exposed even if at a later stage it cannot be reversed or corrected or compensated. Openness deters simply because public officials always have someone looking over their shoulder; the onlookers get to know all that is knowable.

Being informed. In government, ignorance of the rules is no defence. Professional public servants are obliged to fully inform themselves about government intentions and anything else relevant to public decision making and administrative actions affecting their work. Being knowledgeable is a key indicator of professionalism and professionals worthy of the name keep current.

Being on record. The great virtue of bureaucracy is that it rarely forgets. It can be relied on to reproduce the facts when required as so often is the case when people lose personal documents issued by the government which are all part of the permanent public record. Thus, professional public servants not only obtain information, they release it too to inform, explain, educate, guide and report. Official reports are major instruments for keeping the public informed about public administration and justifying administrative expediency.

Being honest. If the government does not tell the truth to the public, if the public is deliberately misinformed and misled, if the public is deceived, then there is little reason why the public should not reciprocate by also lying, cheating and defrauding back. Without mutual trust and fair dealing, there can only be mutual corruption and ineffectual government. It is incumbent on professional public

servants to see that governments do not exceed the bounds of good taste and correctness. The public always has a choice to obeying government

Being responsive. Besides following the law and political instructions, professional public servants also have to consider the recipients of their goods and services and everyone else with whom they have to deal in conducting public business. The recipients have decided views on what they want, how they wish to be treated and what they consider satisfactory service. Often they are made to take what is offered without having any say at all. They have to follow bureaucratic requirements just to be considered. If mistreated, they may be unable to seek let alone obtain redress. In short, they may not find public administration at all user friendly. Professional public servants understand this and do their best to overcome possible bad outcomes and feelings:

- They try to make dealing with public administration simple and understandable; They respect people's rights to fair and courteous treatment;
- They provide easy and low cost avenues for redress of grievances;
- They insist on proper training in handling members of the public;
- They try to find out what people think of their work and ask for suggestions to improve their performance;
- They take public relations seriously;
- They encourage genuine public participation in all their activities, thereby sharing decision-making, policy changes and administrative designs;
- They endeavour to be as flexible as possible within general guidelines to accommodate individual needs to improve public satisfaction; and
- They understand that ensuring greater public accountability and responsiveness is now a distinct professional activity in itself that requires continuous attention.

dictates; it can withdraw its cooperation and openly defy an officialdom it no longer trusts or respects.

Setting an Example

Public service professionals are always in the public eye. Their every action is carefully watched by someone. Their conduct sets a standard and provides an example to the rest of society. What may be accepted in private may be outrageous public behaviour. What the government condones quickly becomes the practice for everybody. So if the government wants to change people's behaviour, it must set the example itself by practising what it preaches and refraining from doing what it wants nobody to do. By government, we mean not so much the temporary or transitory holders of public office as the permanent career public service professionals who buttress them and on whom they rely for their effectiveness.

Being idealistic. Public service professionals have to be committed to the ideals of altruistically serving the public, being a do-gooder, advancing the public interest, and improving the human condition without receiving adequate recognition, compensation and reward. On the contrary, one's stance is frequently misunderstood, misinterpreted and resented and the people for whom one sacrifices oneself may be the least appreciative or supportive. Worse still, one can be gleefully blamed, defamed, villainized and sacrificed, even when later proved right. In short, one has really to believe in what one is doing, fired by an inner flame for doing good, seriously committed to one's mission, genuinely public-spirited, dedicated, conscientious and irreproachable to weather the trials and tribulations if making a lasting impact on the human condition.

Being virtuous. Higher moral standards have always been expected of public leaders and those who conduct the public's business for the consequences of setting a bad example can be grave. For public service professionals, doing good also means being good. They are expected to demonstrate all the virtues of the righteous such as being kind, decent, tolerant, considerate, hardworking, aesthetic, modest, respectful and so forth. And

they are expected to avoid being bad, doing evil and exhibiting vices.

Being correct. One of the maddening things that people complain about is that public service professionals always seem to have an answer for everything and they conduct themselves so correct-

Being human and humane. Professional public servants present the human face of distant government and anonymous bureaucracy. Understanding and compassion translate into being human and humane in conducting the public's business. Knowing the weaknesses of others, it is incumbent to recognize fallibility in one's profession and oneself and to accept mistakes and errors like everybody else. Although they profess to know better when it comes to the practice of government, professionals should know too that there are areas where their expertise is weak and they should temper any air of superiority with a good dose of humility. In government, there is much that cannot be correctly diagnosed, many outcomes that are unpredictable and many cause-effect relationships that cannot be linked. In short, much is still too subject to chance and circumstances.

Being meritorious. Like other professions, the public service professions are grounded on the merit system, that is, entry is based on open competition among the talented, career progression is similarly based on competition among proven performers, and the highest positions go to the professionally most deserving based on known criteria that include competence, knowledge, innovation and contribution to the profession. Because of their public nature, the public service professions try to act as model employers in avoiding prejudicial/exclusionary criteria unrelated to job performance in selection procedures, provide decent working conditions, embrace fair employment practices and encourage self-development.

Being fit. Many public service professions require high levels of physical fitness and mental alertness and generally expect their members to keep in good shape while in practice. They are keen to promote good habits, correct diet, regular exercise and the avoidance of harmful substances. They

ly that it is often difficult to find specific faults with them. They are law-abiding; they are rarely found on the wrong side of it. They respect the spirit as well as the letter of the law and this correct attitude is carried over into their private lives.

hope that professional example and education will encourage other people to follow their lead.

Improving professional performance

The professions are given much leeway in self-government because they enforce at least certain minimum standards of performance and try to push their members to achieve increasingly higher standards. Public service professions because of their politically subordinate nature may have less autonomy and independence but because of their idealism and public spiritedness they are restless in improving professional performance. Where once they were confined to merely improving housekeeping activities, in time their vision has been widened to include the smooth running of the machinery of government, improving the relations between government and other social institutions, improving the quantity and quality of public goods and services, improving the quality of public leadership and policy-making, and generally improving the effectiveness of government on their way to improving the human condition. The trend in recent years has been away from the style of the reactive, overcautious bureaucrat to that of a more proactive, innovative administrator/manager, altogether more businesslike, more entrepreneurial, more resourceful, more creative and more change minded.

Questioning public sector utility. Where once government may have been the only social institution capable of performing certain activities, other social institutions have developed to the point where they are now in a position to share those activities or assume them altogether. Professionals now realize that if they can indeed do a better job then government should give up rowing and become a steerer instead. On the other hand, they understand that where no other social institution can yet provide needed public goods and services

or where others are obviously failing to deliver to public expectations, so the government needs to intervene and either take the responsibility altogether or assist other social institutions do a much better job. Thus, in turbulent times, the public professions may find themselves sharing or shelving certain activities while adding others in a constant state of flux.

Undertaking continuous legal, regulatory and administrative reforms. So much government and professional work deals with daily operations that public service professionals rarely have the opportunity of stepping back and reviewing arrangements from afar. Perspective reveals shortcomings and remedial difficulties that get obscured in the detail. Legal, regulatory and administrative reformers, like their colleagues in the policy sciences, now seek professional status and recognition.

Adopting more businesslike methods. Public service professionals recognize that although government is not a business, public administration could benefit by adopting a more businesslike approach:

- They seek to be more cost-conscious, not to be cheap but more economic, not to be extravagant and wasteful but more cost effective by keeping costs down without cheeseparing;
- They seek to be more productive, to get more for less without being exploitative, cruel, or punitive by adopting proven organizational and managerial techniques;
- They seek to be more efficient by applying rationality and scientific methods to the conduct of public business by streamlining arrangements, cutting out unnecessary intermediaries, eliminating bottlenecks and delays, reducing paperwork and unnecessary bureaucracy, and generally reducing the time taken for transactions;
- They seek to establish meaningful standards of performance, competence and responsibility for achieving such standards and applying the results of systematic study and research to become more effective; and

Expanding public policy-making capacity.

Oftentimes, better performance results from improvements in public policy-making abilities rather than in improving managerial abilities. The policy sciences now claim professional status and recognition in their own right.

- They seek to strengthen professionalism through better training and education, higher standards of conduct and approved accreditation.

Combating bureaupathologies. All large organizations suffer from deficiencies and shortcomings which if untreated get out of hand and eventually result in severe obstacles to improving their performance. Public service professionals realize that these bureaupathologies need to be admitted, diagnosed quickly and tackled promptly with the best available remedies.

Proving worth. Public servants know how valuable their work and contribution are but the true value of public goods and services is never self-evident and has to be justified to every generation not by slick public relations but by understandable and provable information and performance measures. Because public service professionals do perform so well, people tend to take them too much for granted until things go wrong or their particular dealings do not turn out as expected. Nevertheless, there is no substitute for good performance.

Promoting democracy.

The international community seems set on democratization as a key means to better governance. But democratization involves not just simple tinkering with the political system but fundamental changes in the roles of social institutions, the readjustment of the rights of individuals vis-à-vis the state, the liberalization of social and economic arrangements as well as political arrangements and the transformation of the organizational culture of public administration. Public service professionals have to adopt an additional set of values which like the others come into conflict and require some reordering of priorities.

Altering the master-servant relationship.

Professionals assume to be masters and their clients servants but democratization reverses the relationship and enthrones the clients as masters while they become the servants. The roles are

- To promote civic culture through greater voluntarism and private initiatives;
- To support greater institutional competition by strengthening the market system and property rights; and
- To master all the complicated technical complexities involved from utility regulation to land titles, from anti-monopoly laws to protection of intellectual property, from secure banking to viable co-production.

In short, public service professionals promote a genuine pluralist society.

Decentralizing government. Just as the state no longer attempts to do everything but stimulates pluralism, so government does not centralize all public business but decentralizes government activities which can better be handled regionally, locally and communally and can better match outcomes with recipients' preferences. Public service professionals possess the expertise to determine which government activities can best be centralized or decentralized, what tradeoffs (for example, discrimination, inequity, instability, economic efficiency, income redistribution) are involved, and how much can be entrusted to more directly participatory forms of public admini-

reversed. Any traces of past authoritarianism have to be eliminated or eclipsed; thus, symbols have to be changed, nomenclature revised and titles and places renamed. The state's subjects are now citizens with guaranteed rights and freedom enforced by public service professionals.

Enforcing liberty and individual rights. Instead of the state restricting liberty and rights, dedicated public service professionals actually seek to enlarge the scope of liberty and protect individual rights against unwarranted interference by the state.

Deconcentrating power. The state divests itself of any totalitarian features, abandons central direction of all aspects of people's lives and encourages the diversification of social institutions. Instead of public service professionals holding on to their monopolies, they do all in their power:

stration, more closely identifiable responsibility and accountability, and more publicly responsive and sensitive kinds of activities.

Guarding against corruption. Democracy cannot be built on rotten foundations and the many forms of corruption imperil both the basics and operations of democratic public administration. Public service professionals cannot allow corruption to take root by ignoring it and failing to discipline professional offenders. If the public service professions clearly demonstrate that they do not tolerate corruption, there is little possibility that it can survive let alone flourish except in isolated, relatively unimportant incidents whose revelation should only serve to increase vigilance. Democratic governments and public service professionals are obliged to keep their hands clean and rebuke those who cannot.

Experimenting with public participation.

Professional public servants have long pondered on how to share decision making in public administration with the public directly. Democratic public administration entails bringing people other than fellow professionals into the machinery of government and into administrative arrangements such as juries in criminal justice systems and

volunteers in public libraries and hospitals, not to relieve them of routine work but to give government a human face, provide expression for public opinion, educate citizens, seek outside suggestions, foster partnerships and strengthen policy-making.

These sets of values are not unique to the public service professions; other callings, occupations and social institutions also share them. But no other social institutions embrace them as a whole and it is this inclusiveness that sets the public service professions apart and makes public service professionals different from other people. These values seem so obvious that few of their profes-

The number of career government specialists who now claim professional status or at least paraprofessional status grows as government adds to its activities. But this very fragmentation of the public service professions has done a disservice to public sector administration and to their contribution to society. First, as each profession hives off, it becomes increasingly specialized and each specialization adopts a narrower vision as it tries to protect and enlarge its turf. Thus, government and the public service professions appear much weaker and less capable than they really are. They are also weakened collectively through their rivalry, lack of cooperation and sheer isolationism.

Second, the many links that bind public service professionals within the machinery of government, in their shared values and objectives and in their very professionalism have tended to overlook and downplay their essence; this exaggerates their peripheral characteristics which they share with other social institutions at the cost of more important aspects crucial to good government and the progress of humanity. For example, in dividing public administration into public policy and public management, the former is too closely identified with microeconomic analysis which loses sight of the essence of public service professionalism while the latter is too closely identified with business management which has quite different objectives and values. The bigger picture gets distorted out of perspective, thereby weakening the essence of public administration, government and public service professionalism.

sional associations even bother to articulate them as listed here. Obvious or not, they are the threads that run through public service professionalism, that link the public service professions together, that public service professionals accept as their *leitmotiv*, and that they are prepared to sacrifice themselves for in order to further civilization and improve the human condition. Without them, the institution of government is suspect, untrustworthy, harmful and frightening, capable of setting humanity back not forward.

The whole is greater than the sum of the parts

Third, countries are so different one from another that while some may have overdone their public administration, succumbed to bureaucratic self-aggrandizement and official arrogance, others have never yet reached the stage where they have been able to professionalize their public services. Pushing unprofessionalized public services beyond their capabilities dooms them. Worse still, their governments become kleptocracies riddled throughout with corruption and unable to preserve law and order, protect their countries from external threats, offer incentives for saving and investment, provide a proper infrastructure for basic public goods and services, guarantee fundamental human rights, undertake sustainable development or perform other government activities that would enable half the world's population to live with some semblance of security and comfort that all these poor people do not enjoy. In short, until professionalization occurs, many governments around the world cannot perform as well as they should and cannot provide conditions which enable society to progress.

Fourth, the gap between haves and have-nots is worsened not so much by governments overreaching, but by failures at international level to cope adequately with common global problems and challenges. This is due partly to a failure of political will to accept the need for global public goods and services and partly to a failure of administrative performance of international organizations which have not yet been adequately professionalized. Like unprofessionalized public ser-

vice at country level, they suffer from amateurism, incompetence, self-serving and corruption that handicap their performance. They too fail to appreciate the essence of public service professionalism and suffer all the dysfunctions that result. They fail to set a good enough example of professionalization.

Being professional means more than just employing professionals or paying lip service to professional values. It requires a thorough understanding of professionalism and strict adherence to public norms of model behaviour. It entails providing an

organizational environment that promotes professionalism and enable professionals to thrive by doing what professionals do best. It demands the promotion of professional standards, the monitoring of professional performance and adherence to higher and higher performance measures. Above all, it necessitates seeing the bigger picture, the overall progress toward bettering human conditions and avoiding making matters worse than they already are for at least half the world's population.

Ethics Programmes as a Means of Fighting Corruption

The case of the United States

presented by Mr. F. Gary Davis, Deputy Director
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Introduction

In recent years, we have witnessed a growing global awareness of the need for effective measures to combat the corruption of government officials. Reports of public opinion polls from throughout the world indicate that concern over government corruption ranks high in the public's mind and that tolerance for corrupt behaviour is decreasing. As important, recent studies by the World Bank show a strong correlation between corruption in a country and low levels of economic development.¹ In an important sense, corruption is one of the major variables explaining both the failure of democratic reforms and the unrelenting poverty that these countries face.

However, in the past five years the international community has responded forcefully to the challenge of corruption. The Organization of American States (OAS) has produced perhaps the most dramatic result. In 1996, members signed the *InterAmerican Convention Against Corruption*. This convention defines illicit activities, articulates preventive measures, and provides for extradition for corruption. Finally, the convention provides for developing laws to criminalize bribes to public officials in another country by companies (and other private interests) within the country.

Additionally, the Public Management Service (PUMA) of the Organization for Economic Cooperation and Development (OECD) has

produced a major study on ethics systems in 1996 and conducted an analysis of corruption within the OECD membership context in 1997. PUMA, together with the joint European Union (EU) and the OECD organization Support for Improvement in Governance and Management in Central and Eastern European Countries (SIGMA), organized a major symposium in 1997 to review a public sector ethics checklist. This checklist was approved by the OECD Council of Ministers as *Principles for Managing Ethics in the Public Service* in 1998.

The United Nations has been organizing a series of regional conferences on the themes of civil service professionalism and ethics in 1997 and 1998. The United Nations Development Programme (UNDP) and several intergovernmental organizations are actively seeking to understand which anti-corruption systems work effectively for their members' countries.

All of this is in addition to the dozens of unilateral ethics and anti-corruption initiatives undertaken by countries, from disclosure systems in South Africa and the Philippines to the creation of an independent anti-corruption entity in Argentina and Hong Kong.

¹ For example, see Aymo Brunetti, Gregory Kisunko and Beatrice Weder's two monographs: *Credibility of Rules and Economic Growth* and *Institutional Obstacles to Doing Business*, Policy Research Working Papers, 1759 and 1760, The World Bank, April 1997.

This new environment is one in which preventive measures are particularly important. Certainly the enforcement side of the equation must also be strong. But in this new era of heightened expectations, we must go beyond investigation, prosecution and punishment of misconduct. In a sense, a prosecution for public corruption is an admission of systemic failure. Large numbers of arrests and prosecutions do nothing to reinforce the public's belief in the fairness and legitimacy of government institutions. We must have preventive measures in place that not only take some of the burden off law enforcement but also maintain high levels of public confidence.

One system that most observers believe works is the Executive Branch Ethics Programme in the United States. It is a complex of many programmes and elements. Its structure is also decentralized, with a central policy hub, having the day-to-day activities carried out by officials in line departments and agencies.² However, differences in governmental structures, laws, organizations and cultures would make it unrealistic to replicate this model in every country. Rather, what I want to suggest is that it is important to examine and evaluate the relevance of the elements of the U.S. system to a given country's circumstances.

Elements such as financial disclosure, standards of conduct, and whistle-blowing protection can be designed and implemented in a variety of ways. In order to effectively do this, it may be helpful to have a better sense of how the ethics system in one country, such as the US, works. In this spirit, the rest of this paper will be on the U.S. experience in establishing preventive measures to deal with misconduct by public officials.

The United States experience in preventive measures

² There are currently 144 agency ethics officials who are appointed by the head of their department or agency and report to both the head of the agency and the Director of the Office of Government Ethics. These agency officials, in turn, have almost 12,000 full and part-time equivalents devoted to this work. See *U.S. Office of Government Ethics Biennial Report* (Washington, DC: 1996).

In August of 1838, Samuel Swartwout, the federal Customs Collector for the Port of New York left for London with two black satchels. Within them, he took more than five percent of the entire Treasury of the United States. In the proceedings against him, at least four employees admitted to knowing about the embezzlement from the beginning. About their conduct, Joshua Phillips, Assistant Cashier, explained 'I was Mr. Swartwout's clerk, and would not betray the secret of my employer. We clerks of the custom-house consider ourselves as in the service of the collector, and not in the service of the United States.'³ There was no extradition treaty with England. Neither Mr. Swartwout nor the money was ever recovered.

In reaction to the massive corruptions in his administration, President Andrew Jackson empowered his Post Master General, Amos Kendall, to fundamentally redesign the Post Office Department, and his successors followed Kendall's model in reorganizing governmental institutions. Instead of relying on men of character, as Presidents since Washington had done, Kendall designed a system of redundancy of signatures in order to spend money on behalf of the United States. Additionally, he developed the first transparent procurement and contracting systems, and even developed Rules of Conduct for public employees.

As this historical footnote illustrates, the United States has had a long history of dealing with misconduct by public officials. To a large extent, that history is one of legislative reactions to particular scandals. For example, the current conflict of interest statute that prohibits self-dealing has its origins in a law passed to deal with procurement scandals in the War Department during the American Civil War period.

Similarly, the current law that prohibits officials from bringing claims against the Government or from representing private parties in matters in

³ Quoted in Leonard White, *The Jacksonians: A Study in Administrative History*, NY: Macmillan, 1954, p. 427.

which the Government has an interest also dates from the last century and was a reaction to abuses by Members of Congress who brought claims against the United States on behalf of private clients. Later, a criminal statute was added, which prohibited Government officials from receiving. What is significant about this history is that it has been reactive to scandals or abuses, has relied on criminal sanctions and adopted measures to deal with past conduct. All of that changed with the great watershed event in the history of the United States ethics laws known as Watergate. As a result of the Watergate scandal in the Nixon administration in the early 1970s, Congress passed a series of laws in the ethics arena. Some of these new initiatives continued the approach taken prior to Watergate.

The Inspector General Act of 1978, for example, put in place a system of statutorily mandated offices within major agencies to discover fraud, waste and abuse in Government. The Ethics in Government Act of 1978 contained new post-employment criminal statutes and created a mechanism for the appointment of an Independent Counsel to investigate and prosecute misconduct by high ranking officials.

During this same period, a new approach also began to emerge. Instead of reactive measures, there would be a proactive approach. Instead of dealing with past offenses on a case-by-case basis, there would be systems to prevent abuses from occurring. And instead of relying on the criminal justice system, there would be a new emphasis on civil and administrative remedies. Finally, in the wake of Watergate, we saw the creation of new Government agencies emerging to deal with ethics concerns. Among these agencies were the Federal Election Commission, the Office of Special Counsel and the Office of Government Ethics (OGE).

OGE's role within the Executive Branch Ethics Programme

OGE was created by the Ethics in Government Act of 1978. From its inception, OGE's role within the

compensation from private parties for the performance of their official duties. And later still, concerns about misuse of influence and confidential information led to post-employment laws which continue to be expanded to this day.

Executive Branch Ethics Programme has had the following features:

Prevention. OGE is charged with the prevention of conflicts of interest in the Executive Branch. Prevention is OGE's central mission. Thus Congress gave the Office very limited investigative powers. OGE does not investigate or prosecute instances of individual misconduct.

Decentralization. OGE has the responsibility for setting ethics policy for the Executive Branch. The actual management of the Ethics Programme, however, is accomplished by each individual agency. The head of each agency is responsible for the ethics programme of that agency and the conduct of its work force. The agency head exercises that responsibility by appointing a Designated Agency Ethics Official, or DAEO, who takes care of the day-to-day management of the programme. Thus, the overall structure of the Executive Branch Ethics Programme is decentralized.

Independence. OGE is an independent leadership force in the Executive Branch. This is reflected in the fact that the Director, who is a Presidential appointee confirmed by the Senate, serves for a fixed five-year term, a period of time that extends beyond a President's four-year term and provides insulation from partisan political pressures. A Director can be renominated for an additional term. For example, the current Director of OGE was originally appointed by President Bush and, at the expiration of his five-year term, was reappointed by President Clinton for a second five-year term. With the exception of the Director's Executive Secretary, all of OGE's staff are career employees.

OGE programmes

OGE fulfills its preventive mission by undertaking the following programme activities:

- OGE issues executive-branch-wide regulations dealing with standards of conduct, financial disclosure, conflict of interest waivers, post-employment restrictions, and ethics training;
- OGE provides guidance and interpretation to agencies, including providing informal advisory opinions and publishing sanitized versions of selected opinions annually;
- OGE provides leadership in ethics training, producing model training courses, pamphlets, videos and even games;
- OGE provides programme assistance to Executive Branch agencies; and
- OGE regularly reviews agency ethics programmes to ensure that they maintain effectiveness.

It is not merely the structure of the programme that has made the Office of Government Ethics successful. The structure is also supported by the use of a variety of ethics tools, from disclosure to the Code of Conduct.

Conflict of interest statutes

OGE is responsible for the interpretation of the major conflict of interest statutes for federal employees. These statutes are tied to strong criminal and civil penalties of up to five years in jail and \$500,000 in fines for each violation. The types of activities they try to limit include a criminal statute punishing the misuse of public office to benefit (or attempt to benefit) others, either with or without remuneration. This is a representative bar against trying to influence the government on behalf of any other person.

A second criminal restriction makes it illegal for an employee to take an official action that would benefit themselves, their spouse, their minor child or their business partner. A third criminal restriction ensures that only the government can pay the salary of a government employee for doing the government's work. And the last, criminal sanction restricts former employees, with sliding restrictions depending on their level of responsibility, from representing private parties back to the government for certain, specific periods of time after they have left government.

- OGE oversees both the public and confidential financial disclosure systems and plays a key role in reviewing the financial disclosure reports of Presidential nominees in the confirmation process;

These statutory limitations are narrowly drawn to limit any employee's criminal vulnerability. So where they cover taking an official action that financially affects one's spouse or child, they do not cover your brother or uncle. In order to capture this latter type of illicit use, and undergird the criminal structure, administrative standards of conduct were developed.

Standards of conduct

The cornerstone of any ethics programme is a fair, uniform, enforceable code of conduct. It is a key preventive measure. Prior to 1989, each agency in the Executive Branch promulgated its own standards of conduct.

In 1989, President Bush appointed a Commission to make recommendations for reforming U.S. ethics laws and regulations. One result of the Commission's recommendations was an Executive Order that directed OGE to develop a single, comprehensive set of Standards of Conduct that would apply throughout the Executive Branch.

OGE carried out this directive by issuing a new code of conduct in the form of a proposed rule that was published for public comment. OGE received well over one thousand comments on the proposed rule from a wide range of interested parties, both in government and in the private sector. OGE gave careful consideration to these comments, made some changes to accommodate many of them and then issued a final rule that became effective in 1993.

The Standards of Conduct contain specific rules dealing with gifts from outside sources, gifts between employees, conflicting financial interests, impartiality, seeking employment, misuse of position and outside activities. These specific rules are based on two fundamental principles: (1) an

official should not use public office for private gain; and (2) an official should act impartially in carrying out his or her official duties.

Since issuing the final rules, OGE has made several changes in these rules. This has been in response to feedback it got from agency ethics officials and Government employees. However, The Standards are enforced administratively. Punishments can vary from reprimand, to time off without pay, to demotion or separation from federal service. These actions are taken by the agency, usually with the coordination of their ethics official.

Informal advisory opinions

It is important that the ethics programme be consistent, treating like circumstances in the same way. It is also critical that employees can rely on the advice given by an ethics official. Advice rendered either by an agency ethics official or OGE is in effect binding on law enforcement officials. If they disagree with an opinion, the issue is with the ethics officials *not* the employee. In this way, employees are given a safe harbour if they have fully disclosed the circumstances upon which an opinion was rendered. The system of informal advisory opinions, published annually (and available on the OGE Web page), provides the consistency necessary so that agency ethics officials can understand the policy issues and legal reasoning in particular cases. These opinions are indexed topically, e.g. gifts from outside sources, and are sanitized to eliminate the name(s) of individuals involved and their agency. The opinions now number more than 700 and provide a fundamental foundation for guidance to both the agency ethics officials and Federal employees.

Financial disclosure

Another key element of our programme is financial disclosure. Since the passage of the Ethics in Government Act of 1978, certain senior government officials are required to file a public financial disclosure report. This includes the President and Vice President, Presidential appointees, senior career executives, senior military officers, and administrative law judges.

based on more than four years' experience under the new Standards, OGE has, on the whole, found them to be a very workable set of rules that provide specific guidance to employees as to what is expected of them.

Officials covered by the statute must report their financial interests, as well as the interests of their spouse and dependent children, that meet certain thresholds. These interests include: stocks, bonds, mutual funds, pension interests, and income-producing real estate. It also includes earned and other non-investment income and honoraria. Officials must also disclose certain gifts and reimbursements of food, lodging and entertainment expenses. Liabilities (such as loans and their terms) must be reported as well as certain outside positions and future agreements or arrangements.

Approximately 25,000 officials in the Executive Branch file annual public reports. Most of these are filed with the agency and reviewed by ethics officials. These are reviewed to ensure that the employee abides by the laws and regulations on ethics and the forms are assessed by ethics officials in their own agencies.

The nominee process

However, the most senior officials, those that are nominated by the President but require Senate confirmation, are reviewed in the Office of Government Ethics. OGE must certify the report before it is submitted to the Senate committee holding hearings on the nomination. Generally, Senate committees will not hold hearings unless the Director has certified that agreements have been reached to eliminate any conflicts or potential conflicts.

In this very important sense, financial disclosure is a means of preventing conflicts of interest. Through their review of a report, officials at OGE or agency officials are able to identify potential conflicts before they occur and work out an appropriate remedy. This might mean something as simple as a commitment to be disqualified from participation in certain matters. Or it may call for

divestiture of the conflicting holding. Since 1989, there has been a provision in the U.S. tax code which permits an official to divest a financial interest and roll over the assets into a nonconflict-Public financial disclosure has an additional dimension beyond the agency review process. Public reports are just what the name implies. They are made available to anyone upon request. And there are a substantial number of requests made by the media, public interest groups and others. This public scrutiny brings an added measure of confidence to the system and further reassures the American people that their senior public officials work in an environment that has been kept clear of conflicts. Further, it eliminates the need to audit such forms to ensure full compliance. The scrutiny of the press and the public, along with severe penalties for lies of commission or omission on the form, has led to broad compliance with disclosure.

In addition to the public financial disclosure system, there is a confidential disclosure system that applies to certain mid-level employees. Approximately 250,000 employees file confidential disclosure reports. These reports cover the same range of topics but do not require an evaluation of the asset or liability. These forms are also filed annually and reviewed in the agency, by either a supervisor or an ethics official.

Education

Another important element of the U.S. ethics programme is education. It is extremely important that Government employees understand their responsibilities. All new Executive Branch employees are required to receive at least one hour of ethics training when they enter Government service. And certain covered employees are required to receive one hour of ethics training each year. This is also mandated by the Executive Order mentioned above. It is also a very challenging part of our programme, as it requires continuous creativity and innovation in developing new tools and materials for educating employees about their responsibilities. We currently have a host of materials, including pamphlets targeted at specific levels of employees, a half dozen videotapes,

ing holding without occurring immediate tax consequences. This makes divestiture a much fairer remedy. Other remedies include resignation, waiver, and the establishment of a blind trust. two posters, and a variety of course training modules.

Agency assistance

OGE provides assistance to agencies in their administration of their ethics programme. OGE has desk officers who are assigned to work with specific agencies and provide information and other assistance.

Programme review

OGE also has a programme review function. One of the most important aspects of an ethics programme is maintaining programme quality. An ethics programme is not maintenance free. It requires upkeep and attention to ensure that it continues to work efficiently and effectively. OGE conducts regular reviews of agency programmes and undertakes other single issue audits to assure programme quality.

OGE is now in the process of developing objective criteria for measuring the performance of the ethics programme. This is a difficult but important task that we will continue to pursue in the years ahead.

Technology

Finally, it is important to note the importance of computer technology in the work that we do. We not only track those who file disclosure reports but also their ethics agreements. Many state ethics officials think that the best way to make ethics offices *ineffective* is to deny them the computer technology they need to carry out their work. They further argue that in some American states, legislatures or governors purposely deny them the resources necessary to do the job.⁴

⁴ See Frederick M. Herrmann, Bricks Without Straw: The Plight of Government Ethics Agencies in the United States, in *Public Integrity Annual* (Lexington, KY: Council of State Governments and the American Society of Public Administration, 1997).

Technology is not only a mechanism to make our job easier; it is also a method to ease the burden on those who must comply with laws in areas like financial disclosure. For example, we are very close to having an electronic disclosure system that would reduce the burden on both the employee and the review official. OGE has even worked with the Department of Justice in developing an interactive computer game on ethics. Last,

the OGE web site on the Internet has been incredibly successful and contains detailed information about OGE, the laws and regulations it interprets and develops, as well as a detailed description of its programmes (The web address is: <http://www.usoge.gov>).

Conclusion

Preventive measures such as standards of conduct, education, financial disclosure and programme review apply principles of accountability and transparency to the conduct of public officials. There is a growing global consensus that a strong government ethics programme can make a significant contribution to political, economic and social development. And there is increasingly a recognition that a democratic society and a functioning free market do better when government is able to deal effectively with corruption and misconduct of public officials. Nations that are able to implement these measures will be able to minimize corruption. In so doing, they will have created a foundation for democracy in their countries for the 21st century.

The Role of the Private Sector and Civil Society in Promoting Ethics in the Public Service

by Mr. Peter Unwin
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This paper considers the role that can be played by the private sector and civil society in promoting ethics in the public service. It draws on experience gained in the course of a 30-year career in the British Diplomatic Service, as Deputy Secretary General (Economic) of the (British) Commonwealth for four years, and in discussions on behalf of Transparency International and the World Bank in a number of countries of central and eastern Europe.

The situation in Britain

For the last century and a half, Britain has traditionally been blessed with high ethical standards in the public service and with vigorous and constructive organs of the private sector and civil society. Both are now being increasingly called in question.

Respect for the authority of parliament and vigorous criticism of government within it have traditionally combined to maintain high ethical standards in British government and politics. Mid-19th century civil service reforms set the scene for the gradual adoption of high standards of ethical, objective and politically neutral behaviour throughout the public service.

Gradually, the legal system was shorn of its worst abuses and placed at the service of justice, blindly administered on a basis of equality for all who came before it. The result has been the fulfilment throughout most of the 20th century of expectations that governments, while always concerned to secure party advantage and hence re-election, would govern in the broad national interest; that political debate would by and large reflect the merits of the argument rather than merely the interest of a variety of paymasters; that public administration would be conducted on a basis of fairness, honesty and objectivity; and that justice would be available to all.

Interaction between government, administration and the private sector of national life played a major part in bringing about and maintaining this happy state of affairs. Parliament attracted people of talent from every walk of life. So did local government. The political parties attracted individual citizens into membership. Britain became a nation of clubs, societies and special interest groups. Many of them engaged themselves in dialogue with the public sector. The letter to the local Member of Parliament (MP) could produce a Parliamentary Question that could produce change for the better. So could the letter to the Editor of *The Times*, as could the more general attention of the press and, later, of radio and television. The private sector, civil society and the individual kept the public sector on its toes.

There have, of course, always been flaws on the face of this generally enviable picture. A traditionally somewhat deferential society was, for long, content to leave the exercise of day-to-day political power (as distinct from ultimate democratic power exercised periodically at the hustings) to a restricted political class. There was some unjustified complacency about the assumption that the political class would espouse disinterested policies. A highly centralised and somewhat secretive system of public administration required that the public should take much on trust. The justice, which the legal system dispensed, was often crude, and in civil matters not easily accessible to those who lacked the means to pay the bills. Finally, complacency was occasionally punctured by scandalous abuse, as quite frequently in local government and, famously, by the Profumo affair in 1963 (when a government Minister was exposed as lying to Parliament when accused of sexual impropriety). But for most of this century Britain's complacency about the ethical standards of its government, politics, public administration and legal system has been largely justified.

In recent decades, however, the British were becoming increasingly concerned about the relative weakness of the country's economy, and about the social, educational, technological and managerial failings which were thought to have contributed to it. This concern gradually eroded complacency and prepared the way for the substantial upheaval in beliefs, attitudes and practices which so changed the face of Britain in the 1980s.

Although associated in the public mind with one party, the Conservatives, and with one politician, Margaret Thatcher, the upheaval had deeper roots and wider consequences. Many of the changes it brought about have become part of the accepted fabric of British life, accepted and often approved by all (and some of them, such as the economic primacy of the free market or the pursuit of privatisation, have become common currency throughout most of the world).

These changes have brought Britain many benefits: a more competitive economy, industrial harmony, managerial effectiveness, and a concern for the satisfaction of the customer's wishes. But they are widely believed to have affected other matters for the worse. Prominent among these is ethics in public service. Here British standards are thought to remain high by world standards, but to have declined from those of earlier decades.

To the extent that the upheaval has, in fact, damaged the standards of public service, it did so by shifting the hierarchy of values in British life. In foreign policy, for example, successive governments had looked in the main to Britain's political interests; now there is a greater concern also for trade, for export opportunities. The civil service was required to provide disinterested, objective administration; now it is expected to deliver higher standards through pro-active, commercially-minded policies and through greater managerial effectiveness. There have been accusations, too, that this has led parts of the civil service across the hitherto sacred divide into politically-motivated actions. Locally-accountable municipal services have been replaced by unaccountable, business-minded quasi-governmental agencies. The importance of the private sector as the author of wealth has been enhanced, and by the same token, the standing of public service and the value of public service attitudes have been diminished, sometimes derided.

There is now a widespread perception that ethical standards in public life are lower than they once were. The British public has been concerned by matters such as the Scott report, the Pergau Dam affair, the Foxley case, and cash for parliamentary questions. The details of these cases are too involved for exposition in a paper such as this; suffice it to say that each has in different ways contributed to a feeling in Britain that traditional complacency about the public service has no place in the country today. A result was the establishment of the Nolan Commission on standards in public life, which has already led to

changes in parliamentary practice. It seems reasonable to assume that this concern to safeguard and improve public ethics will persist; that Britain will continue to enjoy generally enviable standards in public life; but that the price of maintaining them will be eternal vigilance.

The situation in the Commonwealth

An association of more than fifty sovereign states at very different levels of development cannot lend itself to easy generalisation. But a number of propositions may be of interest to a non-Commonwealth readership.

The Commonwealth is a free association of countries, almost all of which have, over the last century, emerged from British imperial rule. They have in common acceptance of The Queen as Head of the Commonwealth; widespread use of the English language; and an inheritance, variously interpreted, of British practice in the fields of government, politics, the law and administration. They are also committed to certain standards of democracy, accountability, good government and human rights, expressed most recently in the Commonwealth Harare Declaration of 1991. In practice, respect for these standards varies very widely, and the Commonwealth embraces within its membership governments and societies of every kind (though it is worth noting that South Africa and Fiji have in the past been separately deprived of membership on grounds of their ethnic policies and that Nigeria is currently suspended from it because of its shortcomings in the fields of democracy and human rights).

Whatever the shortcomings of individual members, however, the Commonwealth is collectively committed to the search for higher standards; and much of its practical work is designed to contribute to achieving them. The analysis on which this emphasis is based binds together political, developmental and social considerations. It argues that development is necessary for the attainment of decent standards of life for Commonwealth citizens; that good government is necessary for development; that accountability to the people is necessary for good government; and that accountability is necessary if the people are to be actively involved in measures that fundamentally affect their well-being. The need for high ethical standards in the public service runs through the whole of this analysis, in matters such as respect for the wishes of the electorate; honest and transparent administration; corruption-free interaction between the state, the private sector and the individual; and equal access to justice for all. This paper is being written on the eve of the 1997 meeting of Commonwealth Heads of Government in Edinburgh, Scotland, but it seems certain that these themes, together with the development of economic links within the Commonwealth, will be at the centre of discussion there.

The situation in Central and Eastern Europe

Countries in transition from communism have many problems in common with developing societies. Most states in both categories are breaking away from authoritarian rule or rule by outsiders; many of them lack the continuity of inherited institutions, enjoyed by many countries of the industrialised world; and many of them are seeking to transform their political, economic and social institutions.

Visits to six countries of central and eastern Europe on behalf of Transparency International and the World Bank have revealed the same interaction between political, economic developmental and social considerations as has been described in the passage on the Commonwealth above. These countries want to rid themselves of the remnants of the authoritarian rule from which

they suffered for half a century, replacing it with accountable rule and public administration directed by democratically-elected governments. They want to complete the process of replacing monolithic and ineffectual state-owned economic institutions with privately-owned businesses which are responsive to market forces and which are, as far as possible, competitive in world terms. To do all this effectively, they need to engage the individual citizen, arousing him or her from the apathy and cynicism to which authoritarianism reduced him or her. They recognise that one way to do this is through the gradual emergence of the typical organs of civil society.

The private sector and civil society

By definition, the private sector and civil society are distinct from government. But they are not unaffected by the attitude of government. Indeed, in traditionally authoritarian societies, in which initiative has always been reserved to government, it will require government initiative to encourage the private sector and civil society to start to take an active part in public affairs. Many factors militate against such initiatives being taken, for by encouraging the involvement of the private sector and civil society, government often creates a stick for its own back. It exposes itself to criticism; it volunteers in effect to share the power of initiative with others and it opens itself to scrutiny of its own behaviour. So government needs to be convinced of the merits of involving the private sector and civil society in the doings of the public service.

The arguments for doing so are essentially five-fold: democracy, transparency, effectiveness, education and social cohesion. The public service is the servant of the public, the electorate and the taxpayer. Democracy and accountable government reflects that relationship. So, in a more complex way that reflects the greater interaction between public and private in today's world, does the involvement of the private sector in public affairs.

Secondly, such involvement of forces outside the public service will make it more transparent and

We have looked so far at three situations in which the private sector and civil society have, or could have, a beneficial impact on the ethics of the public service. We now consider ways and means of bringing this about, under the following headings:

- Government
- Politics
- Public Administration
- Business
- Academia
- Education
- The media
- Other attitude formers
- Modus operandi

Government

reduce the opportunities for corruption within it. Outside involvement will tend to increase its effectiveness, by exposing it to factors as disparate as business efficiency and academic rigour. Similarly, such involvement will serve a two-way educational purpose, teaching the public servant the expectations of the outside world and the private sector something of the constraints of government.

Finally, such interaction will tend to increase social cohesion and support for government: to the public it will become less a matter of *them* and *theirs* and more a matter of *us* and *ours*. The private sector and civil society, each representative of aspects of the public, will develop a sense of ownership of government and the public service.

Politics

Throughout the world, politics and politicians occasion public scepticism and suspicion. Yet politics is the science and art of government, and democratic politics conducts government in the name of and for the benefit of the people. The greater involvement of the private sector and civil society in the public service can threaten the interests of the political class as it does the interests of government. But many of the same arguments in its favour apply to politics as apply to government.

Such involvement increases democratic control of the political process and of the public service, so improving the democratic credentials of politicians. It renders their doings more transparent and hence more resistant to corruption. It improves their effectiveness, enriching their vocabulary with the concepts of other disciplines. It contributes to the two-way educational process. And it renders the political process accessible to a wider cross-section of society. Each of these things improves the quality of politics. Each could threaten, or seem to threaten, the interests of a political class which does not dedicate itself exclusively to the public good.

It is important, also, that the process of involving wider circles in the ethics of public service does not become a political football. Governing parties rightly present their doings in a favourable light. State, regional or municipal administration is, like government, by definition not part of the private sector or civil society. But in its daily doings, public administration interacts with the public and with organisations, such as business or the media, which serve individual customers in the private sector. Its ethical standards are as much involved in its dealings with the outside world as in its formulation of policies which, at one remove, will impact on the general public and on private sector entities which serve it.

If the private sector and civil society are to be encouraged to help improve public service ethical standards, the public administration itself must be brought to welcome such involvement. The arguments in favour of it are here the same as in the fields of government and politics; but once again, vested interests are threatened by it, all the way from the exposure of financial corruption to the disturbance of a quiet life in a backwater of the public service.

Action on several fronts will be necessary to overcome a natural resistance to the introduction of a more open culture. One measure is to educate public officials in their duties to the public they serve; and in the benefits they can gain from greater openness. Another is to reduce as far as is compatible with other goals of public policy the

Oppositions rightly seek to expose their faults. These counter-forces apply as much to the ethics of the public service as to any other doings of government. But civil society should, in a sense, both use the party political process and rise above it.

Thus a civil society organisation dedicated to raising the standards of public service must use party political processes to secure information, publicity, etc., but should see its goal as a more ethical public service, irrespective of party label. This is not easy to achieve: there may be real distinctions of ethical standard between one political party and another; and the public-spirited individual willing to involve himself in such an organisation is more than likely to be committed also to an individual political party.

Public administration

range of matters regulated by the public service, so reducing opportunities for unethical maladministration. A third is consciously to seek to demystify the workings of the public service, so that the corrupt, or the idle, can less easily take refuge in the mysteries of their tasks.

The process of rendering the public administration more open to interaction with the private sector and civil society is, in any culture, a difficult task. It needs to be driven by government with the support of politics.

Business

Business has a major role to play in any campaign to improve the ethics of the public service. In economic terms, it absorbs most of the energies of the private sector. Its doings affect, and are affected by, the public service at every level. Business-related matters such as public procurement, planning applications, the issue of licences, customs control, taxation, etc. are the stuff of much public service activity, and lend themselves to corrupt exploitation.

Business and the public service have therefore much in common, and at least a potential to help one another. But they serve different ends, often by different means; and in many fields a certain tension between them is healthy. The involvement

of business in raising the ethical standards of the public service has great potential for good; but it can easily do a great deal of harm.

Two cases illustrate the point. It has been noted above that public sector ethical standards in Britain are widely thought to have been damaged by some of the changes introduced in the 1980s. Many of them involved the introduction of commercial values into the public service. That brought about welcome improvements in many fields: greater effectiveness and economy, and a more purposeful approach to the public service. But it also tended to devalue worthwhile public service characteristics and to introduce confusion as to the object of many operations. Efficiency was held to gain from the change, objectivity, equity and accountability to suffer.

Similarly, the countries of central and eastern Europe are, today, deeply influenced by the spread. Nevertheless, on both sides, a certain continuing reserve will be in order. Business and the public service serve different masters: the shareholder on the one hand, the public on the other. Their goals differ: micro-economic goals on the one hand, macro-economic or public goals on the other. A relationship of understanding and mutual respect is desirable. Cronyism is not.

Academia

The role that the academic world can play in improving ethical standards is often neglected. Academics have a major responsibility in this field, not least by asserting the importance of ethical concerns in consideration of other issues. In particular, they can help develop the analysis, considered in the section on the Commonwealth above, of the relationship of ethical concerns to political, economic developmental and social ones. This is an analysis applicable in general terms to all societies, particularly developing ones, but its application in detail will require adaptation to local circumstances.

In principle, ethical standards in the public service form part of a continuum. Expressed in national terms, it can extend from democratic rights,

of commercial values and their impact on politics and public services. In countries new to the disciplines of market economics, there are many uncertainties: about tax avoidance and tax evasion, for example; about the involvement of political figures or their families in business; about the privatisation of state property; and so on.

Nevertheless, if the process is properly managed, private business can help improve ethical standards in the public service. It can help clarify the needs of the private sector, working with the public service on matters such as advantageous simplification of public controls in the economic field. It can help introduce private sector skills to the public service. Organisations representative of business, such as chambers of commerce, can help develop codes of conduct applicable to the public as well as the private sector.

whether exercised through a party political system or otherwise, through transparent and accountable good government, to economic and social development and the social cohesion which can mobilise a whole society for the common good. But other continua merit consideration also.

For example, the countries of central and eastern Europe are driven by a concern to adapt themselves to the norms of the European Union which most of them hope to join. Comparable concerns may drive the countries of South America.

Globalization, not just of business practice but of political, human rights and developmental concern also, imposes demands on countries which can no longer afford to go their own way.

In each of these continua, efficient and equitable public services have their place, as well as the ethical standards which underpin efficiency and equity. So the ethics of the public service have a place within many academic disciplines: morals, ethics and theology self-evidently, and often political science, economics, management, development and international studies also.

Education

The education system can play a part also. At the tertiary level, it merges with the academic analysis considered above, but education has a part to play even in the primary school. The examination of right and wrong at the personal level leads into consideration of responsibilities to one's neighbour and to society. At the secondary level, social studies locate the position of the public service within a properly-functioning society.

The role of government as servant rather than master is self-evident only in the most developed societies. Elsewhere it needs constant reiteration. Ethical demands on the public service form an intrinsic part of that analysis, so that children grow up aware of their rights over against the public service, and their duties to it.

Finally, vocational education must embrace the ethics of service and responsibility, so that young people entering employment (and in this instance the public service) bring with them an understand-

An ethical public service is an intrinsic part of an individual's legitimate human-rights expectations. It is also an essential element in sound economic development. The media can play a major part in advancing all these campaigns, but it is likely to encounter pressure from vested interests and much temptation along the way.

Other attitude formers

All the social categories considered above form attitudes, but others do so also. Churches and other religious institutions have a voice almost everywhere. So do social organisations such as the Rotary Club. Trade unions form attitudes, often in wider fields than the specifically industrial. So do charities and non-governmental organisations of every kind. All of these will have concerns antecedent to concern about the ethical standards of the public service.

As argued under earlier headings, such standards are important in themselves and relate directly to other political, economic and social goals. It is, therefore, entirely legitimate to look to attitude-

ing of the ethical as well as the practical discipline which it imposes.

The media

The media has a triple part to play. A responsible free press will seek to expose wrong-doing, inside the public service as elsewhere. It will play a role, in some ways comparable with that of educators, in explaining the need for improved ethical standards in the public service. And it will need to ensure that its own ethical standards are themselves above suspicion.

In countries where moral and ethical expectations are low, it will be seeking something not far short of a revolution in attitudes and behaviour, campaigning, for example, for ethical commitments by parliamentary candidates or for declarations of their personal wealth by the members of a new government as they take office. Once again, such campaigns can be related to others. High standards of public service are, for example, directly linked with honest democracy and accountable government.

forming groups to concern themselves with such ethical issues. A trade union with members in the public service, for example, is interested in its members' standards. A human-rights non-governmental organisation can see acceptable standards of government as a goal to be sought. Ethical standards are relevant to the churches' personal and social moral missions.

It is also possible to conceive of an organisation wholly or partly dedicated to the improvement of ethical standards in public service. The national chapters of Transparency International, for example, exist to help build coalitions to oppose corruption. Higher ethical standards within public service are an essential element in the building of a society based on integrity which, in time, can hope to reduce the prevalence of corruption within its borders. In many countries, an Ethical Council seeks the same goals from a different point of departure.

Modus operandi

All these categories are likely to use similar methods in their search for higher ethical standards. They will, first, seek to establish the benefit such standards can bring and the damage that can be done by their absence. Second, they will examine the obstacles to their attainment. They will publicise the situation and ways of improving it. Then they will try to mobilise opinion in favour of action to improve matters. They will seek to work in harmony with governmental efforts to the same end, while retaining their private nature and freedom of initiative, action and expression.

There will emerge a kind of national coalition to promote higher ethical standards throughout society, and in the public service in particular. Throughout, its members will recognise, if they are wise, that this is a task not for the weeks but for the decades and that a New Jerusalem is not in prospect. But they will be buoyed up by the evidence that all over the world, progress is proving to be possible, inch by painful inch, and by the knowledge that a society which achieves ever higher ethical standards within its public service will be able to deliver steadily increasing satisfactions to all its members.