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**Varieties of Modernization – The rambling path of public sector reform
and NPM in Central and Eastern Europe**

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Abstract

Looking at Central and Eastern European member states of the EU, this paper disentangles the entwined development of the two-sided challenge of public sector reform and -modernization: to aim at re-bureaucratization (and de-politicization) and (mostly liberal) deregulation at the same time. The main argument posits that this interplay and possible trade-offs heavily rest upon the formative power of a given transformation legacy. We develop the argument in three steps.

First, we reconstruct the different starting points of the CEE states and shed light upon the diverging paths of reform. The second section focuses on the impact of Europeanization: From the mid-1990s onwards, external actors, with a predominant role of the European Union, affected the consolidation of central government structures and civil service legislation in the accession states. To explain the varying success and sustainability of specific reform initiatives in the region, we propose to analyse the interplay of the impact of these external factors with local institutional legacies. Finally, we review major NPM-reforms in the region to check for the appropriateness of the framework for transition countries. So far, we observe a variety of modernization processes and, with few exceptions, display the limits of western-style blueprints for the region.

Key words: Civil service reform, new member states, Europeanization, NPM

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I. Introduction

Totalitarian regimes in central and Eastern Europe may have been to some extent predictable but administrative cadres and the principle of nomenclature reserved bureaucratic power only to a small and intransparent elite. The collapse and the dismanteling of the state after the turmoil of 1989 have witnessed the establishment of new structures within visible areas such as economic governance and constitutional set-ups. Yet, to change old mechanisms of administrative self-perception and action proved to become a difficult and lasting effort.

One of the key challenges in Central and Eastern Europe had been the so called *Dilemma of Simultaneity of Transition* (Offe 1991): The temporal overlap of different – often conflicting – goals, such as the creation and maintenance of democratic institutions, the establishment of a functioning market economy and the nation-state consolidation translated into huge challenges for these countries. With the complex reorganization of the state at hand, reforming and modernizing administration played a central role. To have efficient and accountable administrative structures is one of the essential conditions both for the overall success of democratization as well as for future economic prosperity (cf. Evans/Rauch 1999). However, with the public administration being closely connected to the core of state identity but also to partisan issues, political conflicts of management reform in transition countries are mapped out in some way (Coombes/Meaker 2006). In this context, we observe three dilemmas of administrative reform and modernization:

First, the relationship *between politics and administration* must be redefined. Socialist systems were not only characterized by close interlocking of policy and administration but also by a tradition of hollowed-out or even non-existent separation of powers. Transition to democracy thus not only implies the need for lucid accountability and a democratic legal system but also means to (re)divide lines between these two areas. Hence, the starting point is a standard Weberian and clear separation between politics and administration. But beyond this ideal type modern democracies display a variety of linkages between these two realms (Aberbach /Putnam/Rockman 1983). One of the major transition-related issues in this area concerns the timing of the development of democratic institutions and thus partially overlapping renovation of administrative structures. Historical examples suggest the threat of establishing a strong party-based patronage system, typically increases especially during periods of state transition (Geddes 1994; Shefter 1994).

Secondly, we need to differentiate between *internally* and *externally* induced reform priorities. Immediately after the collapse of the real-socialist states, which in the past were isolated from external influences, they now had to deal with a variety of them. Their economic and political integration required the adaptation and adoption of a series of externally induced norms – such as on the rules of the European Union's *acquis communautaire*. In cases where external standards matched internal reform efforts, the former acted as catalysts for reform. Yet, internal policy priorities, and externally induced reform options often clashed inextricably. In addition, there is a danger that imposed solutions become only hardly sustainable, if they were offered as part of unadjusted “package solutions”, thereby questioning the legitimacy of the respective norm setting (Sedelmeier 2008; Tews 2002).

Third and finally, necessary reforms eventually ask to clarify the *strategic role* of the government. In the early nineties, after long years of state dominance over economic and social issues in Eastern Europe, it seemed quite natural to demand its cut-back.

However, as it turned out soon, although the state is actually the “problem”, it can also be a potential solution to these problems (such as the famous formulation by Evans 1992). Replacing “big government” with a “lean state” did not mean at all that the remaining tasks were dealt with adequately. Often, being a lean state meant at the same time also a “weak

state” which posed, in the Eastern European context, one of the main problems of the transition (Fritz 2003, Fortin 2010). Closely linked with this aspect is the respective choice of governance modes, such as legalism or managerialism which will shape later stages of administrative modernization.

In this paper we summarize these three dilemmas within the realms of reform and modernization. The term “reform” refers either to necessary changes resulting from transforming the state system (such as the revision of civil service acts) or which were due to compliance with the upcoming EU accession. “Modernization” then refers to measures going beyond, and which stem from the context of New Public Management. The paper provides an overview of these developments in the ten new Central and Eastern European Member States of the European Union, joining the EU in 2004 and 2007. As we shall see, external *incentives* for reform have been identical in these countries. Yet rather different starting conditions in terms of institutional legacies triggered quite different paths of development (cf. Dimitrova 2005: 83; Bouckaert 2009: 96). In sum, the development of administrative reform and modernization might only be explained adequately when we take into account the interaction between external influences and domestic legacies.

The aim of this paper, following a historical approach, is to seek for peculiarities of administrative reforms in the context of Eastern European transformation and to focus specifically on the intricate relationship of politics and administration in the region. In doing so, we focus on different strategies and successful instruments. The second chapter outlines the initial situation of public administration in the real-socialist countries and the pursued reform paths in the early 1990s. Yet these decisions can hardly be separated from the influence of external actors (chapter III), which played a prominent role in shaping reform initiatives. Since about the mid-nineties, notably the European Union tried to influence and to foster the consolidation of public administration in the accession states. However, this external influence diminishes over time since 2004; hence in chapter IV, we look at drivers and obstacles to the sustainability of initiated measures. Finally, turning to the extent of administrative modernization, in chapter V, we focus on the set-up of NPM tools in the region and discuss the institutional fit for transition states.

II. Phase of transition: De- and Re-politicization

The management model of “bureaucratic socialism” (Meyer 1977), which was characteristic for Eastern European countries during the communist regime is usually considered as a distinct administrative tradition (Lippert/Umbach 2005). The most important unifying element is however a variety of pledges incorporated from different management models, which have been assimilated only in a fragmentary and in parts contradictory fashion. Socialist administration *de facto* was closely linked to the central European notion of an administrative state, being tightly connected to the tradition of the French and Prussian authoritarian state and state law.

According to Lenin’s doctrine it was the state administration which exercised power and was considered to be the main instrument for the realization of socialism (Meyer 1977). In the 1930s, legal theorist in the Soviet Union incorporated and developed elements of the German constitutional law and the Napoleonic Statism. Contrary to the principle of the separation of powers, the principle of unifying powers gained a crucial role, and hence, the term “public administration” was avoided euphemistically transformed into “executive-operating tasks” (König 1991, 1992a: 231).¹ The result is a monolithic state, which greatly resembles Lenin’s

¹ Some *pars pro toto* reservations may be valid here for König included the former GDR only into his analysis.

concept of “democratic centralism”, which originally has been developed to hierarchically organize the top structure of the Communist Party. The unity of political leadership and enforcement, and the primacy of ideological goals led to a shift of decision-making into the internal structures of the ruling party. These structures duplicated the administrative set-up and established numerous linkages (König 1992). Additionally, the interdependence of state and party personnel was high. Both sectors were mainly based on selected and political-ideological trained cadre officials, who did not question the primacy of political goals set by the nomenclature (Balla 1972). According to Wollmann, two key features of communist administrations were on the one hand, a “de-politicized” executive and highly politicized body of administrative staff on the other (Meyer-Sahling 2004; Wollmann 2004). In the early years of transition, to establish a professional administration amounted to one of the most important political tasks for the newly elected democratic governments. The challenge of democratization, however, implied precisely to reverse this structure: In terms of genuine separation of powers it meant to “re-politicize” government executives and de-politicize administrative elites.

Both, content as well as timing of administrative reforms varied across the region (Meyer-Sahling 2004). The different reform paths contradict the common view to look at Central and Eastern Europe as a homogenous region. The variety can be traced explained by a complex interplay of several factors: Usually, theoretical approaches emphasize either the path-dependent effect of long-term institutional and cultural “legacies”, or the role of contingent factors, such as system transition per se or they refer to power resources of political and social actors.

A brief look at the institutional and cultural legacies reveals that quite different administrative traditions were present in the region even before the communist era. Thus, it mattered whether a country formerly belonged to the Habsburg Empire or whether its legal tradition has been related to former Ottoman or Tsarist rule².

But also in practical terms, governmental structures and the administrative set-up displayed institutional diversity during the communist era. While the “planning bureaucracy” achieved some limited success in the former GDR or Czechoslovakia, the Soviet Union, Romania and Bulgaria displayed much more openly authoritarian traits of a “Sultanist rule” (Linz/Stepan 1996). Simultaneously, since about 1970 countries such as Hungary or the former Yugoslavia developed small “technocratic islands”, even within the administration. They sought to establish links with Western Europe and became pioneers later on (Camyar 2010).

However, the explanatory power of long-term cultural and institutional legacies seems limited (Meyer-Sahling 2009a, e.g. 523). Another complementary factor is the *mode of system transformation*, i.e. the way how the disruption with the old system after 1989-1990 was conducted.

An exemplary look at the design and timing of reforms of the civil service shows significant differences in the region (see Table 1). These can be traced back in part to the formative power constellation at the time of the system change and hence, relate to the extent and determination to overcome the legacy of the socialist state (Meyer-Sahling 2004).

² Becker et. al. even find long lasting effects on belonging to the former Habsburg Empire upon attitudes towards and interactions with local state institutions (2011).

Tab. 1: Civil service legal reforms in Central and Eastern Europe

Hungary	Act on the Legal Status of Civil Servants adopted in 1992. In force since 1992. Amended in 1997, 2001, and 2002
Estonia	Public Service Act adopted in 1995. In force since 1996. Several amendments since.
Poland	Civil Service Act adopted in 1996. Implementation suspended and revised Civil Service Act adopted in 1998. In force since 1999. Several amendments since.
Bulgaria	Civil Service Act adopted in 1999. In force since 1999. Amended 2000 and 2001.
Romania	Civil Service Act adopted in 1999.
Lithuania	Law on Public Service adopted in 1999. Several amendments since.
Latvia	Civil Service Act adopted in 1994 (partially implemented). Substituted by State Civil Service Act adopted in 2000. In force since 2001. Amended in 2002.
Slovakia	Law on the Civil Service adopted in 2001. In force since 2002
Czech Republic	Civil Service Act adopted in 2002. Implementation pending

Sources: Meyer-Sahling 2004: 73.

In a first group of countries, including Poland and Hungary, transition has been negotiated between the democratic opposition and the ruling nomenclature at “round tables”. This pact secured to some extent a certain level of continuity in the administration, even after the system change. The first democratically elected governments consisted of the former opposition parties. Lengthy negotiations and coalition building processes led to mutual knowledge and eventually reduced mistrust between reform-oriented parts of the nomenclature and the new rulers.

This confidence allowed the new government to retain most of civil servants. Thus, both, government as well as civil servants sought for an early settlement of the civil service law (Meyer-Sahling 2001). Regarding implementation of envisaged reforms, the “anticipated proximity” to Western Europe was vital. Hence, one of the central arguments of the Hungarian Government why to introduce a new civil service law has been the adaptation to existing European norms. Close contacts among party families, such as between the then-ruling Christian Democrats in Hungary with its European siblings facilitated such socialization processes (Camyar 2010).

Countries such as the Czech Republic or the Baltic states followed a different approach of how to re-regulate civil service laws. After the demise of the communist system the first democratic governments too, consisted of the former democratic opposition parties. Yet, heavily distrusting the old cadres, they aimed to completely replace the top civil servants. Contrary to Hungary and Poland, this led to the recruiting of administrative staff outside from the existing pool and included academics as well as dissidents. One consequence of this development was the rejection of the standard career model of administrative staff. At the same time, this opened up some room of discretion for the executive (cf. Tragl 2006).

In a third scenario, which applies mainly to Bulgaria and Romania, the former leaders, the “old guard” actually remained in power (Meyer-Sahling 2004). The first democratically elected governments consisted of the successor parties of the Communist Party. Thus, they had little interest in substituting civil servants and were instead relying on their continuing loyalty. For many, especially younger officers, this meant that opportunities for promotion remained tied to these first governments and induced fears of career breaks once those would have to leave office after a change of government. Summing up these factors, the politicization of the administrative body remained largely untouched, since there was no need to create new regulations which might reduce political leverage.

Paradoxically, party politicization of the administration has survived the dismantling of the unitary state – and has become a structural feature of Central and Eastern European States. In

doing so, the type of transition correlates with specific features of party competition in subsequent reform activities (O'Dwyer 2006, Grzymala-Busse 2007). Especially those countries where the party system did not easily consolidate, witnessed recurring political rent-seeking of the new governments. The new executives sought to increase their patronage power and thus contributed to a rapid increase of the bureaucracy (O'Dwyer 2006). "The number of personnel in Slovakia³ and Poland⁴ grew by 71 and 55 percent, respectively. The Czech administration barely budged, increasing by only 16 percent" (ibid.: 524), mirroring the, comparatively, consolidated party system in the Czech Republic. Grzymala-Busse (2007) added a related point and observed that most countries witnessing high levels of party patronage in the administration have been lacking significant or credible opposition for a long period (Bulgaria, Slovenia, Latvia and Czech Republic⁵). In these cases, the low level of transformation of the former communist parties relates to the oppositions' weakness. Whereas a successful transition of the hegemonic communist party (as in Hungary, Estonia, Lithuania), prevented this development.

Findings so far suggest that during the first years of democratization, all CEE countries – albeit sometimes quite slowly – initiated steps toward a (at least) formal de-politicization of the administration. Yet, the adoption of new civil service laws in the countries of Eastern Europe did not automatically translate into significant changes. To the contrary, during the subsequent years party competition increasingly penetrated the personnel. The rotation of power between anti-communist parties and communist successor bodies ("regime divide") has often led to high staff turnover after elections. It further induced mistrust between politics and administration.⁶ In sum, the "legacy" of the first years of transition has played an important role in the upcoming political and economic rapprochement towards the European Union.

III. Phase of consolidation: external actors and Europeanization

After the first years of transformation in the mid and late 1990s, the economic system, as well as the state-building process gradually consolidated (Elster 2000, Wollmann 2004). For sure, a heavily influential development has been the official start of discussions with the EU in 1993 (European Council in Copenhagen) as well as the increasingly credible accession negotiations during the following three years.

Officially, qualification for EU membership did not foresee any additional requirements regarding the structure of public administration in addition to the Copenhagen criteria. It became quickly evident however, that the immense challenge of adopting the *acquis communautaire* would be dependent upon the administrative absorption capacity, in order to implement European standards adequately. The White Paper of the European Commission set out the course for the future members some ten years before the eastward enlargement:

„... the main challenge for the CEECs lies not in the approximation of their legal texts but in adapting their administrative machinery [...] to make the legislation work. This is a complex process requiring the creation or adaptation of the necessary institutions and structures, involving fundamental changes in the responsibilities of both the national administrative and judicial systems and the emerging private sector.“ (European Commission 1995: 23)

³ However, a part of the increase is presumably caused by state building activities initiated immediately after the peaceful dismemberment of the Czech and Slovak Federal Republic (ČSFR) in 1993.

⁴ Without members of the military service and officials working in the social security administrations.

⁵ Yet the classification of the Czech Republic is somewhat at odds with O'Dwyer's findings (op. cit.). See also criticism by Hanley 2008 and Vanhuyse 2008.

⁶ At the same time, "regime divide" still matters for coalition building within the region (cf. Kropp 2010).

At the same time the *acquis* itself did not offer guidelines how to carefully shape this adjustment process. Still, Dimitrova regards “administrative capacity” to have been an unofficial fourth Copenhagen accession criterion (2002: 178). Hille and Knill even consider effective administrations to be “crucial preconditions for effective alignment with EU policy requirements” (2006: 549).

At the same time, accession to a great part of the population has often been perceived as an administrative endeavor which eventually will increase bureaucracy. With non-negotiable external requirements (such as the adoption of the *acquis*) at hand, the administration seemed to have gained power vis-à-vis politics in general (Raik 2002). Parallel to the strengthening of the administration, however, there was also a significant shift within and favoring top officials (Goetz/Wollmann 2001; Lippert/Umbach/Wessels 2001; Zubek 2008). In sum, we observe some contradictions in the EU's role to help to democratize countries in Eastern Europe: On the one hand, EU enlargement embedded reforms and acted as an anchor for the consolidation of democracy in the region (Schimmelfennig/Engert/Knobel 2003; Vachudová 2005). Yet on the other hand, the Union also exported some of its “democratic deficit” into the applicant states (Besseney Williams 2001).

1. OECD – SIGMA and the European Administrative Space

This sort of constructing and remodeling especially central government institutions is closely related to what occurred in the beginning of 1990, the discourse on (*Good*) *Governance*⁷, being framed and promoted by the World Bank's development policy. To promote and foster good governance, in 1992 the OECD and the European Union set up a joint funding instrument and joint cooperation framework⁸ (especially due to the absence of clear EU guidelines, argues Dimitrova 2005: 81): SIGMA⁹. Explicitly conceived as a means of multilateral administrative co-operation between OECD and Central and Eastern Europe¹⁰, SIGMA's first goal was to edit comparative data and to enable a “broad exchange of knowledge” (Speer 2001: 68). By coincidence, these efforts took place during a boom phase of management reforms in Central and Eastern Europe (Verheijen 2003: 95). While SIGMA's aim has been to provide a cooperative network only, it became clear after 1996 that it would limit its scope to considerations of efficiency and effectiveness of public institutions: In the rationale of the OECD the formula of good governance signified:

“the increase of the efficiency of the administration as well as fostering closer ties between public service and values like democracy, rule of law and ethical principles” (Speer 2001: 79f.) [own translation].

Among the key areas of technical cooperation with the candidate countries (since 1996) were policy management, development human resources management, regulation and protection of

⁷ On the difficult definition of the concept of good governance within a public administration context and how to best delineate purely “technical” matters from normative implications regarding democratic values see e.g. Speer 2001: 72f., Hill 2005.

⁸ Financing was predominantly conducted within the framework of EU pre-accession instruments (PHARE). Additional funding was granted by the European Social Fund and EUPAN (European Union Public Administration Network), but without being bound to actual reform initiatives (Meyer-Sahling 2009b: 9).

⁹ 25 May 1992 „Support for Improvement in Governance and Management in Central and Eastern European Countries“. [<http://www.sigmaweb.org>]

¹⁰ Among the first partner states were Bulgaria, Poland, Romania, Slovak and Czech Republic as well as Hungary. In 1994 Albania, Estonia, Latvia, Lithuania and Slovenia joined the network. In the same logic SIGMA supports accepted EU candidate countries (Croatia, Macedonia and Turkey) as well applicant states and since 2008 also those countries which are part of the European Neighborhood Policy (cf. Meyer-Sahling 2009b: 3). Today SIGMA reads more generally “Support for Improvement in Government and Management”.

property rights, budgeting, public service management as well as issues of financial control and audit.¹¹ In order to facilitate collaboration and to generate comparable results, actors started to refer to common European principles of administrative action, the so-called *EAS – European Administrative Space*, from 1998 onwards (OECD 1998; Schepereel 2004). The EAS rationale holds that, despite given differences, fundamental principles do exist and are shared by all member states: “at least at the level of general principles, a degree of convergence existed among them” (Meyer-Sahling 2009b: 10f.). Put it differently, the OECD not only looked at the requirements of Community law but also analyzed the functional requirements of EU membership for public administrations. Although there was no EU prescription regarding these functional requirements but the way to cope with them reflects a member state’s administrative “current account balance”¹² in the European multi-level system.¹³ In terms of the future Central and Eastern European member states, it implied the expectation of a catching-up process with the old members.

In addition to the support granted by the OECD¹⁴ via the SIGMA network, other donor institutions such as the World Bank, UNDP and USAID have provided funding and expertise, too (see e.g. Nunberg 2000, World Bank 2006). Finally, the European Bank for Reconstruction and Development (EBRD) was among the key external stakeholders.

2. EU – Accession Politics and Conditionality

The run-up to EU accession revealed several challenges stemming from the heterogeneity of the applicant states, a domestic vagueness about the (future) role of the state but also because of the external governance exerted by the EU:

(i) Both, national peculiarities in administrative practice (which even existed before 1989) and the way the transformation¹⁵ was conducted prevented a uniform reform model. Hence, no “one size fits all” model of reforming ministerial administration or the civil service law might have been expected. Instead, reform initiatives had to account for country specific issues. Therefore their assessment and comparability became complicated. Adding to this (ii), many domestic actors often pursued ambiguous and vague policy goals themselves: What should be done? A sufficient degree of depoliticization and institutional stability “only”, or to seek for the alleged gain in efficiency associated with a “lean” state. Occasionally, the plethora of patchwork-reforms subsequently triggered some coordination problems. Finally, the (iii) “external governance” (Benz, 2004) of the EU accession process with its aspect of *conditionality* had different and ambivalent effects (Schimmelfennig 2004). Because of that, accession countries considered strategically and weighed their options: The costs of taking over EU standards and compliance over the possible loss of funding and institutional stability

¹¹ Research targeted national institutions, i.e. “centres of government” and “central government” respectively, but also included supervisory bodies and central banks.

¹² Cf. the research project of Heinrich Siedentopf and Benedikt Speer „Europafähigkeit als Reformanforderung für den öffentlichen Dienst von Bund und Ländern“, German Research Institute for Public Administration Speyer, 2006, p. 1.

[<http://www.foev-speyer.de/europafaeigkeit/pdf-Dateien/Projektdarstellung-2006.pdf>]

¹³ This argumentation emphasizes the quality of national implementation of European law as well as mutual acceptance among the member states, since the European Commission is limited regarding its own legal monitoring (OECD 1998: 120, Point. 458).

¹⁴ OECD membership as of effective: Czech Republic 1995, Poland and Hungary 1996, Slovakia 2000, Slovenia 2010. Bulgaria and Romania as well as Albania, Latvia, and Lithuania are not members of the OECD. Estonia is the most recent member state and acceded in December 2010.

¹⁵ For a comparison of the effect of the transitory path (“reformist legacy”) on the level of absorbing EU-induced reforms in the administrative sector in Hungary and the Czech Republic see Camyar 2010. See also Meyer-Sahling 2004.

(Dimitrova 2005: 72). At the same time, the mechanism of conditionality (depending heavily on the credibility of the negotiations) did not affect all candidate countries in the same way. Moreover, at least since 1997, the Commission officially dealt with two groups of applicants and only the first one was supposed to enter into accession negotiations¹⁶. Dimitrova therefore rightly adds that some Czech or Polish negotiators were able to assume that the fifth round of EU enlargement would hardly take place without them (2005: 73).

To investigate the extent of Europeanization in the sense of externally driven policy change, needs a closer look on the period from 1997/1998 onwards; the official start of accession negotiations. Regarding the European Union, the aim to improve the administrations of the candidate countries is first mentioned in Madrid in 1995 (European Council 1995). During the four previous rounds of enlargement, however, quality and performance of administrative structures remained unnoticed. This changed with the Eastward enlargement (see also Chapter II). The Kok-report reads as follows:

„However, with the Central and Eastern European applicant countries, [...] it has been a matter of concern because of the need for mutual trust between member states to permit the proper functioning of the EU system, particularly the frontier-free single market.“ (Kok 2003: 72)

The imposed transfer of European secondary law (safeguarded by “progress reports”) turned out to be an indirect driver for reform, as the Commission stressed the importance of the professionalization of the civil service in the accession countries: to clearly separate political and administrative job roles, to depoliticize administrative tasks in public service, as well as to formally establish clear career paths along with improved wage scales. All of which has not been officially part of the *acquis* (Beblavý 2009: 925; cf. Dimitrova 2005: 82). Nevertheless, the Commission’s monitoring¹⁷ induced, in conjunction with the SIGMA assessments, some pressure for change within the future member states.¹⁸

IV. Post-Accession Phase: Diverging Reform Paths

1. Ambivalent Sustainability

The increased efforts of the Commission to spur reform and modernization of the administration even before accession had much to do with widespread fears about a perceived lack of capacity of the new members to manage EU funds responsibly. In a similar vein, the Commission feared that pushing through accession including high adaptation costs would translate into much lesser influence once the membership would be in force. Therefore, in the logic of EU conditionality the crucial issue is, whether we indeed can observe a decrease in *compliance* with European legal standards, or even a cessation of initiated administrative reforms after 2004 (Schimmelfennig/Sedelmeier 2007).

¹⁶ The so-called “Luxembourg-Group” with Estonia, Poland, Czech Republic, Slovenia, and Hungary, as well as the “Helsinki-Group” with Bulgaria, Latvia, Lithuania, Romania, and Slovakia.

¹⁷ To illustrate this, here the European Commission’s view on the lack of the Czech reform of the civil service law. The progress report in 1998 states clearly: “...The absence of a civil service law, low remuneration and the lack of service-wide training, combined with insufficient government attention to these issues, impede the development of a modern effective administration, capable to apply the *acquis*” (European Commission 1998, quoted after Wollmann 2004, fn. 56, italics in the text).

Though because of the unanimity principle during accession negotiations, not only the Commission’s perspective mattered but also each and every single EU-15 member state.

¹⁸ A telling example is Lithuania: the amendment of the civil service law in fall 1999 was closely linked to the concurrent publication of the Commission’s progress report. Fears prevailed that moving too slowly might endanger the envisaged entry date into the union (Nemec 2008: 358).

A cursory look at the data on legal compliance shows first positive results (Sedelmeier 2008). Not only did the Eastern European countries perform visibly much better on average than most of the old members. They are also less often subject to infringement procedures. However, these figures tell relatively little about implementation quality beyond mere formal compliance (Falkner 2010).

Though looking at the institutional progress in the area of domestic EU policy coordination partly accounts for this positive image. It seems that some new members were able to adapt and transform *best practices* from the old member countries. Liaising with the EU level matters especially in order to prevent infringement procedures. Coordination takes place one hand between the European Commission and the respective Member State. On the other hand, national EU coordination bodies need effective horizontal structures to safeguard technical and often pressing deliberation among the different portfolios. Similar to the EU-15, the countries in CEE have come up with different institutional solutions (Dimitrova/Toshkov 2007, 2009). Comparative studies show above all Lithuania and Latvia to have been able to erect effective structures, whereas the Czech Republic or Slovakia use rather loose coordination mechanisms (Maniokas 2009; Zubek 2010).¹⁹

Mentioning heterogeneity before, that is also visible in significantly different scope of sustainability of reforms. Countries having amended their civil service provisions in the beginning (e.g. Hungary), should deal with a lower risk of institutional “backsliding” after the accession, contrary to the Czech Republic. Only in 2002 and due to pressure of the EU, the civil service law had been reformed. Pushed through by the then euroskeptical Klaus government the deliberations triggered immense domestic controversy (Dimitrova 2005: 87; see also Schepereel 2004). Taking up Meyer-Sahling’s argument presented above, then to expect a correlation between the specific path to democratic transition and the structure and reform capacity of the civil service (2004, see also Chapter II), the Czech hesitance is hardly astonishing. In spite of having replaced the old bureaucracy a continuing and widespread mistrust of “new” cadres did not translate into political pressure to stabilize career paths. Instead, governments do not want to curb their discretion regarding personnel (Tragl 2006). Though most resisted the temptation to revoke efforts of depoliticization, some of the new members made use of ad hoc appointments to special committees or *cabinets*.

To better capture this mixed assessment, we take a look at comparative data from the World Bank on the overall quality of government activities (WGI – World Governance Indicators). In 2009, Kaufmann, Kraay and Mastruzzi analyzed time series data from 1996 to 2008 and offered aggregate indicators of state governance in six areas: (1) Voice and Accountability; (2) Political Stability and Absence of Violence; (3) Government Effectiveness; (4) Regulatory quality; (5) rule of law and (6) Control of Corruption (2009: 2ff.)²⁰. For sure, aggregate indicators are always flawed²¹ but they offer hindsight and in this case reveal statistically significant changes even during short periods of time (ibid: 5).

Picking government effectiveness²² as an example, the variety of the Central and Eastern European Member States becomes visible: In 2003, this indicator shows low values for Poland (0.54) and Slovakia (0.65), while Hungary (0.91), Slovenia (1.05) and Estonia (1.07) performed much better. When comparing the trend during the pre-accession period 1996-2003 it is particular the Baltics which have progressed most, in relative terms (growth rates well above 100 percent). By contrast, Slovenia (50 percent) and Hungary (40 percent) did progress

¹⁹ Research by Maniokas and Zubek stress a positive relationship between strong coordination structures and the effective level of compliance.

²⁰ [<http://www.govindicators.org>].

²¹ For a detailed account of data aggregation see pp. 12-25.

²² For a detailed account of data sources see Kaufmann/Kraay/Mastruzzi 2009: 75, table B3.

significantly slower. Finally, Poland and the Czech Republic even dropped during this period (-14.3 percent and -13.4 percent respectively).

Five years later, the ranking at the top hardly changed: Estonia (1.15), Slovenia (1.09) and the Czech Republic (1.07) which has improved its score by 23 percent in during the post-accession phase. In contrast Hungary fell back in 2004-2008 by around a quarter (-25.8 percent, absolute value in 2008: 0.66), while Poland remains at the bottom of the scale (0.48). In 2008, only Bulgaria and Romania performed even worse. These two member states followed rather different trajectories: Both improved remarkably between 1996 and 2006. But after accession in 2007 only Bulgaria continued to ameliorate with Romania witnessing a slight decrease.²³

Having the aggregated data in mind, it seems worthwhile to include qualitative information, too. A recent OECD study (Meyer-Sahling 2009b) specifically investigated the effectiveness and the degree of professionalization of the civil service in the Central and Eastern European accession states. The author particularly emphasized the comparison with the European administrative space and highlighted reform initiatives before and after accession. Again, it is in particular the Baltic members who feature high degrees of institutional and procedural compliance to European standards, or the EAS respectively. At the same time, countries such as Poland, Slovakia and the Czech Republic indicate some backsliding. Such a “dismanteling of institutions” (Meyer-Sahling 2009b: 73, see also Dimitrova 2005: 88) can be analyzed along different dimensions: the *depth* of institutionalization (adaptation to formal requirements, quality of the (actual) implementation, attitudes of officials) and the *range* of institutionalization (reform programs, salary and training systems, etc.).

The study distinguishes three groups of sustainability: The frontrunner group (“constructive continuation of reform”) includes the Baltic accession countries, which appear to be highly congruent to the EAS and, within the limits of the data, also most sustainable since 2004 (see Table 2), and Lithuania in particular has advanced greatly (cf. Maniokas 2009).²⁴

“[...] the post-accession sustainability of civil service reforms has been highest [...] in that investment in the professionalisation of the civil service has continued since accession.” (Meyer-Sahling 2009b: 71)

The second group (“destructive reform reversals”) comprises Slovakia, Poland and the Czech Republic,²⁵ having in common their relatively low fit with European principles of administration and the signs that they have all shown of reform backsliding since becoming EU members in 2004 (Meyer-Sahling 2009b: 73). A high share of informality and a still fragmented legal status (see Table 1) justify the negative assessment in the Czech example (ibid. 73; Meyer-Sahling 2011: 246). Slovakia and Poland, by contrast score slightly better, with the Slovak administrative quality having decreased since 2003 and again since 2006 (see Table 3).

Finally, the third group consists of Hungary and Slovenia and offers a mixed picture: on the one hand the degree of politicization in Hungary increased since 2004 (also in the self-assessment of officials). On the other hand, the country endorsed one of the most comprehensive set of rules in the region including amendments of the recruitment and salary systems. Slovenia leaves a similar impression: Successful initiatives such as a transparent application and concurs processes for civil servants, got partly thwarted by deregulating performance evaluation in 2005 (ibid. 75).

²³ For in-depth country studies on civil service developments in Bulgaria see Ellison 2007 and for Romania e.g. Androniceanu 2010.

²⁴ Albeit Nemec offers a more critical view (2008: 348).

²⁵ Backed by quantitative findings (World Bank 2006: 48).

Tab. 2: Fit with European Principles of Administration: Comparison across Countries

Current fit & Post-Accession Pathways	High fit	Medium to high fit	Medium fit	Medium to low fit	Low fit
Constructive Continuation of Reform	Lithuania	Latvia, Estonia			
Constructive Reform Reversal			Hungary, Slovenia		
Destructive Reform Reversal				Slovakia, Poland	Czech Republic

Source: Meyer-Sahling 2009b: 71

This observable “institutional backsliding” is in part due to two factors: Pushing reforms during the accession process often meant to act under severe time pressure and in fact was in most cases a top-down and elitist driven policy (Nemec, 2008: 347).

Thus now and then reform entrepreneurs lacked a sufficient amount of political clout and consensus, which would have been necessary to bolster even some yet immature solutions (World Bank 2006: 48).

2. Successful Depoliticization?

Since the European Commission lacked a tangible definition and criteria how to assess *administrative capacity* (Nicolaidis 1999, cited in Beblavý 2009: 925), she was strengthening the independence of domestic regulatory and supervisory authorities (see Table 3). Particularly in order depoliticize civil servants (see Goetz 2001, Wollmann 2004).²⁶ Put it differently, the Commission strived to protect the independence of top-level civil servants against political “rent-seeking”.

Five years after accession some of these goals seem to have fallen into oblivion (see Table 2). The EU urged to establish an independent regulatory body in the case of the Czech Republic, Slovakia and Poland. This was either dissolved again quickly (Slovakia), got politically subordinated (Poland), or simply has never been implemented (Czech Republic) (Beblavý 2009: 926).

Despite formal safeguard clauses, strong politicization of the civil service prevailed in Slovenia and Hungary (Hacek 2006; Sahling-Meyer 2008). Bulgaria and Romania had become EU members only in 2007, partly just because of their administrative weaknesses, and the two members remained under critical review even during the post-accession period (Alegre/Ivanova/Denis-Smith 2009). They did manage to establish formally strong institutions before the accession, but due to shortages in capacity and personnel the achievements eroded soon after (Gallagher 2009). Against that, in particular Latvia and Lithuania have been partially successful in maintaining the independence of their administration after accession (see above).

²⁶ Somewhat surprising, the growing importance of *administrative capacity* to the EU did not include those explicit NPM-reforms, which had fared prominently in the old member states only a couple of years earlier (Dimitrova 2005: 81; see below).

Tab. 3: Civil service regulators and safeguards politico-administrative relations in the ten new CEEC member states (acceding in 2004 and 2010)

	Civil service Regulator	Safeguards of Depoliticization for senior administrators	Trend
EE	Decentralized system without central regulator	Decentralization leads to threats of partisan influence; the State Chancellery playing a strong policy role	↓
PL	Civil service regulator established in 1998, but essentially abolished in 2006 (its remnants subordinated to the PM's office)	Low barriers against politicization and huge influence of the executive; high rates replaced personnel after elections	↓
BG	No independent regulator; Responsible: directorate for public administration (2001-)	Division between politics and administration remains vague	↓
RO	National office of administration (2001-)	Formally strong position of the office is circumvented by few resources and staffing; local politicization remains high	↓
LI	Civil service agency created in 2002, as a subordinate body under the Ministry of Interior; HRM remains decentralized	Low politicization	—
LT	Civil service regulator empowered in 2001 (weakened in 2002), HRM largely decentralized	Low politicization	—
SK	Civil service regulator created in 2002, abolished in 2006	Abolishing the responsible institution, Lack of judicial safeguards against politicization	↓
CZ	Civil service regulator legislated in 2002, but never created (currently delayed to 2009); in its absence, a decentralized HRM system	Lack of judicial safeguards against politicization	↓
HU	Decentralized system without central regulator (the Ministry of Interior plays a weak policy role); fragmented HRM	Rising politicization since 2002	↓
SL	Civil service oversight board created in 2006, but with limited powers over human resources management	Continuing visible level of politicization	↓

Beblavý 2009: 926 and own compilation.

V. Hesitant Modernization? New Public Management in Central- and Eastern Europe

The total of management reforms which we present here (in particular the rebuilding of civil services) may be traced back to numerous causes and the influence of a variety of actors. True, joining the European Union and cooperating with many international financial institutions, especially in the immediate transition phase (Wollmann 2004), had been crucial, but: “The impact of the EU accession process on Central and Eastern European public administrations/management reforms is obvious, important, but limited.” (Nemec 2008:

347)²⁷ It is rather national particularities which account for the diversity of reforms, the different timing and speed as well as the unevenly spread success. The same holds true for far reaching initiatives to modernize administrations in the context of New Public Management (NPM) which have gained prominence in Central and Eastern Europe, too.²⁸

Alas, NPM does not boil down to a single model, but is a genuinely multidimensional concept (cf. Bogumil 2004). Yet, fundamental institutional and political instability within the region eventually opens up the question whether this concept is applicable at all to Central and Eastern European countries. One of the key challenges is the fact that many explicit and implicit preconditions for NPM to work properly even in Western Europe cannot be wholly assumed in this region. We rather see monopolistic or oligopolistic markets with only weak civil society control mechanisms.

Another problem relates to administrative traditions. Akin to the legalistic type (or continental), the central and eastern European tradition follows rule-based principles (cf. Lippert/Umbach 2005). Thus, within this administrative-cultural setting it remains difficult to comprehend managerial considerations let alone to pursue them (Hajnal 2005). Given this background, administrators consider problem solving to stay more effective via standard norm-setting procedures than by the use of “best practices”.

There is a third point, rather bluntly arguing that while using adhering to NPM, officers would try “to reform something that still does not exist” (see Nemec, 2008, p. 350). With that said the impact of introducing NPM elements often seem to be less a relief, but rather to exacerbate existing deficiencies in public administration, such as even increasing politicization and corruption (Jenei 2008).²⁹ In turn, actors prefer the Neo-Weberian model of rule of law since it is presumably more predictable and may even be regarded as sort of prerequisite for subsequent NPM reforms. At the same time, scholars of administrative sciences in the region caution that returning to pure legalism could not be a viable option any longer (e.g. Nemec 2008: 353). Components such as “performance evaluation” or benchmarking will continue to be important.

To compare the new EU member states along the NPM-logic, it is helpful to distinguish different scopes of reform. On a continuum, radical and comprehensive reform steps mark one extreme whereas merely incremental changes mark the other; along with mixed variants of course (Bouckaert 2009, Nemec 2008: 351f.).

The combined reform measures in Lithuania are most likely to be considered as “mixed type”. Some ad hoc reforms stemming from early years were fully implemented only after accession and after intense deliberations about its NPM related content (Nemec, 2008: 352). Latvia offers a similar picture: The country introduced NPM-sub-elements but the NPM concept as whole has not been a trigger element. Estonia by contrast, has embarked on a more radical path and has basically tried “to skip” the necessary erection of stable post-transformative administrative structures (ibid.). At the same time ongoing neo-liberal economic reforms pushed back the role of the state as a whole.

That group of countries, revealing a mixed record of reform sustainability per se (see above), shares some of these experiences with NPM. Hungary’s record combined incremental and

²⁷ Additionally, some of the external support has not been wholly positive: The diversity of donor institutions and the inconsistency regarding their goals brought about some caveats. The lack of local expertise eventually made many external “best practices” unusable (Nemec 2008: 349). Finally, many consulting agencies acted in their self-interest with the result that a high share of financial support was offset for consulting fees.

²⁸ However, some reservation is necessary: notions such as NPM or “public management reform” are difficult to separate from general administrative restructuring in the region. The original claims of the very first reform initiatives to reestablish state structures and to foster democracy (via measures to depoliticize administrative actions) can still be found in contemporary endeavors. Thus, the latter can hardly be labeled as “management reforms” (Nemec 2008: 350).

²⁹ For similar findings in Italy see Carboni 2010.

legalistic measures along with some bits of radical reforms, which have especially increased since 2006 (Hajnal 2008); such as the massive reduction in the number of employees in the public service (Nemec, 2008: 352; 366). This reduction – also at local levels – amounts in some cases to 30 to 50 per cent (Bouckaert et. al. 2011: 18).

In Slovenia then, the recently established ministry for public administration has acted promisingly, but to date lacks sufficient institutional backing (Meyer-Sahling 2009b: 80).

Despite some activities in Slovakia, the third group of “laggards” appears to be more critical towards NPM. Until 2003, Slovak reformers preferred mainly incremental changes. That changed under the second Dzurinda government to more radical steps and was partly rolled back again by the subsequent leftist executive. According to Meyer-Sahling, “the fit of the Slovak civil service system [...] began to decline already before accession to the EU [...]” (2011: 242). Comparatively, Poland and the Czech Republic so far rely extensively more on legalistic and hence only incremental transformation mechanisms. Until now, NPM had little impact regarding actual policy issues there. And if there was some inclination towards this paradigm, then it lacked political consensus about implementation, as in the Czech Republic after 2006 (cf. Nemec 2008: 352).

Picking out two prominent issues of NPM the picture gets brighter: E-Government and regulatory impact assessment easily outline the differences sketched above: Regarding *E-Government*³⁰ for instance, only Slovenia scores on above average in a pan-European comparison (cf. Nemec 2008: 365). The other new members are to be found at the bottom of the list. Estonia achieved an outstanding position: In contrast to many EU countries e-government by now are beyond the planning phase and got fully implemented (e.g. electronic health card). A part of the explanation for this remarkable position in Estonia relates to the negative legacies stemming from the era of the Soviet Union. That triggered a complete technical and regulatory make-up. The very lack of an enshrined constitutional tradition and institutional setting has equipped the independent state with great flexibility regarding E-Government.³¹

The focus on of *regulatory impact assessments* (RIA) offers similar findings: In a recent four-country study Staroňová showed significant differences, not only related to the formal set-up but also regarding the actual use of these evaluation instruments (Staroňová 2010). The scope of competence of the respective coordination offices is crucial. While the Estonian RIA office is under direct supervision of the State chancellery, Hungary and the Czech Republic make use of separate divisions in each ministry. So far, Slovakia and Slovenia do not make use of specific RIA-coordination. Looking at some benchmarking results for Central and Eastern European countries (Bertelsmann Foundation 2009), Hungary, Poland and Slovakia rank low among the OECD members. They do not apply RIAs systematically. Nevertheless, these monitoring efforts seem more effective than in the Czech Republic: here RIAs have only been introduced in 2005 and revised in 2007. But so far, it hardly gained relevance (Bertelsmann Foundation 2009, cf. Fanta et al. 2008). On balance, we find rather mixed results regarding NPM in the new EU member states.

³⁰ “For Electronic Government we understand the transaction of business processes related to governing and administrating (Government) via electronic media and with the use of information and communication technology. [„Unter Electronic Government verstehen wir die Abwicklung geschäftlicher Prozesse im Zusammenhang mit Regieren und Verwalten (Government) mit Hilfe von Informations- und Kommunikationstechniken über elektronische Medien.“] (Reinermann/von Lucke 2000: 1).

³¹ And supported by high rates of technology awareness in the population as well as the geographical and cultural proximity to Finland.

VI. Conclusion

The aim of this paper was to shed some lights on the development and state of art of administrative reforms and modernization processes which took place in the context of transforming Central Eastern European countries. Adding to the presentation of successes and failures, we also sought to develop some theoretical arguments to explain the change of administrative institutions. Specifically, the paper considered the close ties between politics and administration. The introduction identified three key dilemmas of state transformation in Central and Eastern Europe.

The first major challenge was to redesign the relationship between politics and administration, and to remodel it in order to comply with the requirements of a democratic legal system. Formal de-politicization of the civil service was a central goal of the first years of transition and has also become a “soft” criterion for EU membership. However, the Central European states succeeded very differently in this respect. This variety can be partly attributed to cultural and institutional path dependencies and the way the democratic transition had been conducted. Hence, the negotiated “round table” transitions in Poland and Hungary, or the spontaneous and “soft” revolution in Czechoslovakia did impact upon notions and state conceptions and eventually the self-perception of their servants, too. Often, however, the adoption of new regulations in the public sector did not trigger any significant change, but led – as a result of increased party competition – to an increasing partisan penetration of the personnel and to the accumulation of patronage.

The second dilemma concerned the role of external actors in the transformation process. Pursued efforts can hardly be considered irrespectively of the influence of external actors which had a major role in the design of the reforms: in particular, accession to the EU and the related institutional and policy adaptations to the *acquis communautaire* had triggered profound reform processes. Although this process was accompanied by a large number of international donor and consulting organizations, the external influence of the EU displayed an ultimate weakness: the vague definition of the accession criterion “administrative capacity”. At least to some extent this explains why during the post-accession period some of these institutional reforms proved to be unsustainable. Though regarding the overall *compliance* with European Community law we observe above average levels³² (cf. Falkner 2010).

The third dilemma aimed at defining the strategic role of the state and to answer the related question of how to choose appropriate governing instruments. The dismanteling of the former “monolithic” state of the real socialist era resulted in a “small”, though often “weak” state, too. Given these circumstances, the implementation of administrative modernization in the sense of *New Public Management* was indeed promoted by a variety of domestic and external actors. Yet, so far those efforts led to little or even contradictory results. Despite some member states doing relatively well in this regard, notably Estonia, overall findings suggest to remain skeptical about the usefulness of NPM in the context of former transition countries. To counter this development does not mean to rebuild monolithic structures but rather to seek for a “Neo-Weberian”-synthesis.

³² Still, shortcomings mostly show up in later stages of implementation and enforcement systems. For a recent comparison of the Czech Republic, Hungary, Slovakia, and Slovenia see e.g. Falkner 2010.

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Diversité de modernisation – Le sentier ramifié de la réforme du secteur public et NPM en Europe centrale et orientale

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Portant sur les membres d'Europe centrale et orientale de l'UE, l'analyse examine le développement d'un défi en deux dimensions par rapport au rôle et du champ d'action étatiques: Des partisans de la réforme du secteur public avaient le but à rétablir la bureaucratie et en même temps, ils étaient engagés dans des processus de dérégulation, souvent un démantèlement du secteur public. Pour saisir ce rapport (et des compromis vraisemblablement attachés) il faut qu'on examine l'effet de la période de la transformation dès 1989. Nous élaborons cet argument en trois parts:

La première étape souligne l'importance du point de départ hétérogène dans la région. Après, on s'approche aux conséquences qui procèdent de l'Européisation: Dès la moitié des années 1990, des acteurs externes, notamment l'UE sont devenus essentiels. La période de qualification pour accéder est liée à consolider et adapter le rôle de l'administration et la spécificité du service public. Pour expliquer des réussites (ainsi que leurs durabilités) très différentes, il faut analyser le lien entre ces effets externes et les traditions institutionnelles, des «legacies». Finalement, nous regardons des réformes majeures dans la région; des réformes qui appartiennent au discours (souvent libéral) de la modernisation étatique, des réformes NPM. Jusqu'à présent, on peut observer une diversité des approches conduites mais aussi les limites quant aux transferts légaux de «l'Ouest ».

Mots clés: Européisation, nouveaux membres États, NPM