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QUALITY OF PUBLIC SERVICE DELIVERY IN THE CIVIL SERVICE OF MACEDONIA: WHAT ROLE FOR THE CODE OF ETHICS?

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Abstract

The ongoing Public Administration Reform (PAR) process in Macedonia is being largely focused on public service delivery improvement. Despite the efforts, the Civil Service in Macedonia is being continuously criticized for the low level of its public services delivery. Main weaknesses brought in the focus involve various forms of unethical behavior of civil servants including, but not limited to, corruptive acts, inappropriate behavior in their daily communication with clients, and hesitations to serve the public interest as required by the constitution and the laws. The paper analyzes the role of the Code of Ethics for Civil Servants in the advancement of the quality of the services delivered to the citizens. It concludes that it has failed to make an impact in the public service delivery. It further elaborates that the marginal role results mainly from the lack of attention and focus on the Government's side in enforcing the document fully.

Keywords: ethics, code of ethics, civil service, public administration, public services, Macedonia.

Introduction and theoretical framework

Governments around the globe are putting vast efforts on strengthening the rapport between them and the citizens. This rapport, which among others entails accountability toward the citizens, is what makes the nature of work and function of public administrations exceptionally specific. Civil Servants are expected to serve the public interest the best way possible, treat all citizens equally and execute their duties and tasks in compliance with the laws. Simply put, civil servants need to be guided by ethical norms and principles serving as an aid in preventing and overcoming various types of conflicts and troubles at work. Achieving the aforementioned is precisely the challenge that governments are continuously coping with.

The importance of introducing ethics principles in the Public Administration (PA) has been recognized since the 1940s. Wayne A. R.

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Leys's (1944) work represents the initial attempts to shed light on the advantages that ethics principles would bring to the overall make-up of the US bureaucracy. As he argues, *customs* can no longer be considered as a driving force in making public policy decisions. This holds true in particular for decisions that relate to new areas (of that period) such as unemployment insurance, fair telephone rates, and minimum airplane altitudes, where making use of customs would lead to misinformation and the adoption of wrong policies; thus, civil servants would have to rely on new ethics and moral principles that aid the policy-making process.

The identified need of having ethics principles adopted in the public service, as pointed out by Wayne A. R. Leys, has been advanced to the level of framing them in peculiar documents, widely known as Codes of Ethics. The proliferation that is being recorded in the adoption of Codes of Ethics only signifies the popularity and the attention that this type of document receives. As an illustration, adopting Codes of Ethics in Macedonia has been set as a mandatory requirement for the overall workforce employed in the public sector including civil servants and public servants at both central and local levels, police officers as well as people employed in the judicial sector. In addition, such a requirement is precisely contained in the UN Convention against Corruption which stipulates that *"once recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures. Transparency and accountability in matters of public finance must also be promoted, and specific requirements are established for the prevention of corruption, in the particularly critical areas of the public sector, such as the judiciary and public procurement. Those, who use public services, must expect a high standard of conduct from their public servants."* To conclude, the importance of the Codes of Ethics is mainly derived from the fact that they are supposed to increase citizens' confidence in government. H. George Frederickson (1993: 158) asserts that this may be achieved by reassuring citizens that private power and interest do not subvert government decisions.

There is, indeed, an unquestionable consensus among a plethora of authors that Codes of Ethics shape the work of civil services in a positive way. Donald C. Menzel (2007) names it as "conventional wisdom" that accounts for a positive influence in governance. He adds that their strength lies in deterring unethical behavior of ethically motivated public servants, acting as a helpful guide for their behavior. As for unethically motivated officials, the Codes of Ethics wouldn't really do much. They would be unethical regardless of whether a code is in place.

What is also true is that having Codes of Ethics only formally adopted guarantees no impact at all in the functioning of the public administration; and even less in the service delivery. This is an insufficient effort as publishing a Code of Ethics, by itself, will achieve little (Transparency International, 2001). Therefore, Codes of Ethics adopted in the apparatus of public administration should be well-crafted and well-staffed. Only in this way may they accomplish a number of vital purposes such as restoring and supporting public trust and the legitimacy of governments, limiting the ability of private power and subvert fair access to government; as well as to provide forums of judgments where citizens can question practices which they believe violate the public trust (H. George Frederickson, 1993: 159). In addition, it is essential to link meaningful and enforceable Ethics Codes to systemic practices and procedures, based on legislation, and backed by management leadership and high-level political commitment, and ongoing 'professional ethics' training (Transparency International, 2001).

The theory provided above clearly illuminates the importance that authors attach to the Codes of Ethics in establishing citizens-centered and service-oriented Civil Service systems. Being guided by the theoretical framework presented, the main research question that will be treated in this paper involves analysis of the impact that Code of Ethics for Civil Servants in Macedonia is having in the advancement of the quality of public services delivered to the citizens. Correspondingly, it will shed light on whether the progress achieved, if any, is a result of the decent implementation of the Code of Ethics. Addressing the research question is supposed to be a rather difficult task. This lies in the fact, asserted by H. George Frederickson, (1993), that despite the proliferation of ethics codes, very little is known how they are implemented or how they function. An additional limitation in conducting this research paper may arise due to the lack of publicly available (quantitative) data in regard to citizens' level of satisfaction with the public services they receive.

Code of Ethics in the Macedonian Civil Service – Focus on Public Service Delivery

The Civil Service in Macedonia is being continuously criticized for the low level of its service delivery. Main weaknesses brought in the focus involve various forms of unethical behavior of civil servants including but not limited to corruptive acts, inappropriate behavior in their daily communication with clients, and hesitations to serve the public interest as required by constitution and law. However, in order to diminish the exposure of the above-mentioned negative attributes attached to the civil

servants; along with the objective of meeting requirements for acquiring full fledged EU membership and catching up with global trends in the area of Public Administration Reform (PAR), authorities of Macedonia decided to adopt the Law on Civil Servants which stipulated the adoption of the Code of Ethics for Civil Servants.

The Code of Ethics for Civil Servants was adopted for the first time in 2001 and it emanated from the provisions of the Law on Civil Servants, adopted in 2000. The responsibility to draft and adopt the Code of Ethics for Civil Servants belongs to the Agency of Administration (previously named as Civil Servants Agency). Providing the citizens with high-quality public services is a key principle contained in this document. In this aspect, it stipulates that Civil Servants are required to execute their duties and obligations effectively, efficiently and in a highly professional manner. In their rapport with the citizens, they are required to comply with the principles of equal treatment, mutual understanding, and maximum willingness to help them. By now, the Code has been in place for a period of ten years, thus, it represents a solid foundation for research and analysis.

Looking back at what has been done in the area of public service delivery improvement, besides the adoption of the Code of Ethics - additional milestones that signify certain progress can be mentioned. The entire corpus of political parties that were granted power to rule the country to date has included PAR and improved service delivery in their respective programs. This indicates that delivering public services that satisfy citizens' needs and expectations stands high on the political agenda. Another milestone worth mentioning is the attempt to set up proper infrastructure for evaluation of the work of the civil service. This refers to the "Gragjanski dnevnik" or "Citizens' Diary", aimed at offering citizens a mechanism for direct evaluation of received services. Furthermore, a single phone-number and website as a guide and orientation of citizens in communicating with the civil service as well as with other public bodies have been launched. Another recently launched wise mechanism for evaluating public services is the so-called "traffic lights/scoreboard". It is installed in a few pilot state institutions where citizens may choose between red, yellow, and green - each of them respectively indicating unsatisfactory, neutral and satisfactory services.

Despite the efforts to raise the quality level of provided public services, the attitude of the citizens toward the state as provider of public services remains unchanged – largely negative. Evidence that backs this is contained in the Life in Transition Report for 2010 published by the European Bank for Reconstruction and Development. Concerning

satisfaction of Macedonian citizens with public services, the report provides the following assessment: "In all sectors, apart from the health care and unemployment benefit system, fewer than 10 per cent of respondents admit to bribing. It is possible that networks substitute for bribery in public services. Over a half of respondents say that informal contacts are important in order to obtain official papers – close to the highest level in the surveyed countries." The report further notes that "the overall level of satisfaction with public service delivery is now the third lowest in the region." Additionally, the 2011 report of the European Foundation for the Improvement of Living and Working Conditions report on Macedonia asserts that the country is characterized by distrust in institutions and might need to address transparency.

What this evidence reveals is that the approach used by the authorities in improving the quality of public services is not sufficiently serious and consistent. Having a well-drafted Code of Ethics or a proper infrastructure in place is simply not enough. As the Ethics Resource Center Report (2006), notes, "actions speak louder than words. Having a general organization wide ethics communication strategy is not enough to create desired outcomes. Employees need to see their superiors and peers demonstrate ethical behavior in the work they do and decisions they make every day." With all the negative remarks on the public service delivery presented above, the room for claiming that Code of Ethics has a "share" in the improvement of the public services and that it makes an expected impact is shrunk to the point of considering it trivial.

What has gone wrong?

The paradoxical situation of investing a large amount of funds in public service delivery infrastructure on one side; and the noted "unchanged negative attitude" of the citizens toward public services on the other, clearly displaces the problem to a different component: that of ethics and moral principles of civil servants. Precisely said, the authorities should shift their focus toward building capacities and changing the mindset of a major part of civil servants. The target group should include all the civil servants with a low performance and inappropriate behavior in their communication with the citizens. empowers the traditional aversion of citizens against state institutions.

The adoption of the Code of Ethics has been praised as a step forward in establishing efficient ties between the Civil Service and its clients. However, the fact that general ethics principles or the Code of Ethics for Civil Servants are not included in the Civil Service Entry Exams in Macedonia indicates that the document lacks the sufficient attention from the very initial contact of the candidates with the Civil Service.

Were they thoroughly included in the exam preparatory materials and the exam itself, the mental perception of potential Civil Servants in regards to the importance of the decent implementation of the Code of Ethics would be largely affirmative. The current practice shows that candidates applying for job positions in the Civil Service learn about the existence of the Code of Ethics only after they get to commence with the job. Moreover, introducing them with the Code of Ethics is rather done in a “ceremonial” and formal way.

The minor attention and importance attached to the Codes of Ethics is clearly witnessed through the 2011 Annual Program of Generic Trainings for the Civil Servants published by the Ministry of Information Society and Administration. Namely, out of 84 training events organized during the course of 2010, only 5 of them are to a certain extent related to the Code of Ethics. Trainings that are firmly related to the Code of Ethics itself, to its proper implementation, as well as to make them aware of the guidance Code of Ethics provides in executing their daily tasks and obligations are not included in the trainings annual plan.

Conclusion

Since its adoption in 2001, the role of the Code of Ethics for Civil Servants in the advancement of the public services is trivial. As the paper argued, the overall progress of Macedonia in its public service delivery is two-dimensional: (1) praised in regards to the modernization of service delivery infrastructure; and (2) largely criticized in relation to establishing trustworthy rapport between the civil service and the citizens. As the latter falls directly under the scope of the Code of Ethics, it impliedly illustrates the inability of the Code of Ethics to make an impact in the public service delivery throughout the 10 year period since its adoption.

As illuminated through the Life in Transition Report as well as through the European Foundation for the Improvement of Living and Working Conditions, Macedonian citizens are to a large extent unsatisfied with the public services they receive. Hence, it is simple and logical to conclude that factors that are supposed to aid the development of a modern and citizens'-centered Civil Service, referring to the Code of Ethics as a key factor, are falling short to make an impact. Nevertheless, the provided justifications for this failure are clearly in line with the warnings of the authors dealing extensively with adoption and implementation of Codes of Ethics documents. Apparently, the Code of Ethics for Civil Servants in Macedonia throughout the past 10-year period is not being viewed as a living document. Thus, in cases when Codes of Ethics are not viewed as living documents, Donald C. Menzel

(2007) would assert that they may become little more than a nicely framed ornament that adorns office walls and glitters in the agency's literature. Consequently, the Code of Ethics for Civil Servants in Macedonia is nothing more than a décor that decorates office walls.

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