



Call for an Accountable and Professional BiH Civil Service

Values and Ethical Standards in the BiH Civil Service System

by Taida Begić, 20 May 2007

The Importance of an Ethical Infrastructure for a Professional and Accountable Civil Service

Ethical conduct articulates professional conduct. Both old and new EU member countries, as well as some OECD member countries have recognised that one key pathway to a professional civil service is through strong ethical conduct, which is also fundamental for the overall public administration reform. In general, certain ethical values and requirements are laid down in laws (civil service laws and criminal laws) and disciplinary legislation. However, in order to enhance ethical standards in the civil service, many countries opted for written ethical guidelines provided in instruments called codes of ethics, which are nowadays recognized as a very important new feature of ethical infrastructure for civil servants. Codes of ethics contain, formulate and explain ethical standards to be met by the civil servants and some also refer to enforcement mechanisms as necessary components of an ethical infrastructure. These instruments refer to the traditional values and principles of civil service such as: impartiality, legality, neutrality, conflict of interest avoidance, etc. These principles pro-

vide benchmarks against which progress in public administration reform can be measured.

It is also generally recognized that written codes of ethics, even when comprehensively and clearly drafted, cannot contribute to effective implementation of ethical standards on their own. Countries that do care about the ethos of civil service focus increasingly on other enforcement instruments/mechanisms needed for the effective implementation of codes of ethics.

The interviewed BiH civil servants have emphasised the importance of individual, personal ethics that, according to them, the current civil service system unfortunately does not measure or assess.

Assessing the Estonian, the UK and the Czech Codes of Ethics

Codes of Ethics for civil servants in the Republic of Estonia, the UK and the Czech Republic were assessed in order to stress the importance of integrating these aspects into civil service reform and to share good practices relevant for BiH. The following table compares the key features of these codes:

Summary

This study directly contributes to the promotion of strong ethical standards and work on an effective BiH Code of Ethics as a key to a professional and reliable civil service. The existence of a set of ethical rules and principles for civil servants along with their enforcement mechanisms, *i.e.* the existence of an 'ethical infrastructure', requires significant attention within the framework of the public administration reform (PAR) and in the context of European integration processes. In that respect, this study fills the gap in the past and current PAR processes. It explores the ethical standards set by the BiH civil service legislation in order to assess the impact of this legislation on the professionalization of the civil service; it develops the draft Code of Ethics for civil servants (at the State level); and finally, it promotes the continuous dissemination/communication of these standards to both civil servants and citizens in order to strengthen their effective observance.

Code of Ethics	Estonia	UK	The Czech Republic
Code Status	part of Public Service Law	integral and key part of the UK government; the Code forms part of the contractual relationship between a civil servant and his/her employer	recommendation
Purpose	no explicit definition of the purpose	to set out, explain and promote core civil service values that support good government and help the civil service gain and retain the respect of the government, the public and its users; to set out the standards of behaviour expected from civil servants which are based on these core values	defined in the preamble; the Code seeks to gain and maintain the trust of the public, to promote ethical standards among public servants and to communicate/inform citizens about these standards

<p>Civil Service Values/Principles</p>	<p>service of people; loyalty to the government and respect for the constitution, law and the people; adherence to the legally expressed will of politicians; liability; public participation; political impartiality; predictability; objectivity; reliability; honesty; politeness; openness, awareness; individual development</p>	<p>integrity, honesty, objectivity and impartiality; professionalism and competence; standards of behaviour</p>	<p>service to the public; competence and continuous individual improvement; kindness; understanding; correct treatment of other public administration employees; objectivity; legality; respect for the rights and legitimate interests of citizens; avoidance of conflict of interests; political neutrality and impartiality; confidentiality; effective and economical administration and utilization of financial resources; refusal to act illegally</p>
<p>Priority Value/Principle</p>	<p>serving the public interest</p>	<p>service to the public</p>	<p>service to the public</p>
<p>Enforcement Instruments</p>	<p>no explicit reference to enforcement instruments; however, the Code stresses the obligation of each servant to seek Code enforcement/application</p>	<p>explicit reference to enforcement instruments; guides the civil servant in cases of ethical dilemmas or concerns; provides for the Civil Service Commissioners to consider a complaint directly from the civil servants (but there is no power on the side of the Civil Service Commissioners to initiate enquiries without a complaint); in cases of evidence of criminal or unlawful activities, civil servants are instructed to report directly to the police or other appropriate authorities; the Code is part of a contractual relationship</p>	<p>no explicit reference to enforcement instruments; however, the Code stresses the obligation of each servant to seek Code enforcement/application</p>

Key Features of the Code of Ethics for Civil Servants in BiH Institutions

The current state of ethical institutional/organizational culture within civil service can be described as non-motivating. The problem of “many hands”¹ has been reiterated by the majority of those interviewed, which strongly supports drafting a Code that can have an effective impact on both individual and institutional/organizational culture as well as on the overall image of the civil service. The basic elements of the Code of Ethics for civil servants in BiH Institutions follow the general guideline for code developments as proposed by the EU member states. The draft proposal clearly explains the role and purpose of the Code; lists and explains the fundamental values and principles of the civil service; provides for measures in the event of a conflict of interest; refers to enforcement/implementation instruments, i.e. instructs the civil servants in cases of ethical dilemmas, but also precisely refers to those responsible for Code implementation; indicates the sanctions for breaches of the Code; and, finally, in

case of enquires refers to responsible persons or units. This draft Code contains and explains a number of generally recognized civil service values/principles among which **servicing the public interest** is the priority value/principle. Other fundamental values include: integrity; competence; political impartiality; neutrality; legality; honesty; accountability; transparency and openness; correct behaviour; efficiency and effectiveness; fairness; responsiveness; exemplariness; leadership and avoidance of conflict of interests.

How to Get It Done

In administrative cultures where there is an evident decline in the value system of a whole society, a Code of Ethics (understood as a piece of paper!) makes no sense. There can be no successful ethical reform without appropriate enforcement instruments. Among the various instruments, the key are certainly ethical education/training, good leadership (both political leadership and civil service management leadership), effective dissemination/communication

¹ The problem of many hands has been described in several studies. It refers to the excuse from moral responsibility of one single individual since there are so many others also involved in unethical actions. See, Gilman, C. S., Ethics Codes and Codes of Conduct as Tools for Promoting and Ethical and Professional Public Service: Comparative Successes and Lessons, World Bank, Washington DC, Winter (2005).



of ethical standards and the inclusion of ethical considerations in recruitment and promotion policies. Of course, a change in mentality and attitudes is particularly important. This implies understanding that civil servants serve the public interest and provide certain services.

Effective integration of ethical standards is highly dependant on the political commitment and readiness to be engaged in this extremely important PAR issue. Top management behaviour influences the development of an institutional/organizational culture and creates customs and traditions.

Conclusions and Recommendations

For those that do care about the overall image of the BiH civil service system, an unethical individual and unethical institutional/organizational behaviour represent an obstacle to the development of an impartial and professional civil service. To sum up:

- Integrating ethical reform into the overall public administration reform is not a matter of luxury or trend; it is imperative for BiH.
- Such integration should not be of a merely declarative nature, but must involve concrete instruments that can be measured over time.
- Practically, this implies drafting and adopting a Code of Ethics for civil servants working at the State level in BiH.
- In order for the Code to be accepted by civil servants themselves, there is a strong argument to involve them in the drafting process.
- The Code of ethics must include the following elements: reference to the role and purpose of the Code and provision of a general statement of civil service values; list of ethical values and standards that must be met by civil servants (a more extensive list than provided in the law) and an explanation of the meaning of these standards;
- reference to enforcement/implementation mechanisms as a way to safeguard and implement these standards.
- Service to the public must be regarded as the priority value.
- Enforcement mechanisms include: political leadership and civil service management leadership; a training strategy whose plan must include values and ethics as vital to reform old habits and behaviours, i.e. 'to reform the people'; ethical training for a wide range of civil servants, in particular the top management who need to promote these standards by setting an example; revision of recruitment and promotion policies in order to enhance the relevance of individual ethical behaviour for upholding the institutional culture and ensuring civil service professionalization as foreseen by law; continuous communication/dissemination of the importance of ethical behaviour for the overall image of the civil service; law adjustments where necessary.
- The Code of Ethics and its enforcement mechanisms must be a part of overall institutional/organizational rules of the civil service system, *i.e.* part of human resources management.
- Civil servants should be trained in the spirit of the Code in order to promote ethical decision making and develop common ethical values.
- The promotion of civil service values and ethics through these mechanisms can ensure the harmonization of professional standards across the civil service and help develop a competent, neutral and accountable civil service.
- Accordingly, these standards must be institutionalized and the initiative should come from the Office of PAR Coordinator or the BiH Civil Service Agency followed by a commitment on the part of the BiH Council of Ministers.



Taida Begic holds a doctoral degree in law from the University of Vienna (2004) and LL.M. in international business law from the Central European University in Budapest (1998). She is currently working as a deputy director at the Center for Interdisciplinary Postgraduate Studies of the University of Sarajevo. Her research interests include: international (investment) law, EU law, European integrations, higher education governance, and public administration.



Open
Society Fund
Bosnia & Herzegovina

A “*Policy Development Fellowship Program*” has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options.

The program provides an opportunity for selected fellows to collaborate with the Open Society Fund in conducting policy research and writing a policy study with the support of mentors and trainers during the whole process. Twenty seven fellowships have been granted in three cycles since the starting of the Program.

All policy studies are available at www.soros.org.ba