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Regional seminar for senior public officials

UniDem Med

**“TRANSFORMATION AND INNOVATION IN THE SENIOR
CIVIL SERVICE : CHALLENGES AND OPPORTUNITIES”**

Tunis, Tunisia

24 - 27 September 2018

**THE RESPECT OF DEMOCRACY AND RULE OF LAW PRINCIPLES IN THE
PUBLIC ADMINISTRATION: POLICY AND PRACTICE**

by

Mr Salvador PARRADO

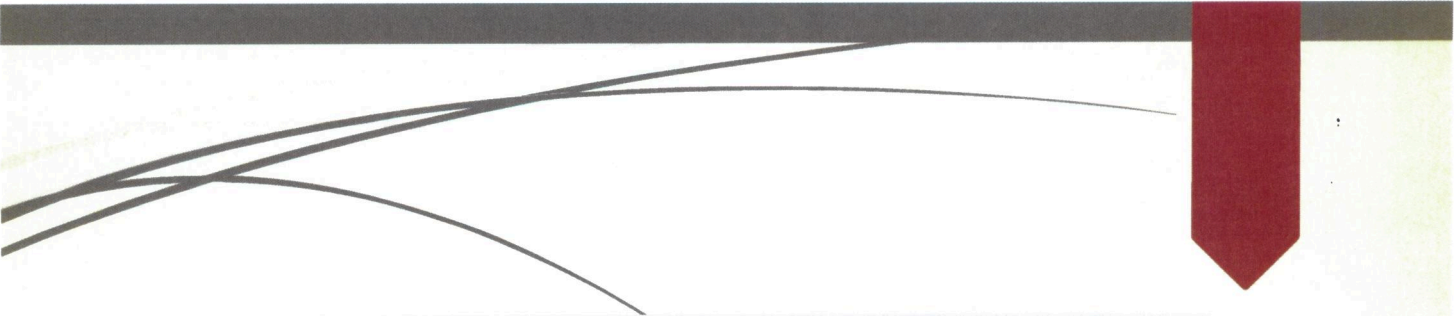
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Ensuring Sustainable Democratic Governance and Human Rights in the Southern Mediterranean

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Transformation and Innovation in the Senior Civil Service: challenges and opportunities

(Venice Commission and Government of Tunisia)

24-27 September 2018

*Principles and Trade-Offs in Policy-Making:
The Role of Senior Civil Servants*

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The menu of the session

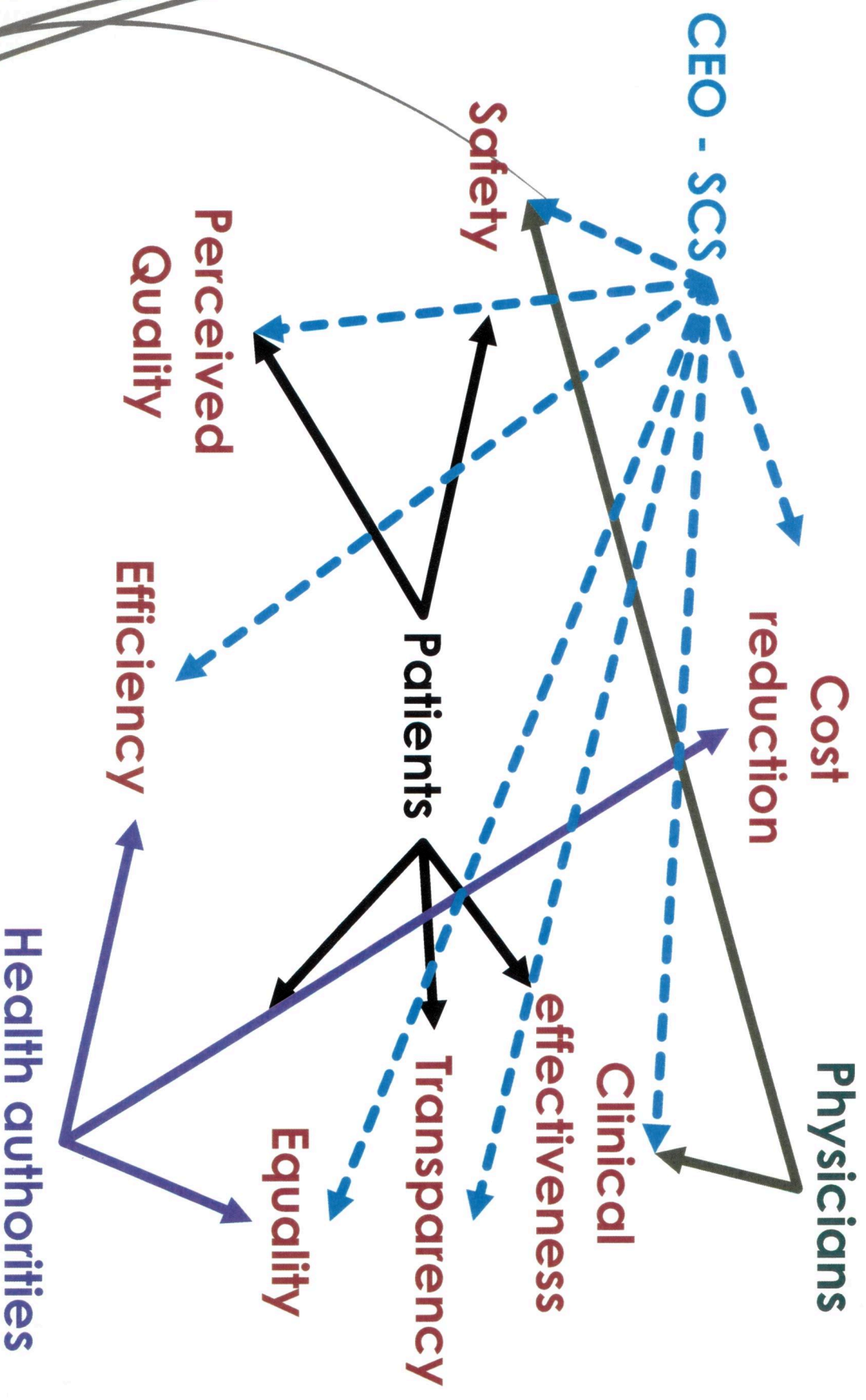
- ▶ Principles and trade-offs
- ▶ Senior Civil Servants as mediating institutions
- ▶ Principles are difficult to enforce
- ▶ What do we need from senior civil servants

The problem – An illustration of trade-offs in public health

- ▶ **Equality:** Anyone is accepted (including non-registered citizens)
- ▶ **Cost:** Top-down targets to reduce costs
- ▶ **Clinical effectiveness:** Heads of unit and doctors focus on the remedy of health issues
- ▶ **Patient safety** is sought for by regional authorities, doctors and hospital managers for the repercussion in reputation, efficiency and clinical effectiveness
- ▶ **Perceived quality** is becoming increasingly important - the client (patient) is the king

There are trade-offs from players at different hierarchical levels

Different actors - different emphasis





The problem in a nutshell

- ▶ Trading off with principles is found in any policy sector...
- ▶ Trade-offs occur because actors at different levels have different emphasis.
- ▶ Senior civil servants **may mediate these trade offs** but they need to enjoy neutrality



The senior civil service is a 'mediating institution ...

- A. Among different sectors, groups and departments of government **through shared values and principles** and common skill strategies regarding leadership, policy delivery and policy advice.
- B. Between the political arena (executive politicians and political appointees) and the administrative field (civil servants) by finding the balance between **political responsiveness and neutral competence**.

Senior civil servants are requested to be simultaneously...

- ▶ **Responsive** to instructions of political masters (government of the day) in order to achieve political goals – “democratic” – legitimacy
- ▶ **An neutrally competent** political non-partisanship in public administration; it requires the enhancement of professionalism, merit and competence
 - ▶ a wealth of knowledge and skills available in the bureaucracy that all elected officials, no matter what their political persuasion, could call upon for both useful information and disinterested advice in designing national policy. (Rourke 1992: 1)

Trade-offs in education when applying equality principles

Dimension	Different ways to understand the principle
Recipients	1 Membership (the boundaries of the community) 2 Rank-based distribution (internal subdivision of society) 3. Group-based distribution (major internal cleavages of society) 4. Better performance results
Items	5. Boundaries of the item 6. Value of the item
Process	7. Competition (opportunity as starting resources) 8. Lottery (opportunity as statistical chance) 9. Voting (highest votes)

(Stone, 2013)



Setting principles is easy, enforcing them less so...

- **Rules** = specific prescription vs **Principles** = vague prescriptions
- **Superiority of rules** in stable and simple environments
- **Principles** offer
 - **higher certainty in complex environments**, given a) change in technology and b) complexity of implementation
 - and **more resistance against purposeful creative compliance** (compliance with the letter but not the spirit of the rule)
- **But, the enforcement of principles is more demanding**



Why do we need neutral SCS?

- ▶ The scope of the principles reaches larger social groups, not just the constituency of particular politicians.
- ▶ The long-term sustainability of some principles can be ensured by those who guard the State
- ▶ As mediating institutions, they are in better position to understand different stakeholders' demands



Consequences for SCS

SCS are in need of...

- ▶ Evidence-based policy making to understand trade-offs
- ▶ Independence to speak to power
- ▶ Job security to ensure the capacity to speak to power
- ▶ High skills, knowledge and competence to articulate principles with facts and other rules



Conclusions

- ▶ Overarching principles when applied to decision-making entail trade-offs.
- ▶ Several actors have different view of principles and propose distinct trade-offs.
- ▶ SCS are in a position to mediate among interests and apply principles if:
 - ▶ Get needed skills
 - ▶ Enjoy some independence to speak to power
 - ▶ And get used to evidence-based research.