



POST-SOVIET TRANSFORMATION OF BUREAUCRACY IN LITHUANIA: MAIN FEATURES AND TRENDS

SAULIUS PIVORAS

Associate Professor; Dr.

**Vytautas Magnus University Faculty of Political Science and Diplomacy,
Department of Public Administration (Lithuania)**

Contact information

Address: S. Daukanto str. 28, LT-44246 Kaunas, Lithuania

Phone: 370-37-327867

E-mail address: s.pivoras@pmdf.vdu.lt

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ABSTRACT

The purpose of this article is to analyze the reforms and development of public administration and public bureaucracy in Lithuania from the prism of the post-Soviet transformation concept. In other words, the effort is to establish a continuation of the features of the Soviet bureaucratic - administrative system, to the extent these can be discussed, and their influence on the public bureaucracy of the independent Republic of Lithuania. It is being ascertained that the purpose of the reforms in Lithuania's State civil services was to develop a stable, professional and politically neutral public bureaucracy; i.e., a classical bureaucracy based on Max Weber's type of an ideal bureaucracy. Certain aspects of reforms were successfully implemented. However, at the behavioural level, the public bureaucracy in post-Soviet Lithuania is still predominately a variant of a pseudo-bureaucracy.

One unforeseen outcome of the reforms was a weakening of political control over the bureaucracy. This occurred, because needed attention was not paid to the two-fold nature of politicization. Along with personnel management that is politicized, the functional politicization of the upper levels of civil service is also known. The latter is specifically considered one of the prerequisites for the successful implementation of public policy, adequate to the political control of public administration. Actualization of plans for the

functional re-politicization of senior officials was undertaken after the 2008 elections to the *Seimas* [parliamentary body] of the Republic of Lithuania. These should not be assessed as a political whim but as a necessary response to the situation which had formed.

KEYWORDS

Bureaucracy, public bureaucracy, pseudo-bureaucracy, civil service, post-Soviet transformation

INTRODUCTION

Transformations in public bureaucracy can be examined variously. An application of comparative research is possible. It is possible to conduct an investigation from the view of rational institutionalization by first assessing the design of newly-established institutions, effectiveness of operations and the like. The main purpose of this article is to discern how and in what sense it is possible to discuss the transference/succession of the features of the Soviet bureaucratic system and their impact/influence on the public bureaucratic system of present-day Lithuania. Such an approach was selected for analysis since the predominate approach in literature for explaining the public administration reforms in Lithuania as a fluctuation between a classical system of bureaucracy and the model of new public management¹ is rather misleading. An assessment is lacking of the specificity of Lithuania which, as can be presumed, contains a Soviet heritage. Furthermore it is desirable to describe the essential trends and outcomes of the transformations of the bureaucracy from the perspective of a longer time period. The main methods used to perform the investigation are theoretical considerations and analyses of primary and secondary sources. By making use of theoretical literature and the studies already performed on a similar topic (of which the most valuable are works by Haroldas Brožaitis² and Žilvinas Židonis³), the analyses for this article are on the statistical data regarding civil servants, the legal acts relevant to Lithuania's State civil service, departmental reports and other departmental press, records of Lithuania's *Seimas* sessions and the like.

1. STATISTICAL DATA ON THE PUBLIC BUREAUCRACY OF LITHUANIA

Statistical information on Lithuania's public bureaucracy (especially considering the longer period) is insufficient in terms of quality and reliability. The more reliable and rather thorough statistical information is only on recent years. Up to 2005, it is incomplete, incomprehensive and inadequately accurate. Differing and contradictory data are often submitted in literature. Additionally the public

¹ [Vitalis Nakrošis], "Country Management Profile: Lithuania," (2006), <http://www.unpan.org/Library/SearchDocuments/tabid/70/ModuleID/985/mctl/DocumentDetails/dn/UNPAN025560/Default.aspx> (accessed 11 11, 2008); Vitalis Nakrošis, *Strateginis valdymas Lietuvoje: ar turime rezultatų vyriausybę?* (Strategic governing in Lithuania: do we have a government of results?) (Vilnius: VU TSPMI, 2008), p. 33ff.

² Haroldas Brožaitis, "Dismantling Political-Administration Nexus in Lithuania," *Lithuanian Political Science Yearbook 2001* (2002): 113-127.

³ Žilvinas Židonis, "Pokyčiai Lietuvos valstybės tarnyboje: demokratinis valdymas versus vadybinė valstybė" (Changes in Lithuania's civil service: democratic governing vs. a managerial state), in: *Valstybės tarnyba Lietuvoje: praeitis ir dabartis* (Civil service in Lithuania: past and present), ed. Algis Krupavičius and Kęstutis Masiulis (Vilnius, 2007).

bureaucracy of Lithuania is not composite but dispersed into several types or categories. The most important part of public bureaucracy, obviously, consists of persons with the status of civil service employees. The *Valstybės tarnautojų registras* [Register of Civil Servants] of Lithuania, which is responsible for accumulating statistical data on civil servants, was formed in 2002. Initially, however, it did not have accurate data either, because these were not received from all State institutions. It wasn't until the end of 2005 that the Register of Civil Servants accumulated sufficiently accurate data for the first time on civil service employees (excepting statutory employees).⁴ It is also necessary to bear in mind that the Register of Civil Servants is only responsible for data on career civil servants, civil servants of political confidence and heads of administrative institutions. Such are the data that State institutions are obligated to submit to the Register. However, there is no obligation to provide data on the so-named statutory employees; thus the information contained in the Register does not reflect them. There are at least seven major statutory civil service systems in Lithuania, and data on their employees are gathered separately. Therefore there is no knowledge on the accurate number of statutory employees overall. The difference in numbers becomes more obvious when considering a dimension such as the number of full-time positions vs. actual employees. In 2007 the difference between actual employees working under the status of civil servants (non-statutory) and the number of civil service positions was 3,032.⁵ Is this considering only civil servants or all the employees in State administrative institutions? In other words, does this include employees working on a contractual basis or not? The difference in 2007 was over 25,000, the same as there were persons who did not have the status of a civil service employee but were working under a contract.⁶ Based on the Register's data on civil service employees (excluding statutory) from 2003 to 2008, the number of their positions grew by a third, in other words, by nearly 10,000.⁷ As the *Valstybės tarnybos departamentas* [Civil Service Department] affirms, the number of civil service positions in State and municipal institutions and bureaus increased, on average, by 38.6 percent during 2004 - 2007.⁸

⁴ LR Valstybės tarnybos departamentas (Civil Service Department of the Republic of Lithuania), "Valstybės tarnybos įstatymo ir su juo susijusių teisės aktų nuostatų įgyvendinimo metinė ataskaita" (Annual report on the law on public service and implementation of the stipulations of its relevant legal acts), (Vilnius, 2006): 9.

⁵ LR Valstybės tarnybos departamentas (Civil Service Department of the Republic of Lithuania), "Valstybės tarnybos įstatymo ir su juo susijusių teisės aktų taikymo ir įgyvendinimo 2007 metais ataskaita" (Annual report on the law on public service and implementation of the stipulations of its relevant legal acts), (Vilnius, 2008): 10.

⁶ *Ibid.*: 9.

⁷ LR Valstybės tarnybos departamentas (Civil Service Department of the Republic of Lithuania), "Valstybės tarnautojų (be statutinių) skaičius" (Number of civil servants (Excluding Statutory)), <http://www.vtd.lt/index.php?1471208505> (accessed November 11, 2008).

⁸ LR Valstybės tarnybos departamentas, *supra* note 5: 12.

Lithuania's *Statistikos departamentas* [Department of Statistics] counts bureaucrats differently than the Civil Service Department does. Positions employed in the public administration and defence as well as the obligatory social welfare insurance areas are counted as a separate category. There were 83,500 such positions in 2007.⁹ This number obviously also includes statutory employees in civil service; thus it apparently indicates the scope of public bureaucracy in Lithuania the most accurately. On the other hand, the Department of Statistics only submits interdependent, comparative data since 1998. Based on these, it is apparent that a decrease in the number of public bureaucrats was rather distinct from 1999 until 2001. However, in 2002, the decrease was completely recouped, and there was even quite a distinct increase. There were fluctuations between 2002 and 2007 but, compared with 1998, there was an unquestionable trend of growth (from 1998 to 2007, the number increased by 10,000).¹⁰ The question that naturally arises, in light of the purpose raised for this article, is this: did the scope of public bureaucracy in Lithuania change distinctly in comparison with the Soviet period? The Communist Party *nomenklatura* [ruling] class in Lithuania contained 32,000 members in 1981.¹¹ However, it was only management employees who were, for the most part, members of the *nomenklatura*. The non-managerial, "screws" in the mechanism of Soviet administration who executed administrative functions – the ordinary clerks – were more than twice that number. Therefore the scope of public bureaucracy in Lithuania changed insignificantly compared to the Soviet period. Of course such a comparison is highly conditional because it does not take into account the different features of the social structure and ownership. It merely considers the similar functions typically ascribed to the operations of a public bureaucracy.

Not only certain general trends but also possibilities for their interpretations can be seen from the statistical data. This is especially true when analyzing the different categories of public bureaucracy. In 2007, as per the words of the Civil Service Department, only slightly more than half (53 percent) of the employees at State and municipal institutions consisted of civil service employees.¹² An assumption (or guess) can be made that, specifically due to increasing employment on a contract basis (meaning more flexible employment without the usual competition for hire), the benefit of the so-named merit system upon admittance into civil service is greatly lessened by the number of employees performing the

⁹ LR Statistikos departamentas (Department of Statistics of the Republic of Lithuania), "Užimti gyventojai pagal ekonominės veiklos rūšis ir lytį" (Occupied residents by type of economic activity and sex), <http://www.stat.gov.lt/lt/pages/view/?id=1313> (accessed November 11, 2008).

¹⁰ *Ibid.*

¹¹ Kastytis Antanaitis, "Lietuviškoji sovietinė nomenklatura" (The Lithuanian soviet nomenklatura), *Darbai ir Dienos* (16) (1998): 180-181.

¹² LR Valstybės tarnybos departamentas, *supra* note 5: 15.

same functions as public servants perform. The benefit is lessened all the more by the stably growing number (nearly doubled) of temporarily acting civil service employees over the last three years. It is characteristic that, in 2002, the amended Law on Civil Service abolished the possibility of hiring a temporarily acting civil servant prior to announcing a competition for the position; however, in 2005, such a possibility was again reinstated.¹³ Here conditions were laid for recruiting a candidate into civil service for a peculiarly veiled probationary period. Then, once expectations had been justified, the conditions for a competition could be informally aligned for the same candidate. The most important reason for the increase in contracted employees is the lower compensation paid for them compared to the compensation paid for career employees. This means that State institutions have an opportunity to save. Nonetheless the growth in the number of contracted and temporarily acting civil service employees requires more detailed investigations. Such a growth could be expressing the need for greater flexibility in employment but, at the same time, a manifestation of favouritism and patronage as well. In general the system of civil service was not sufficiently implanted in Lithuania. Discussions regarding what civil service is and what it means never did ripen properly. Even the steadfastness of the actual term is characteristic, because it does not express work in behalf of the public entirely directly. [The direct translation of the Lithuanian term for "civil service" is service for the State, more closely related to the German term, *Staatsdienst*.] These aforementioned features raise additional doubts (and doubts were expressed from the very beginning of the formation of public services in Lithuania) regarding civil service as being a closed group of governmental employees distinguished by their holding exceptional status and conditions and the necessity, expediency and scope of supporting this group.

The idea of civil service went through an entire stage of evolution in developed democratic countries. Initially it was substantiated by an essential difference regarding the concept of service to the State/society/public interest as compared to employment in the economy (in other words, purely self-serving activities compared to altruistic service). However, in the countries of today where a strict demarcation between public and private sectors has disappeared and the role of a centralized government has distinctly diminished, there are no longer any essential differences between the concepts of service and employment. It is no longer possible to assert, without clear-cut stipulations, that an individual engaged in a private operation provides less benefit for society than a public servant does.

¹³ LR valstybės tarnybos įstatymo 2, 4, 6, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 27, 30, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 49, 50 straipsnių pakeitimo ir papildymo bei įstatymo papildymo 16(1) ir 31(1) straipsniais įstatymas (Law on civil service, amendments and supplements to articles), Official Gazette, 2006, no. 4-97.

According to Christoph Demmke, a researcher with the European Institute of Public Administration, the scope of civil service in EU countries has narrowed (pulled back) in recent years, and a time may come when the status of civil servant will only be recognized for those employees who, in Lithuania, are called statutory governmental employees.¹⁴

A rather distinct increase in the number of civil servants of political confidence can be seen in Civil Service Department data starting from 2005 (from 481 such employees in 2005 to 852 in 2008).¹⁵ However, this does not express a trend that is worthy of attention, because that increase was due to the *Seimas* considerably increasing the number of assistants for its parliamentary members. There were 212 civil servants of political confidence working for the Office of the *Seimas* of the Republic of Lithuania in 2004 and 554 in 2007.¹⁶ The assistants of *Seimas* members actually perform primarily supportive work; thus designating them with the group of civil servants of political confidence is deceptive. It must not be forgotten that the legal status of this type of employee is dual – a civil servant of political/personal confidence. This dual status is actually misleading and irrational. It would be more expedient to separate the employees who perform purely political management/political control and advisory functions from all the rest, including those employees with the status of personal confidence, who are more engaged in supportive work.

2. TRANSFORMATION TRAJECTORIES

On the basis of the definition of bureaucracy by Ludwig von Mises (bureaucracy is only characteristic of the public sector, because bureaucratic management is unavoidable wherever the value of results reached does not have a direct market price),¹⁷ all employees during the years of the Soviet regime were bureaucrats working for bureaucratic institutions. Once the independence of Lithuania was reinstated along with the transition to a market economy, the public sector also separated from the private sector (of course it would be more accurate to state this otherwise – the private sector appeared). Thereby the scope and functions of bureaucracy lessened markedly. Then again the job of determining the optimal functioning of the public sector came up along with the necessity for reforming bureaucracy (the apparatus for the administrative management of the State and the institutions in the services sector).

¹⁴ Christoph Demmke, *European Civil Services between Tradition and Reform* (Maastricht: European Institute of Public Administration, 2004), p. 110.

¹⁵ LR Valstybės tarnybos departamentas, *supra* note 5: 71-72.

¹⁶ *Ibid.*

¹⁷ Ludwig von Mises, *Bureaucracy* (Grove City, PA: Libertarian Press, Inc, 1996).

The reform occurred from the very first days of the country's independence, although construction of the model of public bureaucracy was undertaken from about 1995 (Law on the Officials of the Republic of Lithuania). At that time, one of the classical problems in organizing a public bureaucracy arose: the apportionment of political and administrative expertise and responsibility (called the political - administrative dichotomy issue). In 1996, the position of the Ministry of Management Reform and Municipal Affairs which, at the time, was responsible for the system of public administration and public bureaucracy in Lithuania, was that

It is necessary to form a corps of professional managers which will assure the succession of the work of State management institutions and municipalities, political neutrality, effectiveness, public disclosure, flexibility and a high quality of provided services.¹⁸

Various experts from international organizations abroad, starting with EU experts, accented the upgrading of bureaucratic professionalism and downgrading of politicization. The European model of public bureaucracy, sometimes referred to as Weberian (the concept of a model of bureaucracy formulated by Max Weber), or the model widely known as civil service, was selected when readying for EU membership. This model was formally established in 1999 with the ratification of the first Law on Civil Service (which took effect in 2000). Bureaucracy was formally separated from politics, and conditions were formed for its professionalization. Certain aspects of Lithuania's reform of civil service, for example selection and appointment based on merits for a career in civil service which was introduced by the 1999 Law, were and continue to be presented as a significant achievements and examples for other post-communist European countries, the latest EU member States.¹⁹ Scholars of the UNDP Development Programme noted that Lithuania's politicians did not have a clear vision of strategic reforms in public administration and civil service during the initial stage.²⁰ The scholars of Lithuania make a similar assertion.²¹ A comprehensive Law on Civil Service was being prepared and was passed relevant, to a large part, to the requirements for EU membership. As asserted in 1999 by Francisco Cardona, a representative of EU support for candidate countries,

¹⁸ *Valdymo reformų politikos kryptys* (Policy directions in management reforms) (Vilnius: Valdymo reformų ir savivaldybių reikalų ministerija, 1996), p. 21.

¹⁹ SIGMA/OECD, "Assessment Report: Lithuania – Public Service and Administrative Framework (2002)," <http://www.sigmaweb.org/dataoecd/41/46/34988173.pdf> (accessed November 11, 2008).

²⁰ UNDP, "Civil Service Training in the Context of Public Administration Reform. A Comparative Study of Selected Countries from Central and Eastern Europe, and the former Soviet Union (1989 to 2003)," (May 2003), <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN017191.pdf> (accessed November 11, 2008).

²¹ Vitalis Nakrošis, "Lithuanian Public Administration: A Usable State Bureaucracy?" *Journal of Baltic Studies* 32:2 (2001): 172-173.

The State candidates which the European Commission did not much value fall into the group of those that still do not laws on civil service. Poland, which was positively evaluated for other things, was blamed by the European Commission that its national policy on employment, compensation, training and advancement in the area of civil services was deficient. The lack of such consistency is related with too great a politicization and instability existing in Poland's civil services. This acted very negatively on Poland's preparedness to become a member of the European Union. In my opinion, it was possible to learn from this that a *well-drafted, specific law on civil service* based on the principles of administrative and constitutional laws *is the first step for approaching conformity to the requirements of the European Union*.²² (Emphasis by author – S. P.)

The highest-level bureaucrats and certain politicians of Lithuania listened especially attentively to the opinions of EU experts, particularly to those who were preparing some sort of reports to the European Commission. Let us say, there was the statement by the former Minister of Interior Affairs, Juozas Bernatonis, during the 2002 *Seimas* discussions regarding amendments to the Law on Civil Service,

Prior to this Seimas session, I met with Sigma expert, Mr. Cardona, who was one of the primary authors of the currently effective law. He admits that the presently effective law needs improvement and essentially approves the directions of improvement. This is specifically the person who will prepare a report to the European Commission about our advancement in the area of administration. That, I believe, is quite important in light of our common objectives, our common goals.²³

However, such a reaction to external influences and ideas and the lack of one's own vision of civil service meant that, in the words of Tony Verheijen, "Rather than being a starting point for the development of civil service policies, the adoption of laws has become an objective in itself."²⁴

Actually the lack of having a consistent vision is characteristic of the later period as well, not only up to the time of entry into the EU. For example, as ascertained by Attorney Audrius Bakaveckas,

The development of public administration until 2010 and the 2007 - 2010 plan of means for implementing its strategy are completely unaligned with the means

²² *Valstybės tarnybos reforma Lietuvos pasirengimo narystei Europos Sąjungoje kontekste. Konferencijos medžiaga* (Reform of civil service in the context of Lithuania's preparedness for European Union membership. Conference material) (Vilnius, 1999), p. 66.

²³ LR Seimas (*Seimas* of the Republic of Lithuania), "2000-2004 m. kadencija. 4 eilinė sesija. Aštuonioliktasis (214) posėdis. Stenograma" (2000-2004 term. Ordinary session 4. Eighteenth (214) meeting. Stenographic minutes), (April 09, 2002), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=164139 (accessed November 11, 2008).

²⁴ Tony Verheijen, "Administrative Capacity Development: A Race Against Time?" *Scientific Council for Government Policy* 2000, <http://www.wrr.nl/english/content.jsp?objectid=2892> (accessed November 11, 2008).

for implementing the 2006 - 2008 Government Programme. On the whole, it is notable that every newly-formed Government has raised the task of determining the optimal model for the structure of institutions governing the State, as one of the most important means for managing the country, ever since 2001. However, neither the twelfth Government (which, by the way, was the Government operating the longest) nor the thirteenth Government was able to implement it. Obviously the fourteenth Government will not be able to surmount this task either.²⁵

Academic criticism regarding certain aspects of Lithuania's civil service reforms have already been submitted by Klaus H. Goetz, Haroldas Brožaitis and Žilvinas Židonis. As stated by Židonis,

Accountability by political institutions managing the State [in Lithuania] is quite weak. From the very start of the development of civil service in Lithuania, the model selected was Weberian, which presupposes a strict division between the spheres of politics and administration. F. Cardona, who was Principal Administrator of the EU's Phare Programme for Public Administration Reforms in Lithuania, asserted that Lithuania must be based on the public administration tradition of continental Europe during the period of the first independence, which had spun off from the Prussian and Napoleonic concept of the State. By virtue of this concept, a professional bureaucracy is the foundation of a strong State. The major motive for selecting this model was the effort to abolish the practice of Soviet administration. Cardona said, 'When assessing civil service during Soviet times, a definite confusion is noticeable between governing by the Party and the State and, later, the conversion of this service into the simplest instrument of the communistic elite.' However, such a model of civil service in Lithuania not only abolished the negative influence of parties on civil administration but also the necessary political control.²⁶

It is possible to concur with the claim by Židonis that "the 'architects' of Lithuania's civil service erroneously interpreted the former Soviet system of State management."

An indirect inspiration for such a conclusion is also the thesis by Klaus H. Goetz that, when pursuing depoliticization, it is important not to confuse a politicized personnel policy with the functional politicization of the corps of senior administrative officials.²⁷ As they were attempting to form a professional civil service, its developers in Lithuania purely went down the road of merely detailed legal regulations and a strict, albeit formal separation of functions. Vidmantas

²⁵ Audrius Bakaveckas, *Lietuvos vykdomoji valdžia* (Lithuanian executive power) (Vilnius: Eugrimas, 2007), p. 226.

²⁶ Žilvinas Židonis, *supra* note 3: 349.

²⁷ Klaus H. Goetz, "Making Sense of Post-communist Central Administration: Modernization, Europeanization or Latinization?" *Journal of European Public Policy* 8:6 (December 2001): 1040.

Adomonis, the former Vice-Minister of the Ministry of Management Reform and Municipal Affairs who was responsible for arranging the Law on Civil Service, assessed the passage of this Law from the perspective of time, as follows,

In the discussions by our work group, it became clear that what Lithuania's civil service lacks most is stability. There were great changes after every election. Level A officials (now civil servants of political [personal] confidence), of whom there were very many, changed constantly. Stability was desirable, and only a career system could provide it. Characteristic of such a system was to have everything regulated in detail, leaving no room for the will of the officials to manifest. It was apparent that this was needed. We ran up against several very distinct personalities from the Government of that time who were actually "princes" – 'I am the Minister and I will employ whomsoever I want for the job.' Clearly there could be no objective recruitment of employees in those ministries. We wanted to regulate this very firmly and in detail, so there wouldn't be any chance for the heads of such institutions to do whatever they wanted to do. I am sorry to say that we were unable to accomplish this.²⁸

In 2002, once the Law on the Government was amended, the reform on the management of the ministries was executed. By its virtue, the number of officials of political confidence was reduced to one such official per one ministry. The other positions for civil servants of political confidence were converted into positions of career civil servants. The actual result of this reform was that, practically speaking, there were no new people (from the outside) coming into this new type of position, meaning the position of a career civil servant. Once the competitions were organized for the highest positions of career civil servants at the ministries, only four "new" people were appointed. Prior to this, they had held lower positions but no lower than department director in one or another ministry. All the rest who had become the newest career civil servants and, at once, filled the highest positions in the ministries had formerly been vice-ministers (30), advisers to a minister (2) and secretaries or deputies at a ministry (15).²⁹

Heed must be paid that amendments were made to the Law on Civil Service synchronically. A probationary period, once obligatory for first-time appointments into career civil service, was abolished. Additionally the previously-required work experience was eliminated for appointments into the highest, career civil service positions. Thereby the system of recruitment into civil service was modified from one of a career recruitment system to a position recruitment system. Conditions were formed for young people to more readily enter civil service. However, this was one of the more formal aspects because, concealed between the lines of these

²⁸ Ona Šumskienė, "Pionieriškas įstatymas vardan tarnautojų stabilumo" (A pioneer-like law in the name of government employee stability), *Valstybės tarnybos aktualijos* 10 (November 2007): 12.

²⁹ Haroldas Brožaitis, *supra* note 2: 122.

amendments, there was a political interest to form the conditions for entry by those who had been “converted” from the former civil servants of political confidence (vice-ministers and the like) and who had not served any length of time in career civil service.³⁰ The coalition in power at the *Seimas* made the effort for these amendments devoid of any attempt to gain endorsement from the other political powers. This also bears witness about the dearth of a well-considered strategic vision and strategic agreement. *Seimas* member, Eligijus Masiulis, assessed the possible consequences of such a situation in the 2002 *Seimas* discussions by stating,

Regretfully there was no effort to reach a general political consensus for drafting a law as important as the Law on Civil Service. All the provisions of the various parliamentary factions and parties are not reflected. This is a weakness indicating that, in the near future, perhaps during the next term, this law will be amended again.³¹

Management of the activities by Lithuania’s public bureaucracy was rather successfully organized on provisionally modern foundations during 2000 - 2008. Strategic management, quality control and elements of management by results were introduced. However, influences from the Soviet heritage can be sought here as well. As Vitalis Nakrošis asserts,

As assigned by Lithuania, the managerial information regarding the execution <...> in 2005 <...> of the annual plans, as per the assessment criteria of strategic activities and budget programs that was gathered from 37 of the top, allocation administrators, showed good results: these institutions executed their plans, on average, by 140 percent at the level of results and 125 percent at the level of production. The 2006 plan of assessment criteria was executed, on average, by 132 percent at four of Lithuania’s ministries (Ministries of Social Security and Labour, Education and Science, Health and Culture). However, these excellent results are not actually realistic. The administrators of allocations are playing a game: the annual plans are consciously developed to a lower degree so they can be exceeded. Since there are no financial or other penalties for unfulfilled plans, *such behaviour can be explained by features of the post-communist culture*. This practice also shows that many of Lithuania’s State institutions work without pursuing their “limits of possibilities”: their plans can be increased by at least a third.³² (Emphasis by author – S. P.)

³⁰ Ingrida Blužaitė, *Verbavimas į Lietuvos karjeros valstybės tarnybą. Bakalauro darbas* (Recruitment into Lithuania’s career civil service. Bachelor’s degree study) (Kaunas: Vytautas Magnus University, 2003), p. 11.

³¹ LR Seimas, *supra* note 23.

³² Vitalis Nakrošis, “Lietuvos valdžia: kokie jos rezultatai ir kiek ji kainuoja?” (The Government of Lithuania: what are its results and how much do they cost?), *Valstybės tarnybos aktualijos* 14 (September 2008): 7.

Such an assertion is a rather convincing guess, although more data would be required to prove it unquestionably. Apparently this is why substantiation of the highlighted citation did not appear in the wider study on the same topic by Nakrošis.³³

3. WHAT IS THE ACTUAL NATURE OF POST-SOVIET, LITHUANIAN BUREAUCRACY?

A radical (albeit formal) depoliticization of bureaucracy occurred in Lithuania during the 21st century. In reality it was not accomplished for the objectives foreseen by international experts – named as stability and professionalism. However, in actuality, bureaucracy did not become professional in the sense of public policy-making. Possibly, using the terminology of Herbert Mintzberg,³⁴ it is possible to state that the transition from a machine to a professional bureaucracy never occurred to its finality. Nonetheless, Mintzberg's aforementioned terms are not entirely adequate for describing the transformations of a post-Soviet bureaucracy because they do not consider the nature of the Soviet system and its transference/continuity/inheritance during the post-Soviet period.

An American scholar, Jone L. Pearce, has perceptively characterized post-Soviet bureaucracy based, by the way, on some small studies done in Lithuania in 1994 which arrived at conclusions that are still relevant today. Post-Soviet bureaucracy, according to its real nature, can be described as a type of pseudo-bureaucracy ("formalistic bureaucracy", as named by Fred Riggs, a distinguished scholar on the bureaucracies of developing countries).

With accurate planning impossible in a centrally planned economy and little expectation that rules were substantive rather than formalistic, sensible individuals learned to put their trust in good people rather than their bad organizations <...> Communist pseudobureaucracies have many of the bureaucratic organizational means. Yet personal relationships could always be used to circumvent them. <...> Pseudobureaucracies have the formal trappings of Weber's bureaucratic means: formalism, rules, hierarchy, and strict division of labor. However, these practices are not in the service of impersonal meritocratic attainment of openly acknowledged goals. Rather, such rules can and would be set aside as a personal favor.³⁵

³³ Vitalis Nakrošis, *Strateginis valdymas Lietuvoje*, supra note 1, p. 21-22.

³⁴ Herbert Mintzberg, *Structure in Five. Designing Effective Organizations* (Englewood Cliffs, New Jersey: Prentice Hall, Inc, 1993).

³⁵ Jone L. Pearce, *Organization and Management in the Embrace of Government* (Mahwah, New Jersey: Lawrence Erlbaum Associates, 2001.), p. 75.

The present bureaucracy in Lithuania says the opposite, "We are guided entirely by the laws." This is heard quite frequently in public discussions and it is a sufficiently typical phrase.³⁶ Similar statements by representatives of Lithuania's public bureaucracy are a systematic feature; thus this constitutes a manifestation of pseudo-bureaucracy. Soviet leaders were able to allow themselves to name the realistically thriving, personal volunteerism in the Soviet system of governing. Meanwhile, in the post-Soviet bureaucracy of Lithuania during the current stage of its evolution, the stance of public bureaucracy is based on rhetoric about legalism. However, legalistic rhetoric masks legal nihilism. Formal rules (laws and the like) still do not correspond with the definition of bureaucracy by Max Weber, because they are formalistically accented. Meanwhile the substance regarding their functioning (and effectiveness) is rejected. While ascertaining the symptoms of this phenomenon, it must be said that more detailed empirical research, starting with sociological, is necessary to assess the scope of its prevalence, meaning the extent of the still relevant Soviet heritage. Nevertheless an indicator such as the high and unrelenting level of political and administrative corruption points to the pseudo-bureaucratic feature of Lithuania's post-Soviet bureaucracy. The Corruption Perception Index in Lithuania remained essentially stable from 2001 to 2008, never crossing an index of 4.8 (a rate poorer than one for an averagely corrupt country).³⁷ On the map of Lithuania's corruption, most people interviewed in the research (more than 60 percent) indicated that the major reason for giving a bribe was the desire to handle matters more quickly due to the existing huge bureaucracy.³⁸

The specific Soviet personnel policy and politicization of managerial decision-making was thoroughly and convincingly analyzed by the known Russian economist, Gavriil Popov, author of the term, "the administrative - command system." He wrote,

This system is not adapted for any other type of decisions except the centralized, any other decisions except wilful decisions. It is capable of [decision-making] searches, but only those of an entirely concrete, limited form: if it is demanded from the top. <...> The logic of the internal Administrative system is based on the subsystem of fear, the right of the heads to, at any

³⁶ Cf. "VDU kaltina Kauno apskritį siekiant nusavinti jų sklypą" (Vytautas Magnus University blames Kaunas county for the attempt to annul ownership of their land lot), *Balsas.lt* (October 23, 2008), <http://www.balsas.lt/naujiena/220395/vdu-kaltina-kauno-apskriti-siekiant-nusavinti-ju-sklypa/rubrika:naujienos-lietuva-regionai-kaunas> (accessed November 11, 2008).

³⁷ Transparency International Lithuania branch, "Transparency International korupcijos suvokimo indeksas 2007" (2007 Corruption Perception Index), http://www.transparency.lt/new/images/cpi2007_info.pdf (accessed November 11, 2008).

³⁸ TNS Gallup, Transparency International Lithuania branch, "Lietuvos korupcijos žemėlapis 2007" (2007 Map of Lithuania's Corruption), http://www.transparency.lt/new/images/lkz_2007_galutine.pdf (accessed November 11, 2008).

moment, terminate the one below without explanation of the reasons for the termination.³⁹

Generally the Soviet administrative system was based not only on the greater or lesser volunteerism (depending on the position) of the persons holding ruling positions but also on the privileged situation and protectionism, at the account of ordinary workers, of persons holding ruling positions who are additionally loyal to the ruling political party. That was one of the features of the so-called *nomenclatura* system. It is necessary to search for traces of this phenomenon in the post-Soviet bureaucracy as well. It is plausible that the protectionism of leading personnel at the account of ordinary employees, which specifically has *nomenclatura* roots, manifests in the application of career and compensation mechanisms for present-day civil servants of Lithuania. Upon examining the first performance evaluations of Lithuanian career civil servants, the outcomes of which determine allocations of the so-called qualification classes and, at the same time, a considerable bonus to the compensation for service, one thing had to be ascertained. The highest qualification classes, especially at the smaller State institutions, were granted to career civil servants who held managerial positions. Essentially these were only allocated to non-managerial employees in exceptional cases.⁴⁰ Interestingly a similar tendency has remained stable. As per the data of V. Nakrošis, qualification classes continue to be disproportionately granted to employees holding higher positions of service. At the end of 2006, about 94 percent of all State secretaries and secretaries at ministries, 71 percent of the heads of internal structural branches of the ministries and their deputies and only 38 percent of leading, senior and other experts held qualification classes.⁴¹ The latest report of the Civil Service Department of the Republic of Lithuania seemingly attempts to justify the greater number of the civil servants in higher grades with the qualification classes as compared to other civil servants stating that there are significantly fewer upper grades employees than there are lower grades employees. Such an explanation does not withstand criticism, because the disproportion is already much too obvious. In 2007, fewer than 50 percent of civil servants in grades ranging from 1 to 10 (Grade 4 being the exception) held qualification classes. Meanwhile more than 60 percent of servants in grades 12 to 20 held qualification classes.⁴² Only the employees with the very highest grades are but a

³⁹ Gavriil Popov, "S tochki zreniya ekonomista (o romane Aleksandra Beka "Novoe naznachenie")" (An Economist's View (on the novel by Aleksandre Bek "New Appointment")), *Nauka i zhizn* (1987), http://wsyachina.narod.ru/social_sciences/adminsistem.html (accessed November 11, 2008).

⁴⁰ Saulius Pivoras and Rūta Dapkutė, "Tarnybinės veiklos vertinimas Lietuvos valstybės tarnybos personalo vadyboje" (Performance appraisal as a tool of civil service personnel management in Lithuania), *Politologija* 1 (2004): 69.

⁴¹ Vitalis Nakrošis, *Strateginis valdymas Lietuvoje*, *supra* note 1, p. 44.

⁴² LR Valstybės tarnybos departamentas, *supra* note 5: 32.

small part of the overall number of civil servants. The total number of servants in grades 11 to 20 comprised 43.5 percent, or nearly half, of all civil servants in 2007.⁴³

Haroldas Brožaitis, while discussing political control of the bureaucracy, the policy on bureaucracy and similar issues, names that, during the years of the Soviet regime, the Communist Party apparatus was utilized as an instrument of political control. Any sort of limit between the political level (the Communist Party) and the administrative level was eradicated, because party membership was also demanded of bureaucrats. Thereby the expectation from bureaucrats was not neutrality (impartiality) but political loyalty and engagement. In this sense, Soviet bureaucracy was a politicized bureaucracy. However, in the tradition of Western democratic countries, the functions of bureaucracy are not merely administrative activities that are purely technical but also managerial (public policy-making). In the Soviet system, bureaucracy was limited to purely technocratic administrative operations; whereas, public policy was exclusively the province of the Communist Party. In this sense, the separation of politics from administration was nearly ideal. And furthermore, in this sense, Soviet bureaucracy was nearly perfectly depoliticized (separated from public policy-making). A later consequence of this was very weak abilities in public policy-making (management at the level of Government) during the post-Soviet period.⁴⁴ The post-Soviet bureaucracy did not have any capabilities at knowing how to formulate and submit its substantiated ideas, adequately react to the problems of the society and have the resolve to accept risks and responsibility. These were fostered weakly and continue to be weak. In this sense, the re-politicization of civil service along with the strengthening of professionalism is relevant. Therefore, there cannot be concurrence with the categorical assertion by analysts representing the World Bank that politicization is considered a primary obstacle to the successful development of administration.⁴⁵ That is, obviously, if politicization is understood, first of all, as a functional politicization of the corps of senior officials. For example, Canadian experts in public administration consider this or a similar politicization as one of the most important paradigms of reforms in civil service.⁴⁶ The functional plans for the re-politicization of senior officials clarified after the 2008 elections. During the final session for the year of Lithuania's *Seimas*, on December 23 2008, following deliberations, amendments to the Law on the Government were approved. These

⁴³ Counted from *ibid.*: 73.

⁴⁴ Haroldas Brožaitis, *supra* note 2: 119.

⁴⁵ Tony Verheijen, *Administrative Capacity in the New EU Member States* (Washington: World Bank, 2007), p. 10.

⁴⁶ Peter Aucoin et al, *Modernizing Governance* (Ottawa: Canadian Centre for Management Development, 2000), p. 151-152.

foresee the ability to appoint up to four vice-ministers of political confidence per one ministry.⁴⁷

CONCLUSIONS

Lithuania's public bureaucracy is still tenacious with characteristics and features of the bureaucracy inherited from the Soviet period. One is the especially strict disassociation (particularly pronounced or "returned" during the 2002 - 2008 rule by the Social Democrats) of bureaucracy from public policy-making and public policy initiatives, closing it off to a purely technical understanding of administrative and services provision operations (the bureaucrat as a "paragraph-automat"). Such a closure, however, does not interfere with the flourishing of bureaucratic volunteerism indicated, first of all, by the level of corruption in Lithuania that does not decrease. That means that, to a considerable part, the post-Soviet bureaucracy of Lithuania continues to be a pseudo-bureaucracy.

Signs of the protectionism of managers with roots of the *nomenclatura* at the expense of ordinary employees can still be found in Lithuania's civil service. They become clear when observing how the instruments for career and compensation are applied in civil service in reality. The outcome of the 2003 - 2006 annual performance evaluations of Lithuanian civil servants for career civil service was clearly disproportionate in the financial incentives for those public bureaucrats who hold managerial positions.

Political control of the bureaucracy noticeably weakened during 2002 - 2008. This first relates with the corrections made to the Law on Civil Service and other laws. On one hand, the purpose for the reforms was to counter the practice of politicized personnel management in civil service. However, needed attention was not paid to the two-fold nature of politicization. Along with personnel management that is politicized, the functional politicization of the upper levels of civil service is also known. The latter is specifically considered one of the prerequisites for the successful implementation of public policy, an adequate mean for political control of public administration. After the 2008 elections, plans were renewed to increase the number of servants of political confidence at the ministries. This is a required response to the situation, not merely a political whim. Nonetheless, when realizing plans of such a type, it would be rational to more accurately define the status of a servant of political confidence as well.

⁴⁷ LR Seimas (Seimas of the Republic of Lithuania), "2008-2012 m. kadencija. 1 eilinė sesija. 25 posėdis. Protokolas" (2008-2012 term. Ordinary session 1. Meeting 25. Protocol of proceedings), (December 23, 2008), http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=334439 (accessed December 30, 2008).

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