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STANDARDIZATION OF PUBLIC SERVICE LAWS, REGULATIONS, ETC.^{1/}

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STANDARDIZATION OF PUBLIC SERVICE LAWS, REGULATIONS ETC.

Many questions come to one's mind when this topic is mentioned. Among these, may be the following:

What do we mean by standardization? Is standardization possible? If so, is it advisable? If it is, how does one go about it?

Some attempt will be made to express opinions on these questions in this short discussion paper.

Standardization may be interpreted to mean action taken to ensure conformity to a set pattern. This may imply simply the setting or establishment of guidelines - a common frame of reference; it may also imply entering into specifics.

If we take the first definition of standardization - that of establishing guidelines - then it is clear that standardization is possible and advisable as there is some universality in the major problems facing civil services. For instance, every civil service seems to be concerned about ways and means of containing or controlling self-expansion and of reconciling the need for occupational discipline with the requirements of a merit career service. Standards, certainly contribute to the success of human endeavours. For example, communication is based more or less on standard meanings of words and symbols. Standards enable an organization to operate under the management - by - exception principle. Standards also insure greater consistency in policy application, and provide a reference guide.

But in establishing standards, it is good to remember that they can also contribute to the stagnation of ideas and organizations and that even poor ones are frequently used as basis for decisions for long periods. The first requirement for establishing standards, therefore, is that the best practice or methods attainable under the present circumstances should become the basis for any standard. While it is true that it is difficult to change standards to reflect the present circumstances, it would be well for us as personnel administrators always to conceive of standards as ratchet wheels which are to preserve progress and which, therefore, need to be updated from time to time.

On the other hand, if by standardization we mean entering into specifics, then we are bound to face some difficulties in our attempts to bring about uniformity. First of all, there is the problem connected with the continuum of development ranging from the least developed to the highly industrialized and developed nations and at each stage along this continuum there is an appropriate policy for further advance. This statement is equally applicable to administrative advancement as to economic development. In other words, each country, even if we restricted ourselves to Africa alone, is at a different point in the continuum and policies/regulations that may be applicable in one country may not be applicable in another. In any case the experience of one country cannot be exported to another in its entirety. Even

at the country-level, it is impossible to make specific central rules to fit the operations of every department. This problem also relates to the difficulty in selecting the factors or criteria for standardization.

In any case, rules by their very nature should deal with generalities. They cannot be made to cater for all eventualities. What may be appropriate in a given circumstance may be completely inappropriate in others. Rules should, therefore, be flexible and allow room for the use of discretion. In other words, rules should cover generalities, should be designed to give general direction and ensure some measure of uniformity and allow specifics to be dealt with by people in the field. The basic reason for rules is not to restrict the individual but to further the general welfare of the organization and the attainment of its objectives. As Peter Drucker puts it, a rule is like setting the course of a ship. There are times when the ship's officers may have to allow it to run off course - for instance, in bad weather - but as the main aim is to ensure that the ship reaches its destination this amount of discretion is allowed to them. If rules are detailed and restrictive, they frustrate the conscientious and tend to sap morale. In the interests of administrative efficiency, therefore, the number of detailed administrative provisions in legislation should be kept to a minimum.

If individuals in an organization are to be given considerable freedom to make decisions on their own then one may question whether there is any need for rules etc. in administration, much less standardized rules. This argument can be buttressed by quite a number of points. Rules normally lead to red-tape and retard expedition of matters. Rules have the tendency of stifling initiative and may make it difficult for the organization to adapt itself to changing conditions. They provide the inept supervisor with a crutch to lean on and enable him to avoid the uncertainties of making decisions on his own. They may be applied too rigidly by officers who fail to use good judgment in handling specific issues thereby giving the petty tyrant a shield behind which he can vent his vindictiveness. Then there is also the possibility that different interpretations will be put on the rules.

These are strong points to be sure. But sheer necessity demands that there should be rules. Rules are a prerequisite of an orderly society and this is the reason why every organization has rules to govern the actions and behaviour of its members. While the individual should be given some freedom to make decisions it is necessary to ensure that his decisions are not completely unfettered and that his actions conform to the goals of the organization. This insurance is provided through the setting of limits - through the establishment of rules. This can free top-management from dealing with numerous time-consuming aspects of routine business of the organization because supervisors need not check back with their boss each time an action or a supervisor is called for, since they know the limits within which they can operate.

Rules, moreover, are an essential element in the chain of authority - part of the downward stream of communication to which subordinates are expected to respond. Rules make for consistency and reduce the possibility that personal feelings rather than organizational objectives will predominate in decision-making. By providing standards for evaluation, rules make possible supervision by results and provide a basis for discipline and help individuals to know where they stand. The complex nature of government work makes it impossible for any one man to take all the decisions, as different aspects of the same issue have to be considered and decisions of different kinds have to be taken at different levels. If individuals are not to indulge in taking ad hoc decisions, then there must be some regular grammar, some syntax by which their decisions would be guided. By means of this regular grammar it becomes easier to identify mistakes and trouble spots.

Then if we consider the difference between public and business administration, the need for standardized rules becomes even more urgent. Public administrators, unlike their business counterparts, are required, as a matter of principle, to treat equal cases equally, and this must be demonstrated publicly. This implies that there should be some principles, some rules to give basis for the decisions. Then it must be shown that all public properties are being managed well and that public moneys are being spent with due care and attention. In order to insure these two principles there is the notion of public accountability of civil servants - an ex post facto audit designed to ensure safety against dishonesty, carelessness, injustice and unfairness. Government business, is, therefore, bound to be slower than private business. Some amount of red tape is necessary in every organization if the organization is to function effectively, but excessive red tape is what should be disparaged.

Having established that rules have an important place in administration and that it is possible to provide guidelines but not specifics, the question which arises is, what should be done? This question can be dealt with on regional or world wide basis or on national or even departmental basis.

First let us take the larger unit. It would be a good idea if bodies like the United Nations would do the following:

- (a) bring to the notice of especially developing countries a comparative study of the code of laws, rules etc. being used in as many countries as possible, indicating, where possible, the pros and cons between the different practices and rules. For instance, developing countries would be interested to know, the advantages and disadvantages between relying on formal legislative processes and resorting to purely administrative instructions;
- (b) offer advice as to what considerations should be taken into account by individual countries in drawing up their rules etc. and
- (c) possibly, setting up certain standard objectives which such laws/rules should aim at achieving.

It is necessary here to mention that the United Nations has indeed come up with a "Handbook of Civil Service Laws and Practice" but the impact of this handbook is bound to be minimal for a number of reasons. Firstly, in most cases the criterion used was a comparison of systems used in countries which served under the tutelage of a particular imperial power. Since these practices have much in common whether the ex-colony is in Asia, or Africa or the West Indies, it would seem that if practices in particular regions had been compared and contrasted, this would have been more interesting and given people more food for thought. Furthermore, by using the criterion they picked on, the editors of this handbook, in an attempt to avoid repetition, wrote only rather short comments on individual countries stretching from newly independent countries like Ghana and Nigeria to countries like India and Pakistan which have been independent for a long time, as well as to countries like Australia and New Zealand which are highly industrialized.

Having used this criterion, one would have expected that there would have been at the end of each chapter, a chart indicating the practices which are common and those which are not, but there is none in this handbook.

Then also, while the handbook mentions the practices of the various groups of countries, very little attempt seems to have been made to help a developing country in deciding which to adopt by postulating the pros and cons of the practices.

What also appears to be lacking in the handbook is that there seems to be no indication as to the ultimate objectives or aims which civil service laws and rules should attempt to achieve so that the rules do not appear as ends in themselves.

It may be necessary here to suggest what should be the aim of a suitable civil service law. Such a law should aim at achieving the avoidance of all types of discrimination in public personnel management, ensuring merit as the criterion for selection and promotion, job security for competent officers, social security for the officers and their families, objectively constructed pay scales with seniority increments, training facilities, incentives, and a fair disciplinary system with provision for appeals etc. In individual countries, it is important to remember that duplication and waste result from the isolated development of systems for the exclusive purposes of individual departments. Means must be established to develop systems and integrate them properly throughout the public service without regard to departmental boundaries. Much of the work in the civil service is necessarily repetitive and, therefore, amenable to standardization so as to integrate and systematize policy and related practice. The establishment of standards and assessment of performance against them, however, require close attention and careful planning.

The central personnel agency should only aim at setting down policy decisions, the basic principles and regulations concerning conditions of service etc. which affect government employees in the country. The application of these rules should be left to the individual departments. While the

central personnel agency should, for instance, indicate the vacation - leave entitlement of each category of employees in the whole of a particular civil service, the periods during which these employees do go on vacation leave and whether or not they should take the whole leave in one lump should be left to individual departments.

The central personnel agency should also ensure that there is a machinery for keeping such rules and regulations up to date since rules which might have been perfectly appropriate at a particular time may be quite inappropriate at another time because the circumstances have completely changed. For instance, most African countries at independence tend to preserve, as a sacred document, the book of rules made in the colonial days to suit a colonial regime. It is not meant here, that all the rules made in the colonial days are inappropriate; all that is being said here is that quite a number of those rules are woefully out of date and inappropriate for the present circumstances of the country concerned. A book of rules can be kept current by being looseleaf, thus facilitating the insertion of new pages and the disposal of obsolete ones. Officers should be required to point out the need for revisions when operating experience indicates that current instructions are impracticable. Such a book should not only be written in simple language, but should also be kept brief if it is to be useful. It can be so kept by a careful consideration of policies and procedures so that only what is pertinent is included. Indeed this practice may go a long way to correct one of the most serious faults of bureaucratic administration, - the tendency to multiply rules, orders, regulations and written instructions to the bewilderment and confusion of the field officer.

What has been said of an individual country is also applicable to a department. Departments which have to operate over a wide geographical area and have to handle complicated questions of technical procedure must have written procedures or instructions - standard manuals - for assisting officials in the field in making quick decisions. Such a body of rules solves an ambiguous situation, a situation of doubt where the individual officer does not know his rights and duties and how far he can go in using his discretion. In such decentralized departments, the Head of Department should formulate policy statements relating to the department's fields of activity. Through these statements the Head of Department should clarify, the extent to which decentralization of responsibility and authority has actually been affected. Financial and related control procedures should be published so that authority for specific actions is delegated in accordance with the decentralization plan. Head quarters procedural instructions should be confined almost exclusively to stating what is to be accomplished. Procedural details on the "how" of instructions should be avoided in a decentralized organization except where department-wide or government-wide standardization or uniformity is required to obtain accurate data, or assure uniform compliance with laws and governmental regulations or to affect important operating economics resulting from method or equipment standardization. Provision should also be made for operation divisions to develop and maintain their own manuals in which they interpret data from headquarters manuals or central government regulations and tailor instructions to their local objectives and conditions.

In short, some amount of standardization is necessary if there should not be too much centralization with its attendant evils of weakening the prestige and authority of the individual supervisor, as well as of slowing down, considerably, the expedition with which matters are considered. On the other hand we should not adopt the undesirable alternative, of leaving each supervisor free to deal with his subordinates in any way he pleases. Standardization should serve as a happy mean between all-out centralism and near anarchy through establishing general policies and guide-posts which can be administered with some measure of flexibility.
