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The impact of politicians on administrative reform processes? Analyzing the introduction and implementation of mandates for top civil servants.

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ABSTRACT

During the past decades governments were characterized by a wave of public management reforms. Despite the emphasis found in literature on the role of political actors, actions taken by this political elite obtain only a limited attention. This paper analyzed the role of these political actors for one specific element of government reform namely the introduction of a mandate system in Belgium. To analyze the role of political actors during the administrative reform process, the paper will be based on a qualitative and quantitative approach. First, the role of political actors during the decision-making process of the mandate system is analyzed. Second, a quantitative analysis of the selection procedure allows us to verify the impact of political decision making on administrative reforms. Based on actor-centred institutionalism, we may stress the importance of leadership as a condition for change. However, interactions among multiple actors will determine the results of the change project.

1 Introduction

During the past decades governments were characterized by a wave of public management reforms. Most of these reforms are inspired by New Public Management. Bauer distinguishes between substance and process to study management reforms (Bauer, 2007). Substance includes research on the magnitude or intensity of change. Besides these aspects, we also may refer to the different components of management reforms – the so-called what question: finance, personnel, organization, performance measurement systems (Pollitt & Bouckaert, 2004). Research on the substance of management reforms results in answers on what changed but not on how this change occurred. Therefore we have to analyze the process of management reforms. The focus on the process of the management reforms results in an analysis of the initiator of reforms, the mobilized resources and the involved actors (Barzelay, 2003). Analyzing the change process will lead up to explanations of the outcome of the reforms.

Different scholars mention the involved actors in public management reforms. Pollitt and Bouckaert conclude that public management reforms are an elite driven process (Pollitt & Bouckaert, 2004). They notice three groups who determine the administrative reform process: a small number of politicians, top civil servants and outsiders. Other scholars also ascribe an important role to politicians in public management reforms. Some even argue administrative reforms are political decisions (Savoie, 1998). Halligan points at the neglect of political elements as the reason for the failure of administrative reforms in Australia during the 70ies (Halligan, 2001). Others emphasize the importance of including political interaction in studying administrative reform processes (Goldfinch & 't Hart, 2003).

Despite the emphasis found in literature on the role of political actors, actions taken by this political elite obtains only a limited attention (Yesilkagit & De Vries, 2004). This paper would like to add a contribution to the understanding of the role of politicians in administrative reform processes. Therefore, the research question for this paper will be: what is the impact of politicians on administrative reform processes?

As mentioned above, management reforms include many different aspects (f.e. organizational, financial, HR transformations,...). This large extension of administrative reforms obliges us to define our research focus. To conduct our analysis we will limit it to the introduction of a mandate system in Belgium and more specific on the selection of top civil servants in Belgium during the so-called Copernicus reform (Hondeghem & Depré, 2005). The impact of political actors during the administrative reform will be analyzed using a qualitative and quantitative approach. The aim of the qualitative approach is to determine the political interaction during the decision-making process. The quantitative approach will be based on a database made up of 2544 candidates for the selection of 108 top positions. The quantitative approach allows us to verify the impact of political decision making on administrative reforms.

2 Theoretical framework

The 'old' institutionalism emphasized the difficulties to change institutions. In the different streams of neo-institutional theory, we also find a focus on stability instead of change.

Sociological institutionalism developed out of organization theory during the 70's. According to sociological institutionalism institutions are cultural constructions. These cultural constructions (f.e. norms and values) determine the identity of individuals and organizations. Because institutions are social constructs they become 'taken-for-granted' for individuals and organizations. "*The self-images and identities of social actors are said to be constituted from the institutional forms, images and signs provided by social life*" (Hall & Taylor, 1996). According to the sociological variant of neo-institutional theory, actors try to define their behaviour and identity in a socially acceptable way. The institutional field demands organizations or individuals to comply with institutional pressures. Therefore, legitimate behaviour is manifested rather than instrumental behaviour. Through this legitimate behaviour organizations become isomorphous. "*Isomorphism is a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions*" (Hawley, 1968).

Because institutions structure the way actors evaluate existing institutions and contemplate reform, sociological institutionalism shows difficulties integrating institutional change in its explanatory framework (Torfing, 2001). According to Dorado, the sociological variant in neo-institutionalism is even marked by a paradox regarding institutional change. If intentions, action and rationality of actors are defined by institutions, it is even impossible to include institutional change in a theoretical framework (Dorado, 2005). After all, these determining institutions are object of the institutional change. Because of this paradox, sociological institutionalism came to externalize institutional change. Institutional change only occurs due to exogenous shocks in the environment. Only an external crisis can shake up the existing institutional framework. Next, institutional change requires a twofold step. First, institutional change is characterized by a process of de-institutionalization. Second, the 'new' institutions need to be re-institutionalized (Peters, 1998). The normative focus leads scholars to conclude that sociological institutional theory explains resistance to change rather than change itself (Tolbert & Zucker, 1983; Thelen, 1999).

Besides sociological institutionalism, literature marks historical institutionalism as another school in institutional theory. In short this variant typically argues that 'history matters'. Including history in institutional analysis, historical institutionalism focuses on path dependency. "*A social process that has been created by a small or big event, is governed by self-reinforcing feedback, setting a specific pattern into motion and has gained momentum to an extent that leads at latest potentially to a lock in*" (Sydow et al., 2005). Actors adapt their strategy and behaviour to the marked path. Because of compliant behaviour, the marked path will be enforced. Therefore, continuity of the path is fulfilled by self-enforcing feedback mechanisms. The lock-in of the path creates a momentum of stability, often called a punctuated equilibrium (Krasner, 1988). Path dependency will not necessarily be created by big codifications moments. Historical institutionalism focuses both on big and small events in the process of embarking a path or a punctuated equilibrium. However, criteria to determine a path are still a point of discussion in the

historical institutional literature (Sydow et al., 2005). Parallel to the punctuated equilibrium, the literature often refers to the importance of so-called critical junctures (Collier & Collier, 1991). These junctures create opportunities in which institutional change becomes possible. These change opportunities may lead towards opening up a new path. Although historical institutionalism includes moments of opportunities when change might happen, it hardly defines criteria to define critical junctures (Lindner, 2003).

Like sociological institutionalism, the historical variant needs to externalize change. Change only becomes possible when an exogenous shock creates an opportunity for change. These opportunities create conflict and power differences between actors. Institutional change becomes a process of conflict between actors. Although conflict and power are at the heart of historical institutionalism, it does not succeed to include this concept in periods of path dependency. Therefore, Peters concludes that conflict becomes a result rather than a cause in historical institutionalism (Peters et al., 2005). Consequently, historical institutionalism loose predictive capacity (Peters, 1998). Kay follows up on this by arguing that historical institutional theory becomes a label which fails to take decision-making into account (Kay, 2005). Peters and Pierre in turn claim that the need to have political actors in disagreement with the prevailing policies of the institutions is crucial for change (Peters et al., 2005).

Actor-centred institutionalism may be a way out of the inexplicability of institutional change in historical and sociological institutionalism (Scharpf, 1997). This theory does not exclude the impact of institutions on individuals but focuses on the relations between actors in changing institutions. The interaction between actors explains institutional creation and change. According to actor-centred institutionalism institutions do not determine fully the behaviour of actors. Actors' behaviour is characterized with a purpose to reach a certain outcome. Actors always have the choice not to 'obey' an institution. *"Even binding rules may be violated by actors who are willing to pay the price of sanctions' being applied or who subjectively discount their incidence"* (Scharpf, 1997). Through this actor-centred institutionalism has the possibility to include conflict and power in periods of stability; which complies with Peters' (2005) suggestion for including change in historical institutionalism.

This does not mean that we may equate actor-centred institutionalism with rational-choice theory. Contrary to rational-choice theory, actor-centred institutionalism assumes that preferences of actors are dependent of actor, time or place. Behaviour depends on the situation and the actors' perception about a specific situation. These perceptions and preferences are, however, created by institutions. Actor-centred institutionalism does not exclude institutions, but does not assign the same kind of explanatory power to them as other institutional theories do. Institutions rather construct a framework to describe influences on actors. The interaction between different actors is the focus of this theory. *"The primary business of interaction-oriented policy research within the framework of actor-centred institutionalism is to explain past policy choices and to produce systematic knowledge that may be useful for developing politically feasible policy recommendations or for designing institutions that will generally favour the formation and implementation of public-interest-oriented policy"* (Scharpf, 1997).

Actors are characterized by capacities, perceptions and preferences. Capacities are means actors own to reach a certain result. Actors are not exclusively individuals. Scharpf distinguishes between individual, collective actors and organizations (Scharpf, 1997). The possessed means are under institutional influence. Perceptions and preferences are stable or change due to learning or convincing. Actor-centred institutionalism assumes also that actors are not equal. They do not all possess the same capacities to introduce institutional change projects. As we mentioned before, actors' behaviour is intentional. According to actor-centred institutionalism a change project requires actors with sufficient means with the intention to reach a certain outcome. These actors have the capacity for change. We may say, actor-centred institutionalism meets institutional entrepreneurship (Dimaggio, 1988). "*Capacity for action and power dependencies are the enablers of radical change*" (Greenwood & Hinings, 1996).

Actors in institutional change projects are not isolated. Therefore, it is often not possible to undertake unilateral actions. Actors are surrounded by other actors which of course also possess capacities, perceptions and preferences. Changing institutions thus create arenas where different actors encounter each other and the result of the institutional change project will be determined by a constellation of different actors. "*Constellation describes the players involved, their strategy options, the outcomes associated with strategy combinations, and the preferences of the players over these outcomes*" (Scharpf, 1997).

While actor-centred institutionalism shares with rational-choice theory that actors change institutions, it shares with institutional theory that changing institutions is a difficult process. Even when circumstances from which institutions originated and mechanisms conserving institutions have disappeared, institutional change remains a difficult process (Scharpf, 1997). The main difference with other institutional theories is that actor-centred institutionalism explains recalcitrance of institutions, path dependency by interaction between actors.

According to actor-centred institutionalism, studying a change project requires studying constellations of actors involved in the change process. The constellation of these actors will determine the outcome of the change process. In this paper we will argue that research towards institutional change requires an actor-centred perspective.

3 Belgium: institutional framework

Although actor-centred institutionalism focuses on the interaction between actors, it remains an institutional theory. Institutions will define the context in which decision-making takes place. Institutions have the possibility to influence, simplify or hamper public management reforms. Therefore these reforms will be adapted to the political system (Ingraham, 1997). Besides, institutions influence the capacities, preferences and perceptions actors possess.

Before analyzing the interactions between different political actors, we first describe the Belgian institutional framework. The institutional framework gives us the possibility to determine the political actors which will be involved in the institutional change process.

Belgium is a representative and parliamentary democracy. Only the parliament is directly elected. The Constitution of 1831 defines Belgium as a monarchy. Consequently the head of state is a King. According to the constitution the King only has a limited personal power. He is not responsible and is incapable to act unilaterally. The competences of the head of state can only be executed together with a member of government. Because Ministers are not directly elected, they are responsible towards parliament. The Belgian parliament consists of two chambers: the House of Representatives and the Senate. Together with the King, parliament exercises legislative power. This executive power is executed by the King and the Ministers. Although not explicitly formulated in the Constitution, the National Congress of 1831 preferred the separation of power on the basis of Montesquieu (Vande Lanotte et al., 2005). Based on the constitution, we could expect that parliament will fulfill an important role in policy making. However, research showed parliament hardly fulfilled its constitutional role (Dewachter, 1995; Dewachter & Das, 1991; Dewinter, 1981). Parliament lacks power to impose its will on government (Dewachter, 1995). Executive power controls legislative power in Belgium. Concerning public management reforms, Pollitt and Bouckaert even argue that members of parliament lack time and are not inclined to give attention to public management reforms (Pollitt & Bouckaert, 2004).

Because of the power political parties possess, Belgium often gets the label of partitocracy (De Winter et al., 1996). This implies that political actors penetrate all sectors of public life. They become the key actors in policy-making. In the literature presidents of political parties are often defined as central actors in the partitocracy (Fiers, 1998; Dewachter, 1995). Belgium has a multi-party system. Three dimensions are noted: a socio-economic left-right dimension, a Catholic and anti-clerical dimension, and a regional/linguistic dimension. Since the last elections in 2003, ten political parties are represented in the House of Representatives. Belgium's electoral system for parliamentary elections is proportional, and hence no single party wins a majority in Parliament. As a result, elections in Belgium are always followed, by often painstaking coalition negotiations. Since WW II, coalition government has been the rule in Belgian politics.

A further two classic features to understand the Belgian political system are consociationalism and federalism. Lijphart classified Belgium as a consociational democracy (Lijphart, 1999), typically for a culturally divided society. This involves a necessary division of power between different societal groups (ethnic, religious,...) in order to 'glue' society together (Hood, 2000), and a political culture of compromise between the different groups in society to resolve conflicts. During the last three decades, Belgium changed from a unitary to a genuinely federal state in a process of state reform in four steps (1970, 1980, 1988, 1993). The federation is composed of three communities and three regions, each with legislative powers, and thus with their own parliament, government, and administration: the Flemish, Walloon, and the Brussels regions on the one hand and the Dutch-speaking, French-speaking and German-speaking communities on the other. Since the 1970ies, Belgium ceased having unitary parties: "... one crucial feature of the Belgian party system is that there are no 'Belgian' parties any more! All parties are homogeneously Flemish or Francophone, and only present themselves in the Flemish or Francophone constituencies."(Dewinter et al., 2000).

According to Pollitt and Bouckaert the speed to implement reforms differs according to the type of government (Pollitt & Bouckaert, 2004). In the absence of a clear distinction between winners and losers that is typical for majority systems, Pollitt and Bouckaert argue public management reform can be expected to be less radical in coalition government, but maybe also more continuous. The radical nature of reform in majority systems makes a succession of different reforms likely. *“The form of political executives can thus affect change at several stages in the process of reform. First, it influences the degree of leverage that can be created to launch a programme of reform. Second, it may affect the stability of reforms, once carried through consensually based innovations are hypothesized to have a higher life expectations than single party-based innovations, which may be overturned when a rival party gets back into power”* (Pollitt & Bouckaert, 2004).

Following the wide range of parties represented in parliament, government in Belgium is traditionally composed of at least 4 different political parties, which makes compromise necessary at different circles of government. Dewachter (Dewachter, 1995) distinguishes between three concentric circles in government. The first circle involves the approval by the Council of Ministers. The second circle includes the consultation bodies of the government. These consultation bodies take care of the consensus between the different coalition parties. Here we find for example the inner cabinet (see. infra). Also the negotiations between personal advisors of different ministers during the policy preparation phase can be located in this second circle. The third circle consists of the decisions by the individual Ministers. As the case in our paper deals with public sector reform, the Minister of Public Affairs is a central actor in the third circle.

In the fragmented Belgian government, the Prime Minister (PM) fulfils an important role. He chairs the cabinet, which decides by consensus. The PM needs to be a good negotiator to glue the coalition together. He needs to facilitate compromises within the coalition and fine-tune them in ways that each coalition party agree (Dewachter, 2001). The PM is also responsible for agenda setting. He is responsible for the items that will be placed on the agenda during the cabinet meeting and also for the way in which the issues will be raised. This competence gives the PM a lot of power over the other Ministers. It may be no surprise that research put the PM on top of the list of the power hierarchy in Belgium (Dewachter & Das, 1991), with Vice-PMs as close seconds. Vice-PMs are leaders of their own party Ministers in government. PM and Vice-PMs represent the inner cabinet, which is an important coalition smoothing institution. *“This inner cabinet meets quite regularly, and is a forum in which coalition parties reach major decisions on conflictual matters, decisions that the full cabinet then formally ratifies.”*(Dewinter et al., 2000) Inside government, PM and Vice-PMs are the crucial actors in the operation of the government.

The administrative system used to be based mainly on the Civil Service Statute of 1937. The aim of this statute was to create a professional civil service, protected from political interference. The Camu Statute, named after the special government commissioner, represented the Weberian model of a neutral, apolitical and competent civil service. Due to the Camu Statute, selection is based on competitive examination and promotion for length of service within the lower grades and merit within higher grades. Traditionally, Belgian civil servants are appointed for life. Therefore they hardly can be dismissed. These formal rules clash with the informal organization

of the civil service. (Brans & Hondeghem, 1999). Political criteria have always played an important role in recruiting and promotion of civil servants. Due to this tension, the Belgian civil service shows itself as a hybrid system between a 'merit system' and a 'spoils system'. Besides, Ministers are not only assisted by civil servants in the preparation, execution and evaluation of policy. Ministers are surrounded by personal advisors institutionalized in ministerial cabinets.

From the perspective of actor-centred institutionalism, political interaction on public management reform is crucial for understanding government reforms. The requirements that spring from compromises between different societal groups in a consociational democracy underscores the salience of interactions even further. Who then are the players in these interactions? Our overview of the Belgian institutional framework pointed out the dominance of government over parliament. We hence expect that the debate on institutional change is primarily located in government and more specifically in the Council of Ministers (first circle), inner cabinet, members of ministerial cabinets (second circle) and Minister of Public Affairs (third circle). Given the important role of the PM in Belgium, we add this function to these three circles. Political parties and their presidents too are central actors in the Belgian institutional setting. They are not ignored in our analysis.

4 In search of managers for the Belgian civil service

4.1 A Copernican revolution in the Belgian civil service

As to the government's relations with civil society and its broader political environment, it is no exaggeration to say that in the last decade of 20th Century, the Belgian political system was facing a governance crisis. This is evidenced not only by election results and survey data, but also by the growing concern of political elites about standards in public life. The 1991 electoral success of right-wing extremist and anti-political parties at the expense of the traditional parties was taken as a clear sign of dissatisfaction among citizens. A significant number of focusing events further supported the call for reform. Political sleaze and corruption dominated the first half the 1990s. In 1996 came the biggest and most dramatic blunder of all - the Dutoir case-, giving rise to a new social movement against past political practices and for drastic reform. New political culture (NPC) became the new buzzword, including a range of plans to restore public trust and raise standards in public life, including putting an end to political appointments, curbing the size of ministerial cabinets, and reintegrating top civil servants into policy-making (Maesschalck et al., 2002).

During the 80's and '90s Belgium faced many institutional reforms: the accession to the EMU, restricting budgetary deficits and the reorganization of social security. Due to these necessary institutional reforms, civil service reform had not been a priority for a long time. At the same time, it was being perceived that the succession of different crises in the 90's would lead to a serious breakdown (Van Hooland, 2003). After the elections in 1999, the newly elected government picked up the signals that an inadequately working government had a baleful influence on the country. Modernizing government became one of the priorities of the newly elected government in 1999.

For the first time in Belgian political history, a purple-green (composed of Social Democrats, Liberals and Greens) came into office. After 50 years in office, the Christian Democrats were no longer part of the coalition. In many policy arena's there existed a "euphoria of change" (Maesschalck et al., 2002). A new PM came into office and had the explicit ambition to change Belgium into a "model-state" (Federale Regering, 1999). Luc Van den Bossche, who had previously 'modernised' the Flemish administration on the basis of New Public Management principles (Bouckaert & Auwers, 1999), now obtained the portfolio 'Public Affairs'. It was also fortuitous for reform that the Belgian economy was doing well. In 1999, economic growth was 3.2% and in 2000 it even reached 3.7%. After many years of budgetary austerity to reach the 'Maastricht norms' new budgetary opportunities were available.

In February 2000, the Minister of the Public Affairs in conjunction with the PM launched a plan to modernize the federal administration. The Copernicus reform was established as a radical reform. The crises Belgium had faced led to the conclusion that only a radical reform of the civil service was an appropriate answer. The federal bureaucracy had to be replaced by an organization based on modern management principles. Therefore the Copernicus reform launched proposals on almost every aspect of the organization: a new organizational structure, a new management culture, redesigned processes and a new hr-policy. The press labeled the Federal Government's plan to modernize the federal administration the Copernicus plan.ⁱ The government later adopted this term, as it fit the ambitious discourse of modernizing government. The unique political and economical context created the window of opportunity for drastic reform (Kingdon, 1995; Hondeghem & Depré, 2005). The PM and the Minister of Public Affairs seemed to have taken on the role of policy entrepreneurs. We consider them as the central actors of the reform. Their personal advisers and the private consultants they hired too played a primary role in the conceptualization of the plan (X, 2000). Civil servants in turn were marginalized in the design of the reform proposals (Parys et al., 2005).

One aspect of the global reform strategy was the provision of a contractual relation for top civil servants in the federal government (Luc Van den Bossche, 1999). The implementation of a mandate system for top civil servants was high on the government agenda. The introduction of contractualisation put the traditional career-based system in the Belgian public service under pressure. Top civil servants will no longer work under a system of permanent tenure. Besides a shift in employment regulations, contractualisation aimed at an increased focus on results rather than following 'rules based process driven' routines (Osborne & Gaebler, 1992). Explicit targets and performance indicators agreed with politicians and legislators would help those managers prioritize and focus their activities.

These reforms had the ambition to join the international New Public Management trend (Hondeghem & Putseys, 2003; Putseys & Hondeghem, 2002). The general feeling was present that top civil servants lack management capacities and were unable to steer their organizations. Therefore all federal top positions in the federal administration were declared vacant. Top civil servants received the message that they could apply for their own position. The two highest positions in the federal bureaucracy were open for competition as well for civil servants as well for external applicants. All candidates were assessed by innovative techniques (assessments) out

of the private sector. These initiatives had to lead to an improvement of management skills in the federal top positions.

4.2 Political interaction during the decision-making process

As mentioned in the introduction, we will rely on a qualitative approach to analyze the impact of political actors during the administrative reform process. The aim of the qualitative approach is to determine the political interaction during the decision-making. The qualitative case will be constructed around the development of the judicial framework which introduced the mandate system. Besides conditions of entry, development of the job descriptions and competency profiles, the judicial frameworks provided also a description of the selection procedure of top civil servants.

In this paper we will discuss the Royal decree of May, 2nd 2001 and October, 29th 2001. The Royal decree of May 2nd was suspended by the Supreme Administrative Court and led to the Royal decree of October, 29th 2001 (see *infra*). In December 2003, the Supreme Administrative Court also suspended this Royal decree. Again a new decree was published on June, 15th 2004. Because most of the top civil servants were appointed by the procedure provided in the Royal decree of October, 29th we will only focus on the decree of May, 2nd 2001 and October, 29th 2001. The first Royal decree is of course also the result of a decision-making process. However, for the purpose of this paper we take this Royal decree as a starting point.

Selecting top civil servants according to the first Royal decree

After a long decision-making process the first Royal decree (May, 2th) was published in the law gazette on May, 8th 2001. To analyze the decision-making on the procedure we will focus on three elements of the procedure: composition of the selection committee, organization of the selection and the exclusion and exemption clauses.

Composing the selection committee

Article 7 § 2 provided the composition of the selection committee. According to this article, the top civil servant of the federal agency for recruitment and selection (*selor*) became responsible for the composition of the selection committee. This selection committee will be composed in consideration with the minister for the highest civil servant. The selection committee for lower management levels will be composed by *selor* in consideration with the highest civil servant.

Although *selor* had the responsibility to compose the selection committee, the Royal decree provided in a procedure to challenge the selection committee by ministers (article 7 § 2). The decision to include this article in the Royal decree was made on January, 26th 2001 (Ministerraad, 26/1/2001). The procedure foresaw that after the notice of the selection committee, members of government could send their remarks to *selor* within 7 days. When these remarks were not followed up by *selor*, the composition of the selection committee will move to the Council of Ministers. Until a decision has been taken by the Council of Ministers the selection procedure will be suspended. This control by the government was motivated because of

the highly important competences of the selection committee. However, we did not find any other evidence of this procedure in preparatory documents.

The comparative selection

A description of the selection procedure might be found in article 7 § 3. The procedure consists of two parts: an oral test and an assessment. The Royal decree provided that the comparative selection begins with the oral test. The oral test had the ambition to evaluate the job specific competences. The second part of the selection procedure consisted of an assessment. An assessment had the ambition to evaluate the management capacities of the applicants.

Successful candidates will be ordered by the selection committee in two groups according to their results in the different tests. The best applicants were ordered in group A representing 'very eligible'; the second best applicants were ordered in group B representing 'eligible'.

Exclusion and exemption

Article 7 § 3 provided the exclusion of those applicants failing the oral test or the assessments. Applicants who did not possess the required job specific competences were excluded from participation at the assessment. These applicants were classified in group D. Applicants failing the assessments were excluded from further deliberation. Applicants succeeding the oral test but failing the assessment were classified in group C.

The philosophy behind this exclusion seemed to be logic. Failing one test means applicants lack competences to fulfill the top positions in the federal bureaucracy. To become a top civil service, candidates required as well sufficient job specific competences as well sufficient management capacities.

Another exclusion clause could be found in article 8 § 4. Applicants failing an assessment could not participate other assessments for comparable of higher functions in the next two years.

The Royal decree also provided an exemption for candidates who were successful at their assessments. Successful candidates were exempt from assessments for comparable or lower functions. Again the philosophy seemed to be logic. Proven management capacities should not be proved again for comparable of lower functions.

Redrafting the procedure: the second Royal decree.

At the end of July 2001 vice-premier Onkelinx – member of the French Socialist Party (PS)-insisted on a revise of the selection procedure. According to her the procedure does not take account of the specificity of the civil service (X, 2001a). More or less at the same time the secretary-general of the department of employment instituted legal proceedings against the federal selection procedure at the highest administrative court. After summer holidays the Supreme Administrative Court would suspend the procedure in her so-called 'Jadot judgment'. The Court judged that the selection procedure offended multiple judicial rules. Although the legal discussion is no object of this paper it is important to mention that the judgment required an

adaptation of the procedure. The decision-making process on the procedure had to recommence. This will result in a new Royal decree namely the Royal decree of October, 29th 2001. The new Royal decree will not only result in an adaptation of the required legal remarks. Government parties seized the opportunity to redraft the procedure.

Composing the selection committee

Article 8 § 1 still provides that the top civil servant of selor composes the selection committee. The procedure to challenge members of the selection committee remained in the Royal decree but was adapted. The procedure provides that ministers still can send their remarks to the top civil servant of selor. However, a well-founded reply had to be formulated by selor. In contrast to the previous procedure, the composition of the selection will no longer reach the Council of Ministers.

The reason behind this decision might be found in the negotiations between actors. During a meeting of members of ministerial cabinets on 24th and 25th of October 2001 the negotiation took place. Three proposals were object of discussion (X, 2001b).

1. The proposal by the representative of the minister of Public Affairs to drop the procedure to challenge members of the selection committee by ministers.
2. The proposal of the advisors of the French Socialist Party (PS) and French green ministers (Ecolo). They proposed to maintain the procedure but to well-argue the decision in the Royal decree. However, the minutes provided that both groups could agree to drop the challenge procedure but stated that selor will compose the selection committee without any consultation of the minister. Therefore both parties argued that there will be no reason any more to make the assessment exclusive.
3. A compromise of the French liberal party by with PS and Ecolo could agree.
 - Selor composes the selection committee in consultation with the minister.
 - After selor gave notice of the composition to the members of government, ministers may send their remarks within 7 days to selor. Selor have to reply well-funded to the ministers.
 - No longer interventions of the Council of Ministers

The comparative selection

The compromise of the French liberal party will reach the Council of Ministers. However the Council of Ministers decided also that the two tests will be reversed (October, 26th 2001). Due to this decision, the assessment will be organized first (Ministerraad, 2001). This decision was part of the decision that the Council of Ministers will no longer intervene in the composition of the selection committee. Earlier research showed that the French Socialist Party (PS) argued in favor of the switch (Parys et al., 2005).

According to article 8 § 2 the comparative selection will be conducted in four steps.

- Step 1: Selor verifies whether the applicants meet the general and specific conditions of entry
- Step 2: Applicants participate at the assessment and obtain an A, B, C or D score.
- Step 3: Applicants take the oral test to verify their job specific capacities. Applicants obtain an A, B, C or D score for this test.
- Step 4: The selection committee deliberate on one general score for each applicant based on the two scores.

Due to the adaptations made in the second Royal decree, the scores acquire a different meaning. According to the first Royal degree applicants failing their oral test obtained a D-score. Applicants succeeding their oral test while failing their assessment obtained a C-score. These candidates had never the possibility to be deliberated. Applicants who were successful at the oral test and the assessment were classified in two groups: A or B-score.

The Royal decree of October, 29th 2001 altered this system. Both tests resulted in an A, B, C or D score. The four scores represented a classification: A-score represented 'very eligible', B 'eligible', C 'less eligible' and D represented 'not eligible'. Based on the results of the oral test and the assessment, the selection committee deliberated on a final result of each candidate. All candidates were classified in the four mentioned categories: 'very eligible' (A); 'eligible' (B); 'less eligible' (C) and 'not eligible' (D).

Exclusion and exemption

The decision to reverse the tests also resulted in the decision to drop the exclusion and exemption clause of the previous Royal decree. This implied that applicants who failed an assessment or oral test no longer will be excluded from the procedure. Every applicant had to take as well the assessment as well the oral test. Based on both tests, the selection committee had to deliberate each candidate.

Besides this element of exclusion, the Royal decree of October, 29th no longer provided the article stating that applications who failed their assessment will be excluded from other assessments for functions of comparable or higher level in the next two years.

Not only the exclusion clauses were removed of the procedure, also the exemption clauses were no longer present. Applicants succeeding an assessment had no longer the possibility to be exempted from other assessments of comparable or lower functions. Every applicant had to take every assessment for every function they applied.

4.3 The impact of the decision-making on the selection of top civil servants.

The analysis showed that the decision making among political actors within government had its impact on the procedure to select top civil servants. Ministers and members of ministerial cabinets seemed to be most important political actors.

The first Royal decree provided a judicial framework for the procedure. The Supreme Administrative Court suspended this decree. This gave opportunity to government parties to redesign the procedure. The composition of the selection committee became object of political discussion between the minister of Public Affairs and the French Socialist and Green party. Political negotiations resulted in a compromise that on the one hand no longer provided the possibility of ministerial intervention in the composition of the selection committee but on the other hand reversed the order of the tests in the selection committees. Besides, the exclusion and exemption clauses were also object of discussion and resulted in the abolishment of these clauses.

Henceforth, we will analyze what the results of the political negotiations are on the selection procedure of top civil servants. Therefore we rely on a database of 5233 applications for 110 vacancies. All applicants were selected according to the procedure foreseen in the Royal decree of October, 29th 2001. Because applicants could apply for more than one vacant position the amount of applicants is much lower. The total amount of applicants is 2544. The vacancies were spread over 4 different hierarchical levels in the federal government.

A comparison between the two discussed procedures allows us to conclude what the impact of the negotiations were on the selection procedure namely an increase in the amount of assessments, a limited significance of the assessments, an advantage for federal civil servants and the appointment of “less eligible” candidates.

An increase in the amount of assessments

The procedure in the Royal decree of October, 29th 2001 abolished the exclusive character of both tests. This led to the fact that all applicants had to participate at all tests. Besides, it made it possible that candidates failing one test still had to take also the other test. Less eligible candidates were no longer excluded from further tests. Due to the removal of the exemption clause all applicants had to participate at all assessments for the vacant positions they applied. That these decisions should have a major impact on the selection procedure might be expected.

If we assume that the procedure would be organized according to the principles mentioned in the first Royal decree results are remarkable. This implied that applicants first took the oral test and second participated at the assessment. Applicants who failed the oral test were excluded from further participation. If all applications obtained a C-score (891 applications) or a D-score (961 applications) on the oral test were excluded from further participations in the selection process 1852 assessments should not have been organized.ⁱⁱ Thus, changing the procedure had a tremendous effect regarding time and financial implications.

Another decision which led to an increase of the amount of assessments was the removal of the exemption clause for successful applicants and the non-exclusion for failed candidates. Briefly, this means that everybody could return infinitely for a selection although previous selections demonstrated the applicant was not eligible. The table below shows the frequencies applicants participated at the assessments. Thus, 246 applicants participated 2 times at assessments, 2 candidates participated at 14 assessments.

Table 1: amount of participations at assessments [here]

These results raise the question whether applicants who participated more at different assessments obtained a better result. Therefore, we constructed a group for each candidate. The amount of observations in the different groups was depended on the amount of participations. A person who participated only one time represented a group with one observation. Person X who participated z-times represented a group with z observations. Person Y who participated r-times represented a group with r observations. Subsequently, we calculated the variance on the scores within each group. Applicants with a variance score of '0' showed no variance of their results. A variance below '1' implies that only a minimal deviation might be noticed (f.e. a variance score of .0577 and three participations showed one A-score and two B-scores). This method allows to analyze the applicants with a significant spread in their assessment results (variance score higher than '1'). We calculated 4% of all variance scores with a spread higher than 1. This means that only for 4% of the applicants a significant spread in their different assessment tests was noticed.

A limited significance of the assessments for the selection

According to the first Royal decree applicants who did not succeeded in one of the two test had never the opportunity to become deliberated. Top civil servants were expected to obtain as well job specific competence as well management capacities. Applicants lacking one of those competences could never become top civil servant. The negotiations on the Royal decree of October, 29th 2001 reversed the procedure and removed the exclusion clause. The consequence of this decision was that applicants, also when they were not successful in one of both tests, had to continue the whole selection procedure.

A combination of the final results of the applicants and the results on the different tests is illustrated below. The column at the upper left represents the final results after the deliberation by the selection committee. The other columns mention the results for the different tests (Asm=assessment: OT: oral test) ordered in accordance with the results. We notice strong similarities between the oral test and the final result. The similarities between the assessments and the oral test are much weaker.

Table 2: results of assessments and oral tests combined with final results [here]

The results in table 2 demonstrate that 94.6 % of the applicants who obtained an A as final result, also obtained an A-score at their oral test. Among the candidates who obtained an A as final result, 30.9% obtained an A for their assessment. This trend might also be noticed among other final results. Applicants obtaining a B-score after deliberation, obtained in 64.9% of the cases a B-score on their oral test and only in 48.8 % a B on their assessment. We may conclude that the final result mostly followed the result of the oral test. Assessments were organized to leave them out of account.

Reversing the order of both tests made it possible to revalue an inferior assessment results in the final result. The same conclusion followed out of an interview with an assessor responsible for the organizations of assessments. *“the worse the result of the assessment, the more the selection committee had the opinion that job specific competences should be rewarded”* (Interview

assessor, 2004). The assessor also stated that the political preference of some members of the selection committee was sometimes obvious. *“Some members of the selection committee could demolish an assessment result totally. Of course it may be a personal opinion of a member of the selection committee but of course there might be something behind it. In some cases I had a strong feeling that there was more to it than meets the eye”* (Interview assessor, 2004).

Only the organization of the oral test after the assessment made this possible. If applicants obtained their results before their oral test, a revalue of the global result was no longer possible

Federal civil servants have an advantage

Most of the appointed top civil servants (61%) appeared to be federal civil servants before the Copernicus reform (Pelgrims, 2005). This raise the question whether civil servants obtain better results on their selection tests compared to other persons. To provide an answer, we defined the applicants who worked for the federal bureaucracy in their last job and compare the candidates who obtained an A or B-score and those obtaining a C or D-score. The following table illustrates the results.

Table 3: assessment results for applicants fulfilling their last job in the federal administration [here]

Based on the results we may conclude that civil servants obtained a worse result compared to all other applicants. 15 % of those who fulfilled their last job in the federal civil service obtained an A or B-score on their assessment while among the others 22% obtained an A or B result.

Table 4: oral test results for applicants fulfilling their last job in the federal administration [here]

Earlier we argued already that the oral test was outweighed in the final result. This gave federal civil servants the opportunity to catch up. The results illustrates that federal civil servants obtained a slightly but significant better result on the oral tests (table 4). The next table provides the final results for those who fulfilled their last job in the federal administration. Federal civil servants even make up their arrears that no difference is any more noticeable.

Table 5: final result for applicants fulfilling their job in the federal administration [here]

The appointment of “less eligible” top civil servants

The adaptations of the procedure had also its impact on the top civil servants who were appointed. The table below illustrated that all appointed top civil servants finally obtained an A or B-score as a global result.

Table 6: general results for appointed top civil servants [here]

However, when we analyze the results of the appointed top civil servants we notice that 21.8 % received a C-score on their assessments. Under the philosophy of the first Royal decree, these

applicants would be excluded from further selection. Due to the fact that civil servants of the N-2 level were not included in this overview the total amount of observation is not equal to the previous table.

Table 7 : assessment results for appointed top civil servants [here]

The results of the oral test for the appointed top civil servants illustrated that most of them obtained an A or B-score. Only a few (3) obtained a C-score on their oral test. Almost 98% of the appointed top civil servants obtained an ‘eligible’ or ‘very eligible’ score. An overview might be found in the table below.

Table 8 : oral test results for appointed top civil servants [here]

Based on these results, we may conclude that changing the procedure made it possible that “less eligible” applicants could slip through the net. Only the adaptations to the procedure made it possible that applicants with a C-score on their assessment could participate at the oral test and finally could get appointed.

5 Conclusion

During the past decades governments were characterized by a wave of public management reforms. These reforms may be analyzed from two points of view: substance and process. Research from a substance perspective may provide answers on what changed but not on how the change occurred. Therefore we have to analyze the process of management reforms. Scholars argue that political actors often shape these processes. Despite the emphasis found in literature on the role of political actors, actions taken by this political elite obtain only a limited attention. This paper analyzed the role of these political actors for one specific element of government reform namely the introduction of a mandate system in Belgium. Therefore we used as well quantitative as well as qualitative research methods. Each method showed its value and only the combination of both methods gave the opportunity to fulfill our research.

The theoretical framework demonstrated that historical and sociological institutionalisms show some difficulties to include institutional change in their theoretical framework. Actor-centred institutionalism may provide a way out of this inexplicability. This theory does not exclude the impact of institutions on individuals but focuses on the relations between actors in changing institutions. According to actor-centred institutionalism, studying a change project requires studying interactions of actors involved in the change process. The interaction of these actors will determine the outcome of the change process. Although a change project requires actors with sufficient means, actor-centred institutionalism does not exclude other actors in change projects. Thus, actor-centred institutionalisms stress the importance of leadership as a condition for change but these leaders have to encounter other actors. The constellation of these different actors will determine the result of the change project.

The introduction of the Copernicus reform in general and a mandate system in particular showed the importance of the prime minister and the minister of Public Affairs in introducing the

reforms. Both actors may be defined as institutional entrepreneurs in changing institutions. However, the analysis showed that the interaction between members of ministerial cabinets had an important impact on the result of the procedure. Mainly the francophone government parties seized the opportunity to redraft the procedure due to the judgment of the Supreme Administrative Court. The removal of the intervention from ministers in the composition of the selection committee was only acceptable if the tests would be reversed and the exclusion and exemption clause would also be removed out of the procedure. The analysis showed clearly that this compromise was developed between members of ministerial cabinets and between ministers in the Council of Ministers.

Quantitative research demonstrated the impact of these negotiations and compromises on the selection of top civil servants. We may conclude that the interaction of political actors had an important impact on the increase in the amount of assessments, the possibility to revalue the assessment results and the advantage federal civil servants had during the selection. But maybe the most important impact of the compromise was the possibility to appoint “less eligible” top civil servants. Since, only the altered procedure made it possible that “less eligible” top civil servants could fulfill the selection procedure and finally became appointed.

6 Tables and figures

Table 1: amount of participations at assessments

participations	frequency	participations	frequency
1	862	8	5
2	246	9	1
3	118	10	0
4	41	11	2
5	24	12	1
6	12	13	0
7	5	14	2

Table 2: results of assessments and oral tests combined with final result

X ² =0.000	Test results							
	A		B		C		D	
	Asm	OT	Asm	OT	Asm	OT	Asm	OT
Atot	30.9	94.6	58.8	5.4	10.3	0	0	0.4
Btot	4.8	27.0	48.8	64.9	13.3	8.1	1.3	.4
Ctot	10.39	1.9	40.2	20.3	43.7	70.8	14.0	11.1
Dtot	0	0.4	6.2	0.4	42.6	7.0	84.7	88.1

Table 3: assessment result for applicants fulfilling their last job in the federal administration

	Last job in the federal administration	
	yes	no
A+B	15.1	22.1
C+D	84.9	77.9
X ² =0.000	N=1017	N=851

Table 4: oral test results for applicants fulfilling their last job in the federal administration

	Last job in the federal administration	
	yes	no
A+B	30	28.6
C+D	70	72.4
X ² =0.000	N=1017	N=851

Table 5: final result for applicants fulfilling their job in the federal administration

	Last job in the federal administration	
	yes	no
A+B	19.3	19.2
C+D	80.7	80.8
X ² =0.015	N=1018	N=850

Table 6: general results for appointed top civil servants

score	Frequency	percentage
A	63	57.8%
B	46	42.2 %
	109	

Table 7 : assessment results for appointed top civil servants

score	Frequency	percentage
A	17	17.7
B	60	60.6
C	22	21.8
	99	

Table 8 : oral test results for appointed top civil servants

score	Frequency	percentage
A	73	66.9
B	33	30.3
C	3	2.8
	109	

7 Bibliography

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ⁱ The plan was presented on 16th February 2000. In recent years, the Belgian governments label major deals or agreements with reference to the birthday of historical figures. Copernicus, born on the 19 of February 1473, was revolutionary in that his theory no longer conceived of the earth as the centre of the universe. Similarly, the government's plan emphasised that government was not primordial, but citizens and that government should serve citizens, not the other way around. (<http://www.copernicus.be>, 07 03 02)

ⁱⁱ These calculations does not take the exemption clause or the level of functions into consideration.