

The Need of a XXI Century Governance Paradigm for Public Administration: The Specific Case of Portugal

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In recent decades, New Public Management became the hegemonic doctrine and public administration reforms strongly incorporated its ideals and premises. Currently, in the context of the global crisis, arises the question if this public administration paradigm is the one that better fits the governance challenges of the new century. Taking this context in mind, this paper looks at how the Portuguese managerial reform takes into consideration the new governance paradigm and analyses the possibility of combining the managerial reforms approach and the new governance paradigm. We conclude that it is possible to successfully make this combination. However, taking into consideration the specific context that characterises our citizenship, more developments have to be done in order to improve citizens' behaviours regarding active citizenship.

Keywords: *New Public Management, governance, citizenship, participation, public administration reforms, Portugal.*

Raktažodžiai: *naujoji viešojo vadyba, valdymas, pilietybė, dalyvavimas, viešojo administravimo reformos, Portugalija.*

Introduction

In the beginning of the XXI Century, administrative sciences' researchers are increasingly concerned about the prominent inflexibility on public sector organisational and behavioural models no matter if they were (or not) influenced by the *Bureaucratic Theory*, the *Public Choice* ideas or the *New Public Management* (NPM) approach [19].

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Nevertheless, independently of their organisational models or their missions, according to many variables which were not largely considered as important until our days, administrations are forced to rethink their way of acting. In fact, nowadays, it is recognized that top officials have to know how to manage complex nets of processes and behaviours which are composed by several social actors, each of them with different knowledge, experiences, learning and expectations. This ability is an essential and critical factor to the establishment of a good governance paradigm. It also requires from leaders the ability to assume the development of competences and instruments that facilitates the administration of an open system such as public administration.

According to these new requirements Portugal has been reforming its public administration constantly since the 80's, in line with the new doctrines of *New Public Management* that have emerged worldwide. Nevertheless, Portuguese reality was slightly different from those countries that applied managerial doctrines instantly. In Portugal, *New Public Management* reforms started later and are still being applied till our days. We have to highlight one of the most remarkable managerial reforms: the introduction, in 2004-2007, of the management by objectives in line with a new performance appraisal system SIADAP¹ - integrated performance appraisal system in public administration.

In spite of the system's disadvantages and subversions, one of its biggest virtues is that it features transparency and citizen's participation as an output of its application. The system provides QUAR² (in English - "Evaluation and Responsibility Chart") as a governance instrument giving stakeholders important information about the organization. QUAR provides information about how public organizations are doing considering the main objectives defined by the elected politicians. Each defined objective has indicators, with specific goals, and organizations have to update it 3 times a year. This instrument provides citizens and all stakeholders with relevant and accurate information not only about the objectives and goals but also about the human and financial resources, resulting in a theoretical approximation to the governance paradigm.

It is our intention, in this paper, to notice how managerial reforms can give place to governance instruments and promote citizenship and public participation as governance good practices. All the same, we will also analyze why and how expectedly good instruments may not produce the desired effects and, consequently, why its impact on public participation may be too low, as it seems to be nowadays the case of Portugal.

We will start by analyzing *New Public Management* model of administration and then observe how this management model was applied in Portuguese public administration reforms. Attending to the governance concepts and to the need of a new administration paradigm, we will stress some lessons on how to synchronize managerial instruments with the new governance needs. We will base our analysis on the SIADAP and QUAR systems as one of the output of Portuguese public administration reforms.

¹ In Portuguese: SIADAP – Sistema Integrado de Avaliação de Desempenho na Administração Pública.

² In Portuguese: QUAR – Quadro de Avaliação e Responsabilização.

1. The New Public Management paradigm: principles, instruments, incoherencies and failures

The so called *Managerial Paradigm* brings the idea that the traditional administrative state should change into a managerial state. According to Lane [17], the managerial model beginning was due to the defeat of bureaucratic organisations, claiming for new administrative models, as well as a new attitude and behaviour of top managers and public servants. Instead of work based in inflexible rules and procedures, the management by objectives started to be the new guideline for managers in all Western countries.

In order to replace the traditional public management models by private management techniques, the managerial approach was a new contribution to work organisation and human resources management in public administration context. Within this perspective one start considering the concept of “administrative reform”, influenced since the 80’s by Peters and Waterman [24]. According to these authors, managers should use the same management model no matter if it is being applied in private or public sector. This new conception would, ideally, promote decentralisation, flexibility, autonomy, hierarchical levels reduction and low regulation [39].

In the 90’s the managerial approach become more ambitious. Some authors perceived this approach essentially as a new cultural model to improve performance evaluation and decentralisation in the public sector [12], but also to develop the responsibility of all public actors, the competition between and inside public organisations [22], the massive introduction of information technologies and finally the simplification of traditional models of work organisation. This was the accomplishment of a deeper form of the managerial approach and the creation of a new concept: the *New Public Management*.

Trying to go further on public administration reforms, the *NPM* presented a more precise definition of his main objectives and propositions. According to Hood [13] the most important measures proposed by *NPM* included: 1) the adoption of management as the instrument to administrate public administration organisations; 2) the implementation of objective performance measures; 3) the implementation of managing by objectives in public organisations; 4) the reduction of costs in public sector; 5) the transformation of large administrative unities into smaller ones.

Expecting to change the theory into practical measures *NPM* has created *New Public Management* instruments. It’s the case of the *Total Quality Management* (TQM) transformed by Frederickson [11] into *Total Quality Politics* (TQP) which promote the idea of a Public Administration based on the citizens needs.

Nevertheless, in spite of *NPM* principles originality, the application of these principles in public administration reality exposed several incoherencies, failures and contradictions.

First, the *NPM* defenders based their beliefs in not verified theoretical principles which intended to see the managerial approach as most efficient in all contexts and situations regardless the structure and the goals variety of private and public organisations.

The *NPM* claimed for structures decentralisation, but still encouraging managers to keep the financial control and budget coordination in the top of public organisations. It has been a considerable contribution to create paradoxes in decision making processes, which were formally decentralised but still been managed by the top of the hierarchy.

In other side, the *New Public Management* authors never explained what behavioural or organisational changes would be needed to put into practice this new administrative “philosophy”. The absence of articulation between the organisational and the behavioural models restrained, very often, a correct performance strictly based on NPM principles.

Finally, it’s important to realize that *New Public Management* almost forgot the social mission of public service, considering citizens only as consumers and customers. In fact, NPM has never distinguished different public services, regardless their distinct missions or social goals. However, functional, organisational or productive specifications of public health public system or education public system are good examples to understand that a *general approach* to manage different public services may be very incorrect and dangerous.

2. The Portuguese Public Administration Reforms

Portuguese public administration reform has been a constant process in the last decades and has been present in all the successive governments’ agendum. Measures and proposals, concerning public reform, have marked all governmental programs no matter the party in the power. According to the analysis of Bilhim [2], Rocha [32] and Corte Real [8], since the 90’s we can identify two different periods of reforms, with some different approaches and objectives as figure 1 point.

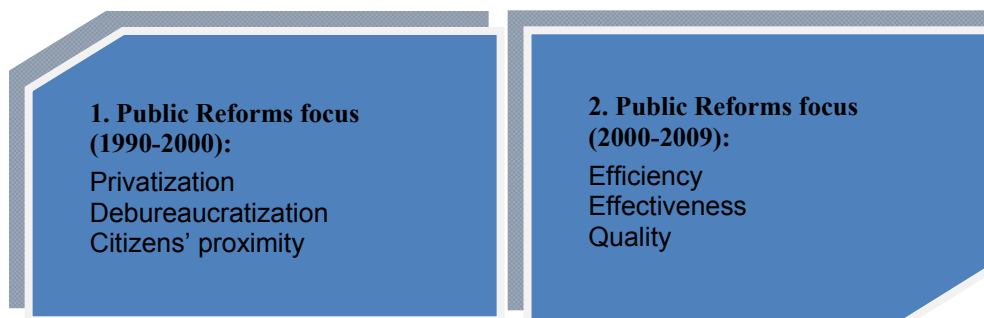


Figure 1: Portuguese public administration reforms since 90’s

Despite other previous reforms, in the context of this paper we will only consider the latest two decades. We will explore each one distinctively in the following sections.

2.1. The first type of public administration reforms (1990-2000)

The first type of reforms (in the 90’s, considering the latest two decades), focused on the debureaucratization of administration and on the need of more proximity and transparency to the citizens. We shall note that these reforms were applied to non-privatized areas of administration.

There were important measures that took place in order to provide better access to public services and to provide accurate and relevant information to the citizens, enhancing, at the same time, the transparency and neutrality of public administration.

Citizens were in the centre of this reform [1] and we should highlight two main outputs of these first reforms:

1. The “one stop citizens shops”³ which was an important importation of some international administrative good practices. Despite the fact that this project took some time to be generalized to different parts of the Portuguese country, in true, public administration became more accessible to citizens that can ask for more than one public service in the same place. The concentration of public services on an only one space contributed to the reorganization of some old processes implying the need of some articulation between different ministries and other public identities.

2. A new legal framework that provided a new philosophy on the relationship between citizens and the state. The general process of relationship between administration and citizens has been replaced by new proceedings stated on an accessible document named *Administrative Proceeding Code*⁴ (Law 442/91, 15th November). This code bounded public administration to the following principles:

- Legality principle (art. 3^o);
- Proportionality principle (art. 5^o);
- Justice and justice access principle (art. 6^o; 12^o)
- Impartiality principle (art. 6^o);
- Trust / loyalty principle (art. 6^o-A);
- Collaboration between administration and citizens principle (art. 7^o);
- Participation principle (art. 8^o);
- Decision principle (art. 9^o);
- Debureaucratization and efficiency principle (art. 10^o);
- Free of charges principle (art. 11^o).

The collaboration between administration and citizens and the participation principles were an important input on the Portuguese public reform. Once could argue that they were, at the time, innovative and suppose a new way to treat citizens, seeing them not only as obligations owners, but also as rights owners with the power to require, from the administration, the provision of efficient, effective and quality public services.

2.2. The second type of public administration reforms (2000-2009)

The constant pressings from citizens on the one hand and from the economic context on the other, forced public administrations to provide public services with more efficiency and effectiveness, according to the *New Public Management* doctrines which suppose a better reorganisation of administration and a better management of the resources [7; 32]. Taking this assumptions into account Portuguese public administration, in the second period of the reforms, (re)introduce some managerial measures like contracting-out, public partnerships, management by objectives, new

³ In Portuguese: Loja do Cidadão.

⁴ In Portuguese: Código do Proce-dimento Administrativo.

performance appraisal systems, new public employment statutes and others [1; 12; 25; 27; 34].

Table 1 highlights some of the last year's public administration reforms in Portugal.

Table 1: Main Portuguese public reforms in the last years

<i>Structural reforms</i>	<i>Description</i>
State reorganization <i>Law no 3/2004</i> <i>Law no 4/2004</i>	New legal framework to reorganize public administration provision and state authority: direct administration, indirect administration (Institutes and public enterprises).
Central Administration Re-structuring Program (PRACE) <i>Ministry Council resolution 39/2006 [2006-2008]</i>	Reduction of 25% of structures and management posts. New statutes to about 430 public organizations.
Special mobility <i>Law no 53/2006</i> <i>Law no 64-A/2008</i> <i>Law no 12-A/2008</i>	Allow civil servants mobility between public organizations.
Career, employment and remuneration statute New civil servants contract <i>Law no 12-A/2008</i> <i>Law no 59/2008</i>	The new civil servant statute supposes a position system and employment regimes similar to the private sector. Civil servants can be dismiss if the public organization is re-structured or if the position is extinguished. Diminishment from 1715 careers to 3 general careers. Evolution according to performance evaluation.
Evaluation and management by objectives <i>Law no 66-B/2007</i>	New integrated performance appraisal system for both organizations, public managers and civil servants.
New disciplinary statute <i>Law no 58/2008</i>	Simplification and celerity of disciplinary punishments
Revision of Civil Servants social benefits <i>Law no 4/2009</i>	Convergence of civil servants social and health support with the private regime.
New retirement statute <i>Law no 52/2007</i> <i>Law no 11/2008</i>	Convergence of civil servants rights with the private sector.
Centralized resources management and e-procurement <i>Decree no 37/2007</i>	Centralized procurement. Centralized management of human and financial resources.

Source: Adapted from Ferraz and Alexandre [10].

The reforms above introduced, as a whole, new assumptions on the public service provision, supposing a completely different administrative culture, different from the existent one. The reforms were partly based on some of the good governance principles of the United Nations [38] (see Table 2).

Table 2: Features of the main Portuguese Public reforms in last four years

Law	✓	Consensus orientation	⊗
Effectiveness and efficiency	✓	Participation	⊗
Accountability	✓	Transparency	⊗
		Equity and inclusion	⊗

Source: Good governance principles of the United Nations [38].

The adoption of some of those principles, predominantly the effectiveness and efficiency one, intend to contribute to a reduction on public spending in line with the *New Public Management* approach. We are still waiting for the results of the management by objectives reforms. Independently of the good or bad results of this reform as Bilhim [2] stated “when well applied, this techniques can produce some results. However, by themselves, they are not sufficient to enhance accountability or to compromise to the organizational goals < ... >”⁵.

Although *NPM* was the predominant model of public management during the last decades, based on a fashionable approach like it happens in other sciences [6; 25] it seems that, nowadays, *NPM* is, at least, becoming old fashionable. Good governance principles such as Consensus orientation, Participation, Transparency, Equity and inclusion, that have not been particularly introduced on public reforms, featuring only as intentions, are becoming in the core of the discussion about the rethink and redesign of administrative models [3; 21].

Concerning the existent context, where there are some pressings to reform public administrations according to open and transparent processes, allowing citizen’s participation on the setting of targets and on the results’ monitoring [4], the promotion of civic participation and, consequently, the redesign of administrative structures is a priority.

However, the latest reforms on Portuguese public administration had focused on *NPM* approach reforms, being management by objectives one of its main corollaries. Taking this into account on the following point we will analyse how future public administration reforms in Portugal should contribute to the achievement of a real good governance paradigm, departing from those managerial reforms that have been implemented.

3. How Portuguese public administration reforms can be used to pursue the new governance paradigm?

3.1 The need of a Governance Paradigm

As we have seen in Chapter 1, countries around the world have been pressed, at least during the two last decades, to increase efficiency in public sector. Most of these pressings arise from impositions coming from the market, from the new socio-cultural

⁵ In Portuguese: Estas técnicas dão, quando bem aplicadas no curto prazo, resultados, todavia, só por si não ajudam a criar maior sentido de responsabilidade, compromisso para com os objectivos da organização.

beliefs and rules and from the principles instilled by the *New Public Management* approach. *New Public Management* was the main approach in the public sector and inspired most of the reforms that took place in recent years all over the world. One of the *NPM* corollaries was the management by objectives where a significant part of *western model's* public administrations (but not only) has engaged. On the one side this was an important step to improve performance, both organizational and individual but, on the other side, most of the times public management was only concerned about efficiency and effectiveness forgetting important traditional public values that must be in the heart of contemporary democracies. We are talking about values such as transparency, accountability, merit, legality and legitimacy [14] which, in the context of the *Good Governance* paradigm require civic participation and engagement.

In that sense we can consider *governance* as the assumption that in a global society, the State and public administration should act as «a reference system which has the role to steer all the distinct economical and social actors» [23, p. 48]. In this context, Hood and Lodge [14] state that, according to the complexity of the new social, economical and political context, the behavioural training of civil servants will be fundamental to achieve an integrated public administration reform at a global level. To understand governance, as well as its challenges, civil servants, including top managers, have to change their behaviours, attitudes, functional beliefs and job routines in order to provide tools that incentivise and enhance citizens not only to observe, to examine and to hold officials and politicians accountable for performances and public policies' outputs and outcomes.

In the attempt to transform the Welfare State social model in a private management philosophy, the Managerial School and the *New Public Management* did not solve the public problems, but still they caused major contradictions, by maintaining the majority of the times very centralized hierarchical capacity. According to Rhodes [35] definition, Governance as a concept should be perceived as a description of the unintended consequences of corporate management and marketization of Public Administration, and most of all, a response to the weaknesses of marketization.

In the present (and probably in the future), the modern public administration must play a fundamental social role, organising diversity factors, finding solutions to solve “interests conflicts” and to promote cooperation among different social actors.

In that sense, administrative reform should be seen as an integrated, complex and diversified project which has the responsibility to manage different actors' interests, behaviours, and expectations in order to serve all the society domains without distinctions. The concept of governance is the recognition that in a global society there are no more unilateral impositions of any kind of leaderships. In a context where public reality is determined by nets⁶ actions the governments and public administrations main task is to lead the dialogue among different actors which take part in public processes definition. This new reality suggests public managers should act as a mediator, integrating and negotiating different actors interest and promoting inter-actors cooperation and collaboration [16].

⁶ Those nets include local, national and international actors, unions, political parties, private corporations, etc.

Reviewing the literature on governance, important to the study of public administration, Rhodes [35] synthesizes seven definitions of governance as: 1) *Corporate Governance*; 2) *New Public Management* (according to Osborne and Gaebler [22, p. 34], public sector should increase governance (more steering) but less government); 3) “*Good Governance*” (according to the World Bank proposal, *Good Governance* means a marriage between *NPM* and the advocacy of liberal democracy); 4) *International Interdependence*; 5) *Socio-Cybernetic System* (co-regulation and public-private partnerships are good examples of new worldwide society); 6) *New Political Economy* (governance can be seen as a struggle over strategic control and power within economic exchange; it recognize the importance of the State as the most important actor in the definition of the economic structure and the governance regimes [18]); 7) *Networks* (in one hand, this approach of governance suggests networks are self-organizing, in other hand, these networks are characterized by interdependence between organizations).

In the context of this paper we will deep in the Lindberg and Campbell [18] and Rhodes [35] concept of governance analysing how Portuguese public administration can be reformed in order to meet that paradigm, departing from the implemented managerial reforms.

3.2. How can managerial reforms give place to Governance paradigm in Portugal?

We have seen on our previous points that Portuguese latest public administration reforms have been designed according to the *New Public Management* paradigm. We have also seen that new administration models, like governance, are arising and becoming more and more important in the context of the development of contemporaries democracies. It is now time to analyse how can Portuguese public administration take advantage of managerial reforms and become closer to a governance paradigm.

Under the new performance appraisal system SIADAP, which has been created in 2004 and change in 2007, exists an instrument to provide public organizations' stakeholders important information about the way the organization is going on. This instrument, named QUAR, translates the main objectives of each public organization for the short-medium term, in terms of efficiency, effectiveness and quality.

QUAR provides citizens and other stakeholders relevant and accurate information not only about the objectives and goals but also about the human and financial resources, resulting in an instrument that could, theoretically, be closer to governance paradigm' tools. All the QUARs of public organizations must be publish and update on-line, accessible to all stakeholders (<http://www.quar.gov.pt>).

Each defined objective, according to the mission of the public organization (that has to be expressed also in the QUAR), has indicators, with specific goals, and organizations must update all the indicators 3 times a year. Those indicators respect the defined objectives in the three defined categories (efficiency, effectiveness and quality). The achieved results in the previous 2 years must also be accessible in order to allow comparisons among the years.

Apart from this information, which is provided on the 1st part of the QUAR, there are two more important categories of information: (2nd) organizational' financial

information and (3rd) organizational' human resources information. Regarding the organizational' financial information, the QUAR provides the budget that each organization has in the beginning and the end of each year. Finally, on the topic of the organizational' human resources information, QUAR provides data about the assiduity of human resources by career, including senior civil servants.

In a certain perspective, the existence of the QUAR is an important and innovative measure in Portugal where public organization' stakeholders can obtain important data about public activities. In a theoretical point of view, it represents a new way to provide on the one hand more transparency to the Public Administration activity and on the other important information to charge public managers for the obtained results and account them.

Nevertheless, as in other countries and experiences, the low culture of participation in Portugal⁷ can lead the QUAR to be only one more instrument produced "in the Administration for the Administration", strengthening an administrative engine dominated by the political power, rehabilitating the theory of *public choice* in detriment of the construction of a *governance* paradigm. Although this is a two years old instrument, which evaluation at this time is premature, we can already point some weaknesses according to the implementation process:

1. The adoption of this instrument was compulsory (2 - 3 months after it creation). No general training was provided to public managers on the 1st year. Therefore during the 1st year several errors, irregularities and omissions were detected on the application of this instrument. We are currently on the 2nd year of QUAR application and although some training has been provided, several public organizations still having some problems on the application of this instrument.
2. At present, the website where all the QUARs should be available, we will find that there is no data regarding the QUAR of each public organization, as it should be. This unavailability is explained according to the QUARs software that is in development. However, after 2 years citizens still not having access to that information in an only one website as it was expected. Nevertheless many of the public organizations have, in their own websites, the QUAR available.
3. QUAR is currently a passive instrument giving information to citizens but not allowing them to send important feedback or incomes. In the context of the governance paradigm it should become more interactive.
4. Concerning the evaluation of the data that is introduced on QUAR there are, under each Ministry, specific units that have to follow the definition of each public organization QUAR and harmonize, evaluate and supervise all the process. Considering the fact that these units are not statutory independent bodies some neutrality and independence may be questioned. Therefore, to avoid that, those units should give place to really independent commissions, preferably outside of ministerial structures. In the context of the governance paradigm they should be also composed by *stakeholders'* representatives that could give important feedback about the QUAR construction, implementation and evaluation.

⁷ The Portuguese media do not take this instrument yet into consideration on the accountability of public managers with damage to public transparency.

Attending to the prepositions and objectives of QUAR it would be useful that in the context of the governance paradigm the control, evaluation and, perhaps, the accountability of public organizations take place under the independent or autonomous administration where commissions or associations should make fare and unquestionable evaluations and charge public managers for the achieved results. As the following figure points depending on the type of institution we configure the more or less independent or neutrality issues we will have in the context of the new approaches on administration management (see Figure 2).

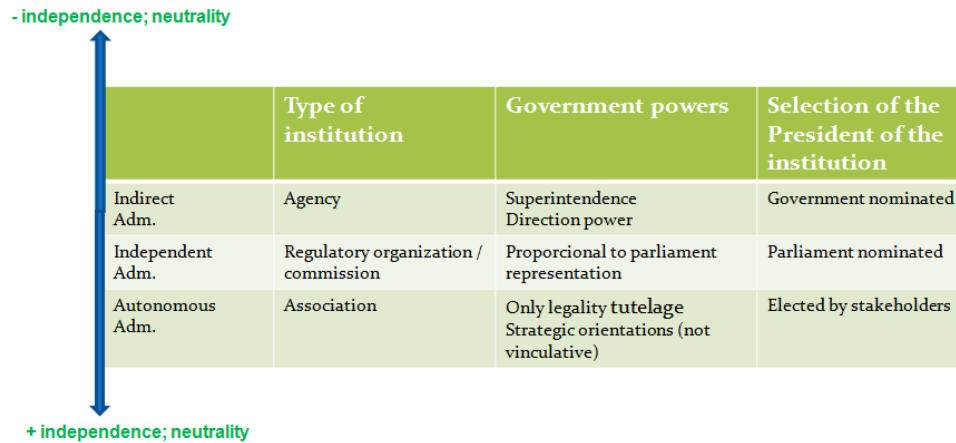


Figure 2: Independent and neutrality balance in the configuration of institutions

Source: Adapted from Ferraz [9].

Even that in the context of the governance paradigm independent and autonomous administration should have a bigger role in fact, in practice, the Portuguese reality regarding the current civic education do not allow that such a system work perfectly. In fact in Portugal, as in other western countries, civic culture is not yet sufficient to get sufficient active participation and citizenship. In such a stage adverse effects could emerge becoming the governance process less democratically represented and what should be an accountability instrument can become an instrument for lobbying proposes.

Conclusion

Despite alternatives to *NPM* model have emerged some decades ago there was some resistance to consolidate them with those new models, persisting *NPM*, in practice, the hegemonic western model of administration. Conversely, nowadays, and in part due to current crisis, alternative administration models gain new adepts. Citizenship and active participation become more present on the agenda of public administration debate and reforms. Accordingly, we can point as one of the main challenges of future public reforms the conjugation of both the implemented managerial reforms and the new needs of governance instruments in the context of the contemporary democracies.

As we saw in this paper, although Portugal public administration reforms, were implemented like in other western countries, based on the presupposes of the managerial approach with emphasis on economy, efficiency and effectiveness values, public administrations still need to be reformed in order to meet fully good governance paradigms. In this context new challenges concerning the enhancement of transparency, accountability, participation and active citizenship took place and some managerial reforms can be redesigned in order to promote active citizenship in the context of the governance paradigm.

However governance instruments by themselves are not sufficient. As we saw previously on the one hand some adaptations must be done in order to promote a bi-lateral instrument and not just a unilateral one. On the other hand more power should be given to stakeholders allowing them to participate, implement and evaluate organizational goals.

Unfortunately, in the context of the Portuguese society, and probably in the context of a great part of worldwide societies, civic culture is not sufficiently developed to pursuit governance paradigm. A great investment must be done by governments to promote and enhance civic education regarding a general and active citizenship in order to distinct civic participation from powerful lobbying interest.

Finally, performance and accountability systems' configurations should give, in the context of governance, more emphasis to citizen evaluations then to politicized ministerial' administration structures.

Notwithstanding all the steps that are needed governance paradigm is becoming a reality and public administrations must prepare themselves to it challenges, not in a reactive way but in a proactive one!

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XXI amžiaus valdymo paradigmos poreikis viešajam administravimui: specifinis Portugalijos pavyzdys

Santrauka

Straipsnyje analizuojamos Portugalijos viešojo administravimo reformų raidos ypatybės, atskleidžiant naujosios viešosios vadybos ir naujojo viešojo valdymo apraiškas. Akcentuojama, kad daugelyje Vakarų šalių naujoji viešoji vadyba yra jau pasenęs administravimo būdas, tačiau Portugalijoje ji dar sparčiai plėtojasi. Tai įvertinant, straipsnyje pagrindžiama, kad viešojo administravimo reformose tikslinga derinti vadybines ir naujojo valdymo nuostatas, išryškinant valdymo demokratizavimo ir skaidrumo bei piliečių dalyvavimo valdymo procese svarbą. Nurodoma, kad tai įgyvendinti trukdo nepakankamas piliečių aktyvumas.

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