

PATH-DEPENDENCY OF REFORMS IN LATVIA: A WAY TOWARDS NEW PUBLIC GOVERNANCE

Iveta Reinholde, associate professor,
University of Latvia

Abstract: Latvia has been one of the countries in Europe in strong favour of NPM (New Public Management) since the mid-1990s. The aim of the article is to analyse the Latvian public administration as a case study to find out whether there exists a link between the volume of an experienced NPM and NPG (New Public Governance) applied afterwards. In order to explain the links between these two phenomena, a path-dependence approach will be applied. It was concluded that the path-dependence and organisational lock in is so strong that Latvia continues to modernise administration in shoes of NPM with certain impact of other models or paradigms.

Key words: New Public Governance, NPM, path-dependence, Latvia, administrative reform.

JEL code: H7

Introduction

Latvia has been one of the countries in Europe in strong favour of NPM (New Public Management) since the mid-1990s. Implementation of NPM has turned out to be a new administrative reality with long-lasting improvement efforts to combine elements of different administrative ideologies. Long reform process has been awarded with EU membership in 2004.

However, the economic downturn of 2008 had completely changed the reform agenda in Latvia. Previous modernisation issues of public administration were shifted to budgetary and public service cuts as almost unique instruments to balance expenditures. Latvia was severely hit by the economic crisis, thus an austerity regime was tailored afterwards to ensure fiscal stability by technically simple policy decisions instead of following the certain reform model or the pattern.

The aim of the article is to analyse the Latvian public administration as a case study to find out its whether Latvia reflects more tendency towards experienced NPM or NPG (New Public Governance) as a continuation and alternative of NPM. There is a lack of empirical research related to incorporation of NPG into a governmental agenda and bureaucratic practice in Central and Eastern Europe.

The main assumption in the article is that path-dependence of decisions related to public administration was the main determining factor stating why the government continued a certain policy despite warnings and administrative

failures. The research tasks are as follows: to identify path-dependence tendencies in the governmental documents related to public administration and to analyse governmental documents to determine their tendencies towards reform ideologies.

The article has explored policy documents characterising the public administration reform and modernisation in Latvia since 1995 as these papers are serving as an indicator in favour of one or another reform model approved and later implemented.

1. Path-dependence

Path-dependence has been one of the key concepts explaining some sequencing in politics, economy and even organisational decision making. In economy, path-dependence has been perceived as some trajectory of the past to be applied to present where the past plays a role of the point as rationality of decisions (Dutil, 2014:425). Pierson (2000:251) argued that path-dependence can be labelled as "*positive feedback*" as well as "*self-reinforcing process*" and so well-known for economists "*increasing returns*". For Pierson (2000), the process of path-dependence means movement with a high probability that any further step will be in the same path as the previous one because the benefits of activity would be higher than choosing any substitute steps. As Dutil (2014) points out, if the organisations and civil servants are to be rewarded for good policy implementation, they would stick more to the previous policy instead of

investing energy for any innovations. This explains why countries in any reform process stick to recommendations and positive evaluation of the international donors and external evaluators.

Pierson (2000:252) distinguished the narrow and broader definition of path-dependence. In the narrow definition, path-dependence means certain directions with high costs of turnaround, while the broader definitions incline causal impact of the previous steps in generating current or future outcomes (Pierson, 2000). The broader understanding of path-dependence allows to extract several stages in process and analyse the critical factors influencing the actions. Sudow (et al, 2009) differentiates three stages of path-dependence. According to Sudow (et al, 2009), path dependence starts with some historical events. These events turn in a self-reinforcing process, and finally, these events become part of organisational activities and memory. The organisation responsible for an action may accept an action, model or pattern of behaviour as a part of formalised strategy and following bureaucratic logic to apply it to relations with other bureaucratic agents. Later Schreyogg et al (2011) concluded that historical events are not separated, but they are connected in a sequence. This sequence of historical events is also a part of bureaucratic behaviour since it allows to stay on the same track and to develop standard operating procedures safeguarding actions.

According to Pierson (2000:253), path-dependence has some basic rules, for example, as following.

- 1) Historical events may have more outcomes as it was assumed at the beginning of the process.
- 2) There is some kind of "a point of no return". This means the farther policy makers have gone with one certain solution, the higher is the probability that they will not change the policy for various reasons.

- 3) Organisations are tended to lock in with current alternatives since they already invested efforts to make this particular alternative alive and legitimate.

According to Dutil (2014), the usefulness of current path of development is a key factor why organisations are not radically changing their policies, but only adjusting to the updates requested by stakeholders. Therefore, the effects of path-dependence are critical to understand the whole process.

2. From NPM to NPG

Since the 1970s, public administration is facing inevitable changes. Researchers (e.g. Frederickson 1999; Naschold et al 1996; Coombes 1998, Peters 1993) labelled NPM inspired reforms as an era of changes. Lane (2000:3) argued there was some kind of "*the scientific revolution concerning the proper governance mechanisms in the public sector*". Changes were so massive that they were not just a reaction bureaucracy described by Max Weber (1864-1920) regarding claims that it is too impersonal and inefficient. These changes created a completely new approach to any kind of administrative reforms.

NPM is well-know with its idea to apply methods of private sector to public sector. In general, the main features of NPM are (Metcalf et al 1987; Peters 1993; Lane 2000; Foster et al 1996; Kettl 2000; Osborne 2006):

- 1) methods and good practice transferred from the private sector;
- 2) an emphasis on organisational management and leadership or "let the managers manage" approach where flexibility and devolving authority plays a vital role;
- 3) outputs, outcomes and performance management as key instruments for measuring efficiency, effectiveness and accountability;
- 4) clients, competition and contractual relations as most popular tools for service delivery;

5) management of human resources, technologies and quality as tools to provide value for money and public expenditures.

At the same time, Osborn (2006, 2010) suggests to look on NPG as an alternative to NPM. While, Torfing (et al 2014) pointed out that NPG is a more empirical phenomenon rather a well-defined theoretical paradigm. Similarly, the departure points of NPM were also a public administration practice labelled only in the 1990s. In addition, NPM as well as NPG both are based on the set of principles rather than detailed theoretical framework (Torfing et al, 2014:12). However, there are lack of empirical researches regarding NPG.

The main characteristics of NPG are as follows (Osborne 2006; Torfing et al 2014):

- 1) organisational networks as the main focus;
- 2) outcomes as key indicators for effectiveness of public sector;
- 3) competition in the market is replaced with inter-dependent suppliers;
- 4) cooperation, negotiations and participation of stakeholders are tools to improve public service delivery;
- 5) empowerment as a main tool to engage stakeholders in service delivery.

Osborne (2006) argued that NPG offers to link together policy design and public service delivery – two components that have been separated by NPM. The same could be said about the public and private sectors. They both are more interrelated and interdependent than it was assumed by NPM thus networking have now been recognised as an important policy skill (Peters et al, 2012). Torfing (et al 2014) emphasised that NPG believes in active cooperation between the public and private sectors and communities despite the fact that such a cooperation might be hindered by standard operating procedures in bureaucracy, profit making drivers in business and multi-identity of community members.

3. History of public administration reforms in Latvia

The NPM inspired reforms reached Latvia by mid-1990s when public administration had already faced failure of a traditional bureaucratic model. For Latvia, NPM was attractive because it provided a discretion for public servants, allowed to treat citizens like clients and gave a chance to try private sector methods in public agencies. However, already back in 1998 Schick warned countries of CEEC to be careful regarding implementation of NPM pointing out that NPM offers such managerial reforms and contractual relations which might be dangerous for transition countries with weak traditions of rule of law and poorly functioning public administration (Schick, 1998).

In order to keep high speed of reforms and ensure constitutional sustainability, the government transferred main legal pieces from the pre-WWII Latvia. Such an approach kept the spirit of pre-WWII Latvia and was very helpful regarding main political and administrative settings. However, this approach did not work for economy where a sharp shift to market economy came along with high inflation rate, unemployment and social problems not seen before.

The whole administrative reform can be characterised as a process of balancing internal needs with external pressure. Based on the internal needs and constitutional sustainability, the Civil service law of 1994 was a mix of Weberian administration, German civil service law and pre-war civil service law. However, rigidity and lack of flexibility of the traditional bureaucratic model inherited in the Civil service law of 1994 was already visible after a few years. The Association Agreement with the EU was signed on 1995 thus opening a way for multiple cooperation channels to ensure integration into the EU. The purely foreign policy goal was transferred to a goal of the administrative reform – to establish administration capable to cope with membership obligations. The Regular Reports

from the European Commission pointed out as progress achieved and recent development as well as highlighted immediate tasks serving as an external evaluator for reforms. In fact, public servants in Latvia, during pre-accession period, did not had too much time and resources for administrative experiments, since they were looking for good practice models from elsewhere; therefore, any step or a policy tool getting positive feedback from a government or international donors was especially analysed and applied for as much policies as possible.

Methodology and results of analysis

In order to identify the path-dependence of the reforms, the following factors play a vital role. First of all, the historical events effecting the public administration reform path will be identified. Secondly, it is relevant to analyse the sequences created by the historical events, thus allowing to make a conclusion on sequence between historical events and activities performed afterwards. Finally, the organisational issue will be taken into account to identify an organisational lock-in process related to reform ideas.

Based on comparison between NPM and NPG, the following criteria will be applied during analysis of the reform's documents in Latvia:

- 1) tendency towards organisational management (NPM) or organisational networks (NPG);
- 2) tendency towards competitive market (NPM) or interdependent suppliers (NPG);
- 3) tendency towards performance management (NPM) or trust (NPG);
- 4) tendency towards user satisfaction (NPM) or empowerment (NPG).

The first relevant policy document affecting the public administration was "The Public Administration Reform Paper" (further on Reform paper of 1995) on 28 March 1995. The reform paper was approved several months before the Association Agreement with the EU, thus it is not possible to simply state that the Association agreement here serves as a historical event. The

Reform paper of 1995 was based on internal needs to provide reform guidelines and a vision regarding the role of public administration in the context of changing political regimes from totalitarian to democracy (Reinholde, 2005). Substantially, the Reform paper of 1995 expressed five potential directions of reforms. These directions were: reforms in relation between society and the government, structural and functional reform of public administration, reforms of basic administrative principles and tools. Taking into account the context of changing regimes, the Reform paper of 1995 was more of a strategic document expressing a common will for fundamental reforms rather than a particular ideology.

The next policy document was already approved in March 1998, just two years after the Reform paper of 1995. Such a short period of time shows high dynamics and complexity of the whole reform process. The Reform paper of 1998 was approved by the government as a document reacting to problems of the on-going public administration reform process and expressing the desirable path to cope with the integration process into the EU. In fact, the signature of the Association agreement with the EU served as a historical event and a starting point for many actions and documents by 2004. The Reform paper of 1998 put emphasis on "*small by size and professional administration based on professional civil service*", which is more in line with ideas of the traditional model of public administration and reacts to critics exposed in the Regular Report from the Commission in 1998 (Regular report, 1998).

At the same time, the Reform paper of 1998 also included an implementation plan, consisting of a set of actions to be implemented not later than by the year 2000. It is worth to remind the reform paper was part of a conditionality set out in the Structural Adjustment Loan with the World Bank. Therefore, the "Reform paper of 1998" and its implementation plan emphasised the

application of an internal audit system and performance indicators (NPM), to develop service user standards (NPM), as well as to develop the legal base for contracting out of some tasks previously performed by the public service (NPM) and to design the law on public agencies (NPM). In fact, the "Reform paper of 1998" reflected all the basic credentials of NPM – contracts, user satisfaction, outputs and competitive markets where public agencies were supposed to be in competition with private sector services. However, in Regular report of 1999, Latvia received a nudge to improve internal audit systems in the ministries (Regular report, 1999).

Since the Latvian government was willing to cope with all pre-accession requirements by 2000, the next new policy papers were developed to sketch out a reform vision. The Reform Strategy 2001-2006 was developed by State Chancellery after the political decision to concentrate the public administration issues at the centre of government. The functions and staff of the previous Bureau of Public Administration were incorporated in the Secretariat to Minister of Special Tasks on the Public Administration reform in 2000, and a year later it was transferred to State Chancellery. Since 2001 up to now (i.e. 2016), State Chancellery has been responsible for public administration as a policy.

The Reform Strategy 2001-2006 was developed and followed by the recommendation of the international donors as well as reacting to "Agenda 2000" released by the European Commission in 1997. As a first comprehensive document in the sphere of public administration, the Reform Strategy 2001-2006 was designed to cover medium term tasks with explicit institutional responsibilities. First of all, the Reform Strategy 2001-2006 emphasised the main principles of administration – quality, trust, participation, accessibility and efficiency - all in line with NPM. Secondly, this strategy discussed issues of good governance in the light of accession into the EU. Thirdly, effectiveness of

public administration is discussed in this strategy as a one of the core values.

The Reform Strategy 2001-2006 strongly emphasised performance indicators as outputs to be measured in the budgetary process. Outputs were perceived as a tool to optimise public expenditures and cut operational cost of public agencies. In addition, strategic management was promoted as a tool to organisational development. According to the Reform Strategy 2001-2006, more detailed organisational management and outputs should provide higher accountability and public participation in the decision making processes. User satisfaction is perceived as a key for improvement of public service delivery. If outputs and organisational management issues are in line with NPM, then there are first signs of NPG as well. The Reform Strategy 2001-2006 was the first document mentioning trust as a new type of governance approach. According to the Reform Strategy, coordination and cooperation of public agencies should be improved for better implementation of policies. However, such a will to improve coordination could not be classified as networking in the light of NPG, since one of problems was to push the agencies to cooperate in the framework of policy implementation process and joint interdependence. As Sir Robin Mountfield (2000) indicated in his report to Latvia government, the vertical links are very strong in the particular sector, while strategic coordination is weak.

Summing up, the Reform Strategy 2001-2006 concentrated upon five strategic objectives: future oriented public administration, efficient public expenditure management, trust to public administration and public participation in public administration, quality in public service delivery and qualified staff. Along with the Reform Strategy 2001-2006, it should be noted that relations among public agencies might be regulated by different types of relational contracts described in the Law on Public Administration Structure adopted also in 2001.

The Law on Public Administration Structure foresaw co-operation contracts, administrative contracts, delegation contracts and participation contracts. All these contracts produce a new type of administrative practice where classical subordination of public agencies are substituted by contracting relations.

Following bureaucratic logic, the government approved the next policy document in June 2008 for the period of 2008-2013. The White paper 2008-2013 labelled "Better governance: quality and effectiveness" was supposed to provide a jump to a new type of administration in the EU. Substantially, the White paper 2008-2013 continued the same ideas as were expressed in the Reform Strategy 2001-2006. Thus, the White paper 2008-2013 stacked to the five objectives: strategic planning, public service delivery, rule of law, professional staff and public participation. In fact, the White paper 2008-2013 continues to promote ideas of NPM like performance management, output, user satisfaction and transparent organisational management. The White paper 2008-2013 included a set of actions to develop the institutional system and to legitimize the actions of public administration, meaning that there is some nostalgia towards classical public administration not NPG.

The economic meltdown of 2008 rapidly changed all approaches of the reform and put the government under austerity regimes. By 2009, Latvia had the second highest unemployment rate (19.7 %) and GDP fell by 18 % (Economika, 2009; BBC, 2009). In order to react to global challenges and to balance public expenditures, the Latvian government adopted the so-called "Optimisation Plan", the prepared part of conditionality foreseen in the agreement. The Optimisation Plan as a document was prepared in a very short period of time to define guidelines for budgetary cuts and structural reforms in administration to balance public expenditures. The actions included in the plan contained both elements: strategic vision and short term

activities mixed together. For example, the government wanted to have a smaller administrative apparatus which has been a strategic goal since the 1990's. However, at the operational level, the optimisation plan proposed to amend a huge number of laws and design the new ones. Anyway, the Optimisation plan continued to follow the discourse established for small, professional, client-oriented public administration, which had already been expressed in the previous policy papers in line with NPM.

The final document included in the analysis is the White paper 2014-2020 approved in December 2014. By structure and ideas, there are many similarities between the White paper 2008-2013 since the latest plan continues the previous one with an update in the light of the economic meltdown of 2008. In fact, the economic crisis affected the planned reforms and forced the government to cut budgetary expenditures and public services, thus many of the ideas expressed in the White paper 2008-2013 were left unimplemented. The new White paper 2014-2020 was intended to improve an implementation gap created by the economic crisis. Therefore, the White paper 2014-2020 follows the ideas of Wallace et al (2013) who offered to divide all reforms in four stages - rethinking, reforming, restructuring and retrenching. Thus, the direction of reforms is as follows: public service delivery and institutional development, human resource development, financial management, public participation and local governance. At the same time, this White paper 2014-2020 provided a detailed description and planning of outputs and outcomes of reform activities serving as a best practice for all other policy sectors and would also provide an investment for the performance management system. However, the White paper ignores the organisational networks instead of offering to simplify organisational structures for those public agencies having their branches in the regions. In

addition, an issue of a competitive market or inter-dependent supplier are not in the agenda, since many of public-private partnership projects just started before crises have been stopped under austerity. Thus, the first signs of network governance disappeared together with budgetary cuts in 2009 and 2010. In general, this White paper even stated its movement to smaller, faster and cheaper administration, but failed to provide tangible tools for achieving these goals, reducing all actions to the fact that they should be implemented within frames of the existing budget. National Audit Office (2015) in its report on public expenditures in 2014 tailored to analyse performance of public programmes admitted that goals and outcomes designed by ministries during the annual budgeting process are different from the ones stated in policy documents and strategies. Thus, bureaucratic practice is different from the policy papers.

However, the formal policy documents reflect only political and bureaucratic commitment, while there are good practice examples indicating some trend towards NPG. During economic downturn of 2008, individuals and social groups were so shocked by cuts of public expenditures and public services, that appeals for transparent decision-making process were expressive as never before. As a result, Latvia has achieved the state-of-art where every individual can follow the legal drafting process in the ministries and the government. Civic participation and empowerment have been institutionalised in Latvia by signing a cooperation memorandum between the government and NGOs already back in 2005. By 2016, the number of NGOs which joined the memorandum has reached 404 organisations (Valsts kanceleja, 2016). Consequently, NGOs were officially recognised as a partner for the government and this is a relevant step towards empowerment (NPG).

Conclusions

1) In the 21st century, Latvia has achieved its two main foreign policy goals – to be a full

member of the EU and the NATO. In 2016, Latvia was invited to be a part of the OECD as well. On its way to participation in these organisations, Latvia has gone through massive reforms requesting bureaucratic efforts and political commitment.

- 2) The analysis of policy documents shows a quite clear tendency - NPG is not recognized *per se* in the documents as a trend or reform paradigm.
- 3) The path dependency plays a major role. The historical events – the signature of the Association agreement with the EU followed with the Regular report from the Commission and accession into the EU - not only expressed Latvia`s commitment to be in the EU, but also had impact on path of public administration reform. Sequencing of the reform ideas included in the different policy papers reflects positive evaluations and critics of the regular progress report from the Commission before 2004.
- 4) After 2004 the policy papers still continued the same track of ideas as before, since the key organisations were tended to lock in. Therefore, some of the offers included in the reform documents at the first half of the decade are still in proving their relevance in the current reform agenda.
- 5) Many of the NPG ideas have not been assumed good enough to be part of the reform agenda partly because standard operating procedures and organisational behaviour pushed the policy makers keep on the same pattern and partly because the border between NPM and NPG is vague in practice.
- 6) The reform path in Latvia shows the more policy makers adopt to the certain reform strategy, the more they believe that the strategy and ideas in it will be accepted as a common.
- 7) Regarding NPG, Latvia has been very modest and moderate, even reluctant. The main

reasons for this are both incremental modernisation process and path-dependence.

strongly affected by potential historical events in the future.

However, the development trend will be

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