The Ibero-American Public Service Charter and its implementation in light of the 2030 Sustainable Development Agenda and Sustainable Development Goals (SDGs)

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The Ibero-American Charter for Public Service (ICPS) was adopted during the Conference of Ministers and Heads of State Summit of Ibero-America in Santa Cruz de la Sierra, Bolivia. It represents a fundamental step towards the professionalization of the public service in Latin America. Its preparation was initiated by the Division for Public Economics and Public Administration (DPEPA as it was called at that time) now the Division for Public Administration and Development Management (DPADM) of the Department of Economic and Social Affairs (UNDESA) and CLAD and was later endorsed by the United Nations Economic and Social Council and the General Assembly in 2003 (A/58/193). According to the Declaration of Santo Domingo, the Ibero-American Charter for Public Service affirms that the State has the primary responsibility for defining social relations.

One of the most important directions distinguishing Public Sector reforms in the region was to move towards a change of the civil service system. The professionalization of the civil service systems in Latin America is part of the efforts that countries of the region have been carrying out over the past two decades to place their states at a level where they are able to support the processes of democratization, good governance, development and equity of their societies. A civil service that allows governments to recruit, and promote human resources of the public sector is a key element and prerequisite for the improvement of the State. The civil servant is a direct interface of the citizen and should embody values of the State and those of the citizen including efficiency, responsibility, honesty, integrity, transparency, accountability and professionalism.

The Ibero-American Charter for Public Service aims at developing human resources capacities in the public sector by defining and clarifying the components of civil service and establishing a general framework of principles, policies and management mechanisms inspiring for all the countries of Latin America.

The Ibero-American Charter was created as a measure to have an efficient and democratic public service system where public officials are to be involved in the reform process and contribute effectively with their professionalism, dedication, and creativity. According to the Charter, improving the performance of the public sector is dependant on the ability to mobilize, enhance and make the civil service organization more efficient.

The Ibero-American Charter is therefore a valuable initiative to build a professional civil service system. It finds its inspiration from the African Charter, also initiated by DPADM/DESA and CAFRAD, and initially adopted by the Pan African Conference of Ministers of Public Service (CAMPS) in 2001 in Windhock. Like the Ibero-American Charter, the African Charter was initially conceived to serve as a code of ethics for civil servants. It affirmed the professional values of the public service, as well as redefined its objectives and missions and specified the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees. By defining the principles and general rules of the public service, the African Charter has aimed at promoting concepts of transparency, professionalism and ethical standards in public service and based its principles on equality of treatment, neutrality, legality and continuity. After the Ministers responsible for Public Service in Africa and other partners reviewed the Charter, it was renamed “African Charter on Values and Principles of Public Service and Administration” in 2011. It is now a legal instrument which needs ratification of countries who implement it. There was indeed the need to integrate the principle of the Charter into the framework of the African Union and above all in the governance and public administration domain. (Reference)
The new African Charter strengthens the concept of the delivery of innovative and quality public services, the modernization and reinforcement of the Public Administration capacities, the importance of an inclusive process (where communities and users can participate in the process of providing public service), the harmonization of public policies and procedures of African Union Member States relating to Public Service, and the reinforcement of international co-operation for the improvement of Public Service as well as the sharing of good practices and experiences amongst Member States. The objectives of the new Charter aim to demonstrate that by complying with a certain number of principles and facilitating the emergence of a new type of public service, Member States will be more capable of solving contemporary African problems. This is particularly important in view of the 2030 vision of sustainable development in which countries need to build up capable public service and administration.

The goal of the 2030 agenda for Sustainable Development is to guide the overall action in areas of crucial importance for creating a “more sustainable world for all” in the next 15 years. This agenda follows the 2000 Millennium Declaration as well as the 2012 UN Conference Rio + 20 on sustainable development, redefining the way in which the international community works for a global commitment through the promotion of sustainable development. The new development agenda leads the commitment of the global community to People, Planet, Prosperity, Peace, Partnership and Poverty eradication. The 2030 Agenda for Sustainable Development is made for the prosperity of the people and planet and calls up on partnerships and collaboration from all to engage in its implementation. Without peace prosperity is not achievable and without poverty eradication sustainable development is impossible (Kauzya, 2015). Through 17 sustainable development goals (SDGs) and 169 targets the agenda aims at integrating the three dimensions of sustainable development - economical, social and environmental – and at bringing concrete results particularly in areas such as poverty, inequality, food security, health, sustainable production and consumption, growth, employment, infrastructure, sustainable management of natural resources, climate change and gender equality, peaceful and inclusive societies, access to justice and accountable institutions.

The 2030 agenda for Sustainable Development and the SDGs follow fifteen years of implementation of Millennium Development Goals (MDGs) which have been an important testbed and have allowed acquiring wider awareness on areas of MDGs for future improvements of new set targets through a common strategy. The MDGs have shown that set goals can help achieve unprecedented advances; however the uneven progresses across the world have generated the knowledge that only a close link between human well-being and health environmental and economic systems represent a common challenge that all countries have to address. This is particularly true in view of the very weak governance for sustainable development experienced in the last 20 years.

Strengthening multi-level governance means to have integrated actions aimed at strengthening institutional capacity and improving the efficiency and effectiveness of public administration and public services. As highlighted by UN Secretary General’s synthesis report, “countries will require integrated institutions that are effective and human resources equipped with the skills and capacities to deliver sustainable development”\(^1\). The issue of governance is closely linked to a reflection on the role and functions of public administration as an essential actor for developing and implementing sustainable development policies.

Building a sound capable public administration in terms of both institutional and human resources capacities is therefore a key condition for development. As it has been proven by the lessons learnt from MDGs, an inadequate public administration in terms of institutional,

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\(^1\) The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet, Synthesis Report of the Secretary General on the Post-2015 Agenda, New York, 2014 pg.35
and human resources capacities brings to insufficiency or even absence of policies, and strategies at the national level as well as to their weak implementation.

An approach based on a wide vision of the concept of institutions - including the human dimension – and on a strict setting of the long term public policies choices is the right direction towards the achievement of objectives of sustainable development. This will contribute to increase social capital as a common denominator for the society. Furthermore, integrated actions among different institutional levels arrangements for a better quality of services delivery will increase the possibility of triggering strategic synergies between the capacity of local, social and environmental governance systems and improve the quality of life for people.

The implementation of public polices as well as the efficiency and effectiveness of service delivery depend on the human and institutional capacity of public administration as a facilitator of the development process. The quality of services and public policy are closely related to the ability of the government to improve their performance and to meet citizens' needs. Therefore, interventions to promote quality of public administration include actions to improve the performance of the administration itself and to strengthen its ability to engage recipients of services and policies in the design, implementation and evaluation of public policies.

There is a great demand for improved institutional capacity, increased efficiency of public services, and highly talented staff members and indeed strong capacity, effective and efficient service delivery must be at the center of any Charter for Public Service. Institutions and public servants need to have the necessary skills, capabilities and competencies for any future government and public administration engagements in order to address the 2030 development challenge.

**Linking the Ibero-American Charter for Public Service with Implementation of the 2030 Agenda for Sustainable Development and the Sustainable development Goals.**

“Sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions”. In light of the above, it is important to investigate whether the purposes of the Ibero-American Charter for Public Service are in line with the recent development challenges, and the continuous capacity building process for the implementation of the 2030 Agenda for Sustainable Development and achieving the SDGs. Does the ICPS respond to the needs of SDGs? Is it necessary to revisit the path in order to be more focused on the challenging capacity building process?

If the quality of civil service systems is analyzed, it can be observed that in Latin America there has been a need for a strategy and criteria of merit, incentive, and depoliticization in the Public Service. The Ibero-American Charter for Public Service was conceive for Latin America countries to modernize and professionalize their public administrations. By defining a set of principles to achieve the fundamental values of the Civil Service, ICPS affirms the imperative of professional values of public service in Latin America. However, it should be noted that it is exclusively focused on the notion of civil service which is deliberately made to coincide on an equal basis with the concept of public service in the Charter. This narrows the field of action by bestowing a dimension which aims mainly to develop, strengthen or update national codes of conduct in the Public Service.
According to research made by the Inter-American Development Bank (2004, 2011, and 2013) which measured the quality of civil service systems in Latin America, by developing a methodology of benchmarks based on the Ibero-American Charter for the Public Service, it has emerged that despite “there has been noticeable incremental progress toward civil service professionalization in most of the region, most of the progress has been limited and affect significantly different countries in uneven ways…These advances were achieved thanks to new regulatory and technical instruments and, evolution in the most advanced countries has consisted of implementing and mainstreaming specific human resource management (HRM) policies and practices for a growing number of agencies”. Furthermore, according to the results of a research undertaken by DPADM of UNDESA (2012) on the codes of conduct of several countries, it has emerged that Ibero-American Charther has not so far inspired countries to have code of conducts.

The research conducted by UNDESA analysed the codes of conduct and other legal frameworks that guide the behavior of public servants in 133 countries. According to the research Public Sector institutions stand better chances of being effective when they are operated by public servants working with professionalism, ethics, integrity, openness, transparency and accountability to prevent all forms of corruption in public administration and effectively deliver public goods and services. Many countries have for long had laws, rules and regulations, to guide their public servants. Within these are found sections on codes of conduct or codes of ethics. In implementing public service reform programs, many countries realized that public servants rarely refer to these voluminous laws, rules and regulations to guide their work. Therefore, many countries, as part of the reforms, have put in place shorter and more easily referenced “codes of conduct” in the hope that public servants will find them easier to consult and follow as reference for their conduct. However, all the other legal frameworks such as laws, standing orders, “Status General de Fonction Publique” (as they are commonly referred to in Francophone countries), etc remain in place to be supplemented by the codes of conduct. Researching in codes of conduct has provided glimpses as to what principles and values are highlighted for the public servants to follow in different countries.

Information gathered from twenty one countries (21) in the region on codes of conduct and legal frameworks that guide the behaviour of the public servants have showed that a big majority of countries in Latin America and the Caribbean do not have codes of conduct/ethics. What is prominent are other legal frameworks (Civil Service Laws and “Statuts General”).

Fig1: Codes of conduct and legal frameworks in Latin America & the Caribbean

![Diagram showing the distribution of different legal frameworks in Latin America & the Caribbean](image-url)
In Latin America and the Caribbean there is a culture of laws as opposed to other countries with very general laws developed into codes (see Fig 1). Civil Service Laws have the following major categories which are common to most of the countries analyzed: (i) Integrity/honesty, (ii) Transparency/Openness, (iii) Accountability, (iv) Ethical Conduct, and, (v) Conflict of Interest (please see Fig 2).

Textual analysis revealed that the purposes of the Laws/Codes displayed an emphasis on the fight against corruption and at the same time an effort to professionalize the civil service, both aspects dealing with the reality and dilemma of the public service in the region.

As depicted on the pie chart above, most of the 20 countries considered have civil service laws in place; 2 have a code of conduct or code of ethics; 18 have only civil service laws. One country does not have any binding or non-binding legislation on ethical standards in the public service.

Comparing the Transparency International Corruption Perception Index (TICPI) with the type of legislature present in each country, it can be observed that the level of perceived corruption in those countries with codes of conduct/ethics is less than those countries with Civil Service Laws. There is a direct proportional ratio between the level of quality and elaboration of the laws and the level of perceived corruption, that is, the more specific and elaborated the law, the more corruption is perceived, according to the TICPI.

Codes of conduct are being regarded as an integral part of public sector reform in the region and represent the nucleus of the public administration function. They also address the fundamental relationship between governments and their citizens by representing a commitment to public service and enable citizens to determine what they can expect as beneficiaries, providers, recipients and users of public services. However, it also has to be stated that change to the functioning of public services will not be automatic upon ratification of the code of conduct or similar legislature. Reducing corruption and increasing the efficiency of public service delivery through the professionalization of the civil service is part
of an overall change of culture and a law/code of conduct will serve as only one (albeit important) element contributing toward these goals.

The Ibero-American Charter provides a general framework that must take account of the cultural history of the country, traditions etc. but it is no binding for all countries of Latin America. Also it moves beyond the legal dimension, which does not guarantee effective coordination mechanisms that allow a systematic professional management.

The values set out by the Charter as merit, vocation of service, efficacy to perform its function, responsibility, honesty and adherence to the principles and values of democracy, affect public confidence in the government, government effectiveness and the fight against corruption. The phenomenon of inefficiency and corruption in the public service cannot be solved with a simple classification of ad hoc ethical codes, but action is needed to ensure that the entire public service system is supported by ethical rules, enforced institutions and binding legally. Crucial in this respect it is the delicate relationship between the political and administrative spheres. The politicization of public administration can affect and impact on decision-making mechanisms, and may undermine the public right to a fair administration.

Interventions that encode the behavior of public officials must keep their performance loyal to a public administration, and free from any political power. In this respect, the creation and existence of well professionally and culturally equipped elite of public servants can provide satisfactory levels of autonomy from the political class and work only in the public interest. However there must also be a further evolution of the legislative framework in relation to the efficiency and legality of administrative action. “The codes of conduct are in fact useful when sanctions are coupled with codes of conduct and top management's commitment to the code” (OECD, 2009; Ford and Richardson, 1994). This requires action in the approval of legal instruments that will have a positive impact on the efficiency and productivity of public administration as well as on preventive corruptive actions by assigning an important role in the training of civil servants. The code of conduct are more effective when they have been integral part of a public sector reform. For this reason, the Ibero-American Charter service should configure the public service dimension beyond the only of civil service.

Establishing a professionalized civil service will be one of the key pillar of a broader process of reform which aims at enhancing the capacity of the State. By coupling the expression of civil and public services, the Charter emphasizes only the dual dimension between civil servant and organization. The Charter poses a limit to a wider system that includes the public service delivery and which would articulate the triangulation among the civil servant, the organization and the system of public service delivery. Indeed, according to the Charter results are depending only on the ability, motivation, performance of the civil servant and consequently the rules, policies, procedures, practices and agreements shall be designed to exert positive influence on the conduct (Reference from the Charter). This approach is focused on an internal dimension which considers the civil servant and the organization but it does not take into account the public service delivery (external dimension) as indeed the center of system which is not still but moving and challenging.

Working towards effectiveness, efficiency and transparency means allowing the employee and organization to address the challenges from outside, overcome the difficulties and problems and gather professionalism, skills and opportunities to turn them into resources in favor of developing actions for development.

To do this it is important to act "inward" the organization but also "outward", generating a virtuous circle of synergies and relationships that make osmotic passage of knowledge, expertise and know-how between inside and outside organization. The public administration should be able to observe and listen to the needs of citizens to be able to respond them in a timely and consistent manner; to look forward through improvements and innovations in
public service and the exchange of them to other realities and other territories; to be at the service of citizens and maintain and consolidate its authority through professionalism, integrity and ethics of civil service (see Fig.3).

Fig 3: Triangulation of agents

Building a capable public administration means: i) investing in human resources capacities in terms of acquisition of knowledge, skills as well as in terms of elevating standards of professionalism, integrity and ethics; ii) strengthening institutions at their organizational and functional levels; and iii) managing human resources for innovation and creativity. For the entire public administration system to contribute to this reorientation process towards sustainable development, it requires not only an alignment of public service incentives with a new development framework, but also greater awareness of government employees about the challenges of sustainable development and their role within the process.

The focus of the new development agenda on accountable, transparent and integral institutions is necessary in terms of economic growth, capacity development, investments, and innovation.

Strong institutions imply trasparaent, accountable and inclusive processes which engage citizens and stakeholders. This means a model based on shared administration through the enhancement of the dialogue and collaboration. The dialogue and the communication aspects enhance the role of a catalytic public administration in which decisions are taken on the basis of the participatory initiative with an empowered civil society. In this context the Public Administration is the entity capable of catalyzing, managing and making contributions of different stakeholders, with a view to co-design and co-construct public policies and public services.

It is therefore necessary of a strong predisposition to dialogue with the stakeholders in order to encourage their participation in drafting and defining laws, policies, strategies and programs.

To ensure accountability of public entities there is a need for clarity, intelligibility, no ambiguity of a structure and its action, there is a need of transparency. Transparency is understood as "total accessibility" to information of the public administration and the realization of open government as a prerequisite for providing better services to citizens. Key objectives are to identify the transparency as a key measure for the prevention of corruption and to sustain public confidence in the administration. the Available information and data will allow citizens to verify the compliance with the principles of sound and impartial public administration. Administrative transparency thus makes possible the involvement and participation of citizens and enables them to exercise the right to check on the progress and management of public functions.

The information society by definition requires a system based on transparency, information and access; because only a complete and correct information can stimulate and allow effective proactive activities, participatory monitoring and realizing, ultimately, the level playing field between PA and citizen and, therefore, an effective democracy.
The main tool the public administration has to allow citizens to verify the compliance with the principles of sound and impartiality of public administration consists of the publication of the data and information in order to discover the institutional activities and the procedures for managing and provision of public services. Administrative transparency thus makes possible the involvement and participation of anyone interested to the efforts by public administrations and enables all citizens to exercise the right to check on the progress and management of public functions. With particular reference to administrative action, the principle of transparency is instrumentally linked to those of legality, and a sound and impartial public administration.

Transparency will facilitate the participation of citizens and stakeholders to the activity of the Public Administrations. This is functional to audit every phase of performance management to enable the improvement, ensure awareness to citizens and stakeholders, and quantitative and qualitative standards of public service delivery; prevent corruption phenomena; and promote integrity in public administration. Integrity refers to values of the public servants who underpin the strengthening and the well-functioning of the administration and prevent corruption.

It is a key attribute of well-functioning public institutions (OECD, 2015). Integrity refers to the activities undertaken to strengthen the well-functioning of the administration and prevent corruption.

Corruption is particularly widespread where the rule of law is not observed, where there are forms of clientelism, where the administration State lacks of independence and professionalism and where civil society is captivated by corruption or it does not have the means to apply pressure against the various forms of corruption.

By preventing pluralism, corruption undermines the political, economic and social indispensable for sustainable development.

The public administration needs therefore to invest in mainstreaming integrity until it becomes a style of the organization. Integrity is a cornerstone of good governance, a condition for which the action of the PA is not only legitimate, but also effective. Measures for the corruption prevention need to become an opportunity to rethink a new organizational structure, to apply new methods of selection and evaluation of the leadership, develop ethical decision-making capacity for a real participation of civil society.

The main objective is to spread the culture of an open administration which serves the citizen. Accountable institutions are aimed at informing the citizens on goals, objects, processes, expected results, etc, in order to highlight the level of achievements, at transparency processes which enable the citizens to participate in administrative actions and to monitor related areas of responsibility and to work with them to develop understandable tools for measuring results and holding the public service accountable.

In line with these insights, public administration needs to undertake the following line of actions: (i) building resilient infrastructure, fostering innovation and building adequate human capacity for a proactive, open and solution-driven approach by raising people’s awareness and training them for improving organizational capacity and leadership skills; (ii) realizing that innovative infrastructures and initiatives are only truly successful if coupled with well-trained, motivated and responsible staff; (iii) promoting peaceful and inclusive societies for sustainable development by improving institutions with the adoption of anti-corruption policies, the establishment of an excellent framework which embed ethics, integrity and professionalism values in their organizational cultures; (iv) understanding that a proactive rather than a reactive approach to corruption prevention is required, as well as a need for principles of integrity, transparency and accountability to gain trust of citizens; (v) promotion of life-long learning opportunities where governments will, necessarily, need to invest in education and information technology, expanding career capabilities, as well as training and retaining or re-integrating an adequate number of skilled workers; (vi) fostering
active citizen-participation in elaborating public policies so to enhance transparency and participatory processes by having two-way communication.

These are the challenges that public administrations need to address in order to work towards sustainable development. To conclude, it can be said that the Ibero-American Charter for Public Service has surely the merit of being a major effort towards a professional management system that can be the basis for strengthening the institutional framework and democratic system; however, in our opinion it needs to have a new impulse that will allow a qualitative leap towards a “new type of Public Service” which seems fundamental in light of the new development agenda 2030.