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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with

**THE PRIME MINISTRY OF JORDAN / INSTITUTIONAL PERFORMANCE
AND POLICY DEPARTMENT**

AND

THE GENERAL PERSONNEL COUNCIL OF PALESTINE¹

10th Regional seminar for senior public officials

UniDem Med

**“LEADING INNOVATION IN THE CIVIL SERVICE:
FROM RULE OF LAW STANDARDS TO LEADERSHIP”**

**W Hotel
Amman, Jordan**

4 – 6 November 2019

PUBLIC ADMINISTRATION MODERNISATION AND RULE OF LAW PRINCIPLES

by

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¹ This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe and European Union member States on this issue.



LEADING INNOVATION IN THE CIVIL SERVICE: FROM RULE OF LAW STANDARDS TO LEADERSHIP

Amman, Jordan

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Values of the Public Service, Leadership and Rule of law principles

Julio Nabais
Portugal

I. Main principles and values for public administration

II. Balancing core values and efficiency

III. Leadership and innovation

IV. How to innovate in practice

V. Conclusion

SUMMARY

THE LEADING PRINCIPLE FOR PUBLIC ADMINISTRATION: **LEGALITY**



It ensures:

Rule of law

Constitutional guarantees

Public interest

Impartiality

Predictability

Equal treatment

Non discrimination

Judicial accountability

HOWEVER... OTHER VALUES ARE ALSO IMPORTANT:

-
- **Fairness / equity**
 - **Proportionality**
 - **Positive discrimination**
 - **Efficiency**
 - **Effectiveness**
 - **Openness**
 - **Integrity**
 - **Public interest (value for money)**
 - **Social and environment responsibility & accountability**
 - **Gender balance**

A CONCEPTUAL EVOLUTION

State of
Law

Social State
of Law

To adopt adequate and legal decisions and action... whilst being effective in reaching results.

To be efficient... within the framework of the law.

To trust and to be trustworthy.

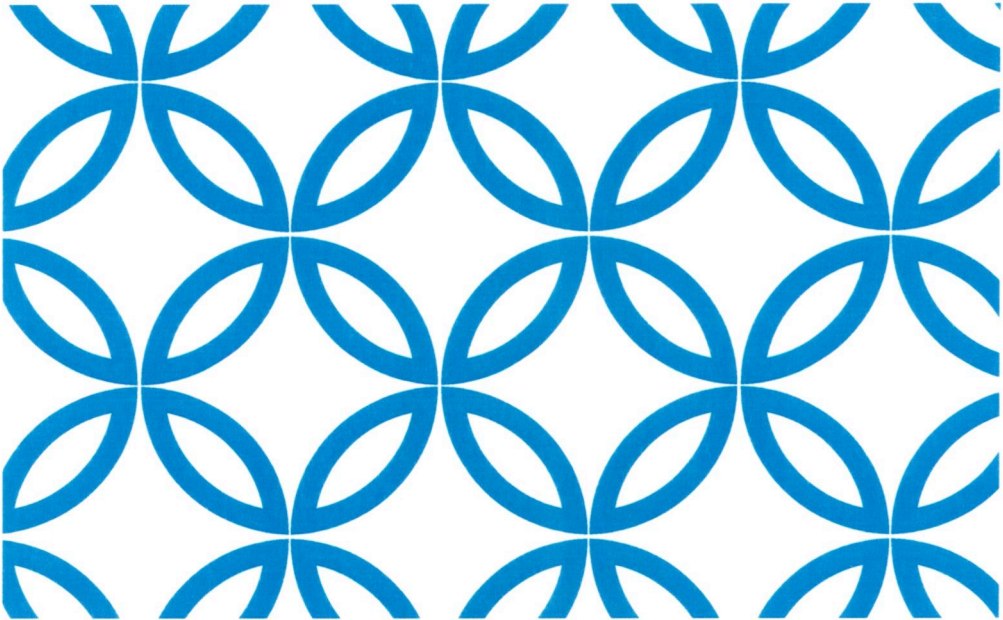


A SINGLE OBJECTIVE: GOOD ADMINISTRATION



THE QUESTION IS...

How to balance core
values and efficiency?



THE ANSWER IS

LEADERSHIP and INNOVATION !

LEGALITY & EFFICIENCY: A CREATIVE TENSION!



Being **tension**, it may lead
either to destruction or to
creation — a job for leaders



Being **creative** — a job for
innovation

LEADERSHIP IS ABOUT...

Vision/strategic thinking/change management

Guidance

Knowledge / skills / training

Communication

Empowerment / Delegation

Encouragement

Motivating people

Trust

Ethical behaviour

Leading by the example



PUBLIC V. PRIVATE LEADERSHIP

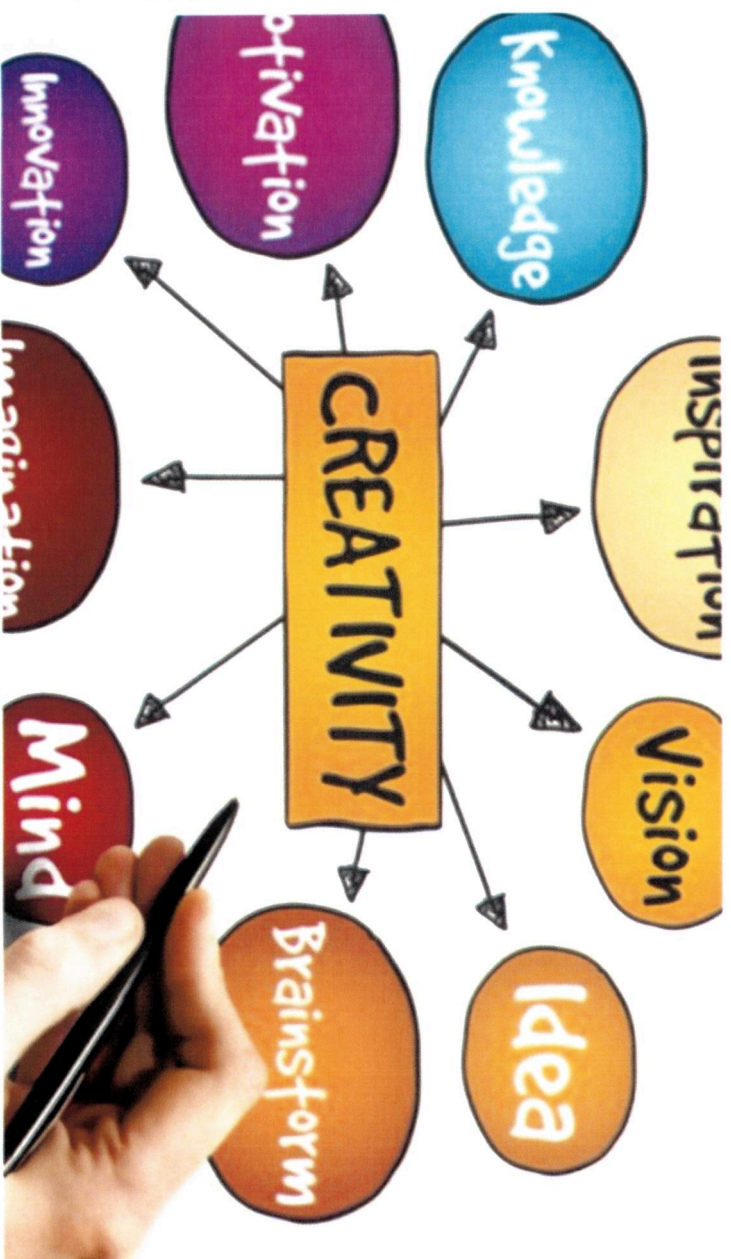
The same fundamental capabilities

However...

- Different set of fundamental values
- Different constraints
- Different objectives
- Different stakeholders

Two examples:

- Hiring staff
- Procurement



INNOVATION IS ABOUT...

- Solving **old problems** which are not adequately solved using current tools and approaches
- Solving **new problems** that current tools are unable to tackle
- Anticipating solutions for **predictable problems** in the near future

INNOVATION IS A NECESSITY...

Not a matter of fashion – innovation is there since the very beginning

Not a topic for a single ministry, for managers, for others – it's an everybody task

Not a merely ICT approach – ICT is just a tool

Not improvisation – requires strategy, hard work and persistency

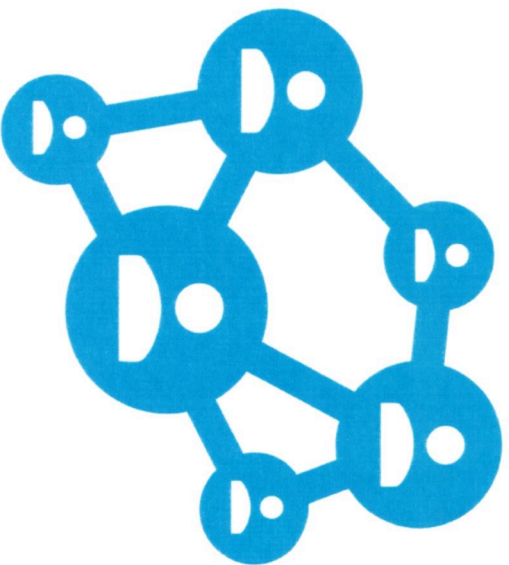
Not about ideas – is about ideas that succeed

***"If you always do what you always did
you will always get what you always got"***

Albert Einstein

...or even less!

AREAS FOR INNOVATION? ALL OF THEM!



- organisation of public services
- management tools and practices
- procedures
- working methods and working environment
- training methods
- motivation of staff
- ways to deliver public services
- involvement of citizens and other stakeholders
- communication
- ICT, AI
-etc...

INNOVATION REQUIRES



**Leadership, coordination
and support**



**Attitude (motivation;
openness; thinking out-
of-the-box; learning; ...)**



Focus on results



**Tools and capabilities
(training; qualifications;
collaborative work; ...)**



**Experimentation
(laboratories; real cases)**



To take risk



Evaluation

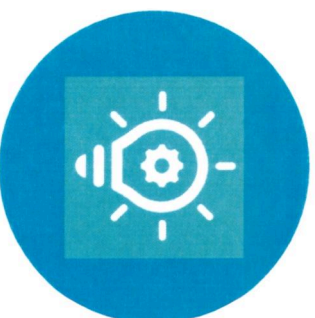


**Communication
&
Dissemination**

“THE RIGHT TO CHALLENGE”
AN APPROACH TO INNOVATION WITHIN REGULATORY ENVIRONMENTS (PORTUGAL)



THE RIGHT TO CHALLENGE
THE RULES



A WAY TO TRY, IN PRACTICE,
INNOVATIVE LEGAL
SOLUTIONS



REDUCES RISK AND IMPACT
OF FAILURE

HOW IT WORKS?

A piece of legislation — or part of it — is temporarily suspended

Suspension applies just to a limited scope of entities

Suspended rules are replaced by experimental rules

Experimental implementation is closely monitored and supported

Evaluation and recommendations at the end of the experimental phase:

- **Total success:** experimental rules become general rules, applied to all relevant entities
- **Partial success:** adjust and enlarge implementation
- **Failure:** a different solution is needed (try it differently; lessons to be learned; **don't give up!**)

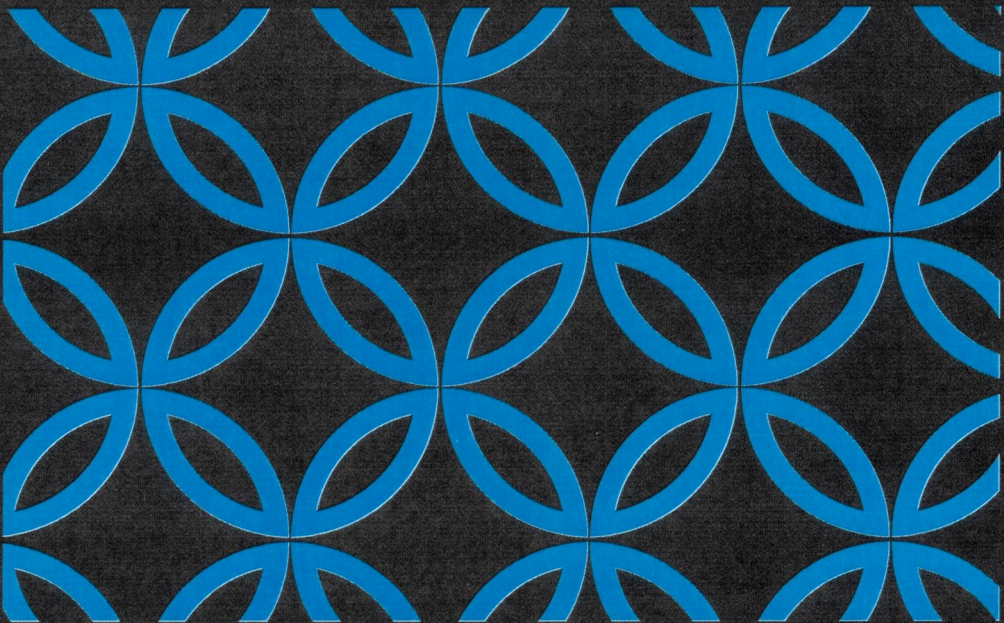
LEGALITY OR EFFICIENCY? IS THERE A ^{real} DILEMMA?



No option...It's a one way road!



LEGALITY + EFFICIENCY



PUBLIC ADMINISTRATION HAS TO BE EFFICIENT, TOO

Meaning...

Getting results

In the most cost-effective manner

- . Doing right things right - more & better & at the lowest cost
- . Involving the social and private sectors in providing public goods and services (PPP; contracting-out; co-production; ...)
- . Adding value for citizens and companies

THIS IS WHY PUBLIC ADMINISTRATIONS NEED:

High quality political and administrative leadership

A professional and motivated public service, impregnated with public values

All of them committed to add value to citizens and to the economy...

...Embracing innovation as permanent attitude towards excellence and service to citizens.



THANK YOU FOR YOUR ATTENTION

