

**SUB-THEME ONE:**

**THE INSTITUTIONAL FRAMEWORK**



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In presenting these observations one point needs to be stressed at once. Space allows only for general observations. This paper, consequently, cannot be regarded as a detailed critical study of the Report of the Public Service Reform Commission, (hereafter referred to as the PSRC report). Moreover, discussion of the report is made difficult because the latter is merely a 'statement of findings' (PSRC p.9) rather than a report proper. This paper, therefore, seeks merely to discuss some of these findings and the proposals made in the report as they arise or are said to arise from these findings.

It may be said, at the outset, that many of the conclusions or prescriptions advanced in this report are by no means new. Rather, they reflect three decades of debate on public service reform elsewhere but especially in Europe and North America. This is not in itself a criticism but merely a statement of fact. It is a fact which finds confirmation, albeit in passing, in the PSRC report itself. "This report" the Commission states, "... presents ideas that may appear bold ... They have been tried by other countries facing the same problems and have been shown to work." [PSRC p. iii] The latter may or may not be universally true and it was wrong of the Commission to fail to provide either indication of the countries it refers to or evidence to support its assertions. There are several reasons why this is wrong. In the first instance it restricts discussion. Second, it breeds mistrust and, ultimately, does not strengthen or aid the process of accountability which, as its own

report admits, is so sadly lacking in these islands. Third, the Commission's reluctance to come clean, as it were, with respect to the sources which have influenced its conclusions, makes public monitoring of its reforms almost impossible. How are we in future, as outsiders in the decision-making process, to distinguish whether the reforms being implemented are those actually favoured by the Commission? How are we to ensure that the so-called reforms being implemented by the party in government do not mask partisan objectives? Even as we speak today public allegations persist that several appointments and promotions carried out at every level of the public service, reflect neither the interests of the public service nor the spirit of the Maltese Constitution. It is, perhaps, the danger that some of the recommendations may be abused in this manner which led Mr Caruana, by far the most experienced member of the Commission in public service affairs, to publicly express his reservations.

A final general criticism of the Report is that the PSRC report tends to give inadequate attention to the political environment. It is this environment which, in a large measure, shapes and dictates public service behaviour, goals and performance and which, in turn, gives rise to the political culture of its members and to that of the rest of society. One may argue, quite justly in my view, that political reform was not in the PSRC's agenda when it was constituted, hence its reluctance to express explicit views on the subject. Nonetheless, it remains true that, in Malta, radical public service reform depends, almost entirely, for its success on radical political reform. Indeed, in my view, the former cannot be

divorced from the latter. This is a point which the Commission seems to have failed to grasp fully. One reason for this, perhaps, appears to emanate from the exaggerated sense of faith which the Commission, with the exception of Mr Caruana, seem to place on the readiness of present, and indeed, future political leaders to pursue reform and to forgo partisan advantage. I, for one, do not share this faith and see the work of the Commission as yet another lost opportunity for a new beginning in Malta.

### Of Goals and Men

The Public Service Reform Commission, as already noted, has described its report as a statement of findings. It might also be correct to view it as merely a statement of goals for reform. Indeed the report consists of a brief sketch of the thirteen goals which the Commission sees as necessary if public service reform is to be successfully implemented. Below I shall address some of these goals.

In approaching Goal One: Winning Public Confidence the Commission seems to imply that the fault for the public's loss of confidence in the service lies, largely, with the public service itself. The report states, for example, that because of the extent of the public's loss of confidence in the service, politicians and organised interests have become predisposed to carry on their 'business through the "networks"' thereby 'justifying this unsavoury feature of the national way of life'. [PSRC p.9] Furthermore, they emphasise, rightly in my view, that public

servants tend 'to demonstrate a lack of sensitivity to the needs of customers.' [PSRC p.10] Their response to these problems is to urge the development of improved customer relations, the rooting out of patronage, corruption and incompetence, and the gradual introduction of open government. But in order that these problems may be successfully tackled, especially where negligence, patronage and corruption are concerned, three steps need to be taken, according to the report. First that quick and effective action should be instituted, by means of inquiries, against officials suspected of impropriety or incompetence. Second, that adequate provision for the speedy audit of administrative measures be instituted. And finally, that the scope of judicial review of administrative discretion be extended beyond acts that are 'ultra vires', or clearly in violation of an explicit provision of a written law.

One cannot help but agree that a large number of civil servants are insensitive to the needs of the citizens they are employed to serve. But one cannot accept the view that the system of doing business through networks has arisen in Malta as a result of the existing mistrust of public servants. This system has, in fact, been an ingrained feature of our social and political culture for centuries. It is a system encouraged by smallness, where face-to-face relationships are the norm and where ties of kinship and friendship are generally enduring. It is also a system which has gained in strength and importance in post-war Malta with the introduction of mass electoral politics and the growth of an extensive system of state welfare. Furthermore, candidates for political office have

secured for this system an even greater degree of entrenchment. The PSRC report, therefore, is much nearer the point when it states in the introduction that, "politicians ... have succumbed to the temptation to factor the Service into the strategies of power politics. Willingly or unwillingly, the public service came to be associated with the use of public resources for partisan or private gain." [PSRC p.1] In other words ministers have systematically employed the local public service, and public monies, to advance their political careers, those of their party and the private interests of their supporters. Hence, it might be nearer the truth if we were to admit that the public service we have today – incompetent, inefficient or corrupt as the case may be – is what politicians have made of it over the years. In fact, it is well-known to individuals, as well as to user groups of the public service that, in nearly all matters, the "buck" stops either with the minister or his secretariat of loyal political collaborators. Thus, since responsibility for administrative matters rests almost exclusively with political heads, rather than civil service heads, one must, even at this stage, predict great reluctance on the part of the Cabinet to implement the Commission's proposals for the institution of speedy, effective and presumably, independent inquiries. Indeed the time it will take the Minister of Justice to comply with the wishes of the PSRC Commission and amend Section 743 of the Code of Organisation and Civil Procedure will represent one measure of the Government's commitment, or lack of it, to genuine reform. [PSRC p.11].

However, if inquiries are to enhance the process of accountability and ultimately to improve the efficiency of the public service the results of these enquiries must, unless extremely exceptional circumstances dictate otherwise, be made public. It is intolerable that in a so-called democratic society Prime Ministers should continue to enjoy the power to deny citizens their right to information by denying them access to reports which may embarrass the government. If voters' sovereignty is to be truly meaningful then voters must be allowed to scrutinise every aspect of government performance. The practice of giving the people only what the party in government feels to be in its political interests to give the people smacks of electoral dictatorship and is incompatible with liberal-democratic notions of effective citizen participation, accountability and the protection of individual human rights.

It is for this reason that I fully support the Commission's call for the introduction of open government. I also agree with the Commission that in doing so several needs require to be reconciled especially that the privacy of individuals, where this is not a public matter, be safeguarded, that the administration is not paralysed by demands for information and that the security of this vulnerable micro-state is not jeopardised. [PSRC p.12] As the Commission correctly points out 'this exercise calls for more than a review of the Official Secrets Ordinance' [ibid] but appropriate legislation. Nor is it an exercise which can be successfully carried out within the closed walls of the Cabinet or Attorney-General's Office. Rather it requires the creation of a separate Commission to hear

views and, after proper inquiry, to submit proposals for implementation. How long it will take the government to proceed on this issue of open government, which also featured as one of its electoral promises, will also serve as an indication of the readiness of the party in government to implement radical reform.

Moving on to its second goal or set of recommendations the Commission reiterates its view of the existing 'disquieting reputation of the Service' and stresses the often overlooked, or purposely ignored, fact that, today, "the risks of corruption, waste, inefficiency and the abuse of administrative discretion are large and growing.' [PSRC, p.14] Public expenditure in Malta has, over the past few years, grown in a manner hitherto unknown but the powers and competence of the supervising and scrutinising agencies have neither been expanded nor developed in a similar manner. Unfortunately, the reason for this state of affairs is known only to those wielding political authority who, it seems, remain undisturbed by the existing popular feeling that corruption, waste, and the abuse of administrative discretion are widespread in Malta.

The solution proposed by the Commission to redress this situation is twofold: it proposes the creation of a culture of integrity and excellence. By integrity the Commission means ethical behaviour which can be explained by reference to agreed standards of conduct and the creation of some mechanism to deal with offences against such standards. It is important to note that the Commission feels that these ethical standards should apply to public servants

and politicians alike. 'Excellence' the Commissioners 'take to mean the quality of performance of tasks.' [PSRC, p.16]. This involves, according to the Report, the introduction of departmental corporate plans which identify priorities, set goals and targets, allocate resources and assign responsibilities; performance standards and a performance evaluation system to serve as a basis for the evaluation of outputs; and the introduction of a system of rewards for good performance based on a system of performance evaluation.

These two planes would, in the view of the Commission, serve to make the Maltese public service a distinct profession with its own outlook and identity. Despite the existence of several professions, in Malta professionalism is still, rather sadly, profoundly lacking. The reasons for this are several and cannot all be discussed here. In the first instance, Maltese professions are grossly overstocked with the consequence that the resultant competition for rewards tends to ignore ethical and, at times, legal standards. This is particularly true among the oldest professions and in every case it is the consumer and the community that suffer. Professional status tends to be equated with a somewhat higher standard of living than other occupations but it is a fact that existing formal opportunities are scarce and, hence, not enough to fulfil, on their own, such expectations. It is not surprising, therefore, that members of these professions can be found working in spheres outside their profession and not infrequently playing an important role in Malta's vast underground economy. Second, several of their members are also employed as full-time public servants and

though technically not free to practice their profession tend to give greater attention to the latter than to the former. Finally, there is enough evidence available to suggest that many so-called professionals - who none the less charge for their services professional fees - tend to care very little about quality, performance or excellence. Hence, it may be said that professional status does not always or necessarily coincide with professional conduct.

Having said that, however, I would be the first to admit of the need of making the public service a professional occupation. I would also be prepared to say that, if the recommendations of the PSRC report are closely adhered to, this aim may be eventually achieved. This becomes clear if one examines Goal Two in the light of what the same report proposes with respect to Goal Seven which discusses role delineation and staff development. For without proper training neither integrity nor excellence is possible. Nonetheless, if the goal of integrity is to be attained and maintained on-going ethics training is not enough. In fact two things are required. First, a system of scrutiny which protects public officers against pressures from relatives and, given the smallness of our society, from their vast army of friends and acquaintances. Second, that ethics training becomes a national pursuit. This involves making ethics a subject of study at all levels of the education system and that those admitted to the teaching 'profession' should themselves have undergone extensive ethics training. It also calls for the creation of open and independent bodies, themselves subject to public scrutiny, charged with the

setting of ethical standards and empowered to investigate, expose and deal with breaches of such standards. Political leaders, because they wield enormous political power and dispose of vast sums of public monies, should themselves become the subject of on-going investigations by these independent bodies. Those selected to sit on these bodies must not be the nominees of the party in government alone but also of other political forces and constituted bodies.

One has to admit that the two bodies which exist today, i.e. the Commission against Injustices and the Permanent Commission against Corruption have been, in my view, purposely handicapped by the legislation which created them. The Commission against Injustices is required by law to conduct its business in complete secrecy. The upshot of this is that the taxpayer, who ultimately has to bear the cost of its recommendations, can never feel sure that the Commission's decisions are founded on principles of justice, even though this may be the case, and not partisan considerations. Furthermore, the law, as it stands today, gives the Prime Minister the power to make the final binding decision thus making him the final arbiter of what constitutes justice. Such a concentration of power is unacceptable in a democratic society and a dangerous precedent which should be got rid of forthwith. The Permanent Commission against Corruption, on the other hand, has proved itself rather timid. Despite its powers this Commission has consistently failed to take the initiative and investigate serious allegations of corruption which from time to time have been made against political heads of departments. Had it done so public confidence in its political independence would have been assured.

Public confidence in this Commission is further undermined by the fact that it does not enjoy executive powers with the consequence that its reports may, if it suits the government of the day, be left to gather dust.

Training programmes for public servants have been on the decline since independence. Thus, the detailed attention which the PSRC gives to training is most welcome. Also noteworthy is the way the report approaches this issue. The report stresses that 'staff development policy should no longer be limited to developing the abilities of staff to the extent demanded by their duties and responsibilities' but that the public service, as an employer, has 'an obligation to prepare staff for promotion to a higher grade' [PSRC, p.42]. This is an important recommendation and it is hoped that, as the training capacity of the service develops, it would be implemented in the same spirit in which it has apparently been made. Of equal importance is the recommendation that 'the training and development needs of the successors be identified, and a training programme designed to meet those needs be initiated' [ibid.]. This, as the report states, is a priority. The Report also expects service-wide responsibility for the training function, with departments having their own training units. It also proposes a Public Service Training Board, a Management and Personnel Office and a Central Staff Development Organisation. Both the MPO and the SDO, as the latter two organisations are commonly known, are already functioning effectively under capable leadership.

That the service needs its own training function is neither in doubt nor in dispute as the foregoing makes clear. However, not all the training needs of the public service can be met from within the service. Where the higher grades are concerned some of these needs can be met by the university. It is unfortunate that the Commission did not see fit to inquire how the university can help the public service to attain its ends. Nor did it see it fit to assess the value of courses, especially those in the sphere of Public Administration, held over the years at the university. That these courses were of some value can be gauged from the fact that the support and research staff of the Commission itself, of its brainchild the Staff Development Organisation, and of the Management Systems Unit, are graduates of public administration. The PSRC must have been aware of the low view that many academics hold of the public service. In 1988 a proposal to establish an Institute for Public Sector Studies at the University, an idea first floated by this author and some close associates, failed to excite interest among university departments. It is to the credit of the authorities at the University that a complete break between the university and the public service was avoided with the creation of the Department of Public Policy within the Faculty of Economics, Management and Accountancy. In a sense, therefore, the Commission lost an important opportunity to strengthen the claims of the public service as a profession in its own right.

My final comments concern issues which arise from the PSRC's discussion of Goal Six which deals with ways of selecting and retaining the brightest and the ablest. It may be said that most of

the proposals advanced in the report which aim to secure these ends are firmly rooted in modern concepts of management. Indeed, this is true of the entire report. Much of what the report proposes is coherent, useful and can be applied with advantage. Those who argue that management concepts are of little value in the public sphere are mistaken. No organisation can function properly or achieve its goals if it lacks sound managerial structures and practices. The crisis in which the public service finds itself can, in fact, be attributed to the absence of such structures and practices. An absence which greatly facilitated the usurpation of its limited authority by political masters who constantly seek to extend their power instead of loyally carrying out the responsibilities for which they are elected. In fact it appears that departmental employees are often conceived by ministers to be their servants first and public servants second.

Nonetheless, I am of the view that not all the proposals contained in Chapter Eight of the report are applicable to the public service. The report states, quite rightly, that "selection decisions must be made in the right context and for the right motives: there must be a job for the candidate that fits into the framework of tasks of the organisation and the positions that correspond to those tasks" [PSRC, p.48]. But the report then goes on to state that "in order to restore credibility and relevance to selection decisions, .... authority to select and appoint all staff other than those in Category A (Ass. Director upwards), be delegated to heads of departments" [ibid.]. This is a mistaken view. The Commission seems to assume that the needs of each department are inherently

different from those of every other department. This is not so, especially at the lower levels, where what is expected of public officials is very similar, if not quite identical, to every department. It would also result in a rigid system as it would make movement between departments difficult. It might even prove unfair to public servants for promotion prospects in one department might be more restricted than in others. Even the existence of career streams may not remedy such disadvantages. I am also inclined to favour the view, expressed by Caruana, that "doing away with common recruitment procedures in respect of staff used for the same kind of work would be cumbersome and inefficient and it would hardly add anything to the quality of the staff required" [PSRC, Reservation to the Report]. It seems to me that the Commission's error or mistaken conclusion arose from its approach, i.e. its assumption that public service departments are practically independent organisations in their own right. A better way of explaining it, perhaps, would be to say that they treated the public service as they would a conglomerate or group of companies having one central office. This is too simple an approach, although it has its strong merits when it is applied to the specific tasks of individual departments.

The PSRC report also recommends that Directors, Heads and Permanent Secretaries should no longer enjoy security of tenure but should be on contractual terms for definite periods. I believe that this proposal would in practice prove less mischievous in those countries where a free press exists and where strong and independent scrutinising agencies have a long history. This not the

case in Malta. Consequently, the outcome of this recommendation would be the appointment of party cadres to these important and strategic offices. Their sole qualification would be political loyalty to the party in government and to individual ministers. Indeed, in time, the political interests of their patrons – the ministers – would come to coincide with those of their own. Their sole motivation would be to secure electoral victory at the polls for their party and thereby to retain their office. The outcome would be an even greater expansion in clientelism, patronage and ultimately abuse of power and corruption. Furthermore, it is quite likely that those appointed in this manner to these offices would prove to be capable overseers rather than the managers envisaged by the Commission. This is not to say that I favour seniority. Seniority should be made to count only when it is combined with merit and when the criteria of what constitutes merit have been clearly established. But to swiftly adopt what the PSRC report proposes would be dangerous.

### Concluding Note

This presentation may have at times, appeared rather scathing of the PSRC report. This is not the case. A brief exposition of this nature can never do justice to the wealth of sound recommendations advanced in the report. Nonetheless, the author remains convinced that the crisis in the Maltese public service is merely one of the symptoms of the wider crisis which pervades Maltese society. The cause is entirely different and can be found

in the political system of which the public service is merely a part,  
albeit an important one.

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## ALBERT J. TABONE

Ir-rapport kif inhu ma jistax wiehed jikkommenta fuqu sufficientement ghaliex l-Operations Review m'huwiex accessibbli. Fil-verita, l-pubbliku ghandu nofs rapport. L-elementi krucjali, l-elementi li jirrigwardaw struttura, l-elementi li forsi jirrigwardaw organizzazzjoni, l-elementi li jirrigwardaw allokazjoni ta' xoghol: dawn mhux koperti fir-rapport li hawn mahrug ghall-pubbliku u li qeghdin nikkummentaw fuqu l-lejla. Dan huwa punt bazilari li wiehed irid jaghmel car.

Il-kuntest li fih hadmet il-kummissjoni kien kuntest pjuttost limitat. Tghidu, ghaliex limitat? Ghaliex koprew is-servizz pubbliku, pero is-servizz pubbliku m'huwiex biss "ic-civil" kif nafuh. Jinkludi wkoll, per ezempju, il-korporazzjonijiet pubblici. Rrid insemmi punt ftit importanti: numru ta' korporazzjonijiet nholqu b'certu skopijiet ta' operat effettiv, ta' operat "on business lines". Fil-verita kulhadd jaf li mhux qed joperaw hekk ghaliex, nonostante l-fatt li nholqu dal-korporazzjonijiet, u legalment huma ndipendenti, in effetto qed jiehdu direttivi minghand ministri. Mela kien mehtieg ukoll li l-kummissjoni tidhol f'dan l-aspett, pero ma dahlitx. Ma dahlitx forsi ghax eskluza mit-'terms of reference' taghha.

Punt importanti li semmiet il-kummissjoni u ser nikkwota testwalment: "Neither the public service nor politicians have appreciated the implications of this development" - hawnhekk qed jirreferixxu ghall-kontroll permezz ta' "democratically elected

executive" - "and have not fully adjusted their expectations and perceptions of one another". Pajjizna ghandu esperjenza ta' gvern responsabbli jew rapprezentattiv almenu f'kontinwita bi 'break' qasira mill-1947 'l-hawn. Ir-relazzjoni bejn ministri, bejn il-politici u s-servizz pubbliku qatt ma gew definiti. Dan huwa punt kardinali u jigi, forsi, mid-difetti kulturali li ghandna Malta li ghamel accenn ghalihom is-Sur Pirotta. Jigi ukoll, jista' jkun, ghax hawn interess ta' politikanti li dawn qatt ma jigu definiti. Dawn il-veritajiet irridu nkunu cari fuqhom.

Ic-cittadin, meta jigi ghand impjegat, jistenna trattament ekwu, jistenna trattament identiku. Jistenna applikazzjoni ta' ligi favur jew kontra tieghu, pero b'mizura ugwali, mhux mizura differenti, skond min int jew skond minn min tigi u min qed jibghatek. Dan huwa l-kuncett sfortunat li ghandna Malta.

U dan hu kuncett sfortunat li, jiddispijacini nghid, il-kummissjoni ghamlet accenn ghalih, pero ma tat ebda suggeriment ghal soluzzjoni dwaru. Anzi l-kummissjoni semmiet in-necessita' li l-poliktant u l-'entourage' tieghu, li jistghu jkunu nies tal-politika u jistghu ikunu 'advisers', li ma jindahlux jew izommu l-bogħod mis-servizz pubbliku. Dan hu l-kuncett. Pero kif ma qalitx. U l-kif huwa mportanti. Qeghdin f'pajjiz zghir hafna. Certi pressjonijiet ma nistghux nevitawhom. Ghalkemm ma'ahniex pajjiz Afrikan, il-kuncett ta' l-'extended family', japplika wkoll f'pajjizna b'mod izjed insidjuz kultant. Irridu noqogħdu attenti hafna, ghaliex minhabba f'dan jigi l-fatt li individwu sejjer ghand dak biex jinqeda u jmur ghand l-iehor u bir-rizultat u

konegwenza ta' korruzzjoni. U dan huwa l-punt li l-kummissjoni ghamlet accenn ghalih u fil-verita fir-rakomandazzjonijiet taghha infatti marret kontra dak li qed tghid hi stess.

Ghaliex? Ghaliex is-servizz pubbliku, b'definizzjoni, huwa l-haga li ghandha tipprovdi kontinwita' ghall-pajjiz. Kieku tghid li hemm bzonn nirrigenerawh, hemm bzonn li naraw kif nirrangawh hemm bzonn naraw kif ser nittrattaw il-problemi li ghandu, dan kollu minnu, imma li xi hadd jigi jitkellem f'termini ta' servizz pubbliku gdid ghalija bhala cittadin u bhala ex-'civil servant' toffendini. Toffendini ghas-semplici raguni li ghalija s-servizz pubbliku ghandu jkun ix-xempju ta' kontinwita'. Is-servizz pubbliku qieghed hemm biex jezercita certu fren fuq il-politikant. Jekk is-servizz pubbliku mhux lest jezercita fren fuq il-politikant, allura ehles minnu u dahhal nies ta' politika ghal kollox. Nistghu nimmaginaw pajjiz jimxi b'dan il-mod? Dan li qieghdin nithaddu fuqu il-lejla. Dan li ghandna nezaminaw flimkien.

Il-"concern" ta' hafna mill-hbieb li hawn prezenti huwa possibbilment l-element tas-salarji. Is-salarji huma mportanti pero m'humix il-haga crucjali - il-haga crucjali hija li c-civil jerga' jipprestina ruhu biex jieqaf lill-politikant u l-ndhil politiku zejzed.

M'inhix qed nghid li ordnijiet politici wiehed m'ghandux jimxi magghom. Jien qed nghid li l-politikant ghandu jistenna mis-servizz pubbliku l-onesta' kollha u ghandu jirrispetta lill-impjegat pubbliku u jittrattah bl-onesta' u hekk ghandu jistenna c-cittadin.

Dan huwa l-kuncett, dan huwa li sar, dan huwa li ghamlu accenn ghalih, il-Kummissjoni, pero ma taw ebda soluzzjoni.

Jiena wiehed minn nies li nemmen li tajjeb ikollok kummissjoni li taghmillek rakkomandazzjonijiet, tajjeb li jkollok 'guidelines' ta' kummissjonijiet u ta' nies indipendenti. Pero' r-riforma, r-riforma bazilari mhux biss trid tkun accettata mis-servizz pubbliku imma hu stess irid isib mezzi kif jiggeneraha. L-inizjattiva trid tigi mill-impjegat tal-Gvern. Jekk irridu nirnexxu f'riforma tas-servizz pubbliku, irridu nippruwaw nitkellmu f'termini ta' servizz li jirrispetta lilu nnifsu, li jirrispetta c-cittadin, li jirrispetta l-politiku li jkun hemm minn zmien ghall-iehor; dik ir-riforma trid tigi ghaliex l-impjegat jemmen fil-htiega ta' din, jemmen fiha bhala punt kardinali fit-twemmin tieghu.

Issa hawnhekk ghandna zewg mardiet, it-tnejn storici: ta' nuqqas ta' definizzjoni ta' responsabbiltajiet bejn il-politiku u l-impjegat li ilhom sejr in is-snin; ghandna kuncett li hallew warajhom l-Ingliزي, ta' centralizzazzjoni, il-kuncett tas-Segretarjat l-antik. Dak il-kuncett li ghadu prezenti sa' llum, il-kuncett li l-ufficcju tal-Prim Ministru u l-Finanzi huma l-awtoritajiet. Mela qabel ma tfarrak dik l-ideja, qabel ma tfarrak l-ideja li xi settur fil-gvern huwa izjed gharef mill-ohrajn, ninsew l-ideja ta' riformi. Il-kuncett li rridu nkissru hu l-kuncett li hemm xi hadd 'at the centre' li jaf aktar mill-ohrajn. Dan huwa kuncett li huwa wirt hazin u sfortunat, minn zmien is-Segretarjat, minn zmien il-kolonjalizmu.

Semmejt illi l-kummissjoni ghafset hafna mhux biss fuq ir-rwol tas-servizz pubbliku. Semmiet kuncetti ta' 'managers' li mhux kuncett gdid, kuncett li konna qed nipprovaw indahhlu fis-Servizz tnejn u ghoxrin sena ilu, pero' mlibbes b'libsa isbah illum, ipprezentat b'diskors isbah, pero' il-kuncett hemm baqa'.

Pero' l-ikbar nuqqas tal-kummissjoni hija li servizz, istituzzjoni, parti mill-arma ezekuttiva ta' gvern tikkonceptixxi li fl-oghla livelli ma jinghata kaz ta' xejn tal-kontinwita' u jiddahhlu nies minn barra, f'pozizzjonijiet ezekuttivi, jaghtu pariri, jew infatti huma nfushom ikunu l-'managers', tad-dipartimenti. Dan huwa kuncett li jkompli jkabbar il-pjaga tal-politicizzazzjoni fis-servizz civili.

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## LINO SPITERI M.P.

Is-servizz pubbliku - definit bhala s-servizz civili u l-korporazzjonijiet pubblici - ghandu funzjoni x'jaqdi li, ghalkemm fundamentali, fiha nnifisha hi semplici. Il-qafas istituzzjonali li fih titwettaq dil-funzjoni lanqas m'hemm diffikultajiet kbar biex jingharaf.

Tliet mistoqsijiet jistghu jghinu biex is-suggett jigi nkwadrat tajjeb:

X'ghandu jaghmel is-servizz pubbliku?

Kif ghandu jaghmlu?

X'ghandu jiehu talli jaghmlu?

Li ghandu jaghmel is-servizz pubbliku hu sempliciment li jaqdi, u jaqdi sewwa, lill-pubbliku b'mod li jaghraf li bazikament dan mhux qasam ekonomiku, izda socjali.

Ma naqbilx mal-hafna enfasi fir-Rapport tal-Kumissjoni ghar-Riforma tas-Servizz Pubbliku, dwar customer relations. Is-servizz pubbliku mhux xi hanut tal-moda jew agenzija ta' l-ivvjaggar. In-nies li jrid jaqdi dan is-servizz m'humiex konsumaturi normali, fis-sens li jistghu jgharblu u jqabblu, u mbaghad jaghzlu skond il-mezzi taghhom. Ghal certi htigijiet, il-poplu bilfors ghand dan is-settur irid imur. Das-settur jamministra s-servizzi tas-sahha, tal-harsien fit-triq u tad-dar, ta' l-edukazzjoni, tad-dawl, l-ilma u t-

telefon. Għall-pensjonijiet, għajjnuna waqt il-mard u servizzi soċjali oħra, sors wiehed u wiehed biss għandu l-poplu.

Mela qabel xejn, is-servizz pubbliku jrid iservi lic-cittadin, mhux sempliciment għax hu dan li jhallas għalih bit-taxxi, izda għax dawn servizzi pubblici, c-cittadin għandu dritt istituzzjonali għalihom u l-Istat hu obligat jagħtihomlu, permezz tas-servizz pubbliku.

Hawnhekk tidhol il-htiega ta' distinzjoni li ma ssirx bizzejjed. Is-servizz pubbliku huwa mekkanizmu ta' l-Istat, mhux tal-gvern fis sens politiku. Kull gvern imexxi l-Istat temporanjament. B'kuntrast, l-amministrazzjoni ta' l-Istat trid issir dejjem.

Wiehed irid jagħraf li s-servizz pubbliku, waqt li għandu l-funzjoni mportanti li jagħti l-pariri oggettivi tiegħu, irid jiehu l-ordnijiet minghand il-politici li jkun jmxexxu l-Istat. Jekk ma jsirx hekk, das-settur ikun f'anarkija. Stramba għalhekk li, għalkemm il-Kummissjoni qalet li hasset il-htiega li tikkonsulta ma' kemm jista' jkun minn dawk li għandhom x'jaqsmu mas-servizz pubbliku, lill-politici ma semmithomx u lanqas, sa fejn naf jien, ma ikkonsultathom.

Ir-relazzjoni stituzzjonali bejn is-servizz pubbliku u l-gvern tal-gurnata trid tingħaraf ta' li hi, biex hadd ma jkun ittantat jahseb li das-servizz għandu xi dritt jinjora x-xewqa demokratika tal-poplu, murija fl-ghazla ta' min imexxi. Izda hu mehtieg ukoll li l-ufficcjal pubbliku qabel xejn iqis lilu nnifsu bħala parti minn

amministrazzjoni permanenti, u mhux minn gvern li dejjem hu temporanju - m'n alla hu hekk!

Dan jidhol ukoll fit-tieni mistoqsija: kif ghandu jwettaq il-funzjoni tieghu s-servizz pubbliku?

Ghandu jwettaqha billi jaghraf il-permanenza tieghu fis-servizz tac-cittadini, b'kuntrast mat-temporanjeta' ta' kull gvern tal-gurnata. Ghandu jwettaqha billi jaghmel hiltu biex ighin lill-gvern tal-gurnata jimplementa l-programm tieghu, izda mhux b'mod li jinsa li mhux hu l-politiku, mhux hu l-ministru, mhux hu l-oppozizzjoni.

Qisu jinstema' zejjed li wiehed jemfasizza dan, ghax imissu jkun evidenti li hadd fis-servizz pubbliku m'ghandu jhares lejha innifsu bhala parti mill-politika partiggjana fil-kariga tieghu, hlief fis-sens li hu jaghmel sehem mill-Ezekuttiv, li barra li jamministra s-servizzi pubblici irid iwettaq il-programm tal-gvern tal-gurnata. Sew bhala ex-ministru, sew bhala deputat, u wisq u wisq izjed bhala cittadin, altru ma nhossx li hu zejjed jew barra minnn loku li jinghad u jigi emfasizzat dan.

Nidhku bina nfusna jekk ma naghrfux li mhux rari li ufficcjali pubblici hallew it-twemmin politiku taghhom - ghax ma jaqblux mal-gvern tal-gurnata - izommhom milli jwettqu dmirhom u jaqdu lill-poplu kif imiss.

Baq'a' hafna xi jsir biex tigi zviluppata kultura fonda u mferrxa ta'servizz pubbliku fejn il-mira tkun bizzejjed ta' servizz veru, u mhux, b'mod jew iehor, ghalkemm altru mhux minn kulhadd, ta' politika partiggjana.

Barra l-element politiku f'dit-tieni mistoqsija jrid ukoll, b'mod realistiku, jissemma' li ghad irid ikun hemm zviluppi kulturali ohra. Hemm suppost qaddejja pubblici li - f'kuntest ghal kollox mhux politiku - ma jaghrfux bizzejjed is-semplicita' serja tal-funzjoni taghhom: dik li jissodisfaw tajjeb dawk il-htigijiet li c-cittadin bilfors irid imur ghand l-Istat ghalihom. Nifhem li ghalhekk hemm min, bhall-Kummissjoni, jaghmel emfasi qawwija fuq kuncetti bhal 'customer relations'. Nibqa' nghid, izda, li din l-emfasi ma toghgobnix. Il-membri tas-servizz pubbliku m'ghandhomx imqar rimotament jithallew jahsbu li bizzejjed taghti service with a smile.

Is-servizz pubbliku mhux tbissim artificjali jehtieg. Jehtieg gharfien car u kontinwu li min qieghed jew ghad jidhol fih, barra ghax irid impjieg tajjeb, ghandu jkun hemm b'sens qawwi ta' vokazzjoni, ta' opportunita' li jaqdi lic-cittadini shabu anki kif irid ikun moqdi hu stess bhala cittadin ukoll.

Wisq drabi, dal-fattur jintesa. Wisq drabi l-kejl ikun x'se niehu jien, u mhux, x'se naghti ta' dak li niehu. Wisq drabi wkoll ma jkunx hemm l-gharfien li l-ufficcjal pubbliku ma juzax rizorsi tieghu personali, izda tas-socjeta'. Sahansitra qisu lanqas hemm gharfien bizzejjed li s-servizz pubbliku stess, permezz ta' l-eluf

kbar ta' individwi li jahdmu fih, hu parti qawwija minn dik is-socjeta' li mhux dejjem jigu meqjusa l-interessi taghha, f'dal-kaz f'sens ekonomiku ta' efficjenza u hala.

Li jwassalni ghat-tielet mistoqsija: **x'ghandu jichu s-servizz pubbliku talli jwettaq il-funzjoni tieghu?** Waqt li wiehed jemfasizza li ghandu jkun hemm element baziku qawwi ta' vokazzjoni f'kull qasam tas-servizz pubbliku, u mhux biss f'dawk tradizzjonali tas-sahha u ta' l-edukazzjoni, wiehed irid jaghraf sewwa li ghandu jkun hemm kumpens tajjeb. Min ighix f'komunita' miftuha ma jistax jghaddi biss bis-sodisfazzjon spiritwali f'xogholu, ghalkemm zgur jehtiegu. Irid ikollu wkoll kumpens materjali xieraq. Il-kwistjoni hi, x'inhw xieraq?

M'ghandux ikun hemm dubju li l-qaghda fl-oqsma kollha ta' l-impjiegi trid dejjem tittiehed in kunsiderazzjoni. Minn dal-lat kien hemm zviluppi fil-qasam ekonomiku u socjali li jemfasizzaw il-htiega li l-kumpens lis-servizz pubbliku jinzamm taht analizi kritika. M'ghadux izjed il-kaz li mpjieg tajjeb awtomatikament ifisser wiehed mal-gvern. Kien hemm ukoll l-izvilupp importanti ta' l-estensjoni ghal kulhadd ta' pensjoni ta' zewg terzi meta tirtira bl-eta', permezz ta' l-Iskema tas-Sigurta' Nazzjonali. Dan ifisser li issa hemm hafna izjed mobilita', hafna inqas rabta ghal min jidhol fis-servizz pubbliku. Xorta, izda, baqa' l-fattur importanti wkoll li min ikun fis-servizz pubbliku jista' - tnehhi xi zball gravi minnu, jew xi burdata stramba ta' xi politiku - jibqa' fis-servizz sa ma jirtira, kontra l-incertezza li ssib f'setturi ohra.

Kollox ma' kollox, il-kumpens irid ikun relatat mill-qrib ma' x'qed jigri fil-bqija ta' l-ekonomija. Barra minn hekk, izda, jridu jinzammu relattivitajiet xierqa internament fl-istess servizz pubbliku. Ma mpressjonajtx ruhi wisq b'ghadd ta' aspetti tar-rapport tal-Kummissjoni. Izda partikolarment inhoss li t-twessiegh goff li jissuggerixxi fil-koncertina, barra 'perks' addizzjonali ghall-irjus il-kbar, jekk jigi attwat inissel mhux muzika ta' armonija helwa, izda kakafonija ta' tkissir u glied.

Fuq kollox, ma naqbel xejn mal-proposti tal-Kummissjoni dwar il-kapijiet tas-servizz pubbliku, u'tassew nittama li dal-hmar il-lejl strutturali ma jigix tabilhaqq istituzzjonalizzat f'mostru reali. Il-Kummissjoni, bil-hsieb jew le ma nafx, tidher li accettat proposta politika kontroversjali li kumbinazzjoni saret hu u jigi mhejji r-rapport. Il-proposta kienet li t-tmexxija tas-servizz pubbliku tigi politicizzata, fis-sens li l-hatriet ta' fuq nett ikunu hatriet fuq bazi temporanja.

Dil-proposta, kieku tigi attwata, mhux biss ixxellef sewwa l-kontinwita' li suppost joffri s-servizz pubbliku fl-amministrazzjoni tal-makkinarju ta' l-Istat. Izda fil-kuntest specifiku ta' Malta, iddahhal perikli godda, b'zieda mal-kultura ta' partigjanizmu li kibret f'das-settur, mhux l-inqas tort ta' politici li nkoraggewha.

Ghax, x'se tkun il-qaghda ta' dawk l-irjus li, skond dil-proposta, jigu mtellghin fl-arja mhux dejjem sfiqa tal-parti ta' fuq nett tal-garigor tal-poter? Jekk huma diga' qeghdin fis-servizz pubbliku,

izda jigu temporanjament mghollija fil-kmamar tas-sular il-gdid, se jkollhom tentazzjoni qawwija li jippruvaw izieghlu kemm jifilhu bil-kap politiku taghhom. Il-funzjoni li suppost iwettqu - dik li jaghtu parir oggettiv lill-kap politiku temporanju, u mbaghad jiddecciedi hu - tista' taqa' ghal rasha minn fuq il-bejt.

Kif kienet is-sistema sal-lum, jista' jkun li kap li ma jdoqqx muzika li toghgob lill-imghallem politiku, jiddobba 'transfer', jew jitqiegħed x'imkien disprezzat ma jagħmel xejn. Bis-sistema proposta, it-'transfer' jarmieh mhux la genba, izda 'l isfel sewwa, b'telf sostanzjali ta' status u flus. Wisq nahseb li jaf ikun hemm min jidhol fis-sogru li jimrad bil-vertigo, jew li jmarrdudh bih!

Barra minn hekk, dawn il-kapijiet 'casual', kif nistghu nsejnhulhom, barra li jogħgbu lill-kap politiku, jekk mhux ukoll lill-assistent politiku tiegħu, ikollhom kull interess li jharsu 'l barra mis-servizz pubbliku għal li jista' jinqala'. Ghax, jekk dawn in-nies ikun hemm il-periklu li jigu mitfugħa għal isfel minn fuq it-trapeze għoli li tellghuhom itiru fuqu, facli jhossu li ahjar ihejju xibka.

L-applikazzjonijiet ta' dal-periklu m'hemmx għalfajn hawnhekk insemmihom wahda wahda. Tajjeb niftakru, izda, li hawn Malta m'hemm xejn xi jzomm ufficcjali pubbliku, għoli kemm kien għoli, milli jissieheb ma' kumpanija jew interessi ohra privati appena jitlaq, jew ittellquh, mis-servizz.

L-anqas ma nahseb li l-qafas istituzzjonali tas-servizz pubbliku se jkun imtejjeb jekk bhala l-oghla kapijiet ikunu jistghu jigu mahtura b'kuntratt nies minn barra s-servizz. Twettiq ta' dil-proposta wiesa' bilfors jolqot hazin u jgerrex lil min ghazel jew jithajjar jaghzel is-servizz pubbliku bhala karriera. Barra minn hekk, dawk li jinqalghu minn fejn ikunu biex jaccettaw hatriet gholja temporanji, iridu jkunu rashom mistrieha, b'mod jew iehor. Ghax dawn il-kapijiet kazwali lanqas ikollhom ix-xibka ta' mpjieg inqas gholi fis-servizz, bhal fil-kaz ta' dawk li jigu mghollija temporanjament minn gewwa.

Mohhom iridu jserrhuh mod iehor, jekk ikunu jentieg u impjieg. Jew billi l-impjieg qadim taghhom jinzamm miftuh ghalihom, bil-possibilita' suppost cara ta' konflitt ta' nteress. Jew ghax ihossuhom konfidenti li jistghu jsibu mpjieg iehor malajr meta jispicaw minn kapijiet kazwali, b'izjed konflitti - jekk mhux aghar - implikati.

F'dan ir-rigward, hemm ukoll implikazzjonijiet politici serji. Malta zghira fid-daqs u fil-firxa ta' l-opportunitajiet, apparti l-kultura, mentalita', gosti u pregudizzji li jezistu. Gvern Socjalista jkollu hafna inqas opportunita' li jattira kapijiet kazwali milli jkollu gvern iehor. Dan fattur li min irid stabbilita' istituzzjonali, m'ghandux jinjarah. Jien, bhala socjalista, zgur ma ninjarahx. Izda waqt li ngharfu, meta ngharblu nkun lest li naccettah kieku nhoss li sistema bhal din tkun izjed ta' gid ghal Malta, anki jekk ma taqbilx ghall-partit tieghi. Izda kif urejt, inhoss li minnflok ta' gid, tkun ta' periklu.

Nafu nispiccaw, b'dis-sistema, bil-principju tac-'cihuahua': flok ikollna qaddejja fl-interess pubbliku, ikollna habrieka ghall-interess tagghom stess. Flok ghassiesa herqana u fuq ruhhom tad-dar, ikollna 'cihuahua' li biex jidhru helwin ihallu min ilibbishom ic-coff, u jitfissdu, u joqoghdu attenti biex kemm jista' jkun ma jinbhux.

Biex nigbor fil-qosor dak li ridt infisser:

Tajjeb u mehtieg li l-qaghda tas-servizz pubbliku tkun taht studju kontinwu, analitiku u kritiku. Tajjeb li l-iskop u l-kundizzjonijiet ta' dan is-settur tant importanti jigu mgharbla u zviluppati b'mod oggettiv, realistiku, u gust.

Hazin hafna, izda, jekk ezcercizzju bhal dan iservi biex flok igib 'il quddiem il-gid tas-socjeta', li ghandha dritt tkun moqdiya tajjeb, flok igib 'il quddiem izjed armonija interna fis-servizz pubbliku, izjed armonija esterna bejnu u bejn dawk li b'mod jew iehor imissu mieghu, nispiccaw b'taqlib izjed ikrah milli diga' hemm.

Flok xi servizz pubbliku gdid, inhoss li hu dan il-periklu li wasal maghna llum.

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