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Role of senior officials in public administration in Latvia

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Introduction

Ser Robin Mountfield in his report to the Prime Minister of Latvia emphasised a need to establish Senior Executive Service, which would consist of the higher-level personnel at all ministries and agencies (approximately 250-300 persons) (Mountfield, 2000:9). Senior Executive Service, according to Mountfield, would have single unified and transparent remuneration system, which would allow selecting experienced and well-educated persons. The rotation of Senior Executive service among ministries was also foreseen.

Following the recommendations by Mountfield, the search for the most appropriate models of the senior service started, later relevant policy documents for establishment of senior service were elaborated. Mountfield's report and the Civil Service law, approved at September 7, 2000, emphasised a major role of senior officials in Latvian public administration and can be described as a starting point for development of senior officials service.

The objective of this paper is to focus on the role of the top level of civil servants in political decision-making process in Latvia. The definition of the senior official is explored in the Latvian context trying to find the most detailed definitions. All relevant policy documents are analysed. In the further research, the role of state secretaries as the higher civil servants in the each ministry and senior officials involved in the EU integration process is considered. The role of state secretaries is analysed from the point of view of policy approval process. The functions of state secretaries in the different ministries have been examined. As far as the meeting of senior official responsible or involved in the EU integration has been set up in Latvia, the role and function of the meeting is considered.

Currently, the research has been focused to find out what categories of the civil servants can be called the senior ones and what are their functions and role in the public administration. In order to provide the comparative data, the further research on the selection, approval, remuneration and role perceptions of the senior officials is necessary.

Definition of the senior officials in Latvia

The term *senior official* has not a clear and coherent definition in national legislation in Latvia. Therefore, different approaches can be found regarding this issue.

The Civil Service Law gives a definition of a civil servant and following the logic of the law, the same person is also an official. The draft law *On public administration* defines the term *official* as an employee of public administration who is authorised to take an administrative decision (The draft law *On public administration*, 2001:2). Following the sense of above-mentioned laws, one can assume that every civil servant is an official and, thus, the civil servants in the higher positions can be considered as senior officials.

As far as national legislation does not provide the obvious definition of the senior officials, the author will refer to the definition of senior officials defined by SIGMA, which says, that senior officials is *...the higher non-political positions (functions of the public managers) in government* (SIGMA Paper No. 1, 1995:9). Senior officials also are *...occupying important management or specialist positions at high levels in ministries or operational or policy agencies* (OECD, 1997:4).

The draft paper *On rotation of the senior officials*, approved at the meeting of state secretaries at February 7, 2002, assumes that there can be five interpretation of the term *senior official*. The term can include the following positions of civil service:

1. State secretaries, heads of secretariats to ministers on special assignment, the director of State chancellery, the director of European Integration Bureau – 16 civil servants;
2. State secretaries, heads of subordinated and supervised institutions – 95 civil servants;
3. State secretaries, deputy state secretaries, heads of subordinated and supervised institutions – 131 civil servants;
4. State secretaries, deputy state secretaries, heads and deputy heads of subordinated and supervised institutions – 241 civil servants;
5. State secretaries, deputy state secretaries, heads of departments in the ministries, heads and deputy heads of subordinated and supervised institutions – 342 civil servants (The draft paper *On rotation of the senior officials*, 2002:2).

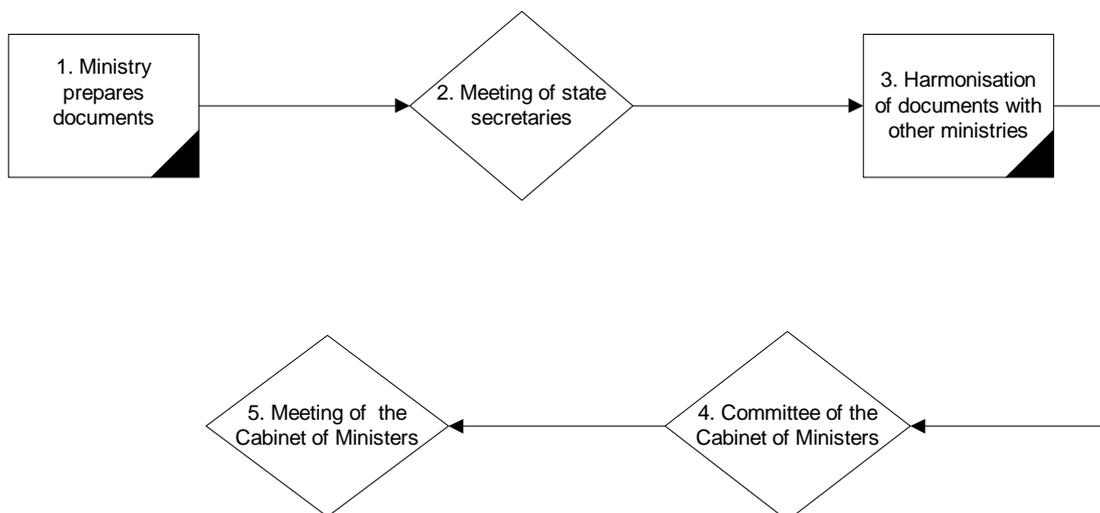
Therefore the total number of senior officials in the country involves approximately 300-350 (~1.2%) persons while the total number of civil servants are 25 534 (Informatīvais ziņojums, 2002:2)¹. The government should decide exactly which interpretation of the term would be used in Latvian context.

The policy elaboration and approval process in Latvia

The Regulations No. 160 regulates internal procedures of the Cabinet of Ministers and the way in which documents are approved. The regulations contain detail requirements for the draft legislation to be submitted for review in the meeting of state secretaries, the Committee of the Cabinet of Ministers and the Cabinet of Ministers. The functions of state secretaries and ministers in that process are described by the regulations.

In order to describe the system how legislation is being elaborated and approved in Latvia, the following chart would be helpful. The chart also explains to what extent state secretaries are involved in this process.

Chart No. 1. The policy approval procedure.



Step 1. The ministry elaborates draft legislation, policy documents, concepts etc. The head of the ministry (a state secretary or his deputy, a head of secretariat) signs the documents. The documents are prepared based on the government tasks and legislation. The ministry sends prepared documents to the State Chancellery that technically organises the meeting

¹ Data as it was of October 1, 2001.

of state secretaries. The meeting of State secretaries is the first step when it is decided on further movement of the document. The documents can be approved or rejected at every stage when decision is made – in the meeting of state secretaries, in the Committee of the Cabinet of Ministers, or in the Cabinet of Ministers. As far as the state secretaries are meeting each other at least once a week, they should know each other quite well. The good relationship among state secretaries allow at the early stages to resolve conflicts and to clarify ministerial interest. Thus, already before the document is going to the meeting of state secretaries, they can negotiate and to find out a solution to satisfy all involved parties.

Step 2. According to the Regulations No. 160, the meetings of state secretaries are held every week on Thursdays and the director of the State Chancellery chairs them. At the meeting, the state secretary of each ministry or representative of the state secretary reports on the draft legislation prepared by the ministry. The meeting is also attended by the representatives of the European Integration Bureau, the Union of the Local self-governments, the Prosecutors general office, State audit office and National Tri-partite co-operation council. The meeting decides whether it is necessary to publish the draft legislation and to which institutions the draft should be sent for harmonisation of the opinions. Opinions are required obligatory from the Ministry of Finance and Ministry of Justice, and if the draft act is directly related to the EU integration, opinion is required also from European Integration Bureau. Thus, it can be assumed that Ministry of Finance and Ministry of Justice are influential ones, and the officials working in the influential ministry, might have more direct implication on policy process. During the meeting, state secretaries also decide to send the draft act to local municipalities if it is required by the law *On local self-governments*. Also, the progress in the implementation of the tasks at ministries is discussed. It should be recognised that the all discussed issues are prepared in the legal format and questions concerning legislation encompass the dominant part in the agenda of meeting in this level.

Step 3. According to the decision made in the meeting of state secretaries, the ministry sends out the draft documents for harmonisation with other ministries and institutions. The state secretary or his representative signs the supporting letter. Even the opinions is requested from all ministries, the opinions of the Ministry of Finance and the Ministry of Justice are the most relevant ones. The opinions of the ministries outline the position of the

ministry in respect to the further progress of the particular document. The proposal concerning the content of the documents is also included in the opinions. It should be noted that the state secretary signs opinions of the ministry, so the state secretary decides and controls what would be opinions of the particular ministry. Before the opinions are sent out, the state secretaries of both ministries (a ministry that prepared document and a ministry that expressed opinion) might possibly have agreed on the content of the opinion. Therefore, on the early stages, state secretary have tolls for providing successful movement of favourable documents.

Before draft documents are forwarded to the Committee of the Cabinet of Ministers, the State Chancellery checks whether it contains all supporting documents required by the regulations No.160, including the minutes of the state secretaries meeting.

Step 4. The Committee of the Cabinet of Minister consists of the ministers. The general task of the Committee is reach principal agreement for supporting the documents before they are forwarded to the Cabinet of Ministers. The state secretary participates at the committee with advisory rights. At the same time, a state secretary or his representative or the official responsible for the respective document reports to the Committee on the documents prepared. Within the two days after the Committee, a minister, a state secretary might express their comments on the minutes of the Committee meeting.

Step 5. The Cabinet of Ministers makes the final decision regarding the documents and legislation. State secretaries do not participate at the meeting, only if they are invited to be present on some particular issues.

The role of state secretaries in the policy approval process can be characterised as a considerable due to the following factors. First, the state secretaries decide on the further movement of the documents at the meeting of the state secretaries. They are present and often report on the documents at the Committee of the Cabinet of Ministers. Second, state secretary decides on the opinion of the ministry in respect to the particular issues. Finally, the quality of the prepared documents and the quality of the Minister's presentation on the documents depends on the cooperation between a minister and a state secretary.

Functions of state secretaries

The functions of state secretaries are defined in the statutes of each ministry. Taking into account that the statutes usually are accepted by the Cabinet of Ministers, the Cabinet determines also the competence and functions of state secretaries.

The functions performed by the state secretaries are as follows:

- To provide establishment of the rational administrative structure within a ministry;
- To manage all administrative tasks;
- To provide continuity of the tasks if political leadership is changing;
- To represent the ministry;
- To provide necessary financial, legal and administrative provisions for implementation of ministerial functions;
- To approve statutes of the ministry units and to approve personnel lists according to the allocated resources;
- To appoint and to dismiss civil servants according to the Civil service law, to appoint and to dismiss personnel as well as to sign agreements in the scope in his competence;
- To reward personnel of the ministry or decide on demerit according to the legislation;
- To coordinate work of the subordinated and supervised institutions;
- To issue orders in the area of ministry's competence, if those questions are not only the ministers competence;
- To be responsible for harmonisation of the legislation with requirements of the Europe Agreement and implementation of the respective legislation, if a minister has not appointed another official for this task;
- To implement other functions according to legislation.

The above-mentioned are the main functions for state secretaries in general. The functions diversify from the ministry to the ministry. In some ministries a state secretary should prepare and submit to the minister a proposal for the necessary financial resources for ministry operations. It should be mentioned that only in a one ministry a state secretary is responsible for the effective operations of the ministry. If the responsibility for effective

running of the ministry is not mentioned in the statutes, there are two main explanations. First, it is clear that a state secretary is responsible for the effective operations without additional statements in the statutes of the ministry. Second, responsibility for effectiveness lies not on a state secretary but on a minister or another official.

It should be pointed out, that functions for the heads of the secretariats to ministers on special assignment are not defined even in the statutes of the respective secretariat. As far as functions of state secretaries in the ministries are not unified, one can only wonder what functions exactly the head of the secretariat should perform. The normative act according to which the respective secretariat is established says that the head of the secretariat is the official with an authority of the state secretary (Regulations No 216, 2000:3). In this connection, the question is – which state secretary? The one who is responsible for effective operations of the ministry or the one who is coordinating activities of the ministry under supervision and subordination of respective minister?

As regards administrative functions of a state secretary, these include not only management, but in some cases also supervision over substantial processes of the sector. Analysing their performance in the light of political actions, in some cases a close cooperation with the minister and constant lobbying for own ministry becomes evident. For instance, when the document has been prepared by the respective ministry, a state secretary tries to overcome and to avoid all possible problems, which might arise in the harmonisation process, as well as during at the state secretary meeting.

In conclusion, the scope of the state secretaries functions diversify from *to be responsible for something* till *to control some activities*. Actually, such vague and unclear formulations for the functions to be performed leave a big space for discretionary activities, which is quite hard to control and to require being accountable.

Selection and approval of state secretaries

The state secretaries are civil servants who are selected and appointed for this position according to the norms and procedure prescribed by the Civil service law. When there is a vacant position of the state secretary, the State Civil Service Administration announces

open competition in the official newspaper “Latvijas Vestnesis”. The Evaluation committee for testing compliance of respective applicant should be established and approved by the Cabinet of Ministers. The Evaluation committee selects the most appropriate applicant and informs the Minister. The Minister has a right to appoint the state secretary for the five-year period. Six month before the end of the appointment period, a minister takes decision to extend the period for another five years or to terminate the appointment. The State Civil Service Administration should be notified about the decision.

A minister has rights to take the decision on dismissal of a state secretary. Still, it has to be in compliance with the respective decision of the Cabinet of Ministers. The minister is also in the position to decide on suspension of the state secretary and to approve the job description of a state secretary.

A state secretary as all civil servants are assessed by the Evaluation Commission for applicants and civil servants established by the responsible minister according to the procedure established by the Cabinet of Ministers at least once in every two years. The results of the appraisal should be used as a basis for the decision concerning promotion, transfer to another position or awarding for the next seniority step. This norm in the Civil service law is quite complicated. One can ask is there a sense for this kind of promotion, if a state secretary is already a top civil servant in the ministry.

Table No. 1. Rotation of the state secretaries and ministers.

Ministry	State Secretary from 1997	Minister from 1997
Ministry of Education and science	A.Sarnovičš	J.Celmiņš, J.Gaigals S.Golde, M.Vītols K.Greiškals
Ministry of Environmental protection and regional development	G.Puķītis	A.Gorbunovs V.Balodis V.Makarovs
Ministry of Agriculture	J.Lapše L.Straujuma	R. Dilba A.Rāviņš, V.Krištopāns V.Balodis, P.Salkazanovs A.Kalvītis, A.Slakteris
Ministry of Defence	E.Rinkevičš	A.Krastiņš; T.Jundzis Ģ.Kristovskis
Ministry of Foreign affairs	M.Riekstiņš	V.Birkavš; I.Bērziņš

Ministry of Economy	K.Gerhards	G.Krasts, V.Makarovs, A.Sausnītis; L.Strujevičš, A.Šlesers, I.Ūdre, A.Kalvītis
Ministry of Interior	A.Staris	D.Turlais, Z.Čevers A.Krastiņš, R.Jurdžs M.Segliņš
Ministry of Transport	U.Pētersons V.Legzdiņš	V.Krištopāns A.Gorbunovs
Ministry of Welfare	M.Poršņova	R.Jurdžs, V.Makarovs A.Požarnovs
Ministry of Justice	A.Maldups	D.Rasnačs, V.Birkavs I.Labucka
Ministry of Finance	V.Andrejeva	E.Krastiņš, R.Zīle I.Godmanis; G.Bērziņš
Ministry of Culture	A.Gailis	R.Pīks, R.Umblija K.Pētersone
Minister on special assignment for cooperation with international financial agencies (1999 – 01.01.2002.)	I.Kalniņa	R.Zīle
Minister on special assignment on public administration (from 1999)	J.Ruško	J. Bunkšs J.Krūmiņš

The table No.1 shows that during the last five years the government has been changed for a five times (13.02.1997.; 07.08.1997.; 26.11.1998.; 16.07.1999.; 05.05.2000.), while the state secretaries have stayed the same. Exceptions are the state secretary of the Ministry of Agriculture, who have retired, and state secretary of Ministry of Transport, who left his position due to the personnel reason.

The other relevant tendency regarding state secretaries role can be noted. The particular ministry employs the state secretaries for a long time, so they are experts in the sector and their specific knowledge provides them with some kind of power that makes it difficult to establish the system of personnel rotation from ministry to ministry. One can only wonder what will happen to Ministry of Finance, if its state secretary will be appointed to other ministry. Several scenarios can be found. First, the ministry might loose its dominant status in the public administration. Second, if the new state secretary is coming from another ministry, it might take quite long time, to become an expert in financing. Finally, the previous state secretary of Ministry of Finance may have an inevitable impact on further activities of the new ministry.

According to the procedure established by the Civil Service law, the law secures state secretary as a civil servant, and a minister does not have direct possibilities to influence a state secretary. A minister should have very good arguments for dismissal of state secretary before the period of his office is finished. Thus, the effectiveness of ministry's work depends on the cooperation between a minister and a state secretary, and of course, the professionalism of the state secretary.

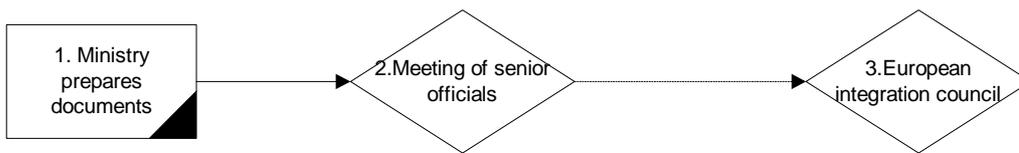
Senior officials meeting on EU issues

Regulations of the Cabinets of Ministers No. 449 determine the scope of officials who have rights to decide questions concerning national integration in to the EU. The same regulations defines organisation of the senior officials meetings. The meeting consists of the responsible representatives from each of the ministry. The representatives from other institutions – Latvian Bank, European Integration Bureau, Secretariat to minister on special assignment on coordination with international financial agencies and secretariat to minister of special assignment of public administration reform are members of the meeting.

The meeting was established in order to fulfil the requirements of the Europe agreement as well as to provide the implementation of the national programme for integration in the EU. The main tasks of the meeting are to harmonize the implementation of the single policy towards EU as well as to monitor the implementation of the EU integration activities at the ministries. In case, ministries are not in a capacity to find consensus in some questions regarding integration, the meeting takes this issue within its competence.

As far as, the point 2 of the regulations 449 states that the objective of the meeting is to coordinate inter-ministerial cooperation for implementation of EU policy at all administrative levels. Following that, it can be assumed that officials included in the senior officials meeting as members can be described as senior officials. From the minutes of meeting, one can conclude what officials are exactly attending that meeting - deputy state secretaries or heads of departments. The European Integration Council approves members of the meeting.

Chart no.2. Approval of the EU issues.



Step 1. Ministry prepares the policy documents, legislative drafts for negotiations at the meeting of the senior officials.

Step 2. Discussions are based on documents prepared for the meeting of senior officials. (The discussion on the documents at the meeting is going on.) According to point 14 of the regulations no. 449, the decision has to be made by unanimity. If, some of the members of the meeting has a different position, the head of the meeting or respective institution, whose questions are a point of the arguments, can propose to review the issues at the European Integration Council. The European Integration Council consists of the same ministers who represent the Cabinet of Ministers.

There is no doubt that the functions of the senior officials meeting by its substance are necessary, because of the communication among ministries. At the same time, the overall role of the senior officials meetings can be described as remote because the meeting as such cannot achieve major changes in the policy substance. The European Integration Council or the Cabinet of Ministers should take the decision, which can be crucial in the EU integration.

The perspectives of development

Recently, in the meeting of the Cabinet of Ministers the new version for internal order in the Cabinet was reviewed. The new version, if it will be accepted, will replace the current Regulations No. 160. The new version provides a number of relevant changes in the process of the elaboration and approval of the legislation and policy documents. It is expected that if the new approach will be taken, the quality of documents should improve substantially, the document flow will be speeded up and will be achieved the optimisation of the State Secretary meetings, the Committee meetings and meetings of the Cabinet of Ministers. Also, the involvement of the third sector in the decision making process will be improved in much greater extent as it is now. According to the system which is in force now, it is a competence of the Cabinet to decide on all type of the documents – legislative

draft, guidelines, the concept papers, strategies, national plans etc. Under the new order, the Cabinet of Ministers will decide only on the four types of policy documents – programmes, concept papers, plans and guidelines as well as on all type of legislation. The format and elaboration procedure for each type of policy documents is provided. The decision on legislative drafts will be in the competence of the Cabinet of Ministers as it is now.

As concerns the role of state secretaries then the new internal order is aimed to expand their competence significantly. According to planned the meeting of the state secretaries will not only formally approve the documents, but also will decide to which draft documents should be enclosed annotation. The annotation contains information on expected political and social impact as well as impact on the state budget and relationship with legislation. Currently, the annotation on the impact assessment of the draft documents was enclosed only to the draft laws. In practice it means, the state secretaries approve and leave without annotation some favourable documents, which might in the future have major social impact. It should also taken into account that state secretaries are quite familiar with each other, so the bargaining process in one or another issue can start already at the ministry level.

According to the new version, it is expected that the meeting will also look through those documents on which agreement were not achieved among ministries, so trying to reach the agreement before issues is going to the government.

The new order emphasise who can participate at the State secretaries meeting. The state secretaries, the heads of the secretariat, a director of European Integration Bureau and the head of the State Chancellery participate at the State secretary meeting with full rights. With advisory rights at the State secretaries meeting participates – the other representatives from State chancellery, State Audit office, parliamentary secretaries, Local self-government union, NGO centre etc.

The scope of the persons who take part at the meeting is being expanded. The current practice is such that only state secretaries attends the meeting and none else. The minutes of the meetings is available at the Internet, but the minutes shows only the decision, not the

discussions and arguments. So, one can only wonder what arguments are used by particular state secretary for getting approval of the documents.

It is expected that the meeting of state secretary will:

- Approve the list of policy documents and normative acts;
- Review the state secretary report on the draft policy documents and if necessary the draft normative act;
- Decide whether public discussion is necessary for the respective draft document;
- Review the issues which deals with the implementation of the tasks spelled out in the law, regulations of the Cabinet of Ministers and decrees of the Prime Minister;
- Review issues which deals with the public administration as such.

By approving the above-mentioned functions of the meeting of state secretaries, the Cabinet of Ministers will justify already performed functions by state secretaries and their meeting as well as their role in policy approval process. The new version of internal order indirectly emphasise that state secretaries are performing not only managerial functions in the ministry, but also they will perform some political functions. The expected functions of the state secretaries provide that the meeting can make a decision according to which documents might be hidden from the public discussion. In addition, such functions can be described as an attempt to decentralize decision-making process. Also, new functions of the meeting of state secretaries provide a toll for government to claim on civil servants, if decisions will have negative impact on society.

The Implementation plan for Public Administration reform strategy highlights several tasks to be fulfilled in order to provide for development of senior official service and leadership in public administration. The following tasks are mentioned in the Implementation plan (Implementation plan, 2001:26,27):

1. To elaborate description of competencies for senior officials which would serve as a basis for approval, performance evaluation, remuneration and career development for senior officials.
2. To elaborate the system of senior officials selection, performance evaluation and remuneration;

3. To elaborate and to implement mobility mechanism of senior officials.

In conclusion, the Implementation plan requires establishment of management for senior officials, which main characteristic is the rotation of senior officials. The creation of the rotation system of senior officials would resolve several problems. First, it will provide exchange of experience among ministries. Second, rotation of senior officials will provide deeper view for officials on the public administration problems, not only from the perspective of one particular ministry. Third, rotation of senior officials will provide at least some kind of equality among ministries, however Ministry of Finance will always be one step ahead than other ministries because of its functions in the country.

Conclusions and recommendations

There are a lot of unresolved questions regarding the role of senior officials in the Latvian public administration. Still it is not clear, whether senior officials should be managed centrally for the whole government or each sectoral ministry should manage as considers necessary. In addition, question whether senior officials should be specialists in the particular sector or they can rotate from the sector to the sector is not resolved. The rotation of senior official could be established, but not on the voluntary bases. In this connection, the ideas of the Ser Mountefield regarding Senior Executive Service are worth to be evaluated in the Latvian context.

Finally, the definition of the term *senior official* is not coherent for whole public administration, therefore one can find different interpretation of that tern in legislation and strategic documents. It is advised before government decides on the management system for senior officials, it accepts on interpretation of the term.

Currently, the institutions are dependent on the senior official, especially on state secretaries and their professionalism. The state secretaries from one side are performing the managerial role in their own ministry; from the other side they are involved in decision-making. They do not have separate management system, but they are covered by special employment conditions as described by the Civil Service Law.

Whatever management system for senior official the government will decide to establish, the following issues should be taken into account. First, the management system of senior officials might provide the greater stability for public administration. Second, senior officials will play always a role of negotiators between politicians and civil servants. The degree to what extent senior officials are involved in politics, the country may choose.

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