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**POLITICAL APPOINTEES AND SENIOR CIVIL SERVANTS AS POLICY ADVISORS:
THE DANISH EXPERIENCE**

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POLITICAL APPOINTEES AND SENIOR CIVIL SERVANTS AS POLICY ADVISORS: THE DANISH EXPERIENCE

Thomas Broeng Jørgensen and Rikke Ginnerup¹

I. Country Background

The Danish General Administrative and Political Context

The administration in Denmark consists of 19 ministries (including the Prime Minister's Office), 60 agencies and a wide variety of institutions, including state-owned enterprises and other bodies with various connections to the state.

The Danish Constitution does not provide detailed regulations on the structure, organisation and procedures of central government. However, two constitutional rules are important in order to understand the Danish ministerial system. First of all, the Prime Minister is the sovereign responsible for appointing and dismissing ministers and for making decisions on ministerial portfolios. Secondly, the legal and normative principle of ministerial responsibility plays a fundamental role in the system.

The minister is personally accountable for any activity within the ministry relating to parliament while at the same time being responsible for both political and administrative affairs in the departments and agencies of the ministry. The minister therefore has a high degree of autonomy. In the Danish system, as opposed to a cabinet office system, neither the Prime Minister nor the cabinet collectively can give formal instructions to a minister on a specific issue. However, since the Prime Minister is responsible for appointing and dismissing ministers and for undertaking ministerial reshuffles, the minister ultimately depends on the Prime Minister's will and sovereignty.

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Besides these fundamental traits of the Danish system, the civil service can be seen as largely corresponding to the Weberian ideal type of bureaucracy. The civil service is thus a merit bureaucracy and a career system in which senior civil servants are mainly recruited from within the ministry and are politically neutral.

As for the political context, an important aspect of Danish government is that political groups are typically based on minority coalition governments. Thus the co-ordination process, which takes place mainly in two committees (the Economics Committee and the Co-ordination Committee), and interministerial conflict-solving are very important tools for ensuring “integrated” policies.

The Development of Politico-Strategic Counselling in Denmark

Since the middle of the 20th century, many countries have focused increasingly on the need for civil servants who have supplemented their legal and budgetary competencies with more politico-strategic capabilities. Denmark is no different from any other country in this regard and, particularly in recent years, integrated policy advice and politico-tactical advice have taken on added significance.

The pattern of this trend has been to replace legally trained civil servants with economists having new skills and eventually also with political scientists possessing a keen eye for the political context and capable of manoeuvring in the face of various political obstacles. In Denmark developments since the first Constitution of 1848/1849 until today can be divided into three periods. From 1848 to 1901 there was no clear separation between civil servants and politicians. A civil servant could thus switch from being a permanent secretary to become a minister and often had several “side jobs” besides that of a civil servant. From 1901 to 1945 civil servants closely resembled the type described above, with strong legal and budgetary competencies. During this period the civil servant was a day-to-day administrator who left politics to the politicians. From 1945 until today we have seen a gradual return to the civil servant who acts at the same time as a political advisor.

The main conclusion to be drawn from this quick account is that a civil service that provides political advice is by no means a new phenomenon in Denmark. Therefore the distinction that is often established between professional policy advice and politico-tactical advice is not always tenable in today’s Denmark.

In the following section, the role and responsibilities of the permanent civil service and of politically appointed civil servants (special advisors) will be further examined.

II. The Role and Responsibilities of the Permanent Civil Service

Ministerial advice and assistance in Denmark are mainly based on a permanent and politically neutral civil service. Consequently, recruitment and appointment to positions in the civil service are decided on the basis of the principle of selection by merit and not of political affiliation.

The permanent civil service is both willing and able to provide comprehensive, professional politico-tactical advice. When giving this advice, however, the civil service has to pay special attention to the requirements of professional standards, party political neutrality, legality and the obligation to speak the truth.

Professionalism in general dictates the adherence to recognized standards within a given field, e.g. economic standards for conducting budget analysis. The norm of party political neutrality implies that the permanent civil service should abstain from giving advice during election campaigns and from contributing to campaign materials, drafting speeches for party congresses, etc.

Permanent secretaries (departementschefer) have played a key role in the post-war trend towards more comprehensive politico-tactical advice from the permanent civil service. Still today permanent secretaries by far account for the most important political advice provided to the minister.

In addition to the advice provided by permanent secretaries, political advice is also given through various functions in the ministry. Private secretaries (ministersekretær) are usually involved in providing some form of political advice, although practical services to the minister – such as assisting in contacts with parliament, co-ordinating briefings of the minister, assisting in press relations, controlling and updating the minister's schedule – remain their most important functions.

Other civil servants, such as deputy permanent secretaries and heads of divisions, also provide important political advice. Even heads of sections give policy advice in written notes, etc. However, the extent to which section heads have direct access to the minister to provide face-to-face advice varies considerably.

Finally, some political advice is fed to ministries through political party secretariats. This almost always takes place through the minister, who then passes an idea down to the ministry, where extensive treatment of the strategy or issue will subsequently be carried out. This phenomenon is not widely observed in Denmark as the government has access to a very resourceful pool of advisory capacity in the ministries themselves. However, the coalition does not have access to ministries and uses political party secretariats to a much greater degree than the government does.

In this regard it is important to stress that ordinary members of parliament, whether or not they are partisans of the ruling government's party (or parties in the case of a coalition government), cannot ask ministries to carry out an analysis of a specific issue without going through the formal channels, usually through the minister.

The table below summarises who is involved in presenting ministerial business face-to-face to the minister. On the whole, as reflected in the table, the same tendency applies to all sorts of contacts with ministers, including written politico-tactical advice. Levels vary considerably from one ministry to another.

Interaction with the minister is concentrated at the senior civil service level, and involvement at lower

	Every time	Often	Sometimes	Rarely	Never	Irrelevant	Total
Permanent secretary	12	4	1	0	0	1	18
Deputy permanent secretary	1	11	4	0	0	2	18
Head of division	3	9	4	1	0	1	18
Head of section	1	6	8	0	2	1	18
Director of agency	2	2	7	4	1	2	18

There is usually a very high level of satisfaction among ministers concerning the advice and assistance offered by the permanent civil service with regard to both policy advice and politico-strategic advice. Ministers are less satisfied, however, with the assistance provided in speech-drafting. Furthermore, the fact that ministers tend to recruit special advisors with media expertise suggests that there is room for improvement of the capability of the permanent civil service to handle press relations.

In recent years several ministries have reorganised departmental structures (e.g. building larger political secretariats close to the minister) in order to strengthen policy functions and the capabilities of permanent civil servants to provide ministerial advice (cf. Box 1 below).

Box 1. The organisation of ministries and ministerial advice

A typical ministry is headed by a minister with a small secretariat (staffed by two private secretaries with academic backgrounds and a politically appointed advisor), followed by a permanent secretary with a small secretariat (staffed by a private secretary with an academic background), further followed by divisions and smaller sections, etc. In recent years, several ministries have reorganised the departmental structure and a major driving force has been the intention to strengthen policy functions and capacities for delivering rapid and sound ministerial advice.

There is a trend in ministries to build larger political secretariats around the minister. The staff in secretariats are often talented and fairly young bureaucrats with special capabilities in developing new policy, co-ordinating political processes and reform programmes, drafting ministerial speeches, etc. As mentioned above, ministers are less satisfied with the permanent civil service's assistance with speech-drafting. Political secretariats are also seen as a solution for improving these skills within the permanent civil service.

A major challenge is to ensure close co-operation and co-ordination between the line organisation and political secretariats. The distinguishing and positive aspect of the permanent civil service in general is its ability to provide both policy advice and politico-strategic advice at all levels of the organisation.

III. Special Advisors' Roles and Responsibilities

The use of politically appointed civil servants (special advisors) has historically been limited in Denmark compared to other western democracies. In Norway, Sweden and the United Kingdom, the use of politically appointed state secretaries and junior ministers as well as political advisors can be observed. Politically appointed civil servants are both numerous and tightly integrated into the conduct of government.

In Denmark, however, only one politically appointed minister is in charge of managing the ministry, including the agencies of the ministry, and only one special advisor is appointed per minister². It is important to emphasise that the special advisors' roles and responsibilities cannot be compared to those of state secretaries and junior ministers in many other OECD countries.

Special advisors are mainly employed to deal with press-related functions, e.g. contacts with journalists, press releases, and contributing to interviews. Only a very few special advisors spend the majority of their time giving politico-tactical advice to the minister, thus fulfilling the role of a "spin doctor" as often portrayed in the media.

There are exceptions to this pattern, however. In matters of importance concerning the Prime Minister's Office, for instance, the special advisor is very close to the minister and to the permanent secretary and participates in management meetings with the ministry. At the same time, the special advisor

² Except for the Ministry of Foreign Affairs, where two ministers are in charge (general foreign affairs and development issues)

is able to provide the press with background information on the substance in current matters, political insights and objectives, etc.

There are but a few special advisors in Danish ministries. In 2005, only 14 of 20 ministers employed a special advisor, and no minister has ever had more than one special advisor. Thus six ministers have chosen to rely solely on the permanent civil service for policy advice, politico-tactical advice and press relations. It seems to be the preference of the minister rather than the specific tasks of the ministry that determines whether or not a special advisor is employed.

Of the 14 special advisors, eight have degrees in journalism and/or work experience in the Danish media. The remaining advisors are typically academics with in-depth experience of journalism and/or employment in political party secretariats. Hardly any of the special advisors have had the experience of previous employment in the civil service.

The majority of special advisors in Denmark thus have degrees in journalism and/or work experience in the media. This can be seen as reflecting the ever increasing importance of the media in society and politics.

During the 1980s and 1990s there was a small increase in the use of special advisors who were politically appointed and separate from the civil service. This trend led to White Paper 1354/1998, which dealt with the relationship between the permanent civil service and politically appointed special advisors.

The above white paper defined the special advisors' roles and responsibilities for the first time. The defining character of special advisors is that their employment is tied to the minister's term in office and that they are employed in the minister's private secretariat and cannot have executive powers over civil servants employed outside the private secretariat.

Another white paper was published in June 2004 (White Paper 1443/2004), mainly as a result of a public debate on two issues. The first debate was on the limits to permanent civil servants' involvement in matters of party political significance. The second debate concerned the rules for civil servants employed as special advisors.

White Paper 1443/2004 resulted in a number of recommendations regarding rules for civil servants and the use of special advisors. Although the wording is clear and unequivocal, the rules can best be described as "soft" guidelines, in contrast to "hard" legislation. The most important guidelines are the following:

1. First of all, special advisors are subject to the same requirements of professional standards, obligation to speak the truth and legality as permanent civil servants. Only the requirement of party political neutrality differs. Unlike civil servants, special advisors should be allowed to assist their ministers in relation to parliamentary elections. However, special advisors should be given notice of discharge during the election campaign and should therefore not be allowed to use the facilities of the ministries (including network access, etc.).
2. The white paper recommends that powers and functions should be well defined so that the existence of special advisors will not create uncertainty about managerial responsibilities in ministries. Special advisors should therefore not be given power to instruct permanent civil servants outside the minister's private secretariat. Also, it should be clear that special advisors, like permanent civil servants, report to the permanent secretary who has been delegated management responsibility by the minister.

3. The white paper recommends that not more than two or three special advisors should be employed per ministry. The committee responsible for preparing the white paper³ felt that it would be sensible to make room for the various functions of special advisors (politico-strategic advice, communication, etc.) while at the same time containing their influence by restricting their numbers to two or three. However, the Prime Minister had announced in 2001 that each minister should employ only one special advisor, and this recommendation of a single advisor has not been changed since the publication of the white paper.
4. The white paper states that openness and transparency in relation to the employment of special advisors is of great importance in order to avoid public distrust. To promote more openness about the use of special advisors, information on their background is published on the Web site of the Prime Minister's Office.
5. Last of all, the white paper recommends various ways of handling press relations (*cf. Box 2 below*).

Box 2. The increasing need for special advisors seen in the light of the changed media focus

It is no coincidence that political communication is now taught in all major political science programmes all over the world. In this way the media's enormous role in society has also been reflected in the political world, where the use of special advisors in Denmark can be seen as an answer to the need to deal with the media in a more efficient way.

There have been some cases in Denmark where a journalist, after giving negative or unfair treatment to a minister, was virtually frozen from professional relations with the ministry in question. White Paper 1443/2004 includes a whole section on how to handle the media in an appropriate way.

First, as a general rule all of the civil servant's normal administrative principles, such as objectivity and non-discrimination apply to relations between the media and special advisors. In other words, special advisors are obliged to speak the truth when talking to journalists and cannot decide which journalists they will speak to. White Paper 1443/2004 clearly states in this regard that the press should as far as possible be treated equally, even if a journalist has previously been unfair to the minister.

Second, the use of "news exclusives" can be used if they are based on valid grounds in the particular case. A valid ground for using news exclusives could be that a government initiative would get more attention and a more comprehensive consideration if presented in the media. At the same time, however, the principle of non-discrimination implies, among other things, that a ministry that has given a news exclusive to one journalist must provide the same information to other journalists if they request it. However, some stories do not qualify as being suitable for news exclusives. This could, for example, be the case of political initiatives that are of such great public importance that whether or not to publish the news would not be an option.

Third, the slicing of a news exclusive (timing of several parts of the story over a period of days) can be allowed. Information offered in this way must not be misleading, and ministries should inform the journalist that the information is only part of a larger initiative and should be seen in the relevant context.

Fourth, ministries cannot decide which journalists a given medium should send to press meetings, press briefings, interviews, etc. However, there may be valid grounds for inviting certain journalists, for example due to their knowledge within a specific subject area. White Paper 1443/2004 underlines that the minister has broad discretionary power in terms of deciding which interviews he/she wants to participate in.

IV. Track Record of Implementation in Practice

The Danish Government in June 2004 issued a press statement indicating that by and large White Paper 1443/2004 is representative of the government's position and that ministries must adhere to the guidelines of the white paper.

³ Expert Committee on Civil Service Advice and Assistance to the Government and its Ministers.

As a follow-up to White Paper 1443/2004, a standard job contract for special advisors was drafted – based on the guidelines of the white paper – and is now used as a basis for the employment of new special advisors in ministries (cf. Box 3 below).

Box 3. The standard job contract for special advisors

The standard job contract for special advisors has the following provisions:

- Place and sphere of work
- Guidelines indicated in White Paper 1443/2004
- Public information on the employment of the special advisor
- Salary and terms of employment, pension, vacation and working hours
- Guidelines for termination of employment
- Other provisions of employment (free phone, newspaper, Internet access, etc.)

The contract specifies that a special advisor is subject to the Danish Criminal Code and the Danish Public Administration Act. Furthermore, a special advisor cannot issue instructions to civil servants in the line organisation. The contract also specifies that information will be published on the Web site of the Prime Minister's Office regarding the individual special advisor's function, work place, and background. And finally, the contract specifies that a special advisor is given notice of discharge when a new election is announced.

Prior to the publication of White Paper 1443/2004, there had been some ambiguity as to whether special advisors were subject to the managerial responsibility of permanent secretaries and concerning the special advisors' power to give instructions to permanent civil servants.

The white paper made it clear that the permanent secretary has managerial responsibility for special advisors and that only permanent civil servants can give instructions in the civil service. This principle governs the relationship between special advisors and civil servants.

As another follow-up to the white paper, the government decided that all new special advisors should be instructed in the organisation, modus vivendi and procedures of the ministerial system so that they could operate more effectively in the system. The following section will focus on the training programme that is mandatory for new special advisors.

V. Existing Training Programmes

Special advisors usually have different backgrounds from those of traditional civil servants. Most of them come from a job in the media and have neither theoretical nor practical knowledge of public administration. This means that some training is required so that special advisors are able to quickly adapt themselves to the work culture of the ministry in question and at the same time acquire knowledge of the general rules, such as those provided by the Public Administration Act.

The Danish Government has for this purpose introduced a specific training programme for special advisors (cf. Box 4 below).

Box 4. Training programme for special advisors in Denmark

The Ministry of Finance and the Ministry of Justice have set up, following the publication of White Paper 1443/2004, a training programme for special advisors. The agenda of this programme consists of the following items:

- Government's policy regarding special advisors
- Basic history and organisation of the central administration
- Ministerial system and services provided to the minister
- Development of the civil service in Denmark
- Appearance and history of special advisors in Denmark
- General rules about administration and reading of the Public Administration Act
- Guidelines for special advisors' communication to the media
- Rules regarding access to archives
- Rules regarding the minister's responsibility

VI. Comments on Likely Future Trends and Need for Reform

The Danish Government has agreed, with its publication of White Paper 1443/2004, that the number of special advisors per minister should be limited in order to avoid a gap between the politico-tactical advice of special advisors and the professional policy advice of the permanent civil service. This limitation ensures two functions. First of all, it provides a clear demarcation and secondly, it constitutes an insurance that politically appointed special advisors – due to their small number – will be able to work in co-ordination with the civil service.

The government has maintained, even after publication of the white paper's recommendation to employ a maximum of two or three special advisors, that the number of special advisors should in fact be limited to only one per minister, with the primary task of giving advice on media relations.

This decision consolidates the Danish system of a politically neutral civil service that gives comprehensive, professional politico-tactical advice. The decision provides an important clue as to the current government's vision for the role of political advisors. Politically appointed civil servants will thereby provide a useful supplement to the civil service through their special competencies in handling the minister's relations with the press.

A precondition for a successful integration of special advisors into ministries, however, is that the recommendations of White Paper 1443/2004 will be followed so that a clear distinction remains between the functions of politically appointed staff and traditional civil servants. Furthermore, co-operation between the two groups must be based on mutual respect, a real understanding of each other's functions, and continual close contacts.

The Danish system is unique, in a comparative perspective, because there is only one minister in charge of ministerial affairs. The advantage of this system is a clear political responsibility. The question, however, is whether the increasing workload and complexity of ministerial affairs will present a challenge to the Danish system of one minister per ministry.

If the Danish system were to change in this regard, it would probably move towards the British system of junior ministers rather than towards the Swedish system of state secretaries. In the British system junior ministers pursue a career in parliament, which is more in line with the Danish tradition of separating the functions of the permanent civil service from the functions of politically appointed representatives.

Another question is whether permanent secretaries can, in the light of the ever increasing number of issues, preserve the time needed for required politico-strategic insight. Permanent secretaries currently fulfil many roles. They are at the same time the key political advisor to the minister and the person responsible for the ministry's administration, implementation of policies and development as an organisation. These two roles entail a large number of functions to perform, and the question arises as to whether a division of this workload might be relevant in some ministries.

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