

**THE POLITICAL IMPACT ON THE CIVIL SERVICE SYSTEM  
IN MONGOLIA**

(Case study of personnel selection process)

**By**

**Zumberellkham Shurentsetseg**

**THESIS**

Submitted to

KDI School of Public Policy and Management

in partial fulfillment of the requirements

for the degree of

**MASTER OF PUBLIC POLICY**

2012

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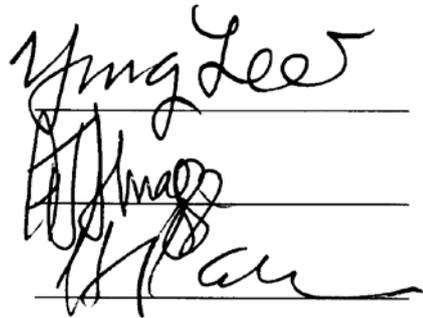
**MASTER OF PUBLIC POLICY**

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The image shows three handwritten signatures in black ink, each written over a horizontal line. The top signature is 'Yong Lee', the middle one is 'Abraham Joseph Shragge', and the bottom one is 'Hun Joo Park'.

Approval as of December, 2012

## **ABSTRACT**

# **THE POLITICAL IMPACT ON THE CIVIL SERVICE SYSTEM IN MONGOLIA**

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Mongolia was a communist country more than 70 years. Since democratic revolution in 1990 it has been undergoing transition to replace communism by democracy. As a result of the social reform in recent years we can see clear sign of stabilization of democratic society features in all areas of social structure and activities including civil service. In this period significant reforms have made in order to preserve merit principle in civil service. But spoils politics still pervades the public sector of my country. In my view this factor is one of the main reasons of weighting down development of Mongolia.

My research focuses on identify main problems which mostly affects in civil service and I tried to make recommendations to solve those problems in the course of good governance. For reaching my research goal I did analyze selection process of core civil service officials based on last ten years data and used graphs for explanation. In the result of my research I found out that partisan politics influence all level of civil

service positions specially involve in appointments of higher level positions. According to my research this practice is repeated after each political election.

In my view the way of upgrading merit based system is preserving civil service to be non-partisan, permanent, professional and confident. In recommendation of my thesis I included my view about appropriate ways to make some reform in civil service Mongolia in the future.

**Dedicated to my family**

## ACKNOWLEDGMENTS

I would like to express my gratitude to all honorable people who supported me by different ways to write my thesis. The mostly, I owe my major professor Yong S Lee a debt of gratitude for always kindly giving me valuable advises. I am happy to say that under his guidance I am able to finish my thesis.

I must say especial thanks to my lovely family including my little princess Maraljin encouraging me all the time.

Also, I really appreciate to all my dear friends who made the time in Korea more colorful. We shared not only our culture and experience but also our happiness and sadness. Lots of nice unforgettable memories are still in my mind. On KDI students' behalf, I would like to deliver our big thanks to all professors and staffs doing their best to make convenient environment for us to study and live. Even though studying far from my family, Korea seems to me like my second home and there are lots of things to learn from this country as one of the hard working nations in the World.

Last but not least, I am obligated to thank my colleagues for helping me to collect important data and recourses for this research paper.

## TABLE OF CONTENTS

<b>I. INTRODUCTION .....</b>	<b>1</b>
<b>II. ISSUE BACKGROUND .....</b>	<b>3</b>
<b>A. Public sector employment .....</b>	<b>3</b>
<b>B. Legal and regulatory framework for civil service .....</b>	<b>5</b>
<b>C. The Role of the Civil Service Central Body .....</b>	<b>9</b>
<b>D. Civil service reform .....</b>	<b>12</b>
<b>III. ANALYSIS AND FINDINGS .....</b>	<b>15</b>
<b>A. Civil service personnel selection procedure .....</b>	<b>15</b>
<b>B. Current situation and problems .....</b>	<b>19</b>
<b>C. Effects of partisan in civil service .....</b>	<b>26</b>
<b>IV. CONCLUSION AND RECOMMENDATIONS .....</b>	<b>27</b>
<b>APPENDIX .....</b>	<b>31</b>
<b>BIBLIOGRAPHY .....</b>	<b>32</b>
<b>ENDNOTES.....</b>	<b>33</b>

## LIST OF TABLES

1. Public service classification and categories	4
2. Years of work experience of civil servants	25

## LIST OF FIGURES

1. Changes of public and private sector employees	3
2. Dynamics of number of public sector employees	5
3. Professional examination for public service	16
4. Number of public officials (by position)	17
5. Number of ministries and agencies	19
6. Result of selections for civil service senior positions	20
7. Complaints and disputes received by the civil service council	22
8. Mobility of civil servants in 2008 (by reasons)	23
9. Years in current position in the government administrative service	24

## **LIST OF ABBREVIATIONS**

The CSC: Civil Service Council of Mongolia

The NSO: National Statistical Office of Mongolia

The CSL: Civil Service Law of Mongolia

The PSMFL: Public Sector Management and Finance Law of Mongolia

## I. INTRODUCTION

Mongolia is an emerging democracy which is in transition from a centrally controlled economy to a market oriented economy. Until 1990, Mongolia was a socialist country with no private sector economy. The country was ruled by a single party which was formed in 1921 and under this single party system public administration was fraught with the so-called “spoils system”. Spoils system is a practice where a political party which wins an election distributes government jobs to its members and supporters as a reward. During the democratic revolution, the government of Mongolia carried out a civil service reform based on the merit principles.

More than two decades have passed since the adoption of the merit based civil service system. Episodic evidences still abound that the old spoils system has not been wiped out in Mongolian public administration. The elements of the spoils practice are still lingering in many parts of the administrative process, undermining the integrity of the merit based civil service system. Of course, no democratic system of governments, even in advanced democracies, spoils politics is not completely free. Yet, no emerging democracies can possibly move forward with their national development agenda when their public administration is plagued by the spoils politics meddling in the administrative process. This is an issue in Mongolian public administration that requires a serious attention.

The purpose of this study is to describe how the spoils politics is troubling Mongolian public administration and to examine how it affects the merit based civil service system. Specifically, the study looks at how the spoils regime penetrates the merit based system of personnel selection, and how it affects the development of professionalism of public administration in Mongolia.

Historically Genghis Khan, the king of Mongol Empire who occupied half of the World in 13<sup>th</sup> century, created meritocracy that was the main method to select own chiefs and generals. “Genghis Khan chose whoever was talented and fit for his military chain of command. He even trusted generals and soldiers from opponents' armies if they showed loyalty to their leaders. For example, Genghis Khan's general Jebe had been an enemy soldier who had shot Genghis in battle before he became Great Khan” (Encyclopedia of Philosophy, 2007). From this example it is obvious that one important factor of his inimitable success was appointing right person to right position and right time despite their origin and creating good condition to work hard for the state. Therefore implementing concept of merit in Mongolia is an issue to restore its own tradition.

Analysis of the relationship between spoils politics and public administration in Mongolia is based largely on my personal field experience; other documented spoils episodes, official data and published literature.

The structure and contents of my thesis consists of four sections. In introduction I explain about the issue I am concerned about, the reason why I have chosen the topic, the purpose of my study and briefly introducing my argument I focusing on. Section two provides the background of the civil service system in Mongolia. This section includes a historical review and the structure of the civil service, and explains civil service regulations. Section three describes the current situation of Mongolian civil service personnel selection process. In this chapter I will try to explore ways of political impact in civil service based on official data and facts. Also, I mention negative effects of partisan to the society. Finally, section four provides discussion and conclusion, including some suggestions for the advancement of the Mongolian public administration.

## II. ISSUE BACKGROUND

### A. Public sector employment

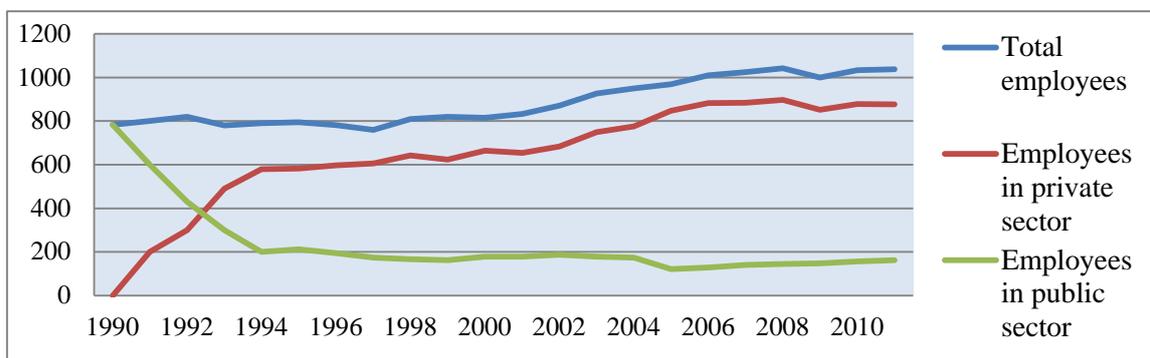
The 1990s was the transition period to the market economy in which the public sector shrank and the employees decreased over four fold (see Figure1). Meanwhile employees working in private sector increased to 80% of total employees. As the end of 2011, the population of Mongolia reached at 2.8 million, of which labor force is estimated at 1.0 million. There are 161612 public employees in 3852 government organizations that count 14% of total labor force.

There are two types of government organizations:

- a. Central government: ministries, agencies and other government organizations including the legislative, judicial and military apparatus;
- b. Local government: local authorities of provinces and sub-provinces.

Out of total public employees 27% are working for 199 central government organizations and rest of employees are working for 3653 local government organizations.

Figure1. Changes of public and private sector employees (by thousand)



Source: National Statistical Office of Mongolia (hereinafter NSO)

There are four classifications of government posts: political, administrative, special and support. Two percent<sup>i</sup> of total number of civil servants are in political posts,

10% are in administrative posts, 18% are in special service posts, and rest are in support service posts (Statistical Yearbook 2011, 50).

Political posts include elected officials and governors, and persons who serve them directly in their political positions. Administrative posts include all general managers and directors, executive and assistant positions in 14 categories from ministry state secretaries down to assistant inspectors. Special service posts consist primarily of employees providing military and security service. Support service posts are basic public services delivering staffs, working in the field of education; health care and science etc (see Table1). The administrative and special services are categorized as core civil servants (The CSL, art.5-9).

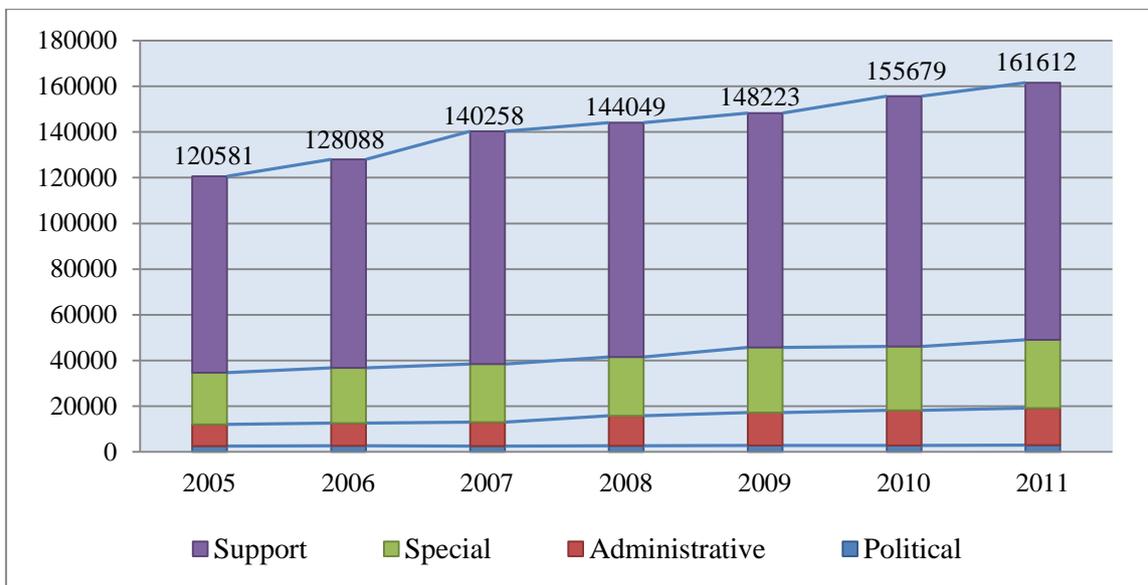
Table1. Public service classification and category

Classification	Type of posts	Category
Political	President, Prime Minister, Ministers and Deputy Ministers, Governors and their deputies, advisors and assistants to these political posts.	
Administrative	Managers, executives and officers in the ministries, regulatory bodies, agencies, senior staff of province; and other general managers.	Core civil servants
Special	Judges and public prosecutors of courts of all levels, military and police officers, intelligence service, border security, diplomatic officers, as well as managing and executive positions of the anti-corruption commission and the audit organizations.	
Support	Teachers, medical professionals, social welfare staff and agricultural extension workers etc.	

Source: World Bank Report, 2009

Figure2 shows that average growth of total number of public sector employees is 5.0 percent annually in recent years. Among four classifications growth rate of administrative service employees is the highest or 9.6 percent. For example, in 2005 the number of employees in administrative service was only 9463 but in 2011 it was enumerated 16190. Therefore, government policy should be focused on this unsustainable growth and implemented to make sure that recruitments of new official are settled on the areas where they are must needed, in line with the general policy objectives and priorities of different government levels.

Figure2. Dynamics of number of public sector employees



Source: CSC, Statistics on Government employees' structure and mobility, 2011

Finally, my research will consider on selection process of core public officials especially administrative service employees that they play main role in public sector of Mongolia.

### **B. Legal and regulatory framework for civil service**

Since the transition period legal and regulatory framework for the civil service has progressed quickly. The current structure and system of the civil service has been

formed in accordance with the concept underlying in the first democratic Constitution adopted in 1992. The constitution established the contemporary state system consisting of three major components including legislative, executive and judicial powers, and implementing the state powers through these components was in compliance with common experience and trends of the governance used universally in the world. Within this system the laws assign the legislative power to the State Great Hural<sup>ii</sup> of Mongolia, the executive power to the President and the Government of Mongolia, the judicial power to the Constitutional Tsetse (Constitutional Court), general courts, and prosecutor institution and the current reform of the public system has been undergoing in line with this distribution of powers (see from Appendix).

The Constitution (art.30, 33, 51) defines the President of Mongolia as the head of the state and the expresser of people's unity. He is elected by people for the term of four years and exercises his mandate refusing his political party affiliation. He has right to influence the Government of Mongolia through participating and expressing his views in the Government of Mongolia Cabinet meetings, provide the Government of Mongolia with guidance on settling certain issues, appointing and withdrawing heads of diplomatic missions to foreign countries. He is also the Commander-in-Chief of the armed forces. In order to ensure the independence of the judicial power the President decides on appointment and dismissal of judges.

The Constitution (art.38-40) also states the Government of Mongolia as the state supreme executive body. The structure and composition of the Government of Mongolia is decided by the State Great Hural and the term of the Government of Mongolia mandate is four years. There is fairly common criticism that whenever new Government is formed as the result of political elections the number and structure of ministries and

agencies is changed which leads to drawbacks in the successive nature of the state policy and guarantees for the sustainable employment of civil servants are undermined.

Mongolian administrative units follow territorial division and comprise of the capital city and 21 aimags. The capital city is divided into districts (9), districts into horoos (132), aimags into soums (329), and soums into baghs (1544) and create state administration network (Constitution of Mongolia, art.57).

In 1994 specialized law of civil service was adopted for the first time which became effective starting from June 1, 1995. The Civil Service Law (hereinafter CSL) regulated major social relations connected to the civil service operations which replaced the state system based on the communistic theory and it was specifically important step towards setting up the contemporary system of civil service. The law defines and regulates the classification, principles and positions of civil service, requirements, conditions and rules of civil service, legal status of civil servants, guarantees and functions of the central civil service body.

In 2002, the Public Sector Management and Finance Law (hereinafter PSMFL) approved. PSMFL regulates relations connected with authorities and responsibilities of state organizations and officials with regard to preparation, approval, spending and reporting of budget, personnel policies and principles of operational management of budgetary bodies, budget control and accountability system. The important statement of this law defines General Managers as main persons who shall provide state budgetary bodies with efficient operational management and be responsible for their performance.

Particular articles of the two main laws, CSL and PSMFL, indicate merit based personnel management and political neutrality in civil service. The CSL (art.4, sec.2, cl.4) provides that “equal opportunity for citizens to enter civil service on the conditions

and rules defined by law”. The law (art.13, sec.1, cl.8) guarantees political neutrality of civil servants when implementing the law. Further the CSL (art.13, sec.1, cl.9) prescribe that the civil servants “be intolerant to any illegal and unfair behavior of officials” thus determining the common duties of the core civil servants. The CSL (art.27, sec2, cl2) states that “expiration of the term of the State Great Hural, President of Mongolia, Government, Chief Judge of the Supreme Court, Prosecutor-General, Hurals of Citizens’ Representatives of administrative and territorial units, Governors of all levels, as well as resignation of political officials specified in this law shall not serve as a ground for resignation of Core civil servants”.

The PSMFL (art.5, sec.1, cl.3) mention that “recruit civil servants only on the basis of their knowledge, education, qualification, experience and professional skills through open and competitive recruitment procedures, and fairly assess their work performance”. The same law (art.45, sec.3) provides “political forces, the president of Mongolia, the speaker and members of the State Great Hural, the prime minister, other portfolio ministers, shareholders and members of the board of partly state-owned legal bodies shall not influence the Civil Service Council in the selection process of candidates for the General Managers”.

Also, the Law on Political Parties of Mongolia (art.7) prohibits political parties to involve in operation of civil service authorities and their officials. Core civil servants shall strictly follow the laws and shall not to abuse their authority for adjusting any political party’s interest when executing their official duties. Civil servants other than political servants are prohibited to make decisions in order to defend any political party’s interest, and to advertise, to participate in candidate’s election campaign by using their position in civil service.

In 2008, important amendments were made in the CSL addressing the need for merit based recruitment of core civil servants. For example, the law (art.10, sec.6) prohibits civil servants besides political servants to participate in the operations of a political party and movements in anyway while working for the civil service, and if whoever is a party member, they should refuse from the membership and officially notify the public entity administration and relevant political party within a week from the date of appointment for the civil post in the written form. This article was introduced in the amendments to the law with an aim of reducing political influence on core civil servants and creating condition of independent public sector.

Even though these provisions seems to protect core civil servants from political pressure, in reality there is a necessity to regulate investigation system by law that inspect political involvement in civil service and whether core civil servants participate in political operations; and to amend existing laws to adequate specific sanctions.

### **C. The Role of the Civil Service Central Body**

The CSL defined Government Administrative Service Council as the Civil Service Central Body which meant the establishment of the current Civil Service Council in 1995, which historically started its activities as body associated to the Cabinet Secretariat of the Government of Mongolia. The Council started its activities being in charge of only administrative civil service. Since June 2002 when the State Great Hural revised PSMFL and CSL the name of the Council was changed into Civil Service Council of Mongolia (hereinafter CSC) and its activities cover all four classifications of the civil service.

Amendments of CSL in 2008 extended more mandate and functions to the CSC compared to previous ones, amendments in 2003, and the role of this body in ensuring normal operations of the civil service increased. The current activities of the CSC are conducted in compliance with this law.

**a. Composition and operational principles of the Council**

The CSC has seven members. Three of the members are permanent, and they are appointed by the State Great Hural for the term of six years upon presentation of one member by the President, one by the State Great Hural, and one by the Government of Mongolia. Remaining four members are non-permanent who participate in meetings of the Council to make decisions. These members are tied to full-time posts and consist of the Secretary General of the Secretariat of the State Great Hural, the First Vice-Chief of the Cabinet Secretariat of the Government of Mongolia, the Secretary of the General Court Council, and the Vice-Chief of the President Chancellery. The CSC comprised of these seven members convenes to discuss and decide on matters that fall into its mandate (CSL, art.34).

The Council has the office with the main purpose to implement its decisions and also there are non-full-time sub-councils at all the ministries and administrative units and larger agencies that are in charge of settling issues falling in their jurisdiction under the Civil Service Council guidance, ensure the implementation of these decisions, and report on their performance.

In compliance with amendments made in the CSL in 2008 the CSC might have training, research and consultancy service unit however this structure has not been established yet.

## **b. Functions of the Council**

The CSC is an independent authority that is accountable for its activities to the State Great Hural, runs its operations on the principles of collegial management, and is in charge of providing with unified methodological guidance the standard management of the civil servants on the country-wide basis and is referred to in the law as Civil Service Central Body.

The CSC implements the following functions:

- Define strategic policy of the civil service reform, facilitate its implementation, provide these sphere of the civil service with the guidance and coordination;
- Organize the compliance with the civil service legislation, control its progress, and provide the civil service bodies with methodological management;
- Create and maintain unified system of civil servants' personal files and statistics;
- Define performance indicators of the public sector management and ensure its implementation;
- Select one candidate for a governing post in the administrative and special civil service who meets the most the selection criteria and propose him to the body competent to appoint him;
- Plan the civil service human resources, generate reserve of citizens who would be appointed to vacant positions in executive posts, and propose for the appointment the candidate who meets the best respective organization requirements;

- Provide civil service institutions with advice and guidance on ensuring compliance with civil servants code of conduct;
- Provide with methodological support activities of civil service institutions related to the development of programs on the civil servants training, provision with working conditions and social guarantees, and ensuring their implementation;
- Review and settle disputes arising between civil servants and employers;
- Upgrade effectiveness and coordinate foreign credits and assistance provided for the purpose of the civil service capacity strengthening (CSL, art.35).

From above functions defined by the law it can be clearly seen the roles of the CSC in the civil service system and its operations, and results of this body's activities shall greatly influence the further streamlining of the civil service that meets the expectations of the citizens of Mongolia and complies with requirements of good governance. Activities aimed at further fine-tuning of the CSC functions and increasing its impact on the society is still in progress.

#### **D. The Civil service reform**

Civil service reform has been main policy instrument for many countries' government to promote good governance; enhance efficiency of civil service and maintain permanent and moderate civil service in last few decades. Successful civil service reform leads sustained economic and social development by improving quality of public service and its delivery to citizens. "Most civil service reform programs also have as one of their major goals the strengthening or establishment of a professional, merit based, non partisan civil service. Such an arrangement is an essential part of any democratic system, not least by helping to ensure peaceful and orderly political succession" (Civil Service Profile Map 2008, 47).

Medium-Term Civil Service Reform Strategy of Mongolia (2004, 3-4) approved by State Great Hural identified civil service reform by following stages:

1. First stage (1990-1993) aimed at the legal and policy framework for the state structure. This dismantled the party-centered political system and created a state-centered political system.
2. Second stage (1993-2000) focused on the creation of a professional civil service capable of implementing state policies and goals.
3. Third stage (2000-2008) has aimed at strengthening civil service and institutional capacities, increasing their efficiency and effectiveness.
4. Fourth stage (since 2008) is aiming to establish professional and stable civil service which is maintaining political neutrality.

According to the Medium-Term Civil Service Reform Strategy (2004, 8) main principles of civil service reform are affirmed that public servants shall serve to the government and citizens and prefer their interest rather than own; personnel decisions should be based on merit and to appoint the most appropriate qualified person in each position, regardless of organizational affiliation. The strategy (2004, 9) also provides “the CSL and other relevant acts set the following policies which are: political neutrality of the civil service; transparency in personnel decisions; equal opportunity for all Mongolian citizens to enter the civil service; codification of the rights and obligations of civil servants and a code of ethics; declaration of income and property interests; prevention of nepotism; establishment of an independent Council responsible for civil service issues, reporting directly to the parliament”.

Although the civil service reforms have established formal distinction between political and administrative sphere, in practice there is still political impact in the selection, remuneration and advancement of civil servants. Especially after parliament

election replacement of top and middle level civil servants is more observed in central and local government. Even though our government has done important improvements in every step of civil service reform, still there are so many things to do.

### **III. ANALYSIS AND FINDINGS**

#### **A. The civil service personnel selection procedure**

The selection of the civil service is arranged under the CSL, PSMFL and procedures. In general, appointments can be divided into two groups: political and core civil servants appointees. Because high possibility of political influence occurs in appointment of officials working in policy making and implementing level or ministries and agencies, in this research paper I will focus on selection process of core civil service positions especially on administrative positions.

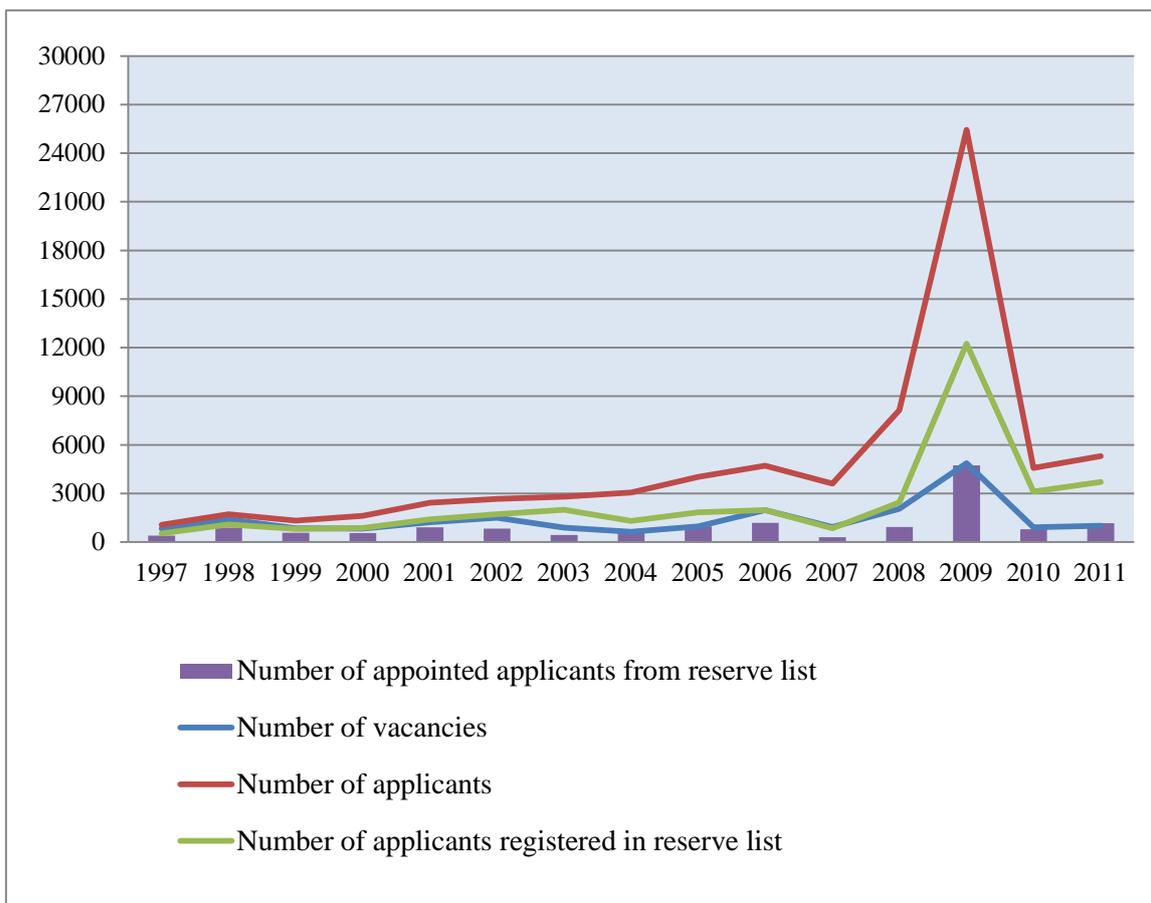
According to the CSL (art.17), vacancies for core civil servant positions can be filled by:

- a. selection from the core civil servants employed in the given or other government organizations according to their work performance and qualification level;
- b. in case of impossibility to fill the vacancy by internal resource, then selection from the citizens on the reserve list. First, employers announce the existing vacancies publicly. Then citizens wishing to enter the core civil service and meeting the requirements of job description<sup>iii</sup> give civil servants' professional examination and registered in the reserve list according to their scores received. The CSC shall establish the conditions and procedure for the professional examination for initially entrance of the core civil service, as well as the rules for creating the reserve.

- c. if citizens who want to work for military, to be police officer, lawyer and diplomat shall pass special examination and exempt from the professional examination for administrative positions.

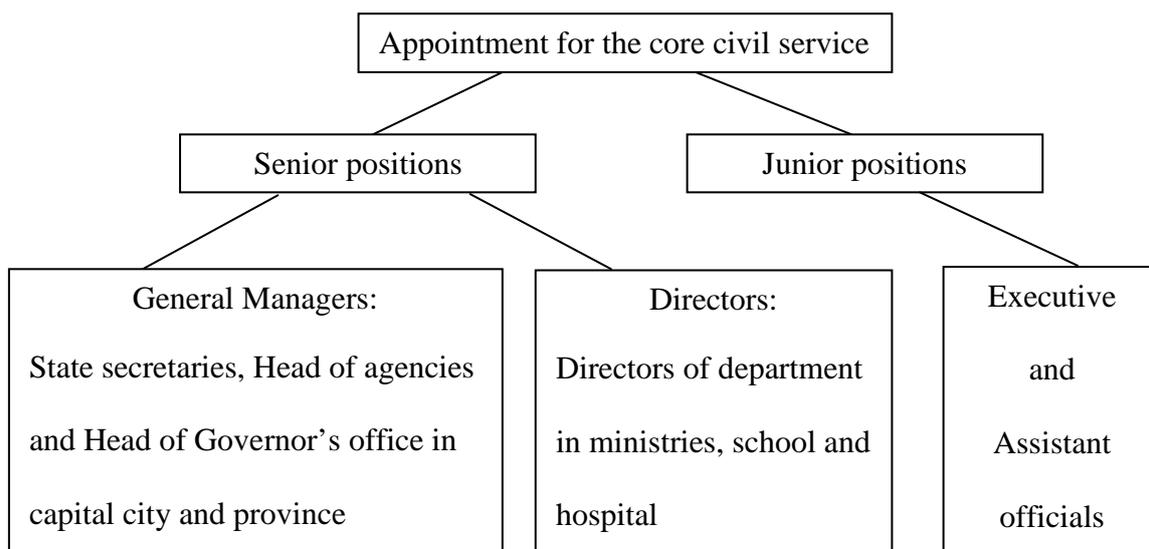
Until 2009, civil servants' professional examination organized once every year. So there was fact that outsiders called temporal contract workers crawl into public sector. Due to remove this defect, procedure for the professional examination changed and the examination is organized whenever vacancies announced. I think that is why there was big number of applicants in 2009, the last exam organized by previous procedure (see figure3).

Figure3. Professional examination for public service



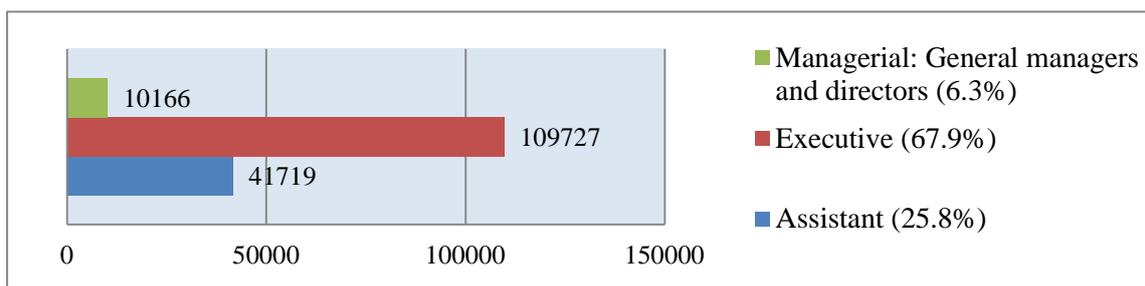
Source: CSC, Statistics on Government employees' structure and mobility, 2011

Appointment for the core civil service can be divided into senior and junior positions.



There are 10166 officials are working as general managers or directors, 109727 officials working as executive, 41719 officials working as assistant (see Figure4).

Figure4. Number of public officials (by position)



Source: CSC, Statistics on Government employees' structure and mobility, 2011

Selection processes of senior and junior positions are different and are being held by following procedure:

- a. The PSMFL (art.45) is applicable to general managers. Authority appointing General Managers sends request with job description to CSC and CSC advertises the posts through the media. Selection panel established chaired by members of CSC and consisting of sector experts. CSC shall nominate the one<sup>iv</sup> candidate and suggest them to competent authorities. After that, CSC shall publish description of the selection process and short list of

candidates. Finally the appointing authority shall appoint the candidate approved by CSC. Appointing authority have a right to reject the candidate once and if rejects the candidate then CSC can nominate again from the reserve list or advertise again.

- b. The CSL (art.17) is applicable to directors. Authority appointing directors, based on the recommendation of the CSC or sub-councils, may fill the post by selecting from at least two civil servants from its own or other government organizations. The central or local civil service' sub-councils organize the selection of executive positions within own authority under the rule approved by the CSC. If the post cannot be filled from existing candidates, then the appointing authority, based on the recommendation of the CSC or sub-councils may fill the post from the reserve list. If the post cannot be filled from the above two methods, then the appointing authority sends the notice of vacancy to the CSC or sub-council. Differences of directors' selection from general managers' are members of sub-council besides CSC in selection panel and short list of two or more candidates.
- c. The PSMFL (art.48) is applicable to junior core civil service position. General Managers have the authority to select junior officials. General Managers are bound by the merit criteria of the law in hiring staff and the CSC has no power to intervene. But General Manager provides report to CSC on criteria used for selection and the Council makes report public.

According to the constitution, at the local executive level province, district and sub-province, sub-district governors are semi elected appointed. That means after being nominated by local hurals (councils) Governors of aimags and the capital city are

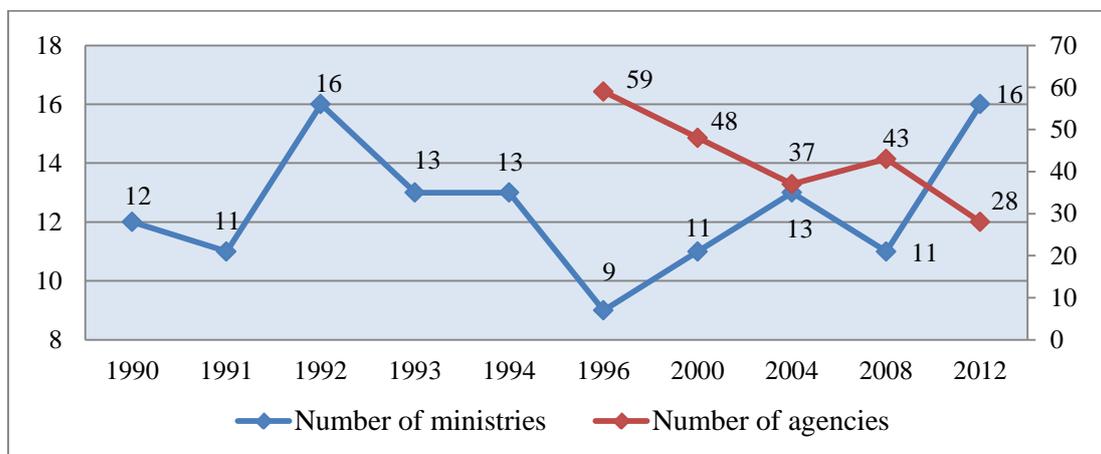
appointed by the Prime Minister, other governors are appointed by higher level governors for a term of four years. All remaining staffs at the local government are appointed by the decree of the governors or the head of the chancellery.

**B. Current situation and problems**

The World Bank report (2009, 47) mentions “as is commonly known in Mongolia, the turnover of civil servants is particularly pronounced immediately after elections, with a number of officials either removed from the civil service or transferred to other positions. This churn is especially evident in the local administration as new aimag and soum governors bring in their own staff after assuming office”. There is high possibility that winner political party from provincial election involves in the process of higher level Governors nomination by local councils. If governors are appointed by this way they will misuse their authority for political purpose.

During this research, I found that one of the main reasons to this high mobility is that after each election structure and number of ministries and agencies are always changed. You can see notable changes on number of ministries and agencies from figure below.

Figure5. Number of ministries and agencies<sup>v</sup>

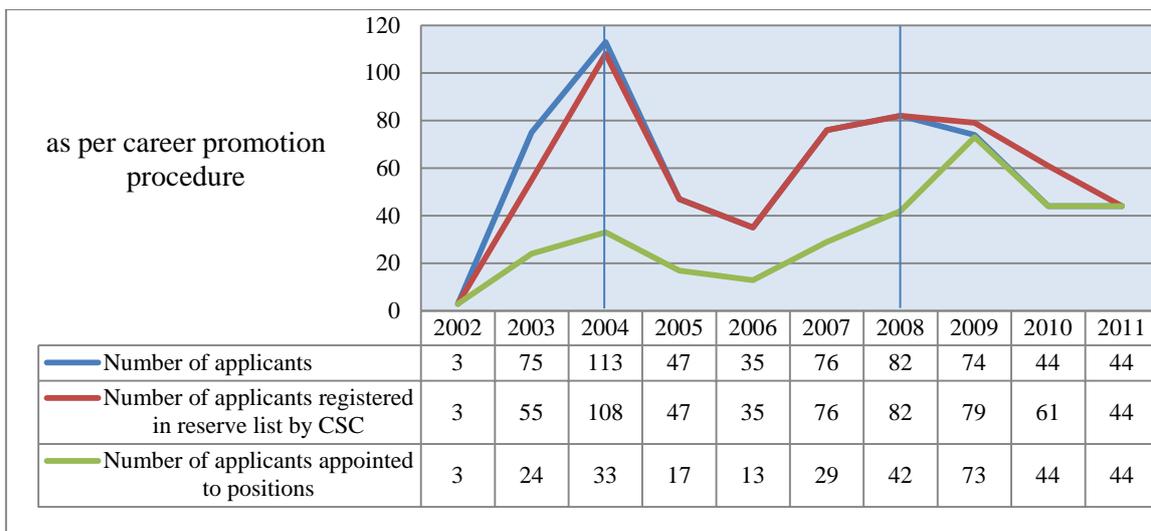


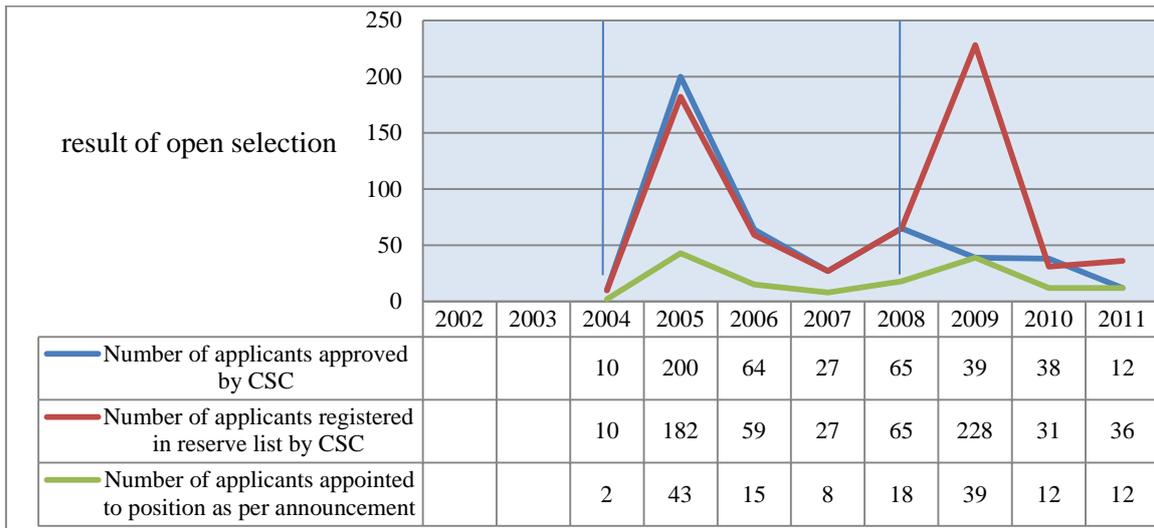
Source: My own research

These structural changes mostly affect on displacement of general managers and directors. The World Bank report (2009, 47) shows the fact that average 80% of senior administrative civil servants shift from current position within four years because of election cycle. In consequence, there is high possibility that this changes in high level influence lower level officials also.

Since 2002, 322 applicants for senior positions have being appointed by career promotion and 149 applicants have being appointed by open competition. Figure6 shows applicants from civil service internal resource by promotion procedure have higher possibility to select than the applicants from open selection. Also we can see that after election in 2004 number of applicants and appointments by career promotion declined but by open selection rose up conversely. This is practice that winner party change government structure then arisen vacancy is filled by people who related to that party and work for its interest. As a result of the CSL amendment, after 2008 election appointing officials from internal resource is visually increased.

Figure6. Result of selections for civil service senior positions





Source: CSC, Statistics on Government employees' structure and mobility, 2011

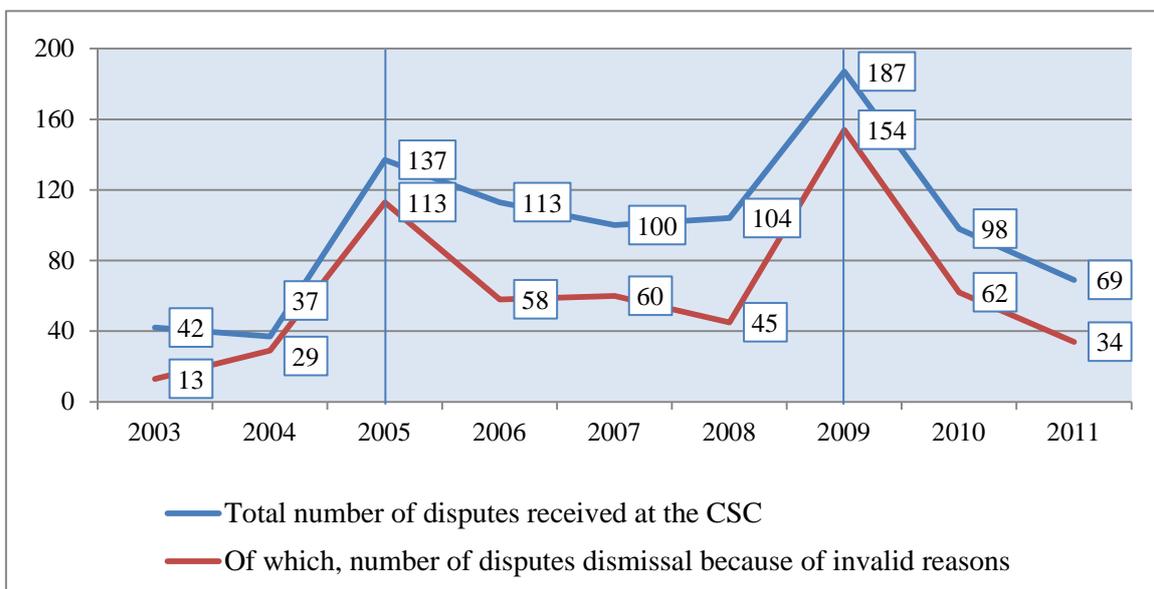
The rule filling vacancies of core civil service positions with internal source by advancement could reduce transparency in career management by allowing servants to bypass competitive internal processes and may use political favors and interests as a mechanism for final decisions. The CSL section 17.12 which provided citizen can be appointed as a civil servant for six months short term period by the governmental organization based on the official inevitable necessity. Before cancellation in 2008, by this section under the name of "contract workers" who did not give the government service qualification test many new staffs were entering to public sector. Some of them gave the test during their working and for others length of staying in civil service was remaining uncertain.

There is a high possibility to enter political influence on general manager's personnel decision making because of the PSMFL involving devolution of personnel decision making to general managers in line ministries and agencies. They have enough authority to change the qualification requirement of job description for vacancy of managing positions fitting in specific person. These may condition to encourage corruption and political influence in civil service personnel decisions. Therefore

appointing morally right person who meet requirement on general manager’s position is quite important for civil service development.

Even though there is a legal protection of illegal dismissal of civil servants, in reality still lots of dismissals without reason among administrative civil servants. “History of elections in Mongolia shows that every new government both at the central and local level is characterized with mass firings based on political affiliation under building or eliminating new ministries and agencies. Vacancies then are filled with people who are members of the ruling party or those who are loyal to the party” (Bayaraa 2005, 7). For example, dispute cases received by the CSC rose 3 times and complaints about dismissal with invalid reason increased by almost 9 times after 2004 election. You can see from Figure7 the fact repeated again in 2008 election following year. Also by a year after election 2008, rotation of servants and leaving their positions voluntarily was so high (see from the figure8).

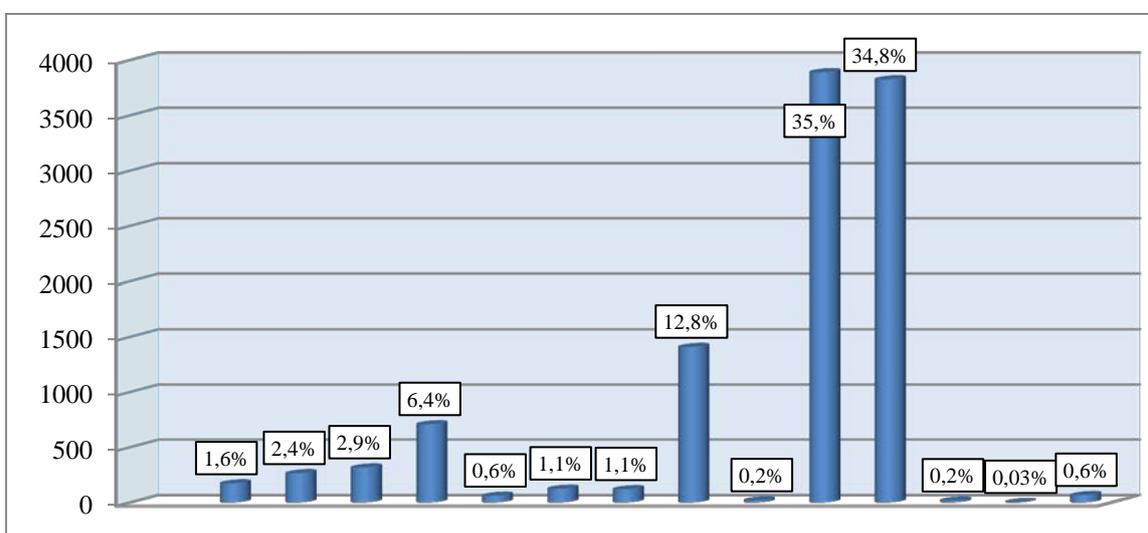
Figure7. Complaints and disputes received by the civil service council



Source: CSC, Statistics on Government employees’ structure and mobility, 2011

In 2008, 11005 civil servants were dismissed from the civil service and it constituted 7.6% of total 144049 civil servants. By election result 709 servants or 6.4% are dismissed. These unreasoned dismissals increase insecure feeling of administrative civil servants and it becomes one factor of reducing their performance. According to Enkhsaikhan's research (2010, 80) 252 servants or 80% say that political condition strongly influences performance of public administrative organizations out of 312 civil servants.

Figure8. Mobility of civil servants in 2008 (by reasons)

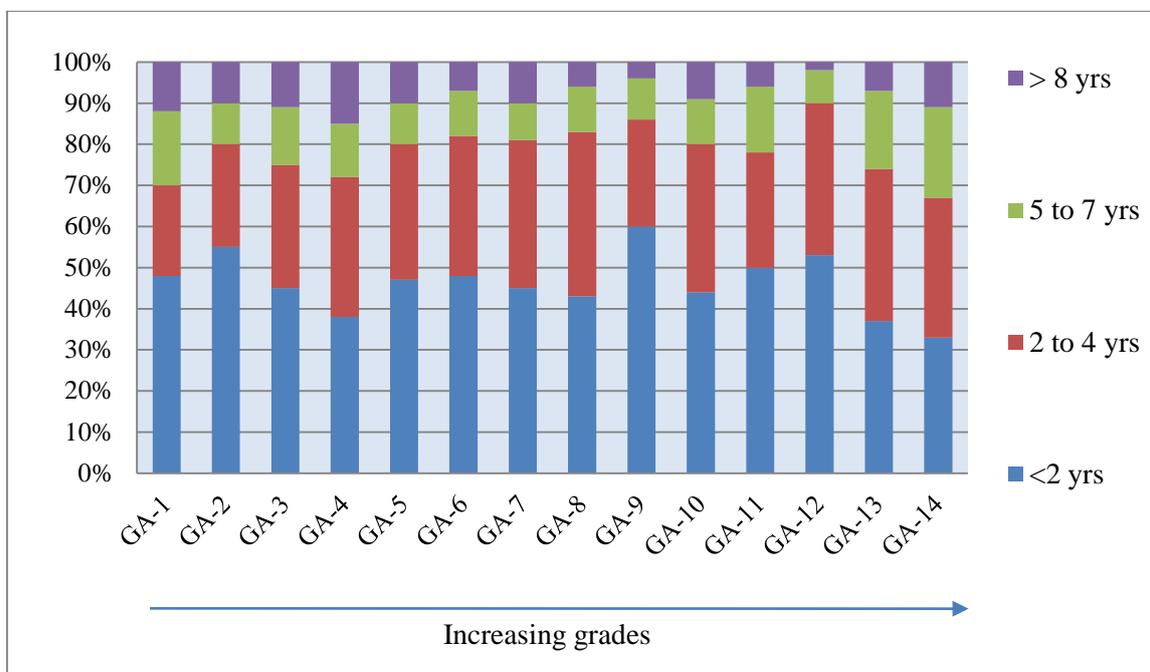


11005	173	265	317	709	61	125	120	1410	19	3892	3827	17	3	67	
Total	medical treatment for a one year and more	Death reason	Studying	As per election result	Reached to max age limit for civil service	Violated provision of 15 in CSL	Dismissed by provision of 23.2 in CSL	Reached to retirement age	Conscription	By own request	Transferred to another job	Committed to crime	Changed citizenship	No right to be employed in the civil service	structural changes

Source: CSC, Statistics on Government employees' structure and mobility, 2008

There is a high degree of staff turnover in the Mongolian civil service, in particular the administrative service. Approximately half of total employees in administrative service held their current position for less than 2 years. This shows the very high of job rotation in public sector. Also figure shows almost 80% of core civil service employees held their current position for less than 4 years. This clearly indicates that public officials on average tend to change or to be changed position at least once every 4 years. Further investigation might show if and in which degree this is linked to the political cycle with new election terms every 4 years.

Figure9. Years in current position in the government administrative service



Source: Civil Service Census of Mongolia, 2007

Interesting recognition here is that as much as 30% of all government employees have less than 5 years experience in government. This proves that the rate of recruitment of government employees has been rather high (see table below).

Table2. Years of work experience of civil servants

Less 5 years	6-10 years	11-15 years	16-20 years	21-25 years	26-30 years	Over 30 years	Total
30%	15.3%	11.9%	13.2%	12.5%	9.6%	7.5%	100%

Source: Civil Service Census of Mongolia, 2007

“The cumbersome procedures for dispute resolution disadvantage civil servants who are dismissed from the civil service on supposedly disciplinary grounds. The CSL is explicit on the criteria for disciplinary action – dismissal can only be due to criminal offense, abandonment of citizenship, and repeated (twice or more) unsatisfactory performance. However, these provisions are binding only to the extent that the procedures for redress are efficient. In Mongolia, the CSC is the first line of defense to aggrieved core civil servants, with a right of appeal to the administrative courts in case they are not satisfied with the Council’s decision. Before the amendment to the law, the authority of the Council’s decision was not clear, and the inefficiencies in the administrative courts meant that these cases could go on for months or even years with the civil servant out of his or her job while awaiting an outcome” (World Bank, 2009, 49).

Finally, the paper cannot omit the specific feature of Mongolian social relationship structure which can be main factor of political patronage and nepotism. Political scientist Gankhuyag (2004) describes traditional roots favoritism of Mongolia. In his article he explained about how closely interrelated Mongolian social relationship to the defined four categories of relationships: kinship, school or classmate, professional or business relationship and fellow relationship. He highlighted that Mongolians are

much more dependent on each other than any other nation in the world and without considering this reality any plans for a change in the society are doomed to failure.

### **C. Effects of partisan in civil service**

It is obvious that political involvement in public administration is influencing country's development negatively. If we could not release partisan politics we cannot reach the purpose of good governance, cannot remove corruption, cannot allocate social wealth by efficient way, and cannot reach social integrity. There will not permanent government policy. This is a big obstacle to our development as a country which emerging democracy. There might be following side effects of partisan:

- a. Lose main principles of public sector that are non-partisan, permanent, professional and confident.
- b. Because no guarantee to work permanent public officials might to lose their belief and as a result decrease their performance. Further public might lose their belief to the public sector.
- c. Other negative effects.

Currently in the era of globalization it is essential to study good practice of other countries aimed at further strengthening of civil service that highly respects values of democratic society and streamlines activities to serve the people, and to adapt them to unique conditions of our country. Among the best international experience we are particularly interested in the Asian region practice since it is closer to us in terms of cultural background and tradition. Therefore Mongolia should not waste more time on transferring civil service to the merit.

#### **IV. CONCLUSION AND RECOMMENDATIONS**

Today Mongolia is standing at the edge of its development- go up or down. Our economy is too dependent on price of main mining products that are copper, gold and coal. There are many people expecting that mining sector give us money and our country will develop soon. But it is obvious that even money comes in if government policy is wrong then growth will be same as bubble. Unfortunately, some countries experience showed that high mining revenue cannot progress public development without healthy and stable public service. It is also called mining curse.

Reversely, higher professional and stable public sector makes well result of politics, economic and social reform and this will guide to social development. One best example is the Pendleton Civil Service Act of the United States approved in 1883. Main idea of the act is merit principle on recruitments of government officials. This was big step to end political patronage and illegal dismissals of public servants spreading that time. It introduced competitive exams in government officials' selection process and established United States Civil Service Commission to maintain merit system (Wikipedia).

In case of our country, throughout last 20 years, there is a need arisen to build lean and outcome oriented public sector and enhance effective private sector. Being flexible in responding to the transition, the civil service legal and regulatory framework have been developed which is based on merit principles. Even though the merit system was the main step to get rid of the old spoils system, in reality, partisan politics is still influencing much of the administrative personnel decisions.

The objectives of the civil service reform are depoliticized, professional, motivation and institutional arrangement to effectively and efficiently deliver quality

public service. I will not undervalue many efforts that our government has made to improve the personnel system. But Mongolia has to study and use good experiences from other developed countries such as Korea. This will help to overcome the possible challenges and potential difficulties.

I am suggesting that there are some possible remedies the government must consider if it were to upgrade the civil service system based on merit.

- a. Public sector must be non-partisan.

I mentioned before, there is a lingering fact that after every parliament election, political parties share government positions proportionally to their seats and make appointments and career advancement of senior and executive public service officials based on political requirements and not considering their qualifications and performance according relative laws. Besides it, there is serious political impact in each local administrative unit, because according to the recent law all level governors are political post. So governors are observed tendency to work as a representative of political party rather than execute their administrative functions and there is high possibility to misuse their authority for political purpose.

For releasing political impact from civil service it must have a staffing system free from political influence and in which recruitment, hiring, promotions and terminations are based on merit. As a result of my research I have following recommendations. Those are:

- There is a need to amend CSL and input article that add the function on CSC to investigate whether there is any political impact in civil service and whether civil servants involve political action. This experience have successfully implemented in Canadian public sector.

- There is a need to amend Constitution article 60 that states Governors appointing procedure. Governors should be appointed by the Government and higher ranking governors are must be appointed regardless of provincial election result. They should be administrative service servant and have to execute only administrative duties in their territory.
  - Public servants must perform, and be perceived to perform, their duties in an impartial manner.
- b. Public sector should be permanent.

I mentioned before that as the result of political elections whenever new government is formed the number and structure of ministries and agencies is changed. So it causes to loosen permanent government policy and sustainable employment of civil servants.

My suggestion on this issue is that:

- Legislative body should determine clear and sound reasons by law for establishing, reorganizing and terminating of government organizations, specially the central bodies, such as ministries and agencies. This is very important for stable civil service and professional civil service staffs. In this reason there is a need to make appropriate amendments to current CSL of Mongolia.
- c. Public sector should be professional.

From this research paper it found that most public officials seem to have limited number of years of government work experience. There is not accomplished career and promotion system. Concept of professional public sector relates to improve knowledge and experience of public officials. For this purpose my suggestions are:

- Intercept both appointment of inexperienced and unprofessional people to public service and dismiss or replace public servants improperly.
  - Specified personnel policy to recruit qualified graduates who studied in foreign or domestic universities by Government stipend.
  - There is a need to build permanent training system for public officials and have to involve all essential officials.
- d. Public sector should be confident.

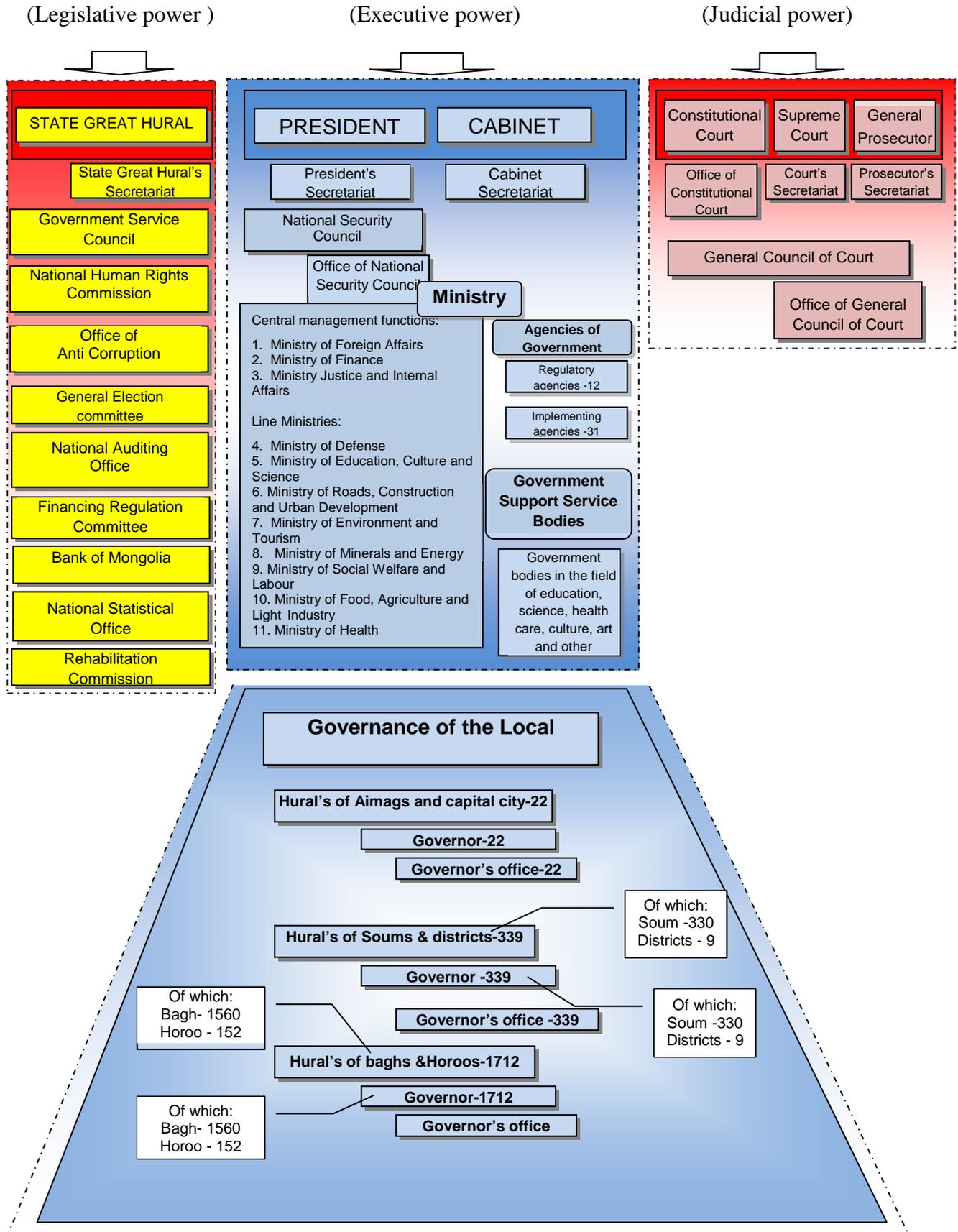
According job description every civil service position has to have very clear requirements about educational, professional level, experiences and skills. Now these requirements are not meet the needs of current situation of civil service reform. My suggestions are:

- Mongolia has to renew and specify the general and special requirements description for every civil service positions. This will help to hire best cadres for right positions and will defend from influence of side interests to appointment.
- Civil service selection process also should be modified. Now the selection tests and examinations proceed too general. To ensure the merit principle in Mongolian civil service need to make more clear and efficient selection process.

Final conclusion is that a non-partisan public service can be maintained only if the staffing system is protected from political influence, the merit system has been firmly implanted and the professional commitment to impartiality is widespread.

# APPENDIX

## The State Structure of Mongolia (2008)



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## ENDNOTES

<sup>i</sup> World Bank's recommendations about the optimal number of political positions not exceeding 5% to avoid the politization of the civil service

<sup>ii</sup> The State Great Hural is the unicameral Parliament of Mongolia. Mongolia has 76 constituencies and a member of State Great Hural is elected from every constituency for the term of four years thus forming 76-seat Parliament.

<sup>iii</sup> Job descriptions contain data about the post tasks, objectives, work to be performed, general and specific requirements for the post.

<sup>iv</sup> Before amendment 2008 number of candidate was 3-5

<sup>v</sup> Agencies are established since 1996