

## **Civil Service of Azerbaijan: On the Way of Modernization**

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Azerbaijan had her own national state governing traditions covering long centuries. But in the course of frequent seizures, her territory was spitted into pieces and her tradition of independent governing has diminished. The present territories of the Azerbaijan Republic remained to her since the time of its being an object of the tsarist Russia ruling during the period continued as long as the whole last century and half. After the removal of the tsarist regime, to be more exact in May of 1918 here the first democratic Republic in the entire Oriental world – the Azerbaijan Democratic Republic (ADR) had been established but on April 28 of 1920 in the result of the intervention of the Red Army the democratic reign of ADR was abolished. Since then Azerbaijan was included to the Union of the Soviet Socialist Republics (USSR) and the soviet style of governing was in a power. Those were the years of running the country by the nomenclature system covering the party, state and social organizations of all levels and steps on the principle of belonging to Communist party and this nomenclature was characterized by the devotedness to the communist ideology. All nations of the USSR suffered from this system. Among them Azeries underwent to this suppression more than any other nation. Local and national human resources were always depressed with all possible means; the privilege was given to representatives of other nations in state governing, especially in the power structures. It is enough to mention that between years of 1923-1932 the leadership over the Azerbaijan Communist Party was never trusted to Azeri men. In 1930-s out of 51 administrative regions of Azerbaijan in 38 chiefs of departments of internal affairs (police) were Armenians. In years of repression the great majority of those 300 thousand men who were suppressed were Azeries and among them there were great many of employees of party and state officials. In that period 20 people's commissars and their deputies, 52 regional party committee secretaries,

34 chiefs of regional executive committees and many other party, soviet civil servants were shot or exiled<sup>1</sup>. Later nomenclature system became softer and more local people were attracted to the state organs but nevertheless it has never brought to the formation of the system of the democratic state service.

Benefiting the favorable situation coming with the destruction of the Soviet Union at the end of the XX century Azerbaijan adopted its Act of Sovereignty on October 18, 1991 and recovered her state independency and by being the member of UN organization in 1992 she became the member of the world unity with equal rights as others. In 1995 the Constitution of the Azerbaijan was adopted by the referendum covering the whole nation and thus Azerbaijan stepped into the process of the transformation to the modern state management and the civil service system.

The Decree of the President of Azerbaijan issued on December 29, 1998 implemented the impulse to this matter. In the Decree the necessity of the conducting of the deep reforms in the field of the public administration was especially highlighted and it was explained that such kinds of reforms were of vitally importance in increasing of the effect of the civil service, in creating the basis for the public administration on the level of the international standards and laying the legal foundation<sup>2, 1</sup>.

On the basis on that Decree soon the State Commission on Realization of Reforms in the field of public administration was created. Thus the impulse was given to the process of reforms and the transformation of the administrating mechanism became progressing and its accordance to the market economy circumstances got the character of the regular and dynamic process.

The Constitution has defined the mayor parameters of the transformation, providing of the human and civil rights and freedom as its functional aims. In accordance with the transition to the modern system of the state in fact, the civil service should be organized in such way that to be favorable to each citizen of the country, to the satisfaction of the national interests of the population. Transformation should also provide the fruitful activity of the state organs and

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<sup>1</sup> Azerbaijan in the XXI century. I part. The Statistical Committee. "Sada" Publishing house, Baku, 2001 (published in Azerbaijani language).

<sup>2</sup> The Decree of the President of Azerbaijan about creation of the State Commission for reforms in public management in the Azerbaijan Republic, dated December 29, 1998. Issue # 53, "The Set of Laws of the Azerbaijan Republic", # 12 (published in Azerbaijani language).

should promote civil employees to fulfill their duties with the higher professionalism.

One of the major and principle feature of the transformation was the mutual coordination of the national traditions with the international practice. No doubts that while creation of any system it is necessary to take into account realities in the Azerbaijan society, national traditions of the state running, the mood of the society which we have just left and national-moral values. Nevertheless referring to the international experience as a leading tendency in the state of public administration transformation, formation of the modern democratic, legal-global type of state-civil relations were taken as a major direction. And in its turn this has caused the appearance of various new problems in the course of the process of reforms. In her transformational conception consisting of the transition from the nomenclature system to the modern civil service Azerbaijan was to take into consideration processes of the modernization taking place in the European Union, in the Central Europe and partially in the Eastern Europe locations.

In July 21, 2000 for the first time in the Republic “the Law About Civil Servants” has been adopted with the aim of legally regulating the civil service. So the activity of civil servants began to be regulating by the Constitution, by norms of the Labor Codex, by the Code about various executive power organs and some other legislative documents. The acceptance of this law, without any doubt, was a step forward in the field of creation of the legislative basis of the civil service.

Issuing of this law meant putting the legal obstacle of the political influence to the process of managing the civil service away, increasing the state transparency, making it more effective, strengthening reception to the civil service and progress in the carrier process through the competition method, defining the place of civil servants in the society and exact formulating their rights and duties. It also meant that appointments to civil service positions are already not connected with their party background, with their membership of the trade-unions. The law about civil service promised the firm legal basis in accepting to positions, in benefiting from the civil service without allowing any discrimination on the national-ethnic plain and by the enough representation of all levels and groups of the societies in various levels and circles of the civil service. But the creative activity process could not be limited only with these steps and in following years this process was continued and a number of laws and other normative-legislative acts were

adopted, Decrees, Orders were issued and the basis of rendering the civil service to citizens, the legal foundation of civil service realization was strengthened in the considerable degree.

With all of its productive peculiarities “Law about Civil Service” at the same time was a legal document. Nevertheless it was not yet clear how the system of appointment to a civil service, classification of the duties and salary system mechanism, employees advancement process regulating bodies structure and its activity procedures should be. And for the organization of the executing processes in the new conditions how must be instructions, reporting, monitoring and evaluation of the activity and so on and solution for all these matters should by all means be given.

There were two organizational source of the reform processes in the field of state civil service. One of them was the Managing Board of the Civil Service and the other one is the State Commission of Entrance to Universities. The Managing Board of Civil Service is the Consultations organ consisting of 18 members appointed by the Constitutional Court of the Azerbaijan Republic and represented by three main directions of the governing structures (legislative, executive, court) and appointed in an equal quantity (6+6+6) of members by the President of the Republic, by the Head of the National Parliament and the Chief of the Constitutional Court of the Azerbaijan Republic.

Though this Board has got a very high status, it is unable to rule the complicate and very dynamic processes.

The State Commission of the Entrance to Universities is the state organ with its own staff of employees but its main area of activity is the reception of students to the higher schools and it has got the authority and experience only in that very field. The reason of its attraction to the managing processes of the civil service in the corresponding form was connected with its possibilities, having technical aids, experience and providing the conspiracy in the guarding of the tests.

Managing Board of the Civil Service and the State Commission of the Entrance to Universities did some issues in this field but regulation of the personnel processes on the larger-scale and ruling them needed to create a separate state organ with its own working staff, necessary organizational structures, peculiar functions.

Azerbaijan government turned to the UN Organization and to European Institutes with the aim of the reception the technical assistance in the institutional and legislative reforms. Discussions paved the way to the implementation of several joint projects.

Among them there was one entitled as “The Support to Reforms in the Field of Civil Service” realized in years of 2003-2004 worked out by TACIS and implemented with the support of the Development Program of the UN which is still continued to be applied as a project named “The better Management Organization in the System of the Civil Service” and it is closely connected with the development of the civil service field.

Recommendations coming out from the project (which were prepared with the participation of heads of personnel departments of a number of Ministries, lawyers, leading specialists of the Public Management Academy Under the President of the Azerbaijan Republic) have brought to decision that the special organ should be founded for the managing of the civil service processes. A little later, in March 29, 2005 with the Decree of the President of the Azerbaijan Republic “the Commission on Issues of Civil Service Under the President” was created for a large-scaled providing the application of the Normative Legislative Acts adopted in the field of the civil service, for choosing and appointing of the employees of civil service on the bases of competition, for Fulbright with the aim of increasing of the professional level of civil servants, their attestation and for managing their social defense, for fulfilling other tasks defined by the legislation and for realization of the policy of the government on civil service as a whole.

The Commission is fulfilling the function in providing the implementation of the policy defined in the legislation of the Azerbaijan Republic, in application of the normative-legislative acts accepted in the field of the civil service, in selection of the civil servants on the basis of competition and appointing them to civil positions, in increasing their professional level by refreshment courses, their attestation and social defense. In connection with all these, it participates in the preparation of the single governmental policy in the field of civil service and other personnel matters, in putting forward proposals about providing civil service with employees, in conducting the competition for the acceptance of citizens to the civil service, in creation of the centralized data-base of civil servants and increases it and does other duties.

But the aim of the project “the Organization of Better Management by Making Reforms in the System of the Civil Service” starting its activity in September 2006 is to enable the movement “to the Better Management” which was defined as one of the ambitions of the development directions of a new Millennium. The project was directed to the preparation of the strategy for the implementation of the mayor reforms in the field of civil service, to continue the further formation of the Commission of Issues of Civil Service and to support it to the degree of the full range activity and to the solution of other problems.

Besides all these, tens of other projects are realized in the frames of the Cabinet of Ministers, separate Ministries and state organs together with international and regional organizations and also on the level of intergovernmental cooperation line have made their positive influence to this matter and is still fruitfully influencing.

During these ten years after the issuing of that Decree a considerable work has been done in the field of the public management including the system of civil service. So this was the time of large-scaled institutional innovations and serious structural changes which had been realized in public administration system.

At present the function of the Supreme Executive Power is realized by the President and his Executive presidential structure, the function of the upper level executive organ is conducted by the Cabinet of Ministers set up by the President through 20 Ministry, 10 State Committees and 4 service departments under the Cabinet. Besides that, administrative functions are also realized by 3 State Companies, one State Concern, 18 stock-society, 5 Agencies, 2 Funds, 3 State Commissions, the structures of Supreme and Appealing Courts, several managements and services and in places by some 86 Heads of city and regional types of Executive Power Structures with their subordinate settlements.

In the public administrations system some 25.600 civil servants are employed. This is the 2 percent of all working people and 4,5 percent of employees paid from the budget<sup>3</sup>. In accordance with the law about “Civil Service” and the Decree of the President of the Azerbaijan Republic issued on August 4, 2003 confirming the “Collection of Classification of Administration and Supportive Tasks” all positions in the state organs are divided into administrative and

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<sup>3</sup> “Azerbaijan” newspaper of 21 June 2006 (published in Azerbaijani language).

supportive ones on the basis of the classification and depending on their functions and duty responsibilities.

Among them some 89,5% are employed in the administrative and only 10,5% in the supportive positions. 28.2% out of them are women<sup>4</sup>.

Regulation of complicated processes connected with the civil servants are still being formed and at the same time all changes are realized by the Managing Board of Committee Guiding Civil Servants.

Acceptance to the civil service is conducted in accordance with the Constitution of the Azerbaijan Republic, “The Law of the Azerbaijan Republic about the Civil Service” and on the basis of “Rules about Preparation and Acceptance of the Test Samples for Test Exams for the Reception to the Civil Service” (9.VIII.2001) and “Rules about Reception to the Civil Service by Means of Competition” (3.IX.2001) confirmed by the President of the Azerbaijan Republic.

Acceptance to the Civil Service is realized in two stages: test and interviewing.

The information about vacant job in the Civil Service is sent to the Commission on Issues of the Civil Service. The Commission puts this information of its Internet page and regularly advertises about competitions to vacancies. The information about Competition is made available to the population through the media and the test is conducted on the day declared in advance.

Those who takes their test-exams successfully are allowed to the second stage of the competition. For the providing of the transparency the other state organs’ representatives, public organizations of the governmental body researching the vacant civil service positions, Media representatives of international organizations are taking part as observers.

In the conception of reforms an important place belongs to the moral quality of the civil servants and moral values of the system of civil service. On the top of the reforms stood the national leader of the Azeri people Heydar Aliyev who was saying that “...*the healthy morality must be mayor measurement for each of our civil servants. If it is not in an existence then he could never do his best in his activity.*”

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<sup>4</sup> Ibid.

Of course it could be a plain consideration that the critical recommendations will be able to help us to get reed of the negative traditions of our totalitarian past which had not been so far from us. Therefore a special attention was given to the material and moral stimulation of the truthful service of the civil employees to the nation and to the state in the process of reform. In the recent years a considerable work has been done in this direction and their financial providing and a special defense were considerably raised. After the adoption of the law “About Civil Service” in connection with its application the President signed 32 laws, 45 Decrees and 27 Orders and the Cabinet of Ministers accepted a number of Decisions coming out from those legislative documents a considerable part of which were directed to support that very matter<sup>5</sup>.

Among those mentioned documents there are such ones as “About the Providing Civil Servants with Pension”, “About Compulsory Insurance of Civil Servants”, “About Increasing the Coefficient of the Addition to the Salary for Those of Civil Servants Whose Activity is Connected with a Danger to the Life” are of a special importance among them.

Large-scaled state programs realized in the Azerbaijan Republic in the field of social defense of the population but nevertheless the present condition of the matter satisfies neither the state, nor the population. The same could be said about the civil servants. But at the existing circumstances they are considered the better defended layer of the society.

The corresponding work is done in the field of stimulation of the better service of civil employees. With the aim and on the basis of recommendations of the UN organization and its General Assembly the President of the Azerbaijan Republic Mr. Ilham Aliyev issued the Order “About Appointing the Date of June 23 for the Celebration of Profession of Civil Servants” dated May 25, 2006. The establishment of medals “For the Best Service to the Nation”, “For Differed in the Civil Service” are serving to this aim as well. A considerable number of civil servants were already awarded with these medals. Without any doubt, all these measures raise not only their authority before the state and nation but also their responsibilities. Respecting the legislation in the civil service, to serve to nation with the dignity, staying within the frames of the moral behavior are regulated in

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<sup>5</sup> The normative –legislative acts on civil service, Baku, 2007 (published in Azerbaijani language).

the document – “The Law About the Ethic Behavior of the Civil Servants” the adoption of which is the remarkable event.

For achieving the logical goal of all these attempts the issue of establishing of the monitoring mechanism upon the civil services and providing of its effective activity has not been forgotten either.

Serious efforts are made in the field of providing the transparency and struggling against corruption. So in January, 2004 “the Law Against Corruption” was accepted and then the state program entitled as “the Program Against Corruption” was received. Recently for increasing the transparency and struggling against corruption the Plan of Activity for its realization during the years 2007-2011 was confirmed as the National Strategy.

Mechanism of control upon the implementation of this issue was put forward.

Supreme and higher executive power structures and especially on the example of the Calculations Chamber the influensive mean of the control over the civil service system is in an existence. Besides that, Ministries, Agencies, Committees have structures fulfilling the function of internal audit. Commission of Struggle Against Corruption under the Managing Board of Civil Service, also the Commission of Struggle Against Corruption under the Republic Prosecutor structure are realizing their activity. Means of Media and the Public organizations are fulfilling their functions of social monitoring in the more active way than ever before.

All these issues are bringing their primary fruitful results. Carried out public interviews indicate that the belief of citizens to the state and civil servants are being increased. The fact that the State Oil Fund of the Azerbaijan Republic was awarded with the price of the United Nations Organization “For the Transparency in the Civil Service” (the UN Public Servants Card) for the year of 2007 shows that the positive changes in this field is internationally recognized as well.

But nevertheless the struggle against corruption and increasing the transparency in the civil service remain as a sharp problem before the society. Citizens, business people in some cases still suffer form the lack of responsibility and greedy selfishness of state employees.

One of the urgent directions of the increasing of the efficiency of the civil service is the use of the information and communications technologies in the civil service for application of the conception of the electron government.

Azerbaijan is making her initial steps in this direction. At present the legal and technical basis of this issue is created. “The Electron Government” demands not only the body of the state organs but to enter the new quality stage of the whole society.

The state program of the development of the communications and information technologies for the period of 2005-2008 has been confirmed by the President of the Azerbaijan Republic Ilham Aliyev on October 21, 2005. In this program called “the Electron Azerbaijan” possibilities for contacts between the state organs and the citizens based on the use of modern information technologies and thus application of “the electron government” conception is taken into account.

At present this job is done in the frame of the definite projects covering various fields.

During last years central and local executive power organs are creating information sites of the Internet in the national language and allows the population to know about their activity. In the report of the UN entitled as “the Project Realized in Azerbaijan in this field has been mentioned as a positive experience”<sup>6</sup>.

Nowadays the active work is being done in spheres of perfection of the legal basis, creating of the infra-structure, corresponding human resources preparation, providing of the security measures for the information sources.

Besides all that in various high schools the preparation of specialists for the direct public management and local management on the bachelor and master levels were organized. Preparation of specialists in the field of public management, attestation of those who are in the civil service and their re-preparation the special centre of research, teaching and conference conducting is organized at the Academy of Public Management under the President of Azerbaijan Republic which has been in an existence almost since last ten years.

The creation of the legislative bases and implementation of the corresponding institutional changes, without any doubt, are the main components of the reform processes. But the other undoubted fact is that if the civil service is not provided with necessary human resources then even the most perfectly equipped organizations can not guaranty for its successful activity. Therefore the providing

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<sup>6</sup> Elmir Velizadeh. “The Electron Government is in the Process of Development”. “State management: theory and practice”, 2006, # 2 (published in Azerbaijani language).

of the human resources enable to move forward the civil service, allowing it to act successfully is still remaining before the society as one of the central issue in the process of reforms. This problem is to be solved by two ways. First of them is re-preparation of those who received their education on various specialities and entered the state service. The second way is to prepare quite new people on various specialities on demanded sphere of civil service.

The Academy is the higher educational institution in Azerbaijan specialized in the field of development of specialists in public and municipal administration as well as provider of in-service training and re-training of civil servants. It was established by the Presidential Decree on 3 January 1999 on the platform of the Baku Institute of Public Administration and Political Sciences.

Main areas of activity are the training of civil servants, participation in international programs on professional development and further training of civil servants and representatives of local government, preparation of proposals in the field of development and legal framework of public administration and methodical, advisory and organizational support for state and municipal institutions.

Recently, some other institutions of higher education have also launched programs on development of specialists in few areas of public administration. But the Academy retains a leading role in Azerbaijan on education, methodology, research and consultancy related to issues of public administration.

One should note though, that the Academy is not the only institution in the Republic providing in-service training. Most of the line ministries, some committees and agencies have established training centers of their own. Even though, the Academy holds a key role among all higher education and training centers, it doesn't duplicate the efforts of other institutions which are often specialized in narrow fields. Instead, it targets multiple areas of public service, and in particular focuses on development of professionals for higher levels of public administration.

Structurally the Academy is comprised of Rectors' office, three faculties, ten departments, four research centers, library, administration unit and printing-house.

There is also the Academic Board and Council for issuing candidate and doctorate degrees.

The faculties of the Academy are: Faculty of Public Administration  
Faculty of Political Administration Faculty of in-service training and re-training  
of civil servants.

The departments of the Academy are: Department of Civil Service and  
Human Resources, Department of Legal assurance of Public Administration,  
Department of Public Regulation of the Economy, Department of Public  
Administration and Management, Department of Political Sciences and Political  
Administration, Department of Philosophy and Social sociology, Department of  
History, Department of IT in Public Administration, Department of Languages.

The research centers of the Academy are UNESCO Center on Humane Rights,  
Democracy and Peace, Center of Geo-Strategic Research, Center of Sociological  
Research, Computer Center.

What concerns to the educational framework the structure of the  
educational system in the Academy incorporates four years of training for the  
Bachelor's Degree and two years of postgraduate training for the Master's  
Degree. The office for aspirants and doctors of science also functions in the  
Academy.

The Academy offers two-year full-time training and three-year training by  
correspondence for the civil servants in the field of "Public and Municipal  
Administration" as well as provides various short-term courses.

Short term courses cover the following topics: Legal basis of Azerbaijan's  
statehood and administrative reforms, Organizational basis of the civil service and  
human resources, Civil service and mass media, Public regulation of investments,  
Fiscal and monetary policy, State's social policy: priorities and implementation  
tools, Public administration of natural resources and environmental protection,  
Foreign policy of Azerbaijan, State youth policy, Organizational and legal basis of  
local self-governance.

Under-graduate courses are covering fields of Public Administration,  
Management, Political Sciences, International relations, Law.

Post-graduate courses deals with Public and municipal administration, Legal  
framework of market economy, Public law, Diplomacy, International policy,  
national security and political strategy, Political processes in Azerbaijan.

The Curriculum is an enough wide ranged here. Ministry of Education has  
established national educational standards for each specialization, including for

specialists of public administration. Curriculum for both Bachelor and Master Degree programs developed based on these requirements. However, within each module, faculty and students are provided selective options for some courses.

Key activities of the Academy associated with the providing new specialties for acting civil servants and delivery of in-service training. At the moment, there is no official set of requirements for training of civil servants. Curriculum for these trainings is developed based on Academy's Statute, international experience and study of contemporary skill sets required for quality performance in the field of public administration, as well as on recommendations of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee). Key educational deliverables are based on developing strategic thinking of students, improving their analytical and management skills.

Speaking about the staff and trainers it might be mentioned that the training programs and seminars are delivered by faculty members, civil servants, politicians, specialists, lawyers and lecturers from other universities.

The teaching staff of the Academy is comprised of twenty five doctors of sciences, sixty four candidates of science, among them seventeen professors and thirty two assistant professors.

Graduates are mostly getting employed independently. Every year significant number of graduates is recruited for various fields and levels of public administration, including by Office of the President of the Azerbaijan Republic, Cabinet of Ministers and Parliament, various Ministries, Committees and Offices, as well as by executive offices of the regions and cities, by mass media agencies. Graduates of the Academy are successfully engaged with Foreign Embassies, local offices of the international organizations, international consortiums, banks, non-governmental organizations, etc.

International relations of the Academy include, but not limited to: Lithuanian Institute of Public Administration; Canadian International Agency for Development; The Academy of Public Administration under the President of Ukraine; Turkey and Middle East Institute of Public Administration; French National Institute of Administration (ENA); The Graduate Institute of International Studies in Geneva; UN office in Azerbaijan; The Network of UNESCO Chairs in Human Rights, Democracy and Peace; TACIS; The Network

of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee).

Reforms of public administration in the Republic are underway, thus civil service model of Azerbaijan gets clear shapes as well. Accordingly, these processes establish new demands and tasks for the Academy.

In the present stage of demands to civil service there are some urgent issues waiting for their solution. Among them following ones are especially attracts the attention:

- Building of the effective mechanism of the stimulation of the service activity;
- Attraction of the high-quality specialists to civil service a creation of the real stimulations for increasing of their job quality;
- Continuation of the reforms in the field of the social defense of the civil servants;
- Providing of the realization of the acceptance to the civil service in all fields of the state management through the competition and transparency;
- Strengthening of the struggle against corruption. Taking of the measures for acquainting of the civil servants with the legislation about the struggle against corruption and conducting the wide-scale educational job;
- The further perfection of the legislation for the liquidation of the contradiction of interests in the activity of civil servants;
- Evaluation of the activity of the civil servants and distinct working out of the rotation system.
- Strengthening of efforts in the field of creation of “the electronic government”.
- Increasing the activity in raising the professional level and effectivity of civil servants and creation of the alternative and competable training centers.

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