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ORIGIN OF AND BASIS FOR THE INTER-INSTITUTIONAL
RELATIONS OF PUBLIC SERVICES

Report prepared by the secretariat of the
Economic Commission for Latin America

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RELATIONS OF THE PUBLIC SERVICES

1. Background information and purpose of the study

For many decades, in most Latin American countries the civil registration services have been responsible for collecting and transmitting to the processing agencies (generally the statistical and health services) the data needed for the preparation of vital statistics. In carrying out this task the collecting agencies co-operate on a permanent basis with those responsible for processing and publishing the statistics.

As it is possible for the data to be collected at the time when the events themselves occur, vital statistics are regarded as "dynamic", unlike statistics gathered on an enumeration basis, which are regarded as "static". Hence it is possible to observe the changes that continually occur in some of the main characteristics of the population. The work of the civil registration services is therefore important for the services dealing with public health and demography, and to the other users who, like the government agencies responsible for economic and social planning, need to know about the human resources available.

However, those services, which trace their origin to the ecclesiastical records, first operated as administrative machinery to facilitate the functioning of the legal system governing the relations of individuals organized in families and their relations with the State. The specific, and essentially juridical, function of these services was to prepare, keep records of and maintain available to the public and authentic proof of the actual occurrence of the facts and acts relating to the civil status of persons, known as "vital facts" from the statistical standpoint.

Although the aims of the State appear to be unchanging the immediate goals and the means used to attain all of them varies frequently because of the evolution of society and many other factors. This fact, and the increasing concern of the State for those living within its borders, especially within the present century, has resulted in the allocation of new functions and responsibilities to the civil registration services.

Yet, in most cases there has been no redefining of aims, and it is still believed that the mere fact of fulfilling the juridical task justifies the existence of the service. This reasoning overlooks the fact that the agencies that make up the public administration of any country are not fulfilling their social function except in so far as they help the State to attain its own ends, which in the last analysis resolve themselves into a matter of the general welfare. From this standpoint, all such agencies should strive to understand and meet the new requirements that arise, and be ready to redirect their activities in line with the interests of society.

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Attempts have been made to make the idea of co-ordinating the grounds for inter-institutional relations, the argument being that it is only logical that public bodies should try to co-ordinate their activities. However, since co-ordination essentially implies some degree of voluntary action, if this were the only argument, some failure to co-ordinate might be expected, to the detriment of State activity. In fact the public services usually resist attempts at co-ordination, which have some limiting effect on their freedom of action, in their desire to preserve the administrative independence conferred on them by the legislation under which they were established.

The present document attempts to throw light on the following questions. What is the origin of inter-institutional relations? Do they have any more solid basis than that suggested above? Do they obey a natural process of the development of administrative organs?

2. Evolution of the State

The organization of the Conseil d'Etat in France brought to an end the era of the system known in the literature as the authoritarian state, whose essential feature is the concentration of power in the hands of a prince or monarch. This type of state was replaced by the State based on the rule of law, as we know it today. From the time of its first appearance in the juridical and administrative field, the concept of the State based on the rule of law has developed to a remarkable degree, although to an extent and on lines that differ from country to country.

However, one transformation seems to be common to all countries: the State based on law has gradually but steadily extended its sphere of action and increased its scope and its powers. Thus it has come to intervene, or even initiate action, in spheres formerly strictly reserved to the private sector of the economy or to individuals. The desire of the modern state to intervene and to regulate, and its entrepreneurial activities, are obvious in the economic and social fields. Two examples will suffice; its efforts to protect the health of the population has led to the development of the public health services and large State bodies; similarly, the desire to protect the interests of the worker against the entrepreneur has led to the development of a specialized juridical field covering labour legislation, with an attendant establishment of courts, ministries and other special bodies.

It is not easy to determine the causes of the above-mentioned transformation, which appears to be due to a number of factors. Broadly speaking, one such cause is the progress and specialization achieved in the sciences, which has obliged the State to try to solve new problems in favour of the community, and at the same time provided it with new means of action. Another factor is the development of what are termed the socialist theories of the State, that involve an increased interest by the State in the individual, and point to the desirability of regulating certain labour and social activities in order to protect the worker. The large-scale wars

of this century, especially the Second World War, have also encouraged change, through their mobilization of most of the dynamic elements of the principal countries of the world, and have helped to increase the State's power to coerce its citizens.

In any case, whatever the causes that have led to this development, it is undeniable that from the moment of its birth the State based on the rule of law has never ceased to extend its sphere of action and add to its power.

3. Administrative consequences

The transformation of the State based on law, as outlined above, has had its effect on the agencies and services that make up a country's public administration. The increase in the power of the State, and its greater degree of intervention and independent action in various economic and social activities, have led to developments in the field of public administration that are closely interrelated. This is the point that calls for comment.

If the development of the State had been a simple and rapid process, a corresponding planning of the changes might have been expected at the administrative level. Far from this being the case, the process of change was slow, imperceptible, and incomplete. Consequently, with few exceptions the administrative reforms required were not undertaken in a scientific spirit. This is why the course followed in most countries was as described below.

The State, in order to meet its new responsibilities, had to expand its administrative machinery, but as this expansion was largely improvised, and not based on the broad view, its first reflection was a considerable increase in the number of public or State officials. This increase entailed a burden on the administrative structure, and when its operations became slower and more complicated, the difficulty was met by dividing and subdividing it. This was the start of an analysis of the administrative process that varied from country to country in the extent to which it was based on a deliberate or scientific approach.

The subdivision referred to also gave rise to a number of specialized bodies, required to permit the State to learn about, analyse and deal with various phenomena and problems that formerly did not exist, or did not come within the State's purview. There was a parallel increase in the number of Ministries and departments and, as a result, in the inter-ministerial problems. Both these developments increased the risks of overlapping, duplication and even conflicts of authority, and provided the basis for the development of procedures for liaison and co-ordination both at the level of government and at the administrative level.

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It is easy to understand why there are differences between countries as to the progress made in administrative analysis and the type of pattern given to the structure of their administrative organs. Side by side with the division of the administrative structures there took place a proliferation of specialized bodies, encouraged by the constant demand for increased efficiency in the government services. The more specialized such bodies become, the more independence they lose, or rather, what amounts to the same thing, the more dependent they become on other specialized bodies. Thus there seems to be a direct correlation between specialization and lack of independence, which may be regarded as generally applicable, and not confined to the administrative field. Consequently it appears that the present era is an era of interdependence.

At the international level there is an increasing degree of co-operation between countries, in both political and economic matters, that probably reflects the trend towards increasing union, growth and power that underlies the outlook and activities of today. In the political field there are many examples of this that need not be listed here. In the economic field cases in point are the European Coal and Steel Community and the European Common Market, the well-advanced economic integration in Central America, and the steps being taken in the same direction by the Latin American Free-Trade Association (ALALC).

At the national level the government Ministries and departments are interdependent and must co-ordinate their activities to deal with subjects and problems that go beyond their individual spheres of competence, which are usually established by legislation, on a somewhat arbitrary basis. For example, it is quite obvious that public health matters lie within the province of the Ministry of Health. Yet public health is now considered as one branch of social security, and the agencies concerned do not usually come under the Ministry of Health. Similarly, labour questions are plainly the responsibility of the Ministry of Labour, although many of them, such as industrial accidents, and the resulting disabilities, and unemployment, fall within the sphere of the social security services, which are often independent of the Ministry of Labour. Again, it is not easy to determine the line of demarcation between the spheres of action of such Ministries as the Ministry of Economic Affairs and the Ministry of Finance.

Lastly, at the administrative level, the bodies that constitute the public administration must constantly call on each other's services, because of the degree of specialization of each, and must often co-operate on a permanent basis as the only means of fulfilling functions which, considered as a whole, do not lie strictly within the province or technical field of any one department. Thus, for example, the inland revenue services which are responsible for the collection and control of income tax co-operate with the Treasury which is responsible for levying the tax in question so that the State can have the funds it needs to carry out its functions.

It may also happen that bodies dependent on various government Ministries or departments must co-operate in the same way. This is the type of co-operation that the civil registration services must provide for the electoral service, in establishing, revising and keeping up to date the electoral lists needed to enable the citizens to exercise their right to vote; similarly, they must co-operate with the services that prepare vital statistics, so that the data can be published without delay and be used as the basis for planning government activities in various fields.

The nature and scope of such inter-institutional relations is examined in greater detail in the following section.

4. The idea of the administrative system

In the field of public administration one of the most interesting ideas to emerge in recent times is that of the "administrative system", although the recognition of this idea in national legislation is either scant and vague, or non-existent. In relation to the activities of the State, an administrative system can be said to exist when two or more bodies or departments that are administratively independent work in permanent co-operation in order to achieve some aim for the benefit of the community.

The existence of such a system requires, therefore, the presence of the three following elements.

(a) Two or more departments or components: these bodies must form part of the public sector of the economy and be administratively independent.

Suffice it to say, without defining the public sector from a conceptual or technical standpoint, that it consists of the Central Government and the institutions whose policies and lines of action it decisively influences, either because it participates in their administration, or because it contributes to their capital or funds. The private sector, on the other hand, is defined as consisting of the persons and enterprises in whose activities the Government takes no part, regardless of whether or not they are profit-making.

Any co-operation between persons, enterprises or institutions in the private sector, even on a permanent basis, does not constitute an administrative system. Such co-operation may represent the establishment of some form of association, and would be governed by the rules of private law.

If there is no administrative independence between the component units, the machinery could not be regarded as an administrative system, but would merely be an arrangement for carrying out functions by the individual departments of a single service of public institution.

(b) Co-operation or joint action by the agencies that make up the system: sometimes such co-operation originates in the legislation establishing the component parts of the system, but more usually it emerges only from the general aims of the system, and is based entirely on the decisions of the senior official or officials concerned.

Such joint action commonly consists at the outset merely of co-operation by some component unit with another, but at a later stage it is likely that the co-operation will become reciprocal and that there will be some mutual effect exercised by the components of the system. Thus the end result is that all those components obtain some benefit from their co-operation, to the advantage of the community.

It may also happen, less frequently, that the functioning of two or more institutions as an administrative system for a fairly long period may provide the basis for, and prologue to, its unification, if the co-operation in question is of a fundamental nature or greatly assists in improving at least one of the components involved. This happens because the general aims of each component naturally tend to become common and identical aims. Eventually the routine functions of each component are adapted to those of the other, for purposes of co-ordination, and a closer structural relationship is established.

(c) Aim of the common good: the agencies in the public sector seek, not to make profits, but to aid the State to attain its high aims, which are in the last analysis identical with the general welfare. Consequently the aims of State agencies, if properly defined, should conduce to those purposes and be regarded as a means of fulfilling them. To that end the isolated activities of the public services is not sufficient, nor is the sum of those isolated activities. Sometimes two or more agencies must establish permanent co-operation even when they maintain their administrative independence in order to preserve an appropriate division of labour and make use of their high degree of specialization. This is in fact the case for the civil registration services, as collectors of statistical data, and the statistical or health services, as processors of the same data; co-operation between them, if soundly based, will permit the production of vital statistics that are complete, accurate, prompt and comparable.

The three agencies concerned are usually those that make up, in Latin America, what is termed the "vital statistics system", which is one of the many administrative systems to be found within the public administration of any country. The three services are the components of the system, within which the civil register co-operates on a permanent basis with the other two services to collect and transmit the required statistical data, and the aim pursued, of unquestionable benefit to the community, is the production and publication of vital statistics, which are becoming ever more important because of the growing stress on economic, social and health planning.

5. Evolution of the science of administration

It may be said in brief that the science of administration, as applied to the administrative organs of the State, has gone through the following clearly defined stages.

(a) At the first stage certain philosophical concepts or principles were formulated, on the basis of which public administration took form and was organized.

(b) At the second stage, the evolution of the concept of the State, and of the attendant complex of responsibilities, and the analysis of the basic principles referred to above, led to a sharp division of functions and of labour in general, and eventually to functional specialization. Thus the services became interdependent and machinery for liaison and co-ordination became important.

(c) Lastly, the recent development of administrative systems represents a process of integration or reintegration, which provides the reason, the justification and the basis for the inter-institutional relations of State or public services.

6. Conclusions

From the foregoing, the following conclusions can be drawn.

(a) During its process of constant evolution the State based on the rule of law has become ever more powerful, and has come to intervene in matters formerly reserved to individuals.

(b) In the strictly administrative field the evolution of the State has gone through, or is going through, the following successive stages: overburdening of the administrative structure, dividing up of public administration, establishment of new ministries and departments, setting up of an increasing number of specialized bodies, interdependence of the administrative organs, development of co-ordination machinery, and lastly, the development and application of the idea of an administrative system, that to some extent constitutes a process of reintegration or synthesis.

(c) Inter-institutional relations represent a normal administrative process, and are closely linked with the natural development of administrative organs. Consequently co-ordination is not the foundation but the consequence of such relations, and the organs concerned cannot refuse to co-operate with other institutions in fulfilling the functions that aid the State to attain its proper aims, since that is in fact their real responsibility.

(d) The public services should periodically review their aims, and if necessary redefine them, to confirm that they are fulfilling their proper function in the community. Only thus can they ensure that their organization and their activities are directed to the real and complete fulfillment of the needs of the community.