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Few recommendations on how to strengthen the coordination capacities of the Centre of Government (CoG)...

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**Few recommendations on how to strengthen
the coordination capacities of the Centre of Government (CoG)
based on findings of the A4U project, managerial and governmental experience of its
experts**

I. Introductory remarks

To strengthen the coordination capacities of the CoG it is essential to:

- distinguish, define and describe priority coordination processes that the CoG has to manage,
- analyse main procedures and institutional framework(s) essential for swift adoption and realization of the priorities of the Government in order to identify the main gaps/bottlenecks,
- elaborate, implement institutional and/or legal solutions to overcome identified, shortcomings,
- insert into the new system/regulations mechanisms allowing the CoG to influence main coordination processes to assure the proper and timely required realization of governmental priorities.

The main coordination processes (CPs) to be managed by the CoG include:

- AA/DCFTA implementation coordination,
- implementation of (other) governmental priorities,
- coherent policy and strategic planning of line ministries (combined with necessary implementation, monitoring and influence capacities of the CoG),
- preparation of the works of the government and monitoring of the realization of its decisions,
- support of the PM in the execution of his tasks,
- donor coordination,
- cooperation with Parliament (VR).

In the framework of the A4U project several contributions (position papers, recommendations, guidelines, discussions/consultations with GOCEEI, SCMU and line ministries, etc.) were prepared and presented as response to the tasks and challenges enlisted above. They refer not only to the ToR of the A4U project but also reflect practical and managerial governmental/public administration experience of its experts. Below is present the overview of identified problems (**PR**) and recommendations (**RC**) (analysis and recommendations) related to the main coordination processes that might be used to strengthen coordinative capacities of the CoG (SCMU). It is recommended to elaborate a complex concept of the CoG responding to the main described deficits. However, taking into

account the scope of challenges to be faced in this specific reformatory undertaking it might be necessary to adopt a step-by-step approach.

II. Few recommendations referring to today's organization and practice of the CoG functioning (SCMU)

(PR) The current concept and way of functioning of Governmental Committees (GCs) does not constitute a single, clear and efficient institutional and legal framework needed to allow the CoG to control and influence in the desired way the realization (implementation) of governmental priorities. In addition, the applicable version of the RoP, which provides the legal basis for the functioning of the principal inter-ministerial coordination bodies – the Governmental Committees (GCs) – does not specify precisely how the effects of committees work translate into defining the agenda of government meetings and its deliberations. The path of arrangements that is described in the RoP referring to this pivotal task of each CoG is in its several aspects informal and indeterminate.

The situation is additionally complicated by the specific organization of the SCMU (CoG) involving several units into coordination activities related especially to the work of GCs without clear indication of the leader(s) of the process within the CoG and attribution of necessary competencies in this respect.

The existence of three, in parallel functioning, GCs having similar competencies regarding the preparation of the meetings of the government hampers efficient coordination. Such or similar dispersion of competences between as many as three GCs might be effective only in countries disposing over coordination mechanisms developed and tested in practice over the years. But even they very often require modifications and strengthening of the CoG i.e. in the situation of coalition governments.

- **With the exception of GOCEEI that from a institutional point of view is integral part of the CoG and is coordinating the preparations and work of one of the committees (GC-EAI) the remaining two committees are debating/adopting substantive issues on the basis of less specified institutional arrangements defining the involvement of the CoG.** As a result the (coordinative, strategic, monitoring, etc.) participation of the CoG in the activities of the GCs is not based on a coherent system. Even more, in the remaining GCs the CoG is “replaced” in tackling coordinative activities in governments’ specific spheres that constitute its area of special interest by other line ministries (i.e. MEDT).
- This is a specific institutional arrangement in comparison to many European countries, **where one single dedicated (usually) governmental committee headed by a high level representative of the CoG bears the responsibility for coordinating the elaboration, reconciliation and adoption of all types of governmental documents (especially legal drafts).** Those committees are usually headed by the Minister-head of the PMs’/Governments’ office, his deputy or VPM placed within the SCMU without portfolio but specially dedicated to this task and very often supervising the realization of core governmental priorities. On the basis of his special (unique) position within the government and the CoG the head of the committee, enjoying also a privileged relation

with the PM, disposes over additional means and instruments to exert political and extra-institutional impact on line ministries.

- To properly fulfil its mission the head of the committee has to supervise directly relevant coordination and strategic planning/monitoring departments within the CoG. Institutional solutions can also be found, in which **the head of the committee, in addition, directs also the work of a smaller but formalized group (“pre-committee”) that pre-examines and allows for governmental processing of all categories (or some of them) of draft laws prepared by line ministries.** At this stage, their validity, compliance with government priorities, implementation costs (RIA), etc. are examined. The assessment of the submitted proposals has not only “technical” but also political character. The representation of line ministries within the group is limited to key ministers (or usually their first deputies) responsible for economic, financial, judicial, environmental matters, foreign affairs and/or European integration.
- **In some of the countries the last and not only legal but also coordinative and strategic check of the CoG is additionally performed by specific governmental units (agencies, centres)** usually responsible for assuring compliance with law drafting principles at the latest stage of governmental proceedings at the CabMin level. To be entrusted with this additional competencies, however, requires those units (agency, centre) to be integral institutional part of the CoG acting as its subordinated unit (i.e. specific DG within the SCMU) or separate governmental body headed by a dedicated deputy minister or agency head directly nominated by the PM or chief of CoG.
- The lack of similar clear regulations providing a coherent system of quality and strategic checks, combined with specific “political attributes” of the key players (VPMs) managing the GCs, the specific role of their Offices and the above mentioned differentiated institutional involvement of the CoG in their works is weakening the CoGs’ capacity to ensure necessary strategic overview and coordination. **In addition, the existing regulations do not prevent reciprocal and possibly negative mutual interference of the three GCs.** In case of EI coordination the effectiveness and scope of activities of the principal coordination triangle is influenced by the coordination activities done by MEDT/GC-Econ/I-VPM. As a result, there is no unique (as it has been the practice of the majority of member states or accession countries) inter-ministerial coordination responsible body on AA/EI related affairs within the Ukrainian administration where decisions would be taken, problems solved and strategic issues discussed.
- “Scepticism” shared among line ministries that bringing complex, strategic or inter-ministerial issues to the level of the GCs might solve problems and/or even be an important intermediary step in approaching the expected solutions is a visible consequence of shortcomings of the existing institutional setup. It is not clear to which extent this gap is i.e. being eliminated by the network of DGs-SPEI that have been so far created only in the pilot line ministries.

(RC)

- It is suggested, in the first step, to analyse and review the existing concept of governmental committees in order to adopt institutional solutions strengthening the coordination capacities of the CoG. Under present conditions, this task may encounter obvious systemic but also political constraints.

- Taking i.e. into account the experiences of several European countries **it is recommended to establish two principal governmental coordination “tracks”** accompanied by studied institutional frameworks replacing the existing GCs. One track should bear the responsibility for the efficient AA/DCFTA-implementation coordination (several proposals on this respect were made by the A4U Project) and be formally managed and subordinated to one main governmental inter-ministerial body (**IMB**) assuming coordinative, strategic and legal functions.
- The other, **principal track should encompass all other inter-ministerial strategic, policy planning and legal activities** necessary for the preparing of governmental deliberations and decisions. It should be preferably based on the above described model of the “main single committee”. This solution would require to precise the systemic and legal interrelations between both IMBs.
- **The CoG has to be attributed the coordinative and strategic role in both IMBs** allowing it – via precisely defined procedures but also using the political/institutional position of the SCMU and its political management – to supervise and influence all the principal, strategic and legal governmental activities of the line ministries. It concerns in particular activities requiring inter-ministerial cooperation and reconciliation of positions. To achieve this goal both bodies have to be chaired by high representatives of the CoG and/or having a direct mandate from the PM (or acting as its representatives).
- **The concept, to become operational and effective, has to be reflected in an appropriate structure of the CoG.** The current institutional setup, in which several substantive departments within the SCMU enjoy a special role in the coordination system on the basis of their specific but limited and dispersed competencies and activities related mainly to the elaboration and adoption of draft laws and monitoring of different aspects of the legislation process has to be **transformed into a complex and compact system composed of not more than 3-4 Directorates General including GOCEEI.** The main purpose of those bodies should consist in a coherent substantive preparation of the postulated IMBs and Government meetings, strategic planning and monitoring of realization of governmental priorities.
- **The introduction of new coordinative mechanisms has to be planned and realized in cooperation within the DGs-SPEI network.** Cooperation within the network should take place both at the level of informal contacts and formal meetings. In this case, formal meetings, managed by high level CoG representatives (director of DG), should precede and determine all issues, crosscutting problems related to the agenda of the IMBs. This would allow the IMBs to concentrate on strategic, cross-cutting and/or controversial issues.
- The new system should respond to today’s situation, in which there is a reciprocal expectation of line ministries and CoG that the strategic overview and planning should be assured by line ministries (position of the CoG) or CoG (position of line ministries). As a result, existing GCs do not often deal with contentious strategic/systemic issues that should be only – as it the practice of most inter-ministerial coordination systems in Europe – when necessary, raised to the level of government or Prime Minister. The creation of DG-SPEIs in the group of pilot ministries – that was expected to remedy to this problem – has not as it seems, so far, brought all the expected results. From the perspective of EI, the AA/DCFTA-implementation coordination issues have become one of the “several priorities” of the new units.

III. Specific “soft power” instruments strengthening the coordination capacities of the CoG

(PR) The efficiency of the coordination activities managed by the CoGs depends not only on the above or similar suggested institutional solutions to be considered in future works and reform of the SCMU structure. Effective daily coordination sometimes requires support and use of specific “barter transactions” to be made with line ministries on the basis of special assets exclusively attributed and under full control of the CoG. **In the current institutional setup, the use of these assets (especially dedicated trainings and donor financed assistance projects) has been “outsourced” by the CoG.** At the same time, CoG and line ministers admit that this solution is not responding to the needs and expectations.

- The range of assets is not limited only to, for example, expected personal decisions or CoGs’ support of specific positions or undertakings of line ministries within governmental proceedings. **A very important but often underestimated instrument used by the CoGs** – in some of EU-accession negotiating or AA-implementing countries – to influence desired behaviours of line ministries **consists in the attribution of unique responsibility for the coordination of trainings (preferably in prestigious foreign institutions) for civil servants and political staff and/or coordination of foreign aid assistance.**
- Both coordinative competencies have to be based on precise and transparent regulations. Their use, of course, cannot be based on a typical “exchange trade” in which the CoG makes the provision of training or foreign assistance conditional i.e. on the support of a particular position or activity of the ministry. **However, it is about using soft forms of pressure and support, in which by offering dedicated trainings or targeted foreign assistance, CoG supports the delayed and/or priority implementation of pivotal governmental plans/priorities by line ministries.** The experience of different countries also shows that the best-suited support in this respect is able to offer institution(s) that coordinate key governmental processes and take part in them. Those institutions are usually integral part of the CoG.

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- **It is recommended to review the existing training and donor coordination system in order to shift the coordination competencies to the CoG.** In the area of donor coordination this analysis can be based on several proposals made in this respect, including A4U recommendations. Concerning trainings, it is suggested to limit the approach in the first step to AA/DCFTA-implementation relevant activities.
- Because well-tailored professional training constitutes one of the crucial non-financial incentives for civil servants it is suggested to attribute to the CoG special competencies and responsibility in this area. These new competencies would provide GOCEEI with an additional, non-formal, but important instrument of influence in its relations with line ministries while executing its coordinative tasks. This solution has obviously to be accompanied by the attribution of necessary financial means.

- **The parallel conceptual shaping of a new model of managing foreign/donor assistance should be based on a clear chain of command** defining the main coordinator placed within the CoG, necessary coordinative inter-ministerial institutions/bodies, description of competencies and procedures (rules of procedure) to be followed by institutions/"owners" managing/using foreign assistance encompassing all project/program phases (planning, introducing, monitoring, assessing, reporting).
- **It is essential in this task to attribute clear coordination competencies to coordinative bodies on intra-ministerial level**, where it is recommended to entrust with uniform coordinative competencies the newly introduced DGs-SPEI. Concerning the inter-ministerial coordination level, few ideas in this respect were presented by A4U. They include the creation of a new IBM on foreign assistance acting under the auspices of the PM, Head of the SCMU or one of the VPMs.
- Another option would be to divide the foreign assistance portfolio between two VPMs attributing the responsibility for European Integration donor financed projects to VPM responsible for coordination of AA-implementation. In this situation, the new IBM could be alternately led by both VPMs acting as National Aid Coordinators. Such division of tasks **would be conducive to a better effectiveness of the use of foreign assistance and the administrative capacity of both supporting ministerial institutions – MEDT and GOCEEI**. In addition, VPM and GOCEEI would gain an important asset (bargaining tool) to be used in their AA-implementation coordination activities i.e. inciting line ministries to use available donor/assistance opportunities in especially sensible areas and/or areas (issues) with biggest implementation deficits.
- **The DGs-SPEI have to play an important internal systemic and coordinative role in the new donor coordination system managed by the CoG**. The should be made responsible for analysing the respective line ministries/DGs demand for foreign assistance, assessing the conformity of donor projects with ministerial (sectoral) strategies and monitoring their implementation. In addition, the DGs-SPEI have to constitute the source of information for the CoG and its dedicated unit on sectoral donor assistance projects planned/realized by the respective governmental institutions. The DGs-SPEI have to be attributed the role of intra-ministerial coordination centres in the preparations of the meetings of the inter-ministerial coordination body.

IV. AA/DCFTA coordination process from the perspective of an efficient CoG coordination

- (PR) Responsibility and competences of the existing coordination system, which determine the efficiency of the CoG coordination in the sphere of European integration (EI) are spread between different institutions/decision makers including at least two major institutional coordination triangles coordinated by GOCEEI and MEDT respectively. As a result:**

- **An undefined part of the coordination process takes place beside the main coordination track consisting of GOCEEI/GC-EAI/VPM** due i.e. to a) the parallel co-existence of three GCs having similar and very generally defined competencies, b) specific competencies/position of MEDT in the area of EI and political system.
- **GOCEEI/GC-EAI/VPM triangle do not enjoy today the necessary position and reputation among the line ministries as the most important – if not single – leader/key player that is crucial for effective coordination.** This has to be attributed i.e. to the concept of three “equal” GCs and other legal/institutional constraints (presented below) and the way how the triangle operates in its different coordinative functions and on different coordinative levels. As a result, the GOCEEI/GC-EAI/VPM triangle is perceived more as one of the few “satellites” than as an integral part of CoG. This perception negatively affects the coordination capacities of the CoG.

(RC)

- **A systemic and political decision should be taken on the streamlining of all European Integration related governmental activities into one single coordination track (as described above)** with the exception of purely political relations/agenda reserved to the MFA/President. It is recommended to adopt a single regulation clearly defining all principal institutions and levels of the coordination process covering the full spectrum of EI-related matters.
- **It is crucial to precisely, formally anchor and describe the role and competencies of DPEIs and DGs-SPEI in this regulation in order to eliminate the existing gaps.** One of the crucial priorities is to create an efficient institutionalised network consisting of Directors General of DGs-SPEI and GOCEEI management reflected i.e. in the establishment of regular working meetings preceding the GC-AEI sessions.
- **It is recommended to introduce regular meetings of directors of SPEI-DGs and “old European units” organised by GOCEEI and chaired by its Director.** The agenda of the meetings should be devoted to the discussion of horizontal and strategic problems, tasks concerning planning and monitoring activities, preparing meetings of the GC-EAI by resolving conflicting and/or inter-ministerial issues or preparing decisions of ministers on problems that cannot be solved on the working level. The crucial role of this measure would be the regular and better involvement of the newly created coordination units into the AA/DCFTA-implementation processes. This will also contribute to a better quality of outputs produced in the framework of the coordination system. Today's practice consisting in the distribution of tasks via formal orders of VPM acting as Head of the GC-EAI is diminishing the willingness/readiness of line ministries to deliver expected products.

(PR) **The existing legal and operational framework for EI coordination does not provide an efficient system of cooperation that is needed to manage complex European affairs.** The legal position of GOCEEI/GC-EAI/VPM triangle is – taking into account i.e. the experience of other countries – insufficient to assure the necessary, at least, formal leadership of coordination of EI/AA tasks and obligations.

- **The legal framework is today based on few specific regulations defining separately the way of functioning, the tasks and responsibilities of its main actors** (VPM, GOCEEI, GC-EAI): while others regulating i.a. competencies of essential key players, such as the deputy ministers on European integration (DPEI) are missing, or are of very general nature as it is the case of departments/units responsible for European integration (DEI) and especially the recently created SPEI-DGs. Existing regulations have, first, a **prevailing descriptive character** defining a broad scope of tasks with no reference to precisely described coordination instruments/procedures.
- GOCEEI and GC-EAI with today's weak legal statuses (the first being only an "ordinary" DG within the Secretariat of CMU, the second one of few GC's with very limited competencies), may, even having well-adjusted procedures (which is not the case), encounter serious authority, substantial and timing problems in the coordination process. The same problem concerns the legal and informal position of both coordinators: The Director of GOCEEI and VPM which might in practice enjoy weaker (formal and/or informal) positions than their counterparts among the DGs directors, and VPM's respectively.

(RC)

- **Two essential pillars of every inter-ministerial EI/AA coordination system, determining its efficiency, are: the formal legal position** within the hierarchy of institutions and posts in the governmental administration) **and informal** (i.e. relation with the PM and/or its closest collaborators that may be used to influence in the expected way the behaviour of ministers/line ministries). This issue has to be adopted special importance while introducing the reform of the CoG.
- The most desirable option would be a complex revision of the existing regulations and their transfer into **one legal act eliminating all the current deficits and parallel introduction of two main governmental coordination tracks managed by the CoG (as suggested above)**. This act might be accompanied by a manual/guide describing in detail its practical application. This regulation should be precise and not exceed 3-4 pages.
- **It is recommended to extending the institutional capacity of GOCEEI through the creation of a separate horizontal strategic department/unit**. This, however, would require limiting the areas of strategic policy planning, so as not to double integration structures of individual ministries. The establishment of such unit (capacity) would significantly strengthen not only the position of the VPM and the Office but also the coordination capacity of the CoG.

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