

ICPS newsletter

Effective collaboration between government and parliament: French experience

One of the main objectives of the reform of public administration in Ukraine is to increase the government's capacity to establish effective inside and outside communications in the process of policymaking (which is the main function of government). Both strategic planning and legislative activity in Ukraine suffer from the lack of clear mechanisms for reconciling different interests and viewpoints in the process of collaboration between the legislative and executive powers

On 24 October the Cabinet will present to Parliament the government's Economic and Social Development Program (ESDP) for Ukraine in 2002. This is the government's main strategic document, worked out by the Ministry of Economy and other ministries on the basis of the president's message to the Verkhovna Rada.

The project entitled "Institutional Capacity for Economic Program Development" which is carried out by the Ministry of Economy and ICPS, contribute to the government's strategic planning by taking part in the design of the ESDP (the beginning of the project was announced in *Newsletter* No. 122, 24 September 2001).

The training component of the project intends not only to familiarise trainees with international standards and new analysing skills but also to promote a discussion on issues such as collaboration between government and parliament and public participation in policymaking. The participants of the project are state officials of middle and high rank, who have the opportunity to get acquainted with new formats for official documents (e.g. memorandums) and work out new procedures that will be used while compiling the Economic and Social Development Program for 2003.

The project's focus is on inside and outside communications between the central executive authorities. This includes interdepartmental collaboration in the process of compiling documents for the ESDP and presenting the program at meetings both of the Cabinet and of government committees, as well as communication between the Verkhovna Rada and the public.

Recently the project passed into a new phase, whose focus is on collaboration between the government and parliament. Ukraine has no instruments for effective communication between the legislative and executive powers. The project seeks to contribute to the design of documents that will formalise cooperation between the government and parliament.

As part of the project, several seminars on collaboration between the parliament and the government in France were organised for Ukrainian officials from branch ministries, the Verkhovna Rada, and the Cabinet. The French side was presented by Jean-Yves Paute, director of the Department for Interparliamentary Communications of the National Assembly of France, and Benedict Rouget, the director of the Office of the Senate of France, who spoke to their audience about the

political system and collaboration between the government and parliament in France.

Government of France is ascendant

Though France and Ukraine have similar political systems, both take different approaches to the issue of communication between the arms of government.

The government of Ukraine has very few opportunities to influence parliament as far as the priority of consideration and adoption of laws in the government's strategic program is concerned. The right to compile and adopt the agenda for parliamentary sessions belongs to the Verkhovna Rada. In France, the situation is quite the opposite: the government has the constitutional right to establish the agenda for sessions of both chambers of the parliament. The agenda is worked out by the joint efforts of the government, standing commissions, and the senate, but still the parliament examines bills according to a priority that ensures effective and well-timed realisation of the government's program.

Executive dualism in France

Both in Ukraine and in France the president is the head of the state, Supreme Commander-in-Chief, and guarantor of nationality, territorial integrity, and international commitments. In France, the president has no right for executive initiatives; this is only for the prime minister and parliamentarians. A sort of dualism characterises the executive in France:

the head of the state is the president, and the head of the government is the prime minister. This structure of executive power has existed since 1958; sometimes when the president and prime minister belong to opposite political parties, it takes the form of so-called "co-existence". However, thanks to the clear constitutional distribution of powers between the president and prime minister, this "co-existence" functions quite successfully. The prime minister is responsible for day-to-day guidance, as the head of government; his main functions are to determine and implement public policy, and to guide the executive process. The functions of the president are to look after constitutional enforcement, to ensure lawfulness of public authorities, and continuity of public administration.

Role of the Government Secretariat

The structure and functions of the Secretariat of the Cabinet of Ministers of Ukraine changed in a positive direction when the Viktor Yushenko was the prime minister. Before that, the Secretariat consisted of different branch departments and implemented an overall control over the consideration and adoption of bills drafted by ministries. The Secretariat had the opportunity to change bills on its own initiative, thus interfering in public policymaking. Today, the authorities of the Secretariat are restricted by the principles of modern democracy, and its activities consist in expert evaluation of bills and organising meetings of government committees and the Cabinet.

In France, the General Secretariat of the government implements functions that are not apparent for the public; its main goal is to ensure the effective functioning of the government. This structure was established in 1935. It is important to mention that its activity is regulated neither by the Constitution nor by any other laws. However, the Secretariat implements a

whole set of important tasks; namely, it coordinates and regulates government activities and establishes communications within it. It is responsible not for decision making, but for effective regulation of the decision-making process. The staff of the Secretariat includes 30 officials.

The General Secretariat functions as "the cabinet of order" or "chancellery" of the French republic. It ensures the operative consideration of bills, certifies documents, manages their circulation, registers decisions, keeps a timesheet, and sends notifications. The General Secretariat plays an important role in communications between different public institutions (the president, the government, the Parliament, the National Assembly, administrative justice institutions, the Constitutional Council). The General Secretariat is in charge of the effective functioning of the government, thus it is supposed to promote administrative reforms. The Secretariat has the status of legal consultant of the government.

Interaction between government and parliament needs a mediator

Cooperation between the government and the parliament in Ukraine is still inadequately defined and regulated.

In France, the duty of regulating collaboration between the executive and legislative powers is carried out by the minister responsible for relations with the Parliament. This position has been in existence for forty years. The minister coordinates the activities of the ministries' officials who are responsible for cooperation with the parliament.

One of the key duties of the minister is to coordinate the government's and parliament's plans of operation. The minister participates in the design of the government's six-month plan and in compiling the agenda for parliament's sessions every third week of the month. The minister organises the legislative process: compiles the plan of operation

for parliament, determines the time of debates, and agrees the plan with committees, political groups, and chairmen of the chambers.

The minister takes part in the design of the government's plan of operation. He ensures the agreement between different ministries, and identifies technical and political difficulties that may arise during the consideration of bills in parliament. He also participates in the legislative activity of the Cabinet of Ministers.

Being the mediator between the government and the parliament, the minister ensures the presence of government officials at parliament's sessions, as well as the presence of relevant ministers to the issues being discussed in parliament.

The minister ensures the effective control of parliament's work: rejection of proposals, prevention of voting for those amendments that were not examined by the commission, repeated discussions, and calling special parliamentary commissions.

The minister plays the role of government and parliamentary consultant not only during the legislative phase, but also beyond parliamentary sessions. He ensures the consistency of activities of the government and the parliamentary majority. He informs the parliament about the government's work, and then presents the reaction of political groups to the government and asserts the parliamentary viewpoint in the meetings of the Cabinet of Ministers. ■

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