

ICPS newsletter

In Latvia, Coalition Agreement governs co-operation between parliamentary factions and government responsibility

Last week, Kyiv was visited by representatives of the National Chancellery of the Republic of Latvia, who shared their practical experience in institutional reforms conducted in recent years in their country. During the seminars and working meetings held at the Secretariat of the Cabinet of Ministers of Ukraine, Ministry of Economy and European Integration, Ministry of Finance, and Administration of the President of Ukraine, various levels and mechanisms for planning and co-ordination of state policy were discussed. Among the key questions were how political issues are resolved and various scenarios for relations between the government and parliament. A presentation on the principles of forming parliamentary coalitions and instruments for reconciling party interests within coalition governments was given by Juris Smits, Director of the Office of the Prime Minister of Latvia; a summary of this presentation is given below

Coalition agreements are an instrument for creating a viable government

Latvia has a parliamentary form of state, and the government is formed on a coalition basis. In this, the seventh convocation of the Sejm, the coalition comprises four factions; their aim in co-operating is to create a stable and viable government which is capable of working successfully until the next elections to the Sejm, fulfilling the Declaration on Planned Activities of the Cabinet of Ministers.

The Declaration is a statement about the government's intentions; it is presented by the new Cabinet, approved by the parliament when the government is appointed, and then is carried out as the government's action programme.

The main instrument permitting a fragmented parliament to achieve a jointly agreed position is the Coalition Agreement. This document—which, by the way, is not even mentioned in the Constitution, or in any other legislative documents—is signed by the candidate for Prime Minister (who must form the government), party leaders, and leaders of the respective parliamentary factions.

In the coalition agreement, the factions of parties that comprise the coalition publically declare their willingness to take on the responsibility for developing the Latvian state and the welfare of its population, and reach agreement on creation of the government.

The agreement stipulates the three main principles for government activity:

- Proportionality regarding representation of parties in the government, and regarding decision making in the Coalition Council;
- Responsibility for continuing the reforms successfully commenced by the previous government;
- Solidarity with regard to the activity of the government of the Sejm that has received the mandate, as well as the Prime Minister and the ministers invited by him to work.
- The current coalition agreement also determines the makeup of the Cabinet: the Prime Minister, ministers of finance, economy, communications, environmental protection and regional development, foreign affairs, internal affairs, culture education and science, welfare (social policy, labour, and healthcare), defence, and justice, the Minister Extraordinary for Co-operation

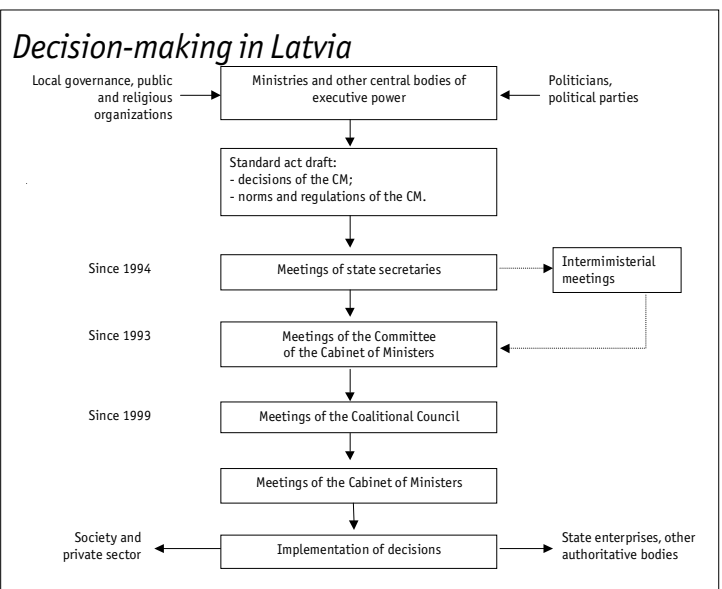
with International Financial Institutions (minister without portfolio), and the Minister Extraordinary for State Reforms (minister without portfolio).

Coalition Council ensures interaction between government and parliament, and agreement on policy positions

In order to ensure co-operation between factions in the process of policymaking, a Coalition Council is created that comprises three representatives each from every party in the coalition, including the Prime Minister. The regulations for the work of the Coalition Council are defined in the Coalition Agreement.

The council meets at least once per week (usually on Mondays), prior to the meeting of the Cabinet, which occurs weekly (on Tuesdays) and prior to the weekly sessions of the Sejm (on Thursdays).

The Coalition Council is headed by the Prime Minister, and during his absence by a minister whom he designates. Decisions are approved by a simple majority of votes—that is, a majority of at least 50 percent plus one vote in the Sejm, with



each faction voting for or against (no abstentions are allowed). Factions in the minority should submit to the discipline of the coalition; after adoption of decisions by the Coalition Council, the government should evince the united position of the coalition on any given issue. Factions in the minority cannot vote or present against decisions of the Coalition Council in the Sejm.

By invitation of the Prime Minister or faction leaders in the coalition, ministers and Sejm deputies can participate in meetings of the Coalition Council, with the right of an advisory vote.

Exclusively by unanimous vote, the Coalition Council can decide on issues regarding changes to the Constitution (Constitution), the law on the organisation of the Cabinet of Ministers, the law on elections to the Sejm, the law on citizenship, on the state language, and on elections to local, krai (county), and volost (province) councils—concerning the expansion of the voter base—and also any changes in the law on education that touch upon changes in the state language.

Each faction with its members have their rights and duties

Factions and member deputies are entitled:

- to meet the Prime Minister not later than 48 hours after a faction sends a written request;
- to solicit in written form to reduce the representative share of another faction which has breached the Coalition Agreement;
- in cases, when the Prime Minister has reason to demand the dismissal of any minister or the minister might have already resigned, or if the Sejm passed a vote of no confidence, the corresponding faction can put forward a new candidate for the ministerial office.

Pursuant to the above Coalition Agreement, factions and their member deputies must:

- facilitate the review of draft laws submitted by the government in the Sejm commissions;
- without preliminary agreement, not to bring forward any draft laws which broach issues of the principal State Budget, or special budgets proposed by the opposition, to the Coalition Council;
- not to bring forward and not to support requirements, deputies' proposals regarding passing votes of no confidence to the Cabinet of Ministers of Ukraine and

its separate members, and additionally regarding convening extra sessions of the Sejm solicited by the opposition;

- before the Coalition Council discusses and approves decisions, not to put forward and not to support calls to hold a national vote, calls for the President of the State not to promulgate a certain law, calls to create an investigating parliamentary commission, and also not to sign any statements related to the transfer of a case to the Constitutional Court;
- not to pose questions to ministers that counter the procedures stipulated by the Sejm Regulations, except for cases when there was no feedback to a common question not responded to within 20 days, or if the answer was unsatisfactory;
- to inform in writing the minority factions and the Prime Minister about intentions to call off a minister at least one week before the final adoption of this kind of decision;
- to inform in writing form the minority factions and the Prime Minister about intentions to discontinue parliamentary membership at least one week in advance before the final adoption of this kind of decision;
- to coordinate with the Coalition Council the schedule of business trips of faction deputies, to ensure the required number of deputies' votes at the Sejm sessions.

Rights and duties of the Prime Minister are also stipulated in the Coalition Agreement

The Prime Minister is entitled:

- to include urgent issues on the agenda of the Coalition Council meetings, informing in writing faction managers not less than 24 hours in advance;
- to issue advance notice to certain ministers for unsatisfactory work from the professional viewpoint;
- to demand the dismissal of ministers, put forward by any faction, not only in those cases when the work of a particular person is not professional, but even when the above faction fails to perform the obligations that it undertook pursuant to the Coalition Agreement.

The Coalition Agreement outlines the following obligations of the Prime Minister:

- to enforce decisions adopted by the Coalition Council;
- in cases when all attending ministers delegated by one faction vote against adopting a particular decision, to convene the Coalition Council to coordinate the viewpoints prior to the revision of the issue

at the meeting of the Cabinet of Ministers. Ministers do not have these rights in case when the Coalition Council has already adopted these decisions;

- before the Cabinet of Ministers committee adopts any decisions, if these decisions had not been preliminarily adopted by the cabinet, faction leaders should be informed about these decisions at least 24 hours before the government session, to ensure that project managers receive these decisions, additionally to postpone the revision of this issue at the government session, and make sure it is coordinated in accordance with the procedure mentioned above, if there is only one faction forming the government object the revision of this issue before the initiation of the government session;
- to inform factions the intention to dismiss a minister, of one's one resignation, or other changes in the government not less than 48 hours before this decision is legally formalised; to meet with any faction upon its request during this period;
- not less than 24 hours in advance, to inform ministers about issues, which lie within the scope of activities of the corresponding minister and which will be considered by the Coalition Council, unless it is in the agenda of the government and Sejm sessions.
- to be impartial towards all the factions and monitor that they comply with all the clauses of this Agreement;
- not to submit draft laws or isolated amendments to laws that pertain to public budget issues, budget rights, taxes, or tax rights to be approved by the government without the written approval of the Finance Minister.

The Closing Provisions of the Coalition Agreement stipulate that it is a public document which is of a binding nature and is to be reviewed only together with the "Declaration on the Activity Plan of the Cabinet of Ministers." This agreement does not lose its validity if any of the factions leaves the government, except for cases when the rest of factions in the coalition have less than 51 votes in the Sejm. The obligation of politicians forming the government—ministers and deputies—is to deliver a coordinated standpoint regarding all issues on policy. ■

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