

# **POLITICO-ADMINISTRATIVE RELATIONS AT THE CENTRE**

## **ACTORS, STRUCTURES AND PROCESSES**

### **SUPPORTING THE CORE EXECUTIVE**

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Edited by

Bernadette Connaughton, Georg Sootla, B. Guy Peters



**NISPAcee**

THE NETWORK OF INSTITUTES AND  
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**Politico-Administrative Relations at the Centre –  
Actors, Structures and Processes supporting  
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# Introduction



# **Governing from the Centre: Presidents and Prime Ministers**

*B. Guy Peters*<sup>1</sup>

## **1. Introduction**

Our usual image of presidents and prime ministers is as extremely powerful politicians who are capable of making and executing policy within their countries. That image is to some extent valid, but the role of these chief executives is not as clear as popular accounts of their place in government might appear. Further, the role that these executives play as leaders of their governments is being transformed in a number of ways, some of which are conflicting. These transformations of presidents and prime ministers are true in almost all political systems, but may be especially apparent in the Central and Eastern European countries in which these roles are still being institutionalized.

Although we often tend to think about all chief executives in governments as being rather similar, there are also marked differences between presidents and prime ministers (Weaver and Rockman, 1994). Both types of executives play some general leadership roles, but the nature of the constitutional systems within which they function provides different opportunities and creates different constraints on the behaviour of these officials. There are even marked differences between prime ministers (or between presidents) in different countries, based on both formal rules and more informal rules about the office. Finally, more than perhaps any other officials in the public sector, individual characteristics (Feldman and Valenty, 2001) shape the behaviour, and the success and failure, of presidents and prime ministers.

It is important to understand the nature of the contemporary political executives and the ways in which their involvement in the political process has been changing (see also Goetz, 2001). Some of the change represents changes in the roles that these executives assume for themselves, but these actors cannot, however, be considered in isolation of other changes in governance. This dependence upon environmental changes is true no matter how important they may be as the major political executives in their countries. Indeed, transformations in public administration and in approaches to public policy have altered the possibilities for governance and the range of acceptable activities by political leaders. This chapter will detail some changes in the environment of political executives, many of which will reduce the dominant governance position of political executives. I will then discuss the strategies that those executives have had for responding to the changing conditions, and their attempt to restore their dominant positions.

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## 2. Constraints on Executive Power

Despite the numerous resources available to political executives, there are also a number of restraints on their capacity to govern in the way that they believe reflects their mandate for governance coming from the public. Richard Rose (1976), for example, detailed a number of barriers to “party government”, or the ability of a political party that comes to office to make and implement policy. Most of the barriers Rose identified were a function of the relatively small number of political officials relative to the size of the organizations they are meant to control, the relative dearth of knowledge and managerial skills of the ministers, and the commitment of public organizations and their bureaucracies to their particularized goals. Rose argued that these restraints applied to governments as a whole as well as prime ministers, but the analysis certainly would apply to the prime minister. The barriers to control by prime ministers are, however, exacerbated in governments such as Denmark with a strong *Ressortsprinzip* that gives individual ministers control over their policy area (Knudsen, 2000). Some CEE countries, e. g. Serbia, have equally powerful ministries relative to central political power.

Rose’s analysis was based on the experience of the British government in the 1960’s and early 1970’s, and therefore did not take into account one of the most important constraints on the powers of a prime minister – coalition government (Peters and Vass, 2005; Strøm, 2000). A prime minister in a coalition cannot depend upon the support of his or her colleagues to the extent that the leader of a majority government might be able to, and therefore will have greater needs for assistance in directing government. Coalition governments, however, may have, or may have to have, the consensual characteristics described by Lijphart (1984) so that there may be less expectation by a prime minister for having a capacity to alter policy in office, and therefore the sense of failure in governance may not be as great. That said, however, prime ministers still believe they are elected to govern and are disappointed when they are not able to produce the changes they want. Likewise, citizens tend to believe that elections are about choosing policy and become disaffected when elections produce few real changes.

## 3. The Changing Environment of Presidents and Prime Ministers

The socio-economic environment of political leaders, as well as the political environment itself, continuously alter the working environment of presidents and prime ministers, and their capacity to be effective leaders for the public sector. The impact of such changes may be reflected in the institutional structures that have grown up around presidents and prime ministers (see Peters, Rhodes and Wright, 2000). There is not sufficient space here to detail all those changes, and rather I will concentrate on one rather broad set of changes that have affected, and will continue to affect, the manner in which political executives perform their tasks. For the want of

a better description I will discuss these changes as the “decentering” of governance (see Peters, 2004). By this I mean that a variety of pressures have tended to make a strong centre in government less desirable, both practically and ideologically. Those changes affected many aspects of governing, but none more perhaps than presidents and prime ministers.

One of the important drivers of the decentering of the public sector has been the New Public Management (Peters, 2008; see Christensen and Laegreid, 2004). The New Public Management (NPM) contains any number of ideas about governance taken generally, as well as just the management of public programmes. One of the strong strands within this package of ideas is that public managers can govern more effectively and efficiently than can political leaders. Further, the monopolistic nature of the public sector tends to shelter it from competitive pressures and makes it less efficient. Therefore, even if programmes can not be privatized fully they can be hived off into agencies or other autonomous organizations (Pollitt and Talbot, 2004) that will at least identify the true costs of producing the service.<sup>2</sup>

A second strand of thinking about the public sector, called here participation (see Peters, 2001), has also tended to decenter the process of governance. The logic of these changes in the public sector has been that governments are too hierarchical and therefore neither the public nor many members of public organizations themselves have the opportunity to be heard about policy and implementation. The assumption is that if more people are involved in the process that their information will improve the quality of public decisions. Further, their involvement in making decisions will – especially for the lower-level workers in public organizations – motivate them to perform better.

Using networks for management and policy-making has been one of the major manifestation of the participatory approach to governing (Sorenson and Torfing, 2006; van Oorschot, 2005). These structures involve a wide array of social actors in the process of governance and these structures may have substantial delegated powers to make their own decisions concerning policies, and may also implement policies on behalf of the government. One aspect of the logic of using networks is that they, and the groups involved, may have greater legitimacy than a government that is perceived to be bureaucratic and remote, so therefore both effectiveness and legitimacy may be enhanced.

Finally, governments have been decentralising a number of their activities, giving sub-national governments more responsibility for policy and implementation. This shift has been justified both in terms of greater efficiency and greater democracy. On the one hand it is assumed that by disaggregating service delivery into smaller units there can be closer supervision of service delivery and with that

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2 William Niskanen (1971) argued that large, multi-purpose public organisations tend to provide cross subsidies for programmes and make identifying the true costs of producing each service more difficult. Having single purpose agencies helps to rectify some of those difficulties.

improved public services. In addition, moving programmes to smaller units is also assumed to allow the public to have greater influence. Both of these assumptions are generally unexamined but they remain major components of the drive toward decentralisation. Further, in contemporary discourse the creation of “multi-level governance” (Bache and Flinders, 2004) is assumed to provide for more democratic forms of government by empowering some groups which might have been excluded from the process of governing.

Some aspects of both the New Public Management, the more participatory approaches to governing, and decentralisation have been implemented simultaneously, and the net effects of both of these changes is to empower actors other than political executives to perform at least some governance tasks. These changes in the public sector have had some important benefits, improving in many cases both the efficiency and the legitimacy of public programmes. But they have also presented some important challenges, and especially challenges to democratic governance and accountability. Those challenges may, in turn, but especially relevant in CEE countries in which democracy has been institutionalized relatively recently, and which are facing more economic challenges than many other democratic regimes.

The most important of the challenges that now confront political executives nominally responsible for governing arise from the need to ensure that indeed there is democratic control over policy. For example, moving policy out to agencies has reduced the capacity of political leaders, whether prime ministers or individual ministers, to control what these organizations do with any degree of certainty. This difficulty of control is exacerbated when the agencies are controlled by boards or other governance structures that enhance their autonomy. Further, the leaders of these organizations generally have been recruited with the idea that they would indeed be autonomous managers responsible for their organizations rather than responsive to the demands of their minister.

In addition to the accountability issues and the concern about the primacy of politics, the decentering of the public sector has exacerbated the ongoing problems of coordination and coherence in government. Governments have always had some degree of specialization based upon the functions provided or the clientele being served. The creation of a number of autonomous organizations, the empowerment of public managers, and the use of more or less autonomous networks to provide services have all made creating effective coordination all the more difficult. Further, the use of performance indicators as a major component of the NPM reforms has made public managers focus on their own specific programs rather than on the overall performance of government.

Finally, the devolved and indirect forms of governance that have been emerging over the past several decades have tended to make decisions less predictable and less certain. One of the virtues of traditional forms of governing, including having powerful prime ministers and presidents, is that decisions were almost always pos-

sible. Legislatures have rules about reaching decisions with one-half plus one of the members, or perhaps larger majorities in the case of more important decisions, e.g. constitutional change. Even delegation to ministerial bureaucracies was capable of producing more predictable policy choices than might be expected from structures involving multiple actors who may have conflicting goals, and which often have not *ex ante* mechanisms for resolving the differences.

In summary, chief executives in government have rarely been the dominant officials that the popular media have made them. Although their power in the policy process has always been constrained to some extent, the level of constraint has been increased by reforms of the public sector emphasizing the need for more autonomy for public organizations and public managers. The constraints on the powers of chief executives are perhaps not as great in the Central and Eastern European countries, but they are still pronounced. Presidents and prime ministers in these countries have been responsible for bringing about significant transformations of their regimes, and that level of responsibility (the limiting case being wartime) often produces more powerful executives. On the other hand, however, the experiences of the Soviet years might make powerful executives somewhat suspect.

#### **4. The Paradox of Presidentialization**

To this point I have been making the case that there are very high levels of constraint on presidents and prime ministers and that they are in essence political Gullivers – giants bound by numerous small constraints that in the end may accumulate to make them much less powerful than they appear. On the other hand, however, there is a significant discussion about the increasing powers of presidents and especially of prime ministers, sometimes phrased in terms of the “presidentialization” of the office of prime minister (see Bäck, 2008). Can these two views of the role of presidents and prime ministers be reconciled?

Perhaps the most important way to reconcile this apparent contradiction is to separate our thinking about the political role of chief executives from our thinking about their governing roles. On the one hand prime ministers have become more presidential in the sense of being the focus of political and media attention; they are no longer *primus inter pares* but are far more dominant in national politics and within their own cabinets. As we will detail below the staffs of the chief executives have been growing rapidly while the support for individual ministers has on average not been increasing as much. Therefore, within governments there is an imbalance in favor of the chief executives.

At the same time, however, as already pointed out, the relative policy capacity of these presidents and prime ministers may have actually been decreasing. Certainly their control over the implementation of policies has been decreasing and in many cases their capacity to control making policy has also decreased relative to the range of actors now involved in “horizontal governance”. Further, in many

democracies parliaments are attempting to reassert their powers in the policy process by strengthening their own policy-analytic capacity and emphasizing strategic points of control such as the budget (see Christiansen and Rommetvedt, 1999). These statements should not be taken to mean that presidents and prime ministers are impotent in policy – far from it – but only that in most democratic regimes they are now more constrained while appearing more powerful.

## 5. The Centre Strikes Back

Even if political executives have been confronting a number of challenges to their presumed dominant position in governing, they are far from powerless and many have attempted to strengthen their role in governing. There are a range of responses to these challenges, but one of the most common, and most effective, has been to strengthen the policy capacity within their own offices. That policy capacity may be structured in the form of a large ministerial *cabinet*, a large personal staff, or a more or less autonomous organization that serves the executive. Further, it can be structured to provide services only to the chief executive or it may serve the cabinet as a whole (thereby to some extent enhancing its capacity to coordinate policy across government). However it may be structured, executives have been building larger staffs to assist them in the process of governing.

Examined comparatively, chief executives have had varying degrees of institutional support for playing their roles in the governing process at the ‘summit’ of government (see Peters, Rhodes and Wright, 2000). At one extreme the President of the United States controls the Executive Office of the President with several thousand employees (Dickinson, 2006), with the capacity to monitor the activities of the rest of government and to provide alternative policy directions to those coming from the bureaucracy (Peters, 2009). Most European executives do not have nearly that level of support. For example, the German Chancellor has a substantial office that mirrors the structure of the bureaucracy (Fleischer, forthcoming) but total employment is less than one hundred. Even after substantial increases in its size and functions the Cabinet Office in the United Kingdom employs only a few hundred people. Nonetheless, the impact of additional personnel such as the role of special advisors and the introduction of new structures and processes for coordination has had consequences for politico-administrative relations.

It is not only the size of the staffs and the offices serving presidents and prime ministers that matters for their effectiveness, it is also the degree of professionalism of the individuals involved, and their focus on policy as opposed to politics. In some cases the office of the president or prime minister is primarily political support for the incumbent, or perhaps merely handles internal housekeeping affairs, rather providing the office-holder within an independent capacity for analyzing and managing public policy. This type of office may make the chief executive more

effective in enforcing his or her own view on the remainder of government, but are of little use in forming those views.

Attempts on the part of the centre of government to reassert its position have not been confined to simply building structures, and some of the more successful attempts involve building processes that facilitate coordination without the direct imposition of control. In particular, even using somewhat “softer” mechanisms for imposing common objectives across government tend to promote central control. This tendency for a priority setting style of governing to centralize the public sector was pointed out by Aaron Wildavsky (1969) some forty years ago when looking at other, very different, attempts to establish priorities. However, given the changes in governance associated with the spate of administrative reforms, most efforts at priority setting will have to use “soft law” rather than command and control. That softer strategy may not come naturally to many chief executives but it may be the most effective manner in the long run for them to achieve their strategic goals.

## **6. Chief Executives in Central and Eastern Europe**

The general discussion of chief executives in democratic government has pointed to an important apparent paradox in the powers of chief executives, as well as the attempts on the part of those presidents and prime ministers to resolve the paradox by strengthening their own offices and creating strategic management procedures at the centre of government. The chapters in this book representing Russia, Poland, Estonia, Romania, Kazakhstan, Ukraine and Slovenia provide good examples of the development of political executives and their support services in the Central and Eastern European countries. The studies illustrate the interplay of politico-administrative roles over time and provide an insight into the impact of structural differences and diverse administrative traditions. There are also interesting comparative examples from Western Europe, namely Belgium, Denmark, Finland, Ireland and Sweden, that illuminate both the similarities and differences of the efforts of executives to enhance their own capacity as a result of changing environments.

The majority of the studies presented in this book examine attempts on the part of chief executives to enhance their ability to contribute effectively to the governance of their societies. These efforts involve not only strengthening the capacity for political powers and political enforcement through support structures and new coordination procedures, but also the policy analytic capacity of these offices. These studies also demonstrate the barriers that chief executives, even those in seemingly powerful positions, encounter when attempting to govern from the centre. They further point to the thin line that can exist between the professionalisation of policy in these offices, and its politicization. These studies therefore are useful both to students of governing, and practitioners of that art, as they struggle to find ways of making governments both be effective and respond democratically to the demands of the public.

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# **Section I**

## **Prime Minister's Offices**



# Variables of Balance Versus Bias of Politico-Administrative Roles at the Core Executive

Georg Sootla<sup>1</sup>

The analysis of politico-administrative relations in CEE countries has followed a rather similar logic as studies in Europe and the US at the beginning of the 20<sup>th</sup> century. The main concern in developing a conceptual framework by Woodrow Wilson and Max Weber was how to avoid an extensive politicisation or spoils system on the one hand, and how to focus policymaking by government to the promotion of public interests (vs. political particularism or even corruption) on the other. As a solution to these problems, they see the development of autonomy from politicians and professional civil service or bureaucracy. In analysis, the inter-relations of politics and administration were, for a long time, reduced to the relations and interplay between individuals (ministers and mandarins) who have certain interests and type of conduct.

The politico-administrative dilemma is, however, the core of the entire system of governance and the general trends of its development depend considerably on the institutional context and also determine it. This issue was considered, to a large extent, first of all in Guy Peters “Village Life” type models (2001) and Christopher Hood “Public Service Bargain” (2000). In the initial stages of our working group, the first conceptual framework was applied to assist researchers from CEE in framing principally the formal-legal context of politics and administration in new democracies in CEE. (T. Verheijen 2001). The focus was on the interplay between politicians and civil servants as certain role holders in governance and the key concern and conclusion was the politicisation of civil servants. The latter conception is more recent and less well-known, but it is a powerful explanatory tool, especially in analysing politico-administrative relations in the era of new public management. It was also considered as the second possible theoretical framework by our working group at the Budapest NISPAcee meeting (2000) inspired by an active member of our working group, H. Meyer-Sahlin. However, due to the complexity of its application, it was not pursued.

These theoretical insights were too high-level abstractions or ideal types of politico administration relations which could help us to understand the different *possible* variables or patterns of politico-administrative relations, but they did not really denote the real interplay of politico-administrative actors in the policy process. One of the articles in our section, based on an empirical analysis of the emergence of concrete policy decisions in Estonia, demonstrated perfectly the value and

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1 Sootla Georg is professor of Public Policy and head of research at the Institute of Political Science and Public Administration in Tallinn University, Estonia.

limits of such ideal types in understanding the complexity of the actual politico-administrative core as an engine of the entire machinery of governance. (Olju, Salla)

The other way to overcome the limits in the reduction of politico-administrative relationships between the individual actors might be the analysis of institutions – first of all of the core executive – where politics and the administration are not clearly separated between the different actors or actions, but those fundamental roles are intermingling *dimensions of a complex system* of actions at the core executive.

The core executive is a dual entity and the ability to integrate those dual ends of governance into one coherent system determines the smoothness of the functioning of the whole system of governance. Our study demonstrated that even the most technical procedures and actions at the core executive have a political bias. For instance, maintaining and organising the PM's personal diary would mean a type of gate-keeping or control of party bureaucracy over the PM. On the other hand, the upkeep of the image of the PM or crisis management would contain a professional dimension which presumes the professionalisation of the political officials entrusted with carrying out these tasks.

The dual character of the core executive is best expressed as an antinomy or organic interaction of political and administrative coordination. (Peters 1998, Blondel, Golosov, 2000) These mechanisms are concentrated principally in the hands of the PMO as the centre of the core executive machine. This means that politico-administrative relations in government are emerging in the process or actions of the coordination of the system of governance.

We cannot operate solely with the various actors' roles (civil servants vs. political appointees), because all actors at the core executive are involved in the policymaking process i.e. they are simultaneously political and administrative agents. The more attempts there are to separate these roles as purely administrative and political in the PMO, the more confusion the PM, Cabinet and PMO faces, as in the Polish case. This was already pointed out by R. Zubek (2001) in his early study of the development of the core executive in Poland, and perfectly demonstrated by T. Macherkiewicz in our publication. We cannot operate with structural variables (departments, formal subordination) in trying to separate these dimensions, because the formal structure of the core executive and PMO are profoundly influenced by politics – to be more precise – by the Cabinet setting.

So, the central focus of our chapter was to establish causal relations between coalition patterns and Cabinet structures on the one hand, and the interplay between the political and administrative dimension at the core executive on the other. I believe this to be an important contribution of our book into the theoretical development of politico-administrative studies, as well as in promoting an empirical basis for the comparative analysis of politics and administration in countries with rather different cultures and institutional configurations of government and core

executive. This is also because the institutionalisation of democratic governance in new member states has been heavily dependent (it has probably even been crucial) on the governmentalisation of the core executive.

This concept was developed by Goetz et al at the beginning of the century in studies of institutionalising government in four CEE countries (Goetz, Wolman 2001). It was also an explicit attempt to demonstrate how the enhancement of the policymaking role of the core executive, which has been solely the instrument of the conducting party, will contribute to the institutionalisation of the entire governance system. Implicitly it was stated that the politicisation of government in the sense of taking key roles in democratic decision-making will determine its new effective roles. The key argument of this study was, however, that the concentration of strong powers of administrative coordination at the core executive should be the key to the successful governmentalisation of the core executive. This study largely considers German *Bundeskanzleramt* as the benchmark of a good prime ministerial support structure. The politicisation (known as the emergence of the spoils system) of actors at the core executive, together with the inability to reform the former office of the council of ministries, was considered as the main obstacle in developing effective policy at the core executive. Obviously in the Visegrad region, these presumptions are justified, first and foremost because this is an essential trait of the continental system of governance.

However, in our last meeting in Ljubljana, (L.Vass (2007), together with the former Head of the Hungarian PMO (I. Stumpf) convincingly demonstrated how the further concentration of coordinating roles in the hands of the PMO and decreasing the powers of ministers (i.e. decreasing the role of political coordination) in policymaking would create serious problems in democratic development. (Hungary was considered in the study of Goetz et al as best fitting the criteria of an effective core executive among four CEE countries).

There have been successful reform countries in CEE, which did not fit into this development scenario. Estonia has rapidly (by 2004) and considerably reformed its PMO and developed a substantially different configuration of core executive, which gives priority to political coordination in the policymaking process. This configuration did not restrain the government – which has a very high general legitimacy – in introducing and implementing radical reforms, and was especially strong in developing a fiscal policy (compare Brusis, Dimitrov, 2001). Nevertheless, serious deficiencies in this model of PMO were revealed, especially after EU accession. It becomes inefficient in coordinating complex and dynamic long-term policies. The configuration of a heavily politicised core executive and PMO which contributed to the effective policymaking in the first stages of transition and institutionalisation, cease to be effective today.

One of reasons was the emergence of Cabinets in Estonia with one stable core party – The Reform party – in charge of changing the coalition partners from right

and left simultaneously. This makes the coalition structure asymmetric and their survival is the main aim of the efforts of the core executive. An asymmetric coalition becomes demotivated and unable to launch profound reforms. Moreover, the core of the coalition began, in 2000, to kill the reforms to retain control over the office. Therefore the political bias in the coordination of the core executive becomes a restraint to effective policymaking.

The third example presented in our book is Slovenia, which also has been strongly influenced by the impact of Germanic traditions of government and has built up rather strong mechanisms of administrative coordination in the first stage. In Slovenia, we evidence the pattern of coalition of the 1990's that was similar to the pattern we see in Estonia in the 2000's. But, in Slovenia, the configuration of coalition changed and the administrative coordination weakened and became more balanced by the mechanisms of political coordination. Slovenia was the first country to enter into the Euro zone which is a good indicator of effective policymaking. So, we would expect that the emergence of a more symmetric coalition also makes political and administrative coordination more balanced which has also enabled this country to continue strong policies after accession.

Hence, the analysis of the institutionalisation of the core executive, through the prism of politico-administrative relations, would develop a more dynamic picture of governmentalising new democracies in a more stable context. This means that whereas the effective policymaking of the 1990s would be ensured by either strong emphasis on or primacy of administrative or political coordination, in stabilised new democracies, the policy and reform capacity (Brusis, Ramel 2006) would be achieved through *effective balances of these forms of coordination*. It cannot be achieved through a clear separation of actors or units into either political or administrative, but the intermingling of those ends must be achieved in different coordination devices. Balance must be dynamic, adaptable to changes in the cabinet and in the external environment. Presumably, with this conclusion, our book might contribute to the established conception of an effective core executive in new democracies.

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# Politico-Administrative Relations in the Policy-Making Process: The Adoption of the Estonian Government of the Republic Act 1992 – 1995

By *Moonika Olju and Jako Salla*<sup>1</sup>

A well-known model of the political system, David Easton's (1965) black box, presents a vision of how the environment shapes the political system. However, Easton acknowledged that the model devaluates some important elements, for instance, too little attention is paid to the structure and processes that transform the input to output. Although Easton himself acknowledged the gap in this theory, it has remained a neglected area of research in the policymaking process (Parsons 1995). Up until the present there are only a few theories about the interplay of politicians and civil servants that have become widely known.

The aim of this paper is to describe different configurations of politico-administrative relations and to test whether one of the most prominent theories can be used to explain the configurations.

## 1. Theoretical foundation

B.G. Peters (1988) describes five different models of politico-administrative relations. Since the typology is widely known, we do not go into detail in describing it, but merely give a brief overview.

The first, formal-legal, model is the pattern where politics and administration are strictly separated, and the role of the civil servant is merely to follow the orders of the politician. The village life model mirrors the pattern where politicians and bureaucrats form an elite with similar values and goals and most important, they are trying to ensure the stability of the government and smooth process of governance. Third, the functional village life model is similar to the village life model, but the integration of actors runs through functional lines, uniting the various actors in certain policy areas, regardless of their status. This functional group has little or no connections outside. In the fourth, adversarial model, administrators and politicians fight for domination in the policymaking process. The last model that Peters introduces is a model of an administrative state, where bureaucracy has dominated in this pattern of relations with at least some acceptance by politicians.

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## **2. Empirical analysis**

The object of the analysis was the preparation of the Government of the Republic Act of Estonia during the period 1992 – 1995. It was chosen because it was prepared by three different governments and therefore enabled involving the different policy-making styles as independent variables. After the configurations of the interaction were reconstructed, deductive secondary analysis was used to test the applicability of the ideal models of B.G. Peters.

### **2.1 Empirical background**

Even though the first preparations for the new government system of Estonia were made already more than three years prior to re-independence, the old Government of the Republic Act was prepared in a hurry and caused much controversy and conflict about its unregulated areas and general mood. However, adoption of the act was inescapable, for it was the precondition for the new first government to take office in 1992. The day after the adoption and on the same day as the inauguration of Prime Minister Mart Laar's government, parliament approved the decision to launch a new Government of the Republic Act.<sup>2</sup> The new Act had two aims: firstly, to specify all the details of the government and secondly – this was stated in the coalition agreement of the new government – complete as soon as possible the central government reform, which must decrease the number of ministries and incorporate autonomous national agencies into ministries (Coalition agreement 1992). In addition to the public aims, there was the unspoken aim of reducing the power that ministries and agencies had since the Soviet regime.

The first government of the newly re-independent Estonia with Prime Minister Mart Laar in charge, came into office with the promise to “sweep the place clean” of old civil servants and to bring fresh air to the mouldy hallways of the ministries, which were at least partly to blame for the extraordinarily vast staff turnover of 37 % at the beginning of the 1990s (Sootla 2001). Posts that were left vacant were filled by people with a theoretical understanding and limited experience in how public administration should work. Additionally, the relations between the new civil service and its constituents relied, from the very beginning, on the negative values, that Sootla (2001) calls the presumption of mistrust, which made the adversarial bargain the initial base for communication.

The next government that dealt with the preparation of the Government of the Republic Act was Andres Tarand's Christmastide (Caretaker) government. After the vote of non-confidence in Prime Minister Laar, Tarand was the compromise candidate of the coalition and opposition. The aim of his government was to carry on the policy of the previous government until regular elections. As his government lasted only six months, no vast changes in policy were made.

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2 Estonian Government session transcript nr 76. 19.10.1993.

After regular elections in 1995, Prime Minister Tiit Vähi took office. Under the slogan “let’s do it” he had decided to stop the lingering of various issues. As his strong leadership style avoided issues getting lost in controversies and discussions (Müller-Rommel *et al* 2001) he was also the one who finalised the consolidation of the Government of the Republic Act. Even though this was a great step forward, it was a very short time before being referred to as transitional.<sup>3</sup>

Even though attempts have been made to adopt a new law, they have all failed and the 1995 law is still in force.

### *2.1.1 Stage 1 – making the concept of the draft act 1992 – 1993*

Although the Government of the Republic Act was to encompass an important aim of the government, it is interesting to note that the government lost virtually all interest in the act at the first stages of preparation. The assignment of finding “someone to make the act” was given to the Ministry of Justice who then sent the proposal to prepare the draft act to the Department of Law in Tartu University not as a proposal, but as a call for proposals. Five lawyers accepted the challenge and formed a workgroup.<sup>4</sup> The only task of the Ministers was to supplement the group with technical information and the government issued an ordinance, which stated that all ministries are obligated to give information to the group.<sup>5</sup> There was no political input to the conceptual basis of the draft act, as the politicians or Ministry of Justice showed no interest in it. The act was made based on the 1938 Government of the Republic Act, on the laws of Germany and Austria and the views of the scholars in law.

The lack of interest by politicians was compensated by secretaries-general of the ministries that participated in the policymaking process as the concept of the draft act was discussed at their training seminar, where the experts in charge of the draft act also participated and where “some compromises transformed into the language of the “law””. The politicians did not interact with the experts and the Ministry of Justice only communicated with the working group via letters.<sup>6</sup>

So even though politicians showed no interest in this matter and decisions were taken with the informal assistance of secretaries-general, the experts led the process, but remained neutral and left the final conceptual decisions for the politicians to make and send the prepared document to the Ministry of Justice.<sup>7</sup>

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3 Estonian Parliament Constitutional Commission session transcript nr 27. 06.11.1995.

4 Interview transcript nr 1.

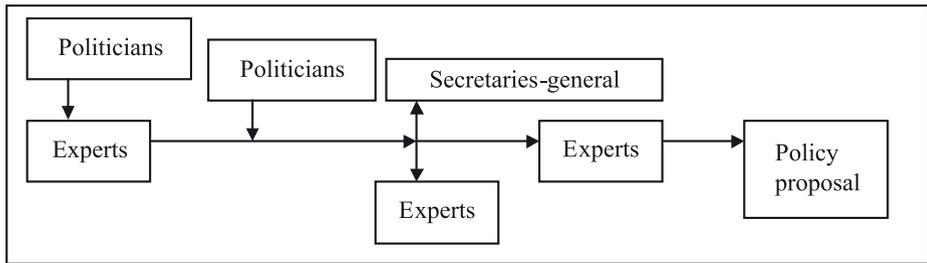
5 Estonian Government session transcript nr 6. 21.01.1993.

6 Estonian Government session transcript nr 33. 29.04.1993.

7 Estonian Government session transcript nr 33. 29.04.1993.

Therefore the process of the making of the concept of the draft act could be seen as follows:

**Figure 1**  
Making the concept of the draft act



Source: authors.

As indicated, the central actors were the experts, who prepared the act and were also the ones who had the final say. This stage can be characterised with the fact that politicians did not participate in the decision-making process; politicians did not interact with secretaries-general and no-one dominated in the policy making. The work of the experts remained neutral, leaving the political decisions undecided.

When trying to apply one of Peters' models in this situation, the closest one that would explain the situation would be the adversarial model. But, it is adversarial only in the sense that the draft act was assigned to prepare to independent experts, not to civil servants and this is strictly interpreted as a result of a conflict or distrust between civil servants and politicians. But, that interpretation would not explain the fact that politicians showed no interest and the experts were the ones leading the decision-making process. A more likely explanation would be that in 1992 there were no civil servant staff that would be qualified enough to prepare the draft act. In sum, none of the models can really be used, because in the only suitable one (adversarial model) the actors should be fighting for power, but in the current situation, everyone remained neutral.

### *2.1.2 Stage II – preparing the draft act 1993 – 1994*

The working group presented the conception of the act to the Ministry of Justice, which in turn sent it to government. The government asked all ministries to send their opinions about the paper act to the ministry.<sup>8</sup> After receiving the proposals, the Ministry hired the same experts to turn the concept into a draft act. For some reason no feedback was given to the experts, not even the proposals for change, and so the experts merely took the concept and formed it into a legislative act.<sup>9</sup>

8 Estonian Government session transcript nr 76. 19.10.1993.

9 Interview transcript nr 1.

At this stage the politicians became a bit more interested in the draft act, but not as much as the secretaries-general. This was indicated by the fact that while the experts had only one non-formal meeting with politicians, where they mostly had to explain the judicial aspects of the draft act and some political decisions were made, the secretaries-general had frequent meetings with the experts and "Ministers were tolerant about the decisions made with chancellors; there weren't many disagreements".<sup>10</sup>

After official coordination and receiving and taking the experts' opinions into consideration, the draft act was sent to the government session.<sup>11</sup> However, it was not discussed there because the discussion was postponed in order to ask the authors (experts) of the draft act to participate in the session. The aim of the joint session was to discuss the suggestions, which were not implemented in the act due to their political nature.<sup>12</sup>

After this session, only one more session took place and the act was approved and sent to parliament.<sup>13</sup> After discussing the act for a year in parliament, the State Justice Committee announced that the draft act was not acceptable and that the act should be divided into two separate acts: one of which would focus on government organisation and the other regulating the work of the core executive (Government). The government did not agree with the committee and started to improve on the existing one.<sup>14</sup> However, in October, after the vote of non-confidence in Prime Minister Laar, the Minister of Justice applied, in a government session, to draw the draft act back from parliament.<sup>15</sup>

Therefore the process of the making of the draft act can be seen in figure 2.

From the figure it can be seen that the spectrum of actors influencing the content of the draft act has widened: experts, secretaries-general, outside experts, government politicians and parliament politicians participated in the process. At this stage, government politicians did participate in the decision-making process, but they only approved/dismissed the decisions made by the secretaries-general with experts, but government politicians and secretaries-general did not interact with each other directly in the preparation process.

This situation could again be explained by the adversarial model, because civil servants and politicians do not interact and are clearly separate, but cannot, because the model sees them competing, which we can't see in this configuration.

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10 Interview transcript nr 1.

11 Estonian Government session transcript nr 76. 19.10.1993.

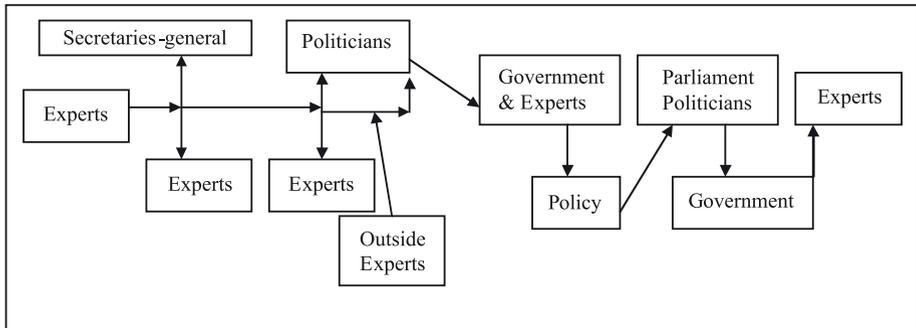
12 Estonian Government session transcript nr 77. 21.10.1993.

13 Estonian Government session transcript nr 80. 02.11.1993.

14 Explanatory letter to the Estonian Government of the Republic Act 13.12.1995.

15 Estonian Parliament Constitutional Commission session transcript nr 9. 11.10.1994.

**Figure 2**  
Making the draft act



Source: authors.

### 2.1.3 Stage III – improving the draft act 1994 – 1995

After Prime Minister Laar's government resigned, the government of Andres Tarand took office with the goal to keep the work going until the next elections (Mõttus 2004). One of the things that were carried forward was the draft act of the Government of the Republic act, which needed to be corrected and amended. The task was given not to the Ministry of Justice, but to a former leader of the work group.<sup>16</sup> Even though the remainder of the former working group was formally left out of the process, they were still consulted in conceptual questions.<sup>17</sup>

Nevertheless, the Ministry of Justice was actively involved in the process of the making of the act. For instance, they sent the act to receive back amendments from ministries. The draft act was also discussed during the meeting of the secretaries-general, where they agreed that after all proposals on the draft act had been received there should be another meeting to discuss the draft act. It is noteworthy that out of 10 ministries, 4 amendments were signed solely by the secretaries-general, not the Minister. But amendments also came from the union of Estonian Local Governments and three city governments. The draft act was also discussed at a meeting of the heads of counties. The amendments were not introduced by the working group, but by the Ministry of Justice with the assistance of other civil servants from different government agencies.<sup>18</sup>

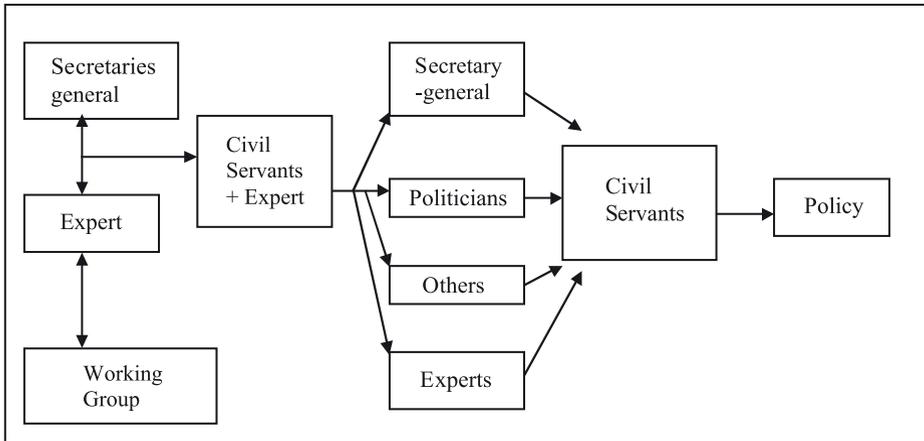
16 Government of the Republic Act, volume 1, 23.12.1994 – 05.06.1995.

17 Interview protocol 1.

18 Government of the Republic Act, volume 1, 23.12.1994 – 05.06.1995.

Therefore the process improving the draft act could be seen as follows:

**Figure 3**  
Improving the draft act



Source: authors.

The figure demonstrates that the conceptual input into the draft act came from the secretaries-general and former members of the expert group. The amendments were introduced by civil servants of the ministry and the experts. The making of the draft act was co-ordinated between the ministries (in some cases with secretaries-general and others with Ministers), experts from the original working group and others. Characteristic to this phase is that the decision-making seems to be depoliticised and most of the decisions are made by civil servants of various ranks.

In this case we can see that we are dealing with a purely administrative state model. Our conclusion matches that of G. Sootla (2001): “After the crisis in the coalition in the summer of 1994 the so-called Christmastide government took office and its politico-administrative configuration was very similar to the one of the administrative state.”

However, Peters sees the administrative state model being the result of complex policy, but here the reason for the experts/civil service dominance was that the Christmastide government was politically weak and unpretentious; its only task was to carry on work, not to get involved in big and complicated political issues, which makes the administrative state model ineluctable.

*2.1.4 Stage IV – finishing the draft act*

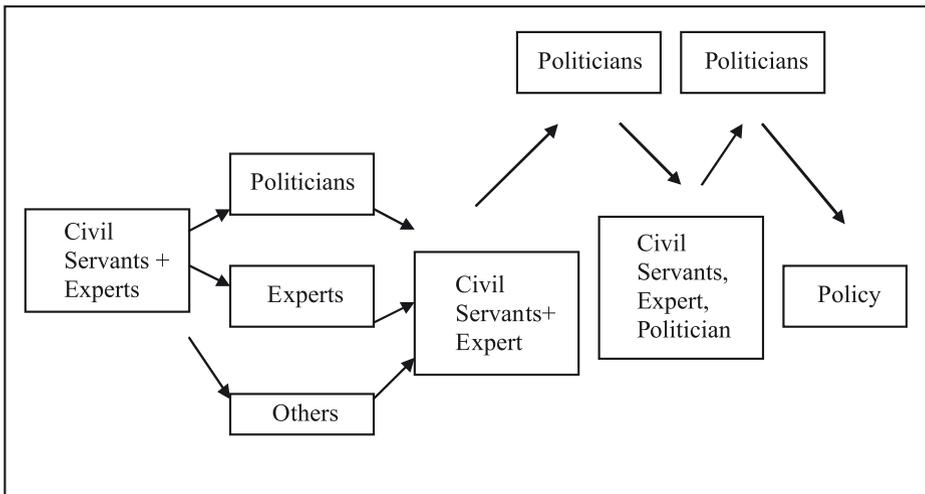
The new government that took office after regular elections in 1995 stated one of its goals to be passing laws that regulate government activity (Coalition agreement 1995). Therefore the draft act was retrieved from civil servants and discussed in

government sessions.<sup>19</sup> The act was sent to ministries, the State Chancellery, the State Audit Office and the Ministry of Internal Affairs.<sup>20</sup>

From this point on, the act became very government-centred and the Prime Minister kept an eye on all of the changes that were made in the act. Still, the final amendments in the act were made by the same people who were in charge of amending it during the last government with the addition of the Minister of Justice, who controlled the process of amendment by participating in all of the relevant meetings.<sup>21</sup> In December 1995, the act was finally adopted, but the original aims of a general government reform were left out.

Therefore the process of finishing the draft act could be seen as follows:

**Figure 4**  
Finishing the draft act



Source: authors.

From the figure it can be seen that even although the experts were still present in the process, a radical shift happened: the policy process from being bureaucratically centred became Cabinet centred. In this case, the configuration could first be seen as an example of the formal-legal model, but as the civil servants are doing more than just following orders, it cannot. Also, even although this configuration could be explained through the village life model, it cannot because in the model,

19 Estonian Government session transcript nr 32, 20.04.1995.

20 Government of the Republic Act, volume 1, 23.12.1994 – 05.06.1995.

21 Government of the Republic Act, volume 1, 23.12.1994 – 05.06.1995.

the civil servants and politicians form the unified elite with similar values, which is not the case in this configuration of the various actors in the policy process.

### 3. Conclusions

The authors described four different configurations for politico-administrative relations. Not one of the configurations could be explained via the models of B.G. Peters without serious concessions. However, it should be noted that the models were created 20 years ago and might therefore have ineluctably aged. Also, Peters mentions that the configurations can depend on the issue at hand, which might mean that the analysed issue was not appropriate enough for the models to apply. And last, maybe also most importantly, the context of Estonia as a transition country with its post-authoritarian specifics may not predispose of the use of classical configurations of actors in the policy process. The authors looked for regularities, similarities and differences during a turbulent period in Estonian history when the relations of politicians and bureaucrats were still in their early developmental stage. Peters, on the other hand, designed the models in a quite different situation. Those facts set limits to the applicability of the theory that might not be constructed and also proved not to work in all situations.

During the research, the authors discovered that there are various ways in which policy can be influenced. As the case of the Government of the Republic act demonstrated, one of the ways that bureaucrats can use to take control is to take advantage of the weakness of the government (as was the case in stage three). The other way is to influence actors who are specifically in charge of making policy (as was the case in stages one and two).

In the first stage, experts could have taken a political role, but remained neutral.

In the second stage, they took the role of intermediary between politicians and secretaries-general to integrate the policy process that was indeed the role of politicians. In the third stage, secretaries-general took over the role of politicians, but without the political connotations and obvious partisan/sectoral interests. In the fourth stage, the political role was in the hands of the politicians, who made the Law on government obviously biased towards the increase of power with the civil service in politico-administrative balance.

In the second phase of the research the authors sought explanations to the configurations through the ideal models of B.G. Peters and discovered that the ideal models may not always be sufficient to explain the real policymaking process. The results of the analysis are presented in the following table.

**Table 1**  
Analysis by models

<b>Model</b>	<b>Conclusion</b>
<b>Formal-legal model</b> Politicians make policy, civil servants implement it	<b>Did not explain</b> Politics and administration were not strictly separated; civil servants, especially secretaries-general participated in the policymaking.
<b>Village life model</b> Politicians and civil servants form a joint elite, have common values and goals and work together	<b>Did not explain</b> In the majority of stages the civil servants and politicians did not work together as an elite.
<b>Functional village model</b> Politicians and civil servants are integrated via functional lines	<b>Did not explain</b> No functional lines were discovered.
<b>Adversial model</b> Politicians and civil servants fight over the dominating position in the policymaking process	<b>Did not explain</b> No clear evidence of conflict was discovered.
<b>Administrative state model</b> Civil servants dominate in the policymaking process	<b>Explained</b> But the reason was not the complexity of policy.

*Source: authors.*

The main difference between the ideal models and the results of the empirical research was that Peters describes 5 ideal models of relations between politicians and civil servants. But the empirical findings revealed that there are also other actors participating in the policymaking process. Therefore, the authors cannot claim that the models do not work. Instead, the authors suggest upgrading the models of politico-administrative relations to develop more widely understood interaction models of the actors in the policy-making process.

Acknowledging other actors as members of the policymaking process would mean that the functional village model and the village life model would include the lines/elites of politicians/civil servants to outside actors and the administrative state model could change its name according to the leading group: whether it be experts ('expert state') or entrepreneurs ('corporate state').

Also, it could be considered, that there could be a balanced model, in which the policymaking process includes civil servants of all ranks, politicians and issue-relevant actors, with politicians making the final decisions.

In summary, the research revealed that instead of purely politico-administrative relations, a bigger picture can be seen, for there are many other actors participating in the policymaking process, whose interactions with either of the two may be even more important than the communication between politicians and civil servants.

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# Evolution of the (In)Formal Roles of the Prime Minister's Office and the General Secretariat of the Government in Slovenia

*Alenka Krašovec*

## 1. Introduction: The Government in Slovenia

### 1.1 The Relationship between the PM/Government and the National Assembly

The 1991 Constitution introduced the Government as the holder of executive authority and the relationship between the National Assembly (lower house of the legislature). Slovenia is a typical parliamentary system. As the highest body of the state administration, the Government determines, directs and co-ordinates national policies. It is true that the National Assembly adopts laws but, as is often the case in other countries, in Slovenia, the Government plays a leading role in legislative initiatives (Zajc, 2004). This is also one of the key ways the Government influences the work of the National Assembly.

In Slovenia, the President proposes to the National Assembly a candidate for PM. If the proposed candidate does not receive enough support (the majority of all MPs, i.e. at least 46 votes) in the National Assembly, then a second round of voting is held. The President can propose a new candidate or once again propose the same candidate. But in the second round the group of MPs and deputy groups can also propose their own candidates. Yet, the first vote is organised as regards the candidate proposed by the President.

In performing its duties and responsibilities, the Government is accountable to the National Assembly. The National Assembly can apply different mechanisms to do this. One of the 'soft' mechanisms is to pose parliamentary questions and propose initiatives to the Government. This is a frequently used mechanism, but it is hard to estimate how effective this mechanism actually is, since a high proportion of questions remain unanswered (Reports of the National Assembly, 1996, 2000, 2004).

One of the 'hard' mechanisms available to the National Assembly to control the Government is the possibility to raise interpellations against individual ministers. This is important since parliamentary debate surrounding an interpellation can also lead to a vote of no confidence in an individual minister or even a vote of no confidence in the Government. The National Assembly has indeed used this instrument relatively frequently. In the 1992 – 1996 period, there were seven interpellations and in one case, the minister was removed from his position. But, during debates on interpellations, several ministers have resigned or resigned after the related voting

although an interpellation was not supported. Similarly, in the 1996 – 2000 period there were six interpellations, and only one was successful (Zajc, 2004). Somewhat surprisingly, already in the first six months of the 1996 – 2000 legislative period, the Government was also faced with an interpellation and, naturally enough, the interpellation was unsuccessful. In the 2000 – 2004 legislative period, three interpellations were issued but none brought any success to their initiators. There was also an interpellation against the Government – it was initiated at the end of the legislative term and it was unsuccessful.<sup>1</sup> On the basis of these events, we can say the success of the time and energy consuming interpellations has been minimal (Zajc, 2004). According to Zajc (2004: 254), this is proof the National Assembly still does not perform its control function over the Government in a way that contributes to more balanced power between the two actors.

At the beginning of the 1990s, in the context of a decision of the main actors to opt for a parliamentary-like, rather than a mixed semi-presidential system, government stability was ensured by a so-called constructive vote of no confidence. Accordingly, the PM can be removed from office during a legislative term only where the National Assembly supports a candidate for a new PM with a majority of all votes. Slovenia has, in the past, experienced three cases of a constructive vote of no confidence and the result was two failures, while in the third case a new PM was elected – all cases occurred in the first four months of 1992.

On the other hand, the PM may also require the National Assembly to vote on a motion of confidence in the Government. This mechanism can conditionally also be regarded as an instrument of parliamentary control over the Government, as well as a governmental control over dissenting parliamentary factions. The PM has the possibility to tie such a vote with the passing of a certain law or some other decision made by the National Assembly. As PM, Janez Drnovšek used this instrument only once, namely in April 2000. He tied the vote with his proposal to nominate new ministers. The PM's proposal did not receive enough support and the National Assembly had to elect a new PM and a new Government.

In addition, the Constitution also regulates the so-called impeachment of the PM and ministers. Pursuant to the Constitution they can be taken before the Constitutional Court if, in the course of carrying out their duties, they break a law or the Constitution. Slovenia has so far experienced the beginning of the impeachment process just once – in 1998 opposition MPs brought charges against PM Drnovšek as they believed he had violated the Constitution and broken the law. Only a few MPs supported the charges against the PM and consequently the process stopped even before it reached the Constitutional Court (Zajc, 2004).

There is another important characteristic of Slovenia's parliamentary system. The National Assembly has more electoral functions and responsibilities than other

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<sup>1</sup> Naturally enough, all interpellations in Slovenia have been initiated by opposition parties.

parliaments (Fink-Hafner and Lajh, 2003: 54). Namely, it elects the PM, ministers, Constitutional Court judges as well as other judges, several members of the judicial council, the Ombudsman and the Governor of the Bank of Slovenia etc. Even more surprising and unusual for the parliamentary system is the fact that the PM alone cannot dismiss an individual minister. The PM has to send a proposal to dismiss an individual minister to the National Assembly, which formally approves the PM's 'wish'. In the mid-1990s there was an occasion when the PM wanted to remove a minister from her position but the National Assembly refused the PM's request and supported the minister. These electoral responsibilities of the National Assembly can be regarded as a legacy of the assembly during the communist period. In the socialist Yugoslavia, the executive was in fact completely subordinated to the assembly. Over the years, this practice became ingrained in the mentality of Slovenians (Cerar, 1999: 241) and at least, to some extent, it has obviously been inherited by the new system.

## 1.2 Government Cabinets

In the next section we will very briefly present the main characteristics of Slovenian governments as regards the key aspects (see Table 1).

**Table 1**  
Governments in Slovenia, 1990 – 2007

Prime Ministers and their party affiliations	Parties in governments	Number of seats of government and percentage of government seats in the National Assembly		Start and end of governments
Alojz Peterle SKD	SKD, SKZ, ZS, SDSS, SDZ, LS	47	58.7 %	16.5.1990 – 14.5.1992
Janez Drnovšek LDS	LDS, SDSS, ZS, SSS, DS	38/50	47.5 %/62.5 %*	14.5. 1992 – 25.1.1993
Janez Drnovšek LDS	LDS, SKD, ZLSD, SDSS	55	61.1 %	25.1. 1993 – 7.4.1994
Janez Drnovšek LDS	LDS (+Z-ESS, DS, SSS)**, SKD, ZLSD	59	65.5 %	7.4.1994 – 26.1.1996
Janez Drnovšek LDS	LDS (+Z-ESS, DS, SSS)**, SKD	42***	46.6 %	26.1.1996 – 27.2.1997
Janez Drnovšek LDS	LDS, SLS, DeSUS	49	54.4 %	27.2.1997 – 7.6.2000
Andrej Bajuk SLS+SKD	SLS+SKD, SDS	45	50.0 %	7.6.2000 – 30.11.2000
Janez Drnovšek LDS	LDS, ZLSD, SLS, DeSUS	58	64.4 %	30.11.2000 – 19.12.2002
Anton Rop LDS	LDS, ZLSD, SLS, DeSUS	58	64.4 %	19.12.2002 – 20.4.2004
Anton Rop LDS	LDS ZLSD, DeSUS	49	54.4 %	20.4.2004 – 3.12.2004
Janez Janša SDS	SDS, NSi, SLS, DeSUS	49	54.4 %	3.12.2004 –

**Source:** Krašovec and Lajh (2008).

**Legend (acronyms are in Slovenian):** SKD = Slovenian Christian Democrats; SLS (SKZ) = Slovenian People's Party; SLS+SKD = Slovenian People's Party + Slovenian Christian Democrats (two parties merged into one in April 2000, several months later the party was renamed the SLS); ZS = The Greens of Slovenia; SDZ = Slovenian Democratic Alliance; LS = Liberal Party; DS = Democratic Party; SSS = Socialist Party of Slovenia; LDS = Liberal Democratic Party, from 1994 on the Liberal Democracy of Slovenia; SDS(S) = Social Democratic Party of Slovenia, from 2003 on the Slovenian Democratic Party; Z-ESS = The Green Party – Ecological Social Party; DeSUS = Democratic Party of Retired Persons of Slovenia; ZL(SD) = United List of Social Democrats, from 2004 on the Social Democrats, NSi = New Slovenia.

- \* Formally the government coalition had 38 seats since the ZLSD was not officially part of the coalition despite the fact it had three ministers. The second calculation of the number of seats and percentage of seats includes the ZLSD.
- \*\* In March 1994 the LDS merged with the Z-ESS, part of the DS and part of the SSS.
- \*\*\* Also three MPs from the LDS decided to withdraw from the LDS.

If we speak about government in Slovenia, some of its specifics can be highlighted.

Slovenia has a proportional electoral system,<sup>2</sup> hence there is a need for some form of consensual decision-making and coalition governments.<sup>3</sup> In Slovenia, PM Janez Drnovšek remained in office continuously for 12 years (with a short interruption of 6 months in 2000). This is unusual in the context of central and eastern European countries (Blondel, Müller Rommel, Malova et al., 2007). All the time, Drnovšek led ideologically different/heterogeneous coalitions under the leadership of the Liberal Democracy of Slovenia (LDS). As a rule LDS, formed broad coalitions but political parties were slowly departed from the governments as the legislative terms were coming to an end. Nevertheless, during the 1990 – 2007 period, Slovenia only had one early election, namely in 1992. Despite ideological heterogeneity, Slovenian coalition governments have experienced the longest duration amongst governments in Central and Eastern Europe – if we combine all three elements of government duration, namely duration of the cabinet, duration of the PM and the duration of individual ministers (Blondel, Müller Rommel, Malova et al., 2007).

Drnovšek's governments were described as centre-left governments, although in each coalition at least one centre-right party participated. It is important to note that in Drnovšek's period usually the opposition was also ideologically heteroge-

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2 In the 1990 – 2007 period there were only few changes made to the proportional electoral system used in Slovenia. Two the most important ones were: a change to the legally defined dynamic threshold of three mandates to a constitutionally defined fixed threshold of 4 %, and a change of the electoral formula for the distribution of seats at the level of electoral units (until the elections in 2000 the Hare quota was used, while at subsequent elections the Droop quota was introduced).

3 The other important factor in the formation of broad coalitions among the parties were important projects in national terms; independence, transformation of the political and economic system, EU and NATO membership (Fink – Hafner, 2006: 379).

neous. In 1998, 69 % of MPs described the differences between the Government and the opposition as big or extremely big. Perhaps it is more interesting that 37 % of MPs also described the differences between coalition parties as big or extremely big, whilst 57 % of MPs described the differences between the opposition parties as big or extremely big (Zajc, 1999). After the elections in 2004, for the first time, a centre-right government was formed and this Government is usually described as more ideologically homogeneous than the previous one. Consequently, the opposition becomes also more homogeneous than in previous periods.

Additionally, all parliamentary parties (except the Slovenian National Party) have in some form experienced co-operation in governments. There are also examples when particular parties have signed a special agreement on co-operation in a government only with the biggest coalition party, namely the LDS and not with the other coalition parties. This could represent a case of the hierarchical and not the horizontal nature of governments.<sup>4</sup> Finally, the Slovenian party system has at least two other parties with big coalition potential (in Sartori's terms), namely the Slovenian People's Party and the Democratic Party of Retired Persons of Slovenia – both parties have in fact continually co-operated in government coalitions since 1996.

## **2. Role of the Government and Style of Decision-Making**

### **2.1 Formal Role and Mode of Decision-Making**

The formal role and mode of decision-making of government in Slovenia are established in several documents. These official documents are the Constitution, the Law on Government, the Law on Public Administration, the Rules of Procedure of Government as well as a more political document, namely the Coalition Agreements.

The Law on Government was adopted in 1993 and has since been changed several times. Nonetheless, in all versions, the Government is defined as a body holding executive power as well as the supreme body of the public administration in Slovenia and as a body that leads the administration via ministers and ministries. Thus, the Government is formally defined as a political, as well as an administrative leadership of the country.

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4 In the legislative period 1992 – 1996 the Liberal Democracy of Slovenia signed a Coalition Agreement with the Social Democratic Party of Slovenia and the Slovenian Christian Democrats, while a special agreement between the Liberal Democracy of Slovenia and the United List of Social Democrats on co-operation was signed and the latter party had ministers in the government. In the next legislative period formally only a coalition between the Liberal Democracy of Slovenia and the Slovenian People's Party was formed, but the PM signed a special agreement on co-operation with the Democratic Party of Retired Persons, which was given a minister without portfolio in the government. In the legislative period 2000 – 2004, the Slovenian Youth Party signed only a special agreement with the Liberal Democracy of Slovenia on co-operation. The Slovenian Youth Party did not have any minister in the Government – it had only a director of one governmental office.

The Government has a collective, as well as an individual character. The Law on Government (1993, 1996, 1997, 2000, 2004, 2005) also formally defines the relationships between the PM and the ministers. According to the Law, the PM leads and directs the work of the Government, ensures the unity of political and administrative guidelines of the Government, co-ordinates the work of the ministers, represents the Government and calls and presides over its sessions. The ministers are collectively accountable for the work of the Government, and each minister is accountable for the work of his/her ministry. The collective accountability of ministers can be seen in the fact they share the fate of the Government. This is obvious if the Government does not receive support in the National Assembly when a question of (no) confidence in the Government is at stake. The collective nature of the Government is also reflected in other articles of the Law on Government. For example, the Government supervises the work of the ministers, gives political guidelines to them for the implementation of policies, laws, other regulations and general acts, and ensures they perform their tasks in a co-ordinated manner. The Government may also withhold the implementation of a regulation issued by a minister if the government assesses that it is in conflict with the legal acts (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007). Here it is important to note that in the mid 90s even the PM had the right to withhold the implementation of such a regulation. Under circumstances of, in general, the collective nature of Slovenian governments, this was an interesting specific that indicated its hierarchical style. But, if a minister believed that the PM's decision was not grounded, he/she could demand that the Government debate the disputed PM's decision. Yet, this special relation of the PM to an individual minister was practised only during the period 1993 – 1996.

On the other hand, the individual accountability of ministers is seen in the possibility of issuing an interpellation against an individual minister in the National Assembly. Of course, the PM and an individual minister may resign, but it is maybe more important that the PM may propose to the National Assembly the dismissal of an individual minister.<sup>5</sup> There are some other points where hierarchical relationships between the PM and the ministers can also be observed (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007). For example, the PM may issue binding instructions to the ministers related to tasks based on the Government's policy direction and which are important for the work of individual ministers (this is a very important competence that increases the powers of a PM and his/her supportive structure – PM office). But, on the other hand, if a minister believes that the binding instructions issued by the PM are not based on the Government's policy direction he/she may demand that the Government debate the disputed matter. In addition, the PM may require reports from individual ministers on their work. At the same time, up until 2001, an individual minister could demand a face-to-face discussion with the PM on matters important for the work of the minister or the

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5 As already mentioned, this provision is quite unique in modern parliamentary systems.

whole Government (Rules of Procedures of the Government, 1993). Another important source of power of the PM in relation to ministers is the decision-making at governmental sessions. As in other countries, the Slovenian Government works and makes final decisions at its sessions. The Government shall pass decisions by a majority vote of all members (if the majority of ministers are present). If the Government has an even number of members, a decision shall be passed if half the members of the Government, including the PM, vote for it (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007). Here, we can see that the PM has a more exposed role or power only in a particular situation, otherwise the PM is only one amongst others. Formal documents also clearly establish equal access of ministers to the PM – none of them has formally defined privileged access to the PM.

Since all governments have been composed of several ideologically different parties there has been a considerable need for political coordination between ministers. The special need for political coordination is highlighted primarily in the Rules of Procedure of Government as well as in the Coalition Agreements. Only proposals which have been previously reconciled (between ministers/ministries or between coalition parties) in special formal bodies or working groups can be, as a rule, put on the Government's agenda (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007). The PM's office was, during the period 1993 – 2001, responsible for managing those government working bodies<sup>6</sup> (Commissions and Committees) which give it some supplementary powers in the pre-decision process (Rules of Procedures of the Government, 1993).

In a comparative perspective, in Slovenia, an unusually important role has been given to working bodies in governmental decision-making. Already the Rules of Procedures of Government from 1993 determined that for a preliminary debate on individual matters within its responsibility, the Government would set up working bodies. Most important, the Government could authorise the working body to make a final decision on matters within the Government's responsibility. A decision was passed if a majority of ministers who were members of the working body supported it. But, if a minister responsible for a particular matter did not agree with a decision, he/she could demand that the Government make a decision on the disputed matter at its session. This means that formally working bodies could make a governmental decision. And this was not a very seldom practice. Since the PM's office was responsible for managing the work of working bodies, the office indeed had some additional powers.

The Rules of Procedures were slightly changed in 2001. Formally, working bodies retained an obligation to debate issues and powers to make the final debate and decision, but in the new version of Procedures it was added that this concerns only

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6 In the article we use the term 'working bodies' since there are two forms of division of labour in the Government, namely Government Commissions and Committees and the common name for both forms is Government Working bodies.

items dealing with specific issues and issues of lesser importance. As in the past, in practice, not very many governmental decisions are indeed passed in its working bodies. Besides, the responsibility and powers to manage the work of working bodies have been assigned to the General Secretariat of the Government i.e. after 2001, the PM's office has been largely excluded from the harmonisation processes and hence from the core of the decision-making process.

## **2.2 A discrepancy between the formal and actual role and style of government decision-making?**

It is interesting to observe whether decisions in governments have indeed been reached unanimously and by a consensus, as formal documents presume (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007; Coalition Agreements, 1992, 1996, 2000, 2004). On the basis of interviews conducted with former ministers, Blondel, Müller Rommel, Malova et al (2007) confirmed that such a mode of decision-making in Drnovšek's governments was prevalent. This was also confirmed by the long-term Secretary-General of several governments, Mirko Bandelj (2007), who added that really, very rarely, was a decision made by voting and by outvoting. Gregor Virant (2007), the present Minister of Public Administration, agrees that such a style of decision-making is also prevalent in Janša's centre-right government. On rare occasions when decisions have been made by voting or outvoting, these have mainly been reasoned by the desire of one coalition partner to create an image in the public that it does not agree with a governmental decision but it does act in accordance with it since the party is a member of a collective body (Bandelj, 2007; Virant, 2007). At least partly, such teamwork of a government under both – Drnovšek and Janša – is confirmed by data that indicate the role of true generalists in government decision-making. The latter means that the entire government is involved in decisions and ministers participate actively during governmental meetings in matters beyond one's ministerial department (Blondel, Müller Rommel, Malova et al, 2007: 153). In the Slovenian case, 76 % of interviewed ministers answered that it was often a common pattern for ministers to participate in discussions not related to their departmental matters. Bandelj (2007) disagreed with this finding and stressed that this happened only occasionally,<sup>7</sup> adding it was only true in the case of the Minister of Finance who frequently acted as a generalist. Virant (2007) confirms the findings of Blondel, Müller Rommel, Malova et al., (2007) that a prevalence of generalists can also be seen since 2004 in Janša's government.

The next question is whether all ministers enjoy the same status and position in relation to the PM which is a formal requirement. But, in reality, the story is a little different. As found by Blondel, Müller Rommel, Malova et al. (2007), in central

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<sup>7</sup> Probably, ministers acted as generalists primarily at governmental working bodies and not at government meetings (Bandelj, 2007).

and eastern European countries, especially the Minister of Finance has been perceived as being more important than others, and this is also true for Slovenia since 81 % of the respondents saw the Minister of Finance as more important or the most important minister in government who also enjoyed privileged access to the PM. Bandelj (2007) agreed with this finding and added that in the current Janša government such an (in)formal privileged position is reserved for the Minister of Public Administration. At least partly, Bandelj's statement is confirmed by Virant, Minister of Public Administration.

Since the formal rules (Rules of Procedures of the Government, 1993, 2001, 2003, 2004, 2007) assigned an important role in governmental decision-making to working bodies, it will be interesting to see whether the working bodies were, in practice, important for decision-making during Drnovšek's governments. Indeed, an important role of working bodies in cabinet decision-making is mirrored in a recent survey. According to Blondel, Müller Rommel, Malova et al (2007), only 9.5 % of former ministers answered that the Government was a place where major issues in Government were thoroughly debated very often, while 28.6 % of them answered that the Government was often a place where major issues in Government were thoroughly debated. All others thought the Government was either seldom or never such a place. 81 % of former ministers who thought that the Government was often, seldom or never a place where major issues in Government were thoroughly debated answered that such discussions mostly took place in the working bodies of the Government. Hence the working bodies played also de facto an unusually important role in governmental decision-making. The same de facto important role of working bodies can be observed in the present Janša Government (Virant, 2007).

### **3. Evolution of roles of the PM's Office and General Secretariat of the Government**

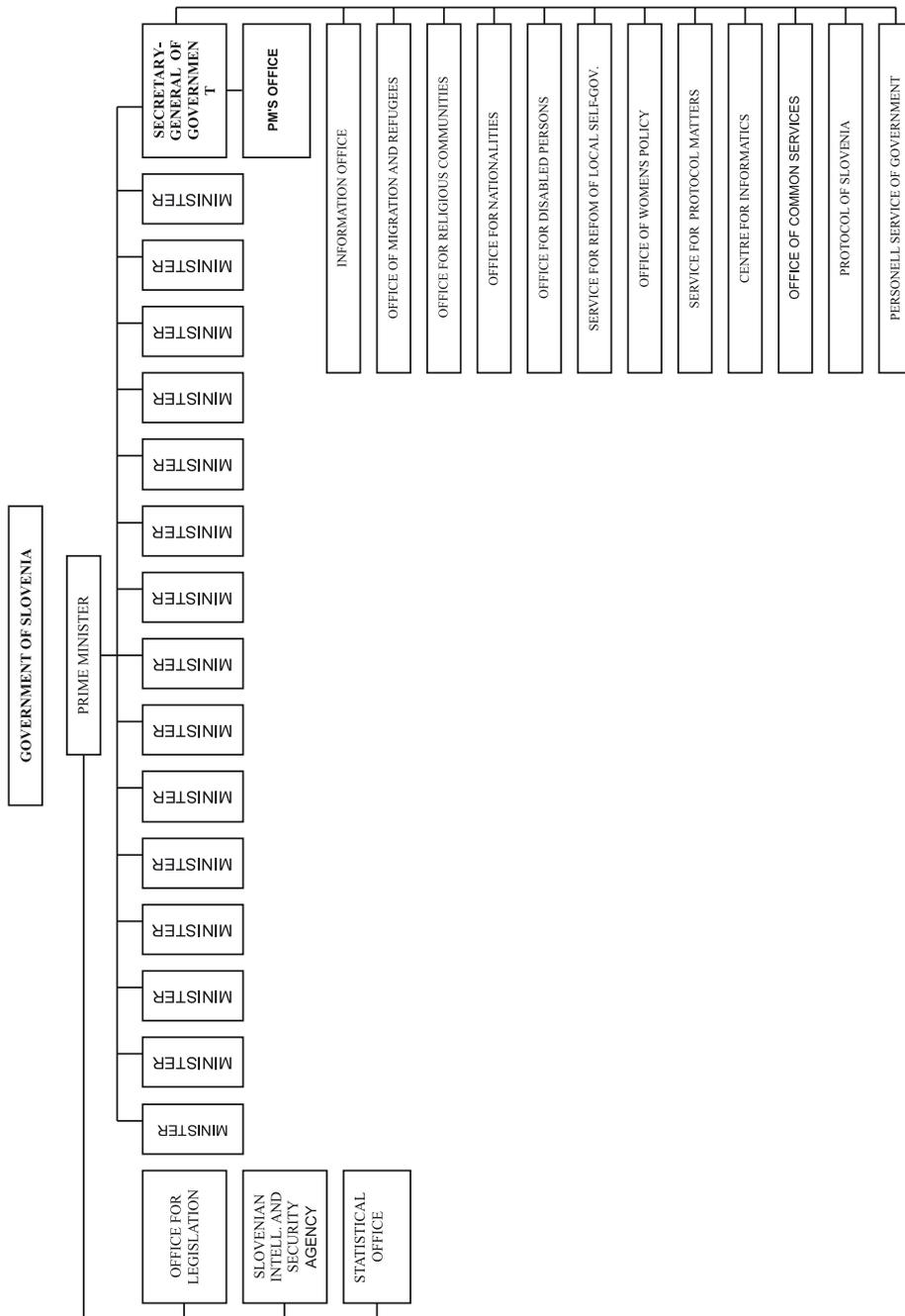
#### **3.1 Changes in formal structure of PM support units**

Changes which have occurred over time in the position and status of the PM's Office and the General Secretariat within the Government will be demonstrated by the analysis of changes in organisational structures.

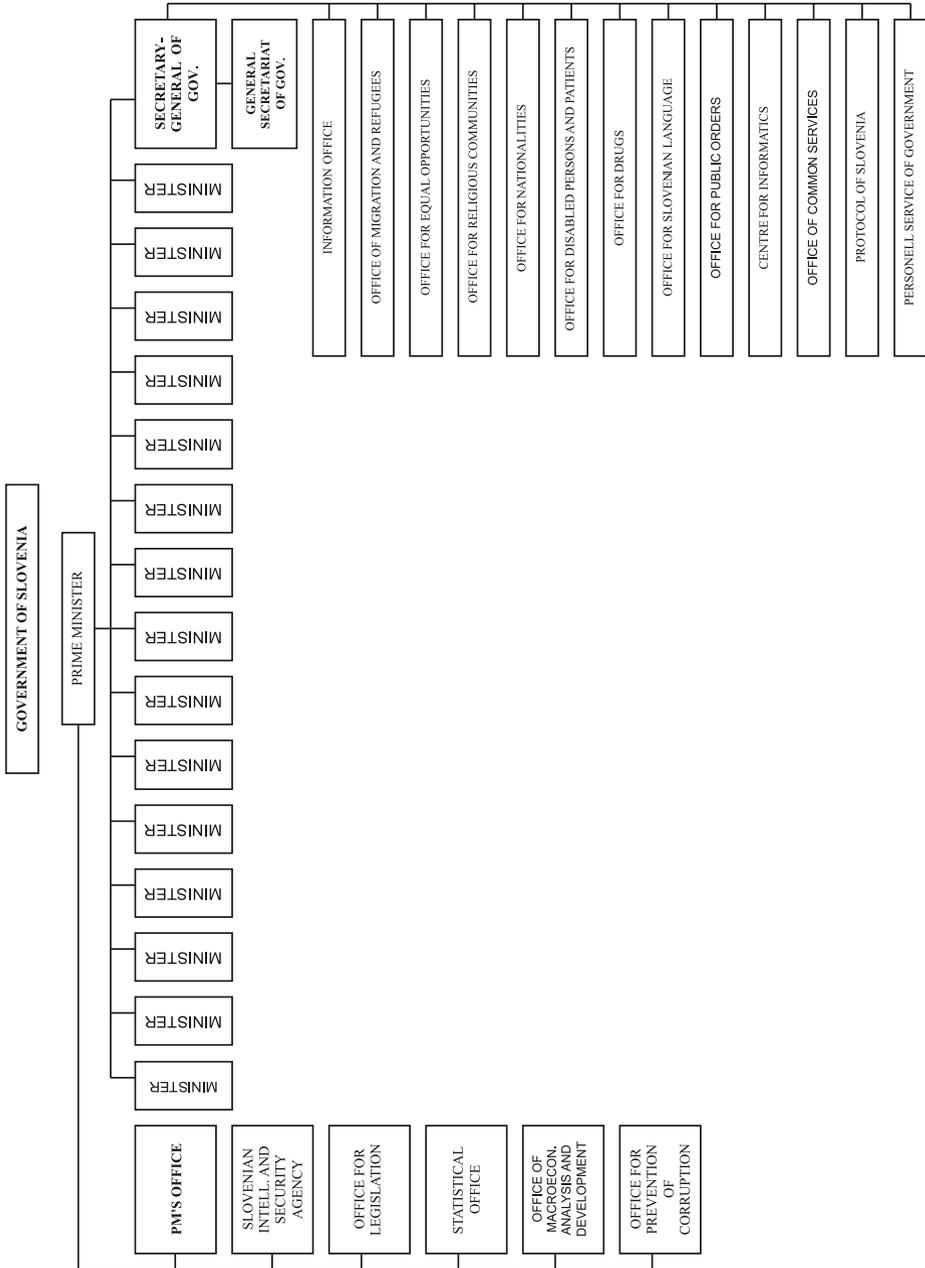
In 1993 the PM's Office was established for the first time and was led by the Secretary-General. The Secretary-General had been appointed and dismissed by the Government on the proposal of the PM (Resolution on Establishment of the PM's Office and Its Role, 1993).

In managing the PM's Office and other governmental offices whose work he/she directs and supervises, the Secretary-General had the same rights, obligations and powers as those of a minister in charge of the ministry. In 2001, the major changes happened in the formal position of the PM's Office.

**Figure 1**  
Organisational Structure of the Government of Slovenia in 1994



**Figure 2**  
Organisational Structure of the Government of Slovenia 2001



**Figure 3**  
Organisational Structure of the Government of Slovenia 2004

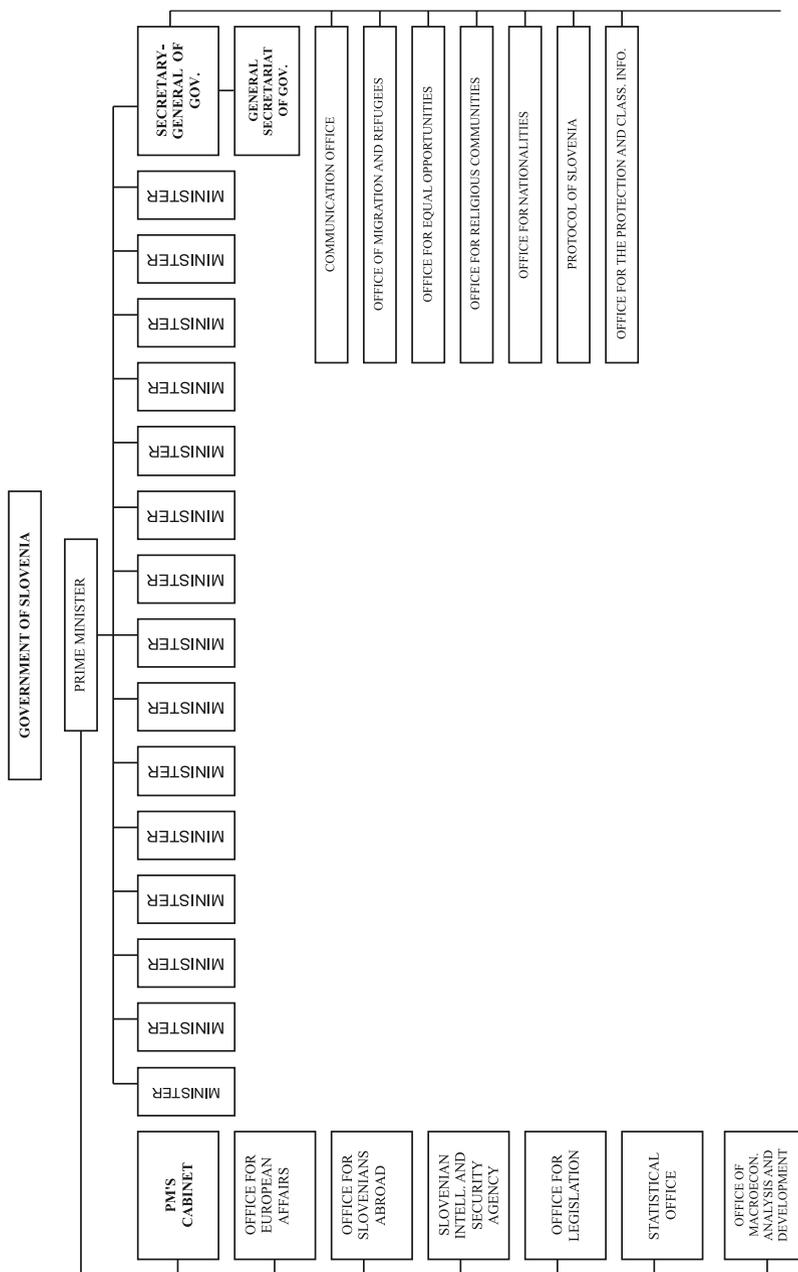


Figure 2 shows that the PM's Office became an independent office and led by a director (in practice not a career civil servant) who was directly accountable to the PM. On this basis, we can say the PM's Office became formally and symbolically more important (Resolution on the PM's Office, 2001).

Simultaneously the General Secretariat of the Government was established and was led by the Secretary-General who is appointed and dismissed by the Government on the proposal of the PM. As in the past, in managing the General Secretariat and other governmental offices the Secretary-General has the same rights, obligations and powers as those of a minister at the head of the ministry (Resolution on the General Secretariat of the Government, 2001).

In 2004 other changes were made. The PM's Office was renamed the PM's Cabinet and is led by a head. The head is directly accountable to the PM. The head of the PM's cabinet is appointed and dismissed by the PM and the provisions of the Public Employees Act do not apply to the procedure for selecting him/her. It means that even formally, the head of the PMC must not be a career civil servant (Resolution on Establishment of the PM's Cabinet, 2004).

Some changes have also happened in the General-Secretariat of Government. The most important one has been the (partial) removal of the Personnel Service of Government as well as the Government Centre for Informatics from its jurisdiction to the Ministry of Public Administration (Resolution on the General Secretariat of the Government, 2004).

In summary, we see the formal strengthening of the PM's Cabinet and its autonomy vs. General Secretariat. Besides, the administrative steering responsibilities of the PM Cabinet increased, whereas important sources of authority of the Secretary-General have been curbed and (coordinating) powers of Ministry of Public Administration have been increased.

## **3.2 The changing role of the PM's Office and the General Secretariat**

### *3.2.1 The PM's Office during the 1993 – 2001 period*

In 1993, a number of tasks of coordination and expert support to the PM as well as to the Government were assigned to the PM's Office (Resolution on Establishment of the PM's Office and Its Role, 1993). These tasks can be divided into four broad groups: (a) organisational, administrative and technical tasks related to governmental sessions (including the preparation of the agenda); (b) supporting the co-operation of the Government with the National Assembly and the President; (c) expert and administrative tasks important for decision-making in the Government or a particular ministry; (d) organisational, administrative and technical tasks related to the organisation and work of the Government.

Within these broad lines, four more specific tasks were especially important: control over the implementation of decisions made by the Government; assistance to the PM in the coordination of general solutions and acts; organising co-operation between different ministries and the preparation of draft proposals for consensus solutions to potential controversial questions; responsibility for other technical and coordination tasks which enabled the PM to lead and direct the work of the Government as a unified body.

The main idea when the PM's Office was established was that with the political transformation, the PM had formally become the central point of the executive branch and it was consequently necessary to demonstrate this in a de facto and symbolic way – the centre had to be more powerful (Bandelj, 2007). The first Secretary-General of Government saw one of the main functions of the PM's Office the assistance of the PM personally (to be the PM's support structure). In addition, the PM's Office had functions of political as well as policy coordination. Namely, the first Secretary-General expected the PM's Office would play an important political as well as policy function and pass to the Office, responsibility for the preparation of the agenda of governmental sessions and the Office had to take care of governmental procedures. Bandelj (2007) also emphasised that by implementing political and policy functions the PM's Office had considerable influence on governmental decision-making. The PM's Office was simultaneously also an important part of the larger government support structure, especially in providing the political coordination of decisions. This point was also supported by Bandelj (2007). As the first and long-term Secretary-General of Government, Bandelj (2007) saw the PM's Office primary role in political coordination. Virant (2007) estimated that the function of political coordination was during this period exposed, not so much in a formal sense but de facto, mainly because the Secretary-General himself was a strong political figure. In this context, it is maybe somewhat surprising that 62 % of former ministers assessed the role of the PM's Office as being administrative, whilst the remaining 38 % of former ministers evaluated its role as administrative and political (Blondel, Müller Rommel, Malova et al., 2007). 90 % of them estimated that its role had not changed over time. But here it is necessary to bear in mind that all former ministers assessed the role of the same PM's Office (in the 1993 – 2001 period). And it is necessary to add that the data of the above mentioned empirical research could not capture the actual logic of the PM's Office role because the terms 'political' and 'administrative' were not further refined.

Additionally, 85.7 % of the interviewed ministers assessed that the main activity of PMO was the preparation of the agenda, whilst only 4.8 % of former ministers (in equal shares), mentioned political advice, building support for the Government and steering the discussions between coalition partners as the main tasks of the PMO. 81 % of the respondents evaluated the influence of the PM's Office as appropriate, 4.8 % as too limited and 14.4 % as too extensive. (Blondel, Müller Rommel,

Malova et al., 2007). For Bandelj (2007) the PM's Office influence was too limited rather than too extensive.

Our observations indicated that PM's Office was, during the 1993 – 2001 period, a strategic actor in decision-making precisely because of the four specific tasks we mentioned at the beginning of the chapter.

On the basis of the data presented so far it can be said that the PM's Office performed equally in all four main types of roles, namely the role of political coordination (in both a formal and informal sense), the role of policy coordination (in a formal and informal sense), the role of a government support structure as well as the role of the PM's own support structure (this role was assigned to an organisational unit within the PM's Office – the Cabinet of the PM) while the most visible seems to be the role of a political co-ordinator.

The PM's Office was not a coherent, unified body, but in organisational terms it was internally rather splintered and consisted of the following units: the Cabinet of the PM (it was obviously just a technical-administrative support structure of the PM), the Cabinet of the Secretary-General, the Department for the Preparation and Conduct of Government Sessions, the Department for the Work of Government Working Bodies, the Department for Analytical and Legal Affairs, the Translation Division, the Department for Documentation, the Organisational and Information Technology, the Department for Financial and Technical Affairs, and the Defence Preparation and Security Service (Data obtained from the General Secretariat of the Government, 2007).<sup>8</sup> Inside the PM's Office the most important/influential unit in decision-making was the Department for the Preparation and Conduct of Government Sessions. This unit could, on technical grounds, remove (formally this power was reserved for the Secretary-General) an individual item from the agenda of a government session and it performed the control over the implementation of decisions made by the Government. The other important/influential entity was the Department for the Work of Government Working Bodies since it was a support structure for crucial arenas of government decision-making. But, according to Bandelj (2007), the most important was the Cabinet of the PM and the Department for the Preparation and Conduct of Government Sessions. Bandelj (2007) estimated that, during this period, the Cabinet of the PM (as an internal unit in the PM's Office) had slowly gained a more important role, which was also evident in the rising number of its employees. At the beginning of the period (in 1993) there were 5 – 6 employees, whilst at the turn of the century (in 2001), there were already some 30 employees, whereas in the PM's Office and other organisational units, the number of employees remained almost the same. Altogether, during the 1993 – 2001 period, the number of employees in the PM's Office was between 130 – 157. In this period, the budget of the PM's Office did not change significantly, varying between 0.12 %

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<sup>8</sup> Some of the presented departments were further divided in organisational terms.

and 0.17 % of the annual budget of Slovenia (own calculations based on data on Slovenian budgets in the period 1993 – 2001).

### *3.2.2 The PM's Office in 2001 – 2004*

Important changes in the PM's Office were initiated in 2001 (Figure 2). It was decided to create an autonomous PM's Office alongside the autonomous General Secretariat of the Government. In fact, the former Cabinet of the PM (as a former internal unit of the PM's Office) became an autonomous body, but retained the old name – the PM's Office. This new PM's Office became directly responsible to the PM. The technical-administrative support to the PM was assigned to the autonomous PM's Office (during the period 1993 – 2001 this was already a function of the Cabinet of the PM as an internal unit of the PM's Office). Some functions of political and policy coordination were also assigned to the PM's Office as a new, autonomous body (they were transferred from the old, broader PM's Office). These were primarily functions of organisation of co-operation between the PM and representatives of other institutions, as well as civil society, along with the organisation of co-operation between ministries on issues which could cut across the boundaries of several ministries. The PM's Office was also assigned the very important task of preparing draft proposals for solutions of potential controversial issues between the ministries. The significance of the new PM's Office increased at least formally. The increase of significance of the new PM's Office might have been predicted even before it became an autonomous body, because of the rapid increase in the number of employees at the end of the century. In the 2001 – 2004 period, the number of employees in the PM's Office stayed almost the same as compared with the previous period – around 30 (more precisely, 31 employees in 2002, 22 employees in 2003 and 31 employees in 2004). The lack of a strong political figure in charge of the PM's Office, however, reduced the policy and political coordination role of the PM's Office in comparison with role formally assigned to it.

During this period the newly established General Secretariat (Resolution on the General Secretariat of the Government, 2001) had formally been assigned the role of being the government support structure responsible for technical, organisational (including the preparation of the agenda of government sessions), administrative and some politico-administrative coordination tasks of the government (for example, coordination of the Government with the National Assembly as well as with the President). The policy coordination and political coordination role was formally allocated to the PM's Office and also to a new, distinctive unit in the Government – the Strategic Council. The Government established several Strategic Councils whose formal role was to advise the PM on policy and political questions. The Strategic Councils were chaired by ministerial advisors who had been appointed and dismissed by the Government on the proposal of the PM. This new

institution proved, in practice, to be unable to carry out the assigned role of policy and political coordination; ministerial advisors were not visible or important in decision-making. There were several reasons for this. The first is the formal reason, namely the position of a ministerial councillor was not equal to the position of a minister. Therefore, on the symbolic and de facto levels this restrained considerably the implementation of their policy and political coordination role in relation to the ministers. The second reason was that ministerial advisors were not politically strong figures. Under these circumstances, only the PM's explicit and strong support of their work could in fact empower them. But such support was never achieved.

Consequently, it is not surprising that the General Secretariat of Government, and especially the Secretary-General, began to play a more important role in the second period de facto as regards policy and political coordination than the PM's Office, as well as a more important role than was formally assigned to it/him. The reason was not an insufficient formal competence of other structural units but was based on the strong personal and political role of the Secretary-General in comparison with other units and their leaders. Both Bandelj (2007) and Virant (2007) estimated that the PM wanted to empower the autonomous PM's Office in 2001 with the policy and political coordination role but did not succeed. As a result, by the end of the second period, the PM's Office remained mainly a structure of technical-administrative support to the PM. It has formally certain policy and political coordination roles, but actually these roles were carried out primarily by the General Secretariat (and the Secretary-General).

The General Secretariat was, in the second period in organisational terms, internally structured as follows: the Cabinet of the Secretary-General, the Department for the Preparation and Conduct of Government Sessions, the Department for the Work of Government Working Bodies, the Department for Analytical and Personnel Affairs, the Translation Division, the Department for Documentation and Information Technology, the Department for Financial and Technical Affairs, the Defence Preparation and Security Service, the Department for Co-operation with the National Assembly and for European and International Co-operation, the Department for the Work of Government Councils and Other Expert Working Bodies, the Joint Internal Audit Service, and the Department of Aviation Transport (Data obtained from the General Secretariat of the Government, 2007).<sup>9</sup> The most important/influential unit in decision-making was the Department for the Preparation and Conduct of Government Sessions (Bandelj too supports this statement). It could on legal-technical grounds remove (officially this power was reserved for the Secretary-General) an individual item from the agenda of a government session and exercised control over the implementation of decisions made by the Government. Among the more important/influential units in this period was also the De-

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<sup>9</sup> Some of the presented departments were further divided in organisational terms.

partment for the Work of Government Working Bodies since it had been a support structure of important policy-making units.

During the 2001 – 2004 period, the General Secretariat had around 120 employees. It seems that the position or importance of the General Secretariat did not change, because it had the same number of employees during the period 1993 – 2001 as the PM's Office had (without its internal structure called Cabinet of the PM). In the second period, the budget of the General Secretariat was around 0.12 % of the annual budget of Slovenia, which was also approximately the same proportion as in the previous period (own calculations based on data on Slovenian budgets in the period 2001 – 2004). However, it is evident that most of the powers of General Secretariat draw on functions that previously were held by the old PM Office and were not transferred to the new PMO.

The PM's Office in the period 2001 – 2004 was, in organisational terms, a unified body with a budget of approximately 0.04 % of the annual budget of Slovenia (own calculations based on data on Slovenian budgets in the period 2001 – 2004) and approximately 30 employees.

### *3.2.3 The PM's Cabinet during the 2004 – 2007 period*

In 2004, the PM's Office was renamed the PM's Cabinet (Resolution on the Establishment of the PM's Cabinet, 2004). This was only a symbolic change of name with no consequences for its role in decision-making. The PM's Cabinet has retained the same formally defined roles – it offers technical-administrative support to the PM and has also some functions of political and policy co-ordinator. As in the previous period, the PM's Cabinet has the task of preparing draft proposals for solutions to potential controversies between ministries. It is obvious that the technical assistance role still prevails.<sup>10</sup> There is another similarity between the previous and present role of the PM's Office/Cabinet. Despite a formally defined policy and political coordination role, the PM's Cabinet in fact does not perform them to a significant extent (Virant, 2007). This raises the question of which structure performs these two functions in practice. The roles are definitely not performed by Strategic Councils and ministerial advisors because the former were abolished. Are the two roles being played by the General Secretariat as happened before?

Although the formal tasks of the General Secretariat did not formally change, Bandelj (2007) and Virant (2007) saw that *de facto* very important change of role and powers of the General Secretariat happened in this period for two reasons.

First, the change in the position of Secretary General. The former Secretary-General was a very strong and high-profile political figure. In the period 2004 – 2007 the head of the General Secretariat ceased to be the outstanding political leader at the core executive. This hindered the implementation of the actual policy and polit-

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<sup>10</sup> Besides, the leader of the cabinet no longer holds the position of a director but the position of a head, which is also a minor symbolic change.

ical coordination role by the General Secretariat as well as by the Secretary-General as in the past.

The second, the Personnel Service of the Government, the former Government Centre for Informatics as well as the former Office for the Common Services of the Government (see Figures 1, 2 and 3) were removed from the jurisdiction and responsibility of the General Secretariat (and General-Secretary) to the Ministry of Public Administration. All these are important support structures of the Government as a whole and have a (potential) influence on the work of all ministers and ministries. This reallocation of offices has further weakened the role of the General Secretariat. At the same time, one of the ministers/ministries has received supplementary authority to coordinate and manage certain aspects of work of other ministries and ministers (for example, to define the number of employees in ministries). This meant the strengthening of the hierarchical character of the Government and of the politico-administrative system in general.

The Minister of Public Administration has also been assigned the role of managing different reform projects of the government (for example, some reforms of the administrative system, reform of salary policy for employees in the public sector etc.) It means that some important policy and political coordination role has formally and de facto been transferred to the minister, who himself perceives his role explicitly as a coordination role (Virant, 2007). The other important coordination role was transferred to the Minister of Development, who became responsible for the whole Lisbon Strategy as well as economic and social reforms. But his political and policy coordination role seems to be less important and visible than the coordination roles of the Minister of Public Administration. As Bandelj (2007) stated, the Minister of Public Administration is a much stronger political figure than the Minister of Development, and this gives him, alongside the Minister of Finance, coordinating powers over other ministers as well as privileged access to the PM. All these changes enable us to conclude that the policy and political coordination role has not only formally, but also has actually been transferred from the PM's Cabinet and the General Secretariat to the Minister of Public Administration.

Virant (2007) also pointed out the important impact of the Coalition Agreement 2004 on the division of these coordinating roles. The coordination issues and division of competence of coordination between coalition partners has become much important and visible in the Coalition Agreement 2004. Also, meetings of the leaders of government parties with the PM have become more frequent i.e. the changes in the logic of coalitions have also changed the division of policy and political coordination roles.

The PM retained responsibility for the coordination of the implementation of the Coalition Agreement, although this is a joint task of all members of the collegial body (Coalition Agreement, 2004). With the present coalition we see more frequent meetings of leaders of coalition parties as well as leaders of their deputy groups

which are, as a rule, organised monthly. Here the PM, of course, needs support in performing this responsibility. And the support comes from the General Secretariat as well as from the PM's Cabinet. But this is more linked with ad hoc political coordination than strategic policy coordination.

After the transfer of some units to individual ministries, the General Secretariat retained the remainder of units in its structure. Despite the decrease of the actual role of the General Secretariat, the number of employees increased from 2004 to 2007 from 119 to 160 (Data obtained from the General Secretariat of the Government, 2007). But, the proportion of the budget of the General Secretariat in the annual budget of Slovenia (0.13 %) has not changed significantly (own calculations based on data on Slovenian budgets in the period 2004 – 2007).

Contrary to Bandelj in the two previous periods, Minister Virant (2007) did not identify any internal unit as being more important than another. This can be explained by the outstanding political leadership of Bandelj, who was able to provide different access of certain units to him and/or his specific policy and political coordination style. After 2004, when the leadership of the Secretary-General weakened, the departments became more autonomous and more oriented to their formal politico-administrative tasks.

In the third period, the PM's Cabinet remained, in organisational terms, a unified body. But, in 2007, the new posts of State Secretaries were introduced and five of them have been appointed to the PM's Cabinet. Their responsibilities are the organisation of different kinds of events (celebrations, anniversaries), coordination of work of governmental parties and other coordination and expert work.

The position of the State Secretaries seems to be ambiguous, not clearly defined and they have extensive autonomy – formally they are only subordinate to the Head of the PM's Cabinet.

A very important aspect of the PM's Office/Cabinet is also a question of the number/ratio of career civil servants vs. politically appointed employees. Unfortunately, it has been impossible to obtain such data. But, if we take into account the fact that the PM's Office/Cabinet is a small organisational unit, mainly assigned the task of supporting the PM and, on the other hand the precise legal provision that in the selection of employees in the PM's Office/Cabinet the Public Employees Act is not to be applied, we could think that the majority of employees are appointed and are not career civil servants. On this basis, we could expect that personnel stability in the PM's Office/Cabinet would depend on the frequency of changes in the PM's position. On the other hand, in the General Secretariat we would expect a greater share of career civil servants, especially since its tasks have, since 2001, been formally mainly related to organisational, technical and administrative support of the Government. Accordingly, we would expect greater personnel stability in the Secretariat. Our expectations were confirmed by Bandelj (2007) and Virant (2007).

In sum, the roles as well as changes and main organisational characteristics of both the PM's Office and General Secretariat, during the period 1993 – 2007 are also illustrated in Figure 4.

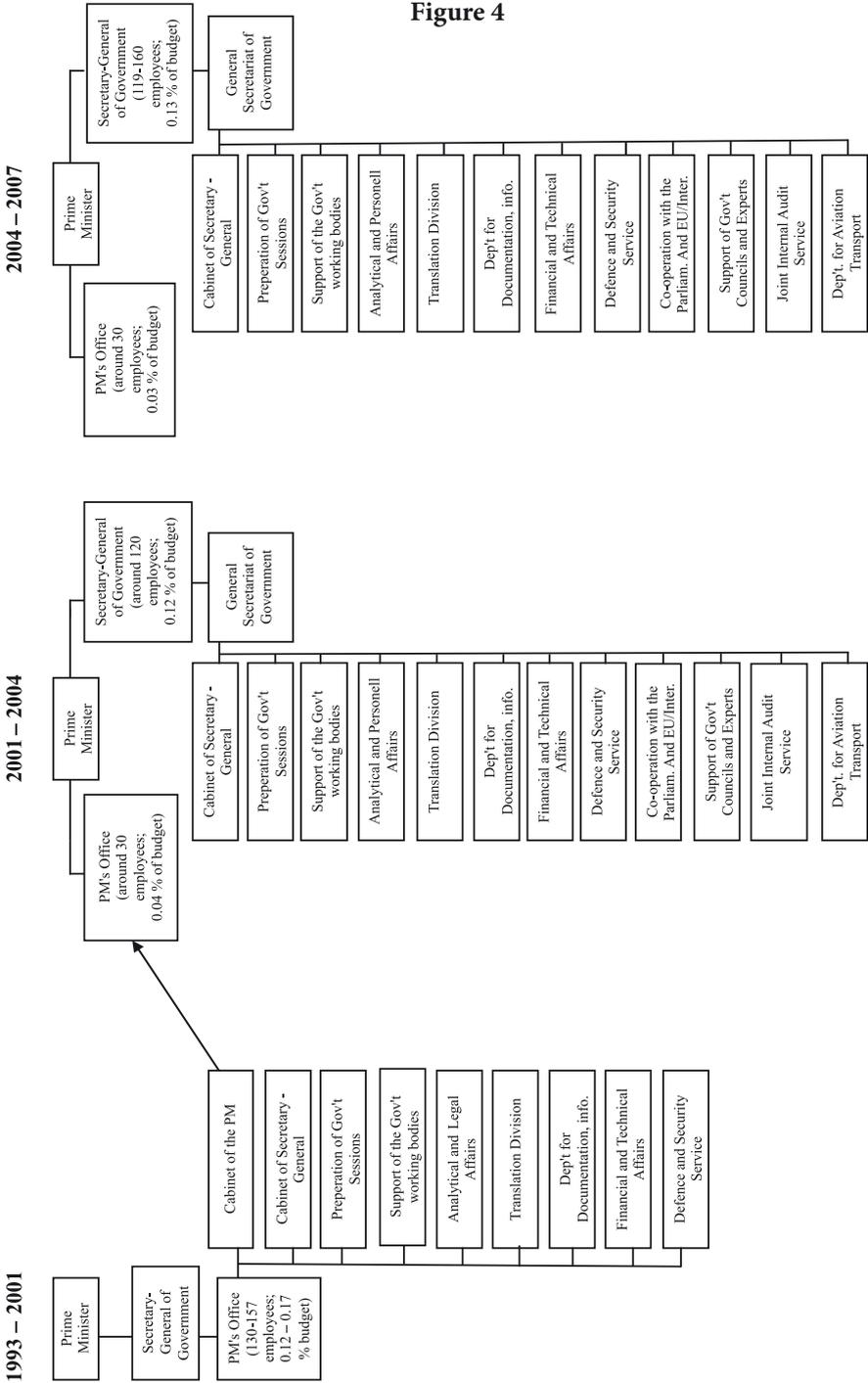
## Conclusion

Slovenian governments have been ideologically highly heterogeneous coalitions. Hence, one would expect that the need for coordination, policy as well as political, must be a central concern for government and its support structures. An analysis of different official documents (laws, resolutions, and coalition agreements) has revealed that this did indeed happen. Since there was a clear tendency of the first Secretary-General of the Government to establish a strong PM's Office to support and ensure the undisturbed and efficient work of the most important person in the Government, the PM, the first PM's Office (during the 1993 – 2001 period) played all four basic PMO's roles: the role of a government support structure, the role of the PM's support structure (this task was assigned to an internal organisational unit within it – the Cabinet of the PM) and the role of policy and political coordination. The strong political figure of the Secretary-General and primary emphasis on the last two roles enabled the smooth functioning of the specific coalition pattern of that period.

Important changes occurred in 2001. The PM's Office was divided into two autonomous units: the PM's Office and the General Secretariat of the Government. Formally, the new PM's Office was assigned the role of the PM's support structure as well policy and political coordination. In reality, in 2001 – 2004, these two roles have rarely been performed by the PM's Office, because the coordinating roles were formally also assigned to two other units: the newly established special institution of Strategic Councils led by Ministerial advisors and, to some extent, also to the General Secretariat of the Government led by the Secretary-General. The first and long-term Secretary-General was, during this period, still a strong political figure, whereas the PM's Office (and its Head) and Ministerial advisors were politically much weaker figures. Therefore the role of policy and political coordination was performed primarily by the General Secretariat, despite its formal role being mainly defined as the government support structure.

In 2004, the PM's Office was renamed the PM's Cabinet. It has continued to play the role of the PM's support structure, although some policy and political coordination roles have also been formally assigned to it. But, at the same time, the position of the General Secretariat started to weaken. The Secretary-General became a much weaker political figure as compared with the previous long-term Secretary-General. This has prevented the General Secretariat to play *de facto* an important policy and political coordination role, which it played previously, despite it not being formally assigned to it. Additionally, some important units of general coordination of the General Secretariat have been reallocated to the jurisdiction of the Ministry

Figure 4



of Public Administration. In the third period (2004 – 2007), some important policy and political coordination tasks have been transferred from the government support structure to an individual ministry (Ministry of Public Administration). Since the Minister of Public Administration has been responsible for the coordination of many governmental reforms, he has formally and de facto gained a very influential role in governmental decision-making. The Minister of Public Administration is a politically strong figure and understands his role as being explicitly in charge of horizontal management of policy and political coordination. Such a distinct position of the Ministry of Public Administration has also decreased the equality of ministers in relation to the PM which was followed – except maybe the Minister of Finances – until 2004. Nevertheless, the need for coordination in this period is even more exposed than previously in the Coalition Agreement. Until 2004, one party (Liberal Democracy of Slovenia) dominated the coalition, whilst some other parties often made bilateral agreements with it. In the 2004 – 2007 period in this sense, a more balanced coalition has been formed and consequently more collegial (less hierarchical) practices of management of the government have been developed. Since the Coalition Agreement has become more important in government decision-making, the structures that have assisted the PM in managing the implementation of the Coalition Agreement have gained some additional power. This has somehow increased the policy as well as political coordination role of the PM's Cabinet and General Secretariat, despite a general decline in their coordinating roles.

Hence we can sum up that, first, the PM's Office/Cabinet (till 2001 the Cabinet of the PM as an internal organisational unit within the broader PM's Office) has been purely the PM's support structure. Second, in Slovenia, the distribution of important policy and political coordination roles depends not only on formal assignments but also significantly on the political strength of certain political figures. The clearest example has been the role of the General Secretariat.

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# Political Roles of the Estonian Prime Minister's Office: Context, Practices and Consequences <sup>1</sup>

Georg Sootla, Ott Lumi<sup>2</sup>

## 1. Introduction

The values of the Estonian government machinery, in general, are based on the dominance of the individualist type of values in society in general. Compared to the west European average value pattern, Estonians can be described as much more self-centred, but at the same time willing to adopt changes and innovations. There has been a slight tendency towards far more collective and solidarity-based attitudes in the past 3 years, but the overall picture has remained the same (Emor, 2006). The values that best describe the public sector are pretty much based on these societal values. Hence, there is a strong belief in *laissez-faire* and in the idea that government's role in regulating citizens' lives has to be strictly limited.

The framework of the Estonian political system is based on the multi-party parliamentary democracy (Toomla, 1999). The President plays an important institutional role as the symbol of national unity in a socially and politically rather splintered society. He acts, and is considered to be, a constitutional guarantee of the consistency of the democratic political process, but has almost no executive role. The role of parliament has, in recent years, been in a clear decline. This is firstly because the government coalition can better control voting and secondly, because of the disability to shift from the role of lawmaker (necessary in the EU accession period) to the arena of debates over policy strategies. (Blondel 1990). However, it must be added that this problem has now also been realised by the political elite, as recently, the right-wing conservative coalition party proposed a number of proposals to reform parliament.

The configuration of the coalition plays a key role in the government's policy design of Estonia. However, other factors, such as the policy style of the cabinet or the leadership style of the Prime Minister, may have a major impact on how the government acts (Müller-Rommel 2001: 95-99). The governing period for one cabinet tends to be rather short – on average around 2 years. No cabinet has survived a full electoral cycle. Each cycle has evidenced – including in the 2000s – the coming of a new or renewed relatively strongly supported party that reshuffled the party spectrum and established new patterns of political interactions and conventions. The elections in 2007 did nothing to change this trend. A new large party emerged with

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the merger of 2 conservative parties and the newcomer party – the Greens – which has not yet defined itself in the party spectrum. The party spectrum is still at the institutionalisation and stabilisation stage. The need to survive and, hence, to ensure effective *political coordination* of cabinet activities has been one of the overwhelming purposes of cabinets during most of their time in office.

At first sight, one can see the outstanding role of the PMO and Cabinet Secretariat (CS) in ensuring the political survival of the cabinet and policy (ensuring effective policymaking and implementation) coordination (Blondel&Golosov, 2000). However, the first comparative analysis of the PMO/ CS roles indicated that amongst CEE countries, the PMO in Estonia is the most inclined towards a political role (but with less success because of the short duration of the Cabinet) and less capable in ensuring politico-administrative coordination and policy guidance, especially after policy adoption (Sootla, Sootla 2004 Uppsala).

This peculiarity of the Estonian system of governance has not developed spontaneously, but was rather a clear intentional institutional design by new political elites at the beginning of transition. Nowadays, many politicians realise that such a biased institutional configuration could cause serious problems with policy coordination and effectiveness. Nevertheless, political elites continue to support sub-optimal solutions because of the still low level of trust between the main actors of the political elite. Paradoxically this specific way of governmentalising the executive (compare: Goetz, Wolmann, 2001) was key to the Estonian success in launching successful economic and social reforms and also in the redesign of the institutional framework inherited from the Soviet government system.

In this regard, the Estonian experience has considerably differed from Continental practices (especially Hungarian, Polish and Lithuanian). Moreover, unlike the majority of CEE countries, prior to independence from the USSR, Estonia did not have several key institutions of government such as foreign, tax, frontier and immigration services etc. which had to be developed almost from zero. Currently, these services are able to function at least on equal footing with similar services in other new member states. Nevertheless, as we know, Estonia has been successful in promoting economic and other reforms, but less successful in developing new institutional patterns of government administration and civil service compared with other CEE countries.

## **2. Institutional-historical context**

Estonia began transition with a radical breakdown of its former institutional system and with attempts to retain strong legal and historical continuity with pre-war Estonia. Estonia was among the few post-communist countries where the reform-communist successor party did not survive. Communist successor parties promoted and still promote in other CEE and CIS countries a forceful thesis on (democratic) policy with no professional politicians, i.e. policymaking by politically neutral pro-

fessional elites. First of all, those parties were advocates of a soft transformation of the former bureaucracy and administrative dimension of policy process and opposed fiercely the new and the then inexperienced right wing new political forces who saw, in the former bureaucracy, the main hindrance to successful radical reforms. (Verjeijen: 2001, Sootla et al 2006). This trend was especially pronounced in Estonia, where the new political elites were supporters of libertarian monetarist political values, which presumed the development of a hollow state. Arguments against the soft transformation of bureaucracy were strengthened because domestic bureaucracy in some sectors was staffed with a substantial proportion of Russian-speaking or open Moscow proxies. Moreover, in Estonia, the former communist and government elites did not contest the new politics, but played an active part in a radical version of privatisation and/or formed itself into mainstream right wing parties (Coalition party and Reform party) and were interested in a low capacity of public administration (Sootla 2002). In 1992, the first government cabinet of independent Estonia took an open stance to push bureaucracy and the administrative dimension away from the policymaking process and to hand this role over exclusively to the politically appointed members of Cabinet and external experts (Müller-Rommel, Sootla, 2001). The coalition recognised the clear formal legal division of roles of politicians on the one hand and top officials at ministries and agencies on the other. (See Olju, Salla 2008). The idea that “politicians make decisions and top officials must be neutral agents in implementing those decisions” became a strong rhetorical symbol of the new politics that dominate even now. This rhetoric was, at the beginning of the 1990s, largely caused by the concern of inexperienced new political elites who believed that an experienced bureaucracy would hinder their radical reforms and “domesticate” individual ministers. (Sootla, 2001) Actually, the new political elites began to staff the top positions with politically reliable and later – with politically loyal staff. The party political nomination and control of the senior civil service staff and senior staff of public organisations became the rule in the 2000s. However, the process of politicisation of top officials was not accompanied by a high turnover rate because from 1999, the Reform party, which was especially active in the politicisation of top officials (Ernits: 2002), is still in office to this day. Politicisation has not been the only result. There is also the impressive return of bureaucracy into the policymaking process in the second part of the 1990s. This was revived after EU membership, when Continental traditions regarding bureaucracy in the policymaking process came into the institutional setting designed according to the values of a hollow state.

At the same time, the new political elites introduced a highly competitive political framework. An adversarial trait of politics was caused by the co-existence in 1990 of two parallel right-centre/centre-left party spectrums of winners and losers of the transition crisis. This was caused by an extremely weak, almost non-existent left dimension whereas right-wing libertarian ideas of supply side economics and a hollow state were almost obligatory in attaining public support. Extensive competi-

tion was caused by the overcrowding of the right-wing part of the spectrum and by the domination of motives of national survival and danger to national existence. These variables formed the basis of Estonia's success in economic policy, but not for government institution building.

In this general context, new political elites took a logical stance in designing the Cabinet. The aim was to develop an institutional configuration, which presumes *firstly* a non-dominant Prime Minister, who cannot rely on strong support structures and discretion in decision-making. The PM was not supposed to have the right to issue any secondary legislation as individual ministers can.

A kind of ministerial autonomy was introduced, which prevented any intervention in a minister's affairs. This means that policy proposals that come from the ministry can be debated by other ministers and by the core executive only immediately before a cabinet session. In 1998, the veto powers of the Ministries of Justice and Finance to proposals of other ministries to the Cabinet were abolished. In 1992 – 1995, during the crisis and highly collegial cabinet which launched fast and profound reforms, this model worked perfectly. However, ironically, the first PM was forced to resign because of his attempt to develop a kind of informal coordination Council (PM backroom) of key politicians and officials to obtain more support in implementing profound reforms.

The support for the Prime Minister ought to be organised through the Prime Minister's office, which is mainly fulfilling the role of a personal advisory body to the PM, but also carries out primary roles of political coordination with the coalition partners. Its number rarely exceeds 10 staff. Besides the PMO as a political advisory body, the PM secretariat provides technical assistance to the PM. The other department which provides a personal consultancy to the Prime Minister is the Government Communication Bureau which advises on public relations. All these units are formally part of the State Chancellery, a technical support service to the government.

The interface of politico-administrative roles of support structures of the core executive have interesting variations, depending on the general trends of institutionalisation of political life (first of all, development of party organisations) and to the different coalition logic. Our article focuses on the analysis of these variations in Estonia to discover some trends in determining a politico-administrative balance and/or political bias through the various roles of the core executive's support structures and their combinations.

### **3. The formal role of the core-executive in the policymaking process**

According to the Republics Government Act (GRA: 1995) the right to issue secondary legislation belongs solely to a ministry. The Prime Minister can only ini-

tiate decrees and ordinances that regulate the government's internal work order. Accordingly, the roles of the ministries and Cabinet in the policy process have been defined under the same law (Decree 1996). Once the ministry has prepared a draft law (proposal), it goes on a coordinating round to the other relevant ministries. Every ministry has to ask for a comment to a concrete bill by other ministries who would have overlapping areas with or interests concerning the concrete draft law. The so-called "approval round" engages all the ministries for whom the concrete draft brings new duties. If the draft law or any other initiative brings new financial obligations or administrative duties to the local municipalities, then approval must also be asked from them. The approval time frame is 10 days with the exception of the Ministry of Justice where it is 15 days. In accordance with the government's good governance tradition, the ministries also ask the opinion of the social partners – the Trade Union, Chamber of Commerce, Union of Industry and Employers and Central Union of Non-Governmental Organisations. Once the draft laws have gone through the ministerial coordinating round, they are basically ready to be treated in a government session. However, the right to decide over the government agenda belongs to the Prime Minister alone. Potential disapproval from one of the ministries or from social partners is not binding to the Prime Minister who can still carry the draft law onto the agenda. He can do so even in the case of contestation by Cabinet members. There is also a time limit to send the final version and accompanying materials to the State Chancellery if the ministry wants a certain draft bill to be discussed at a government session. The time limit for ordinary bills is 7 days and the limit for EU issues is 4 days ahead of the session.

From the mid '90s there has been a clear trend to cut down cabinet committees as potential sub-cabinets. This trend derives largely from the ideology of ministerial autonomy. In cases where inter-sectoral coordination is needed, the different commissions are organised at the preparation stage of the draft law. There are three types of government commissions. The first is the *expert's commission* usually established to coordinate the preparation of policies at the ministry level consists of experts and representatives of interests groups from a specific field. Their purpose is usually to provide a certain expertise to the government. For example, one such commission is the commission on author's rights which comes under the Ministry of Culture. The second type is the inter-ministerial commission. Such a body is designed to settle issues that concern the competence and jurisdiction of different ministries in order to ensure better and balanced input from the main interest groups. Here, the inter-ministerial commission on negotiations with municipalities would be a good example. The majority of expert and inter-ministerial commissions are single purpose and they are disbanded even before the draft law or proposal is ready. This indicates the low level of readiness to participate in collegial bodies. This trend is also evident in the case of commissions created for the preparation of and participation in EU legislation.

The third type is a ministerial committee for the coordination of certain key policy areas that are political priorities for the central government or essential for the state as whole. The most important of these committees (also called cabinet committees), in recent years, have been the Public Administration Reform Committee (1999 – 2001), State Security Committee and the R&D Policy Committee, both chaired by the Prime Minister and consisting of relevant ministers. Though not formally, but based on practice, a fourth type of coordination committee should be outlined. This is in regard to a tradition to form informal committees linked to the Prime Minister's interests, such as, for example the Wind Energy Roundtable under Prime Minister Mart Laar.

There is one general government support organisation in Estonia, the State Chancellery. All other support structures, including the PM's office are formal units of the State Chancellery. In Soviet times, and also during the transition period to independence, the Secretariat of the Council of Ministers was a peak organisation in the coordination of the whole administrative machinery, policy planning and implementation process, and was chaired by the State Minister who was actually the Deputy PM. Departing from a new understanding of politico-administrative roles by new political elites, it was reorganised within a short time in 1994 into a purely technical support structure to the Cabinet – State Chancellery – mainly for the preparation of Government sessions and providing general technical services to the government Cabinet. Several attempts were made later to restore the competence of the politico-administrative coordination of the State Chancellery. In 1995 and 1999, the Public Administrative reform units were established but abolished after the failure of the reform. In 1997, the European office was established but it did not gain the capacity to carry out effective Cabinet-level and inter-ministerial coordination. Although its role in the policymaking process at a certain stage of the EU accession period was quite significant, these powers, according to our evaluation, were not based on an institutional design or legal framework, but on the leadership qualities of the office and also the positioning close to the Prime Minister's inner circle. (Sootla. Sootla, 2004)

In general, the State Chancellery carries out six central roles. Its main duty is to provide technical assistance to the core government, primarily the technical organisation of government sessions. Second, it coordinates administrative relations between the Prime Minister and state institutions. Third, it is responsible for publishing the State Gazette, the official law and legal acts journal. Fourth, it is responsible for the normative-technical quality of the law-making process and must ensure legal correctness of all draft laws that are presented to the government session. Next, it is officially responsible for the civil service's training system development. Civil service development is also the responsibility of the Ministry of Finance, Justice and Interior and it has been a point of fierce competition between agencies. Finally, it is responsible for the coordination of the government's European policy, i.e. the main focus of the institutional action of the State Chancellery is legal-technical and

not political. Thereby the prerequisite for being a State Chancellor is to have higher juridical education. The post is not political, so one State Chancellor usually “out-lives” many Prime Ministers. From 1992, there have been four State Chancellors in office.

#### 4. Profiles of Cabinets

Before the analyses we also expected that (Sootla, Sootla, 2004, Blondel et.al. 2007) the main variable in defining the PMO profile is the political pattern of coalition. But in this article we actually demonstrate that a wider set of variables influence the development of different cabinet profiles and because of that, also have an impact on the profile of the PMO. Such factors unarguably are also the period of the electoral cycle that the cabinet takes office, the leadership style of the Prime Minister, the role of the State Chancellery and the role of party bureaucracy and even more specifically, the position of the Prime Minister in the party.

Our analysis of the PMO focuses on four cabinets that were in office in Estonia from 1997 – 2005. Cabinets prior to that date were not well institutionalised and have therefore been left out of the scope of this analysis. On the other hand, the two governments after 2005 led by Prime Minister Ansip are too recent for an analysis. Unarguably, joining the EU has also deeply influenced the government's (Krasovec, 2008) policymaking and institutional design, i.e. cabinets and their support structures should be the object of a separate study.

The first Cabinet we considered was chaired by Mart Siimann (1997 – 1999). It was designed after the collapse of three previous Cabinets formed by the Coalition Party under the leadership of the previous party leader, Tiit Vähi. The Coalition Party was actually a right-wing technocratic project-party established by members of the Soviet economic – industrial and agricultural – establishment. After the resignation of Vähi as PM, the party was already in decline and disappeared soon after from the political landscape. The new coalition was formed on the remains of the Coalition Party as a minority government and would be a caretaker Cabinet, (Blondel et al 2007) which has the mission to preserve the status quo until the next elections. But, this cabinet – as well as all later cabinets that were formed in the second part of the electoral cycle – was far from being simply a caretaker. The next elections were being held in 2 years' time, and this was a very turbulent and important period for Estonian transition. EU and NATO accession and a deep economic decline meant that this cabinet was responsible for very important decisions and was forced to be active in sustaining the transition processes. But, the political and institutional environment made effective policymaking extremely difficult. This cabinet was probably the most fragmented among all Estonian cabinets. *First*, almost half of the Cabinet members were invited as independent professionals into office, although some of them had a formal affiliation to the Coalition Party. These autonomous non-partisan ministers were clearly proxies of certain interests groups

and having particular interests in specific issues, they frequently delegated the negotiations and decision-making responsibility to top officials of their home ministry. The deals that were achieved at the preparation stage frequently were broken at Cabinet level discussions and had to be renegotiated. Such a decision-making pattern was extremely long-lasting and ineffective. Second, this cabinet had two competing factions, with political preferences and ideological stances which were ambiguous and unpredictable. Third, although the Cabinet had political support from the formal opposition, the latter was also very fragmented and unpredictable. The too intensive involvement of the civil service in policymaking made members of parliament (also from the Coalition party) susceptible on draft decisions that came from the Cabinet.

So, to achieve an ad hoc majority, the PM and his support structures had to invest in each individual case an enormous amount of energy for negotiations and for achieving fragile bargains that often failed at the parliamentary stage, not infrequently because of opposition from members of his own party in Parliament. The PM himself was unable to bear the heavy burden of leadership and tried to achieve complex compromises. This resulted in very weak and controversial policy decisions.

The next Cabinet came into office in 1999 and was actually quite the opposite of the previous. The coalition under Laar is somewhat harder to define. In formal terms, we could place this Cabinet in the category of minimal winning type of coalitions (Laver & Schofield 1991). This coalition consists of parties from the conservative and liberal right to Social Democrats and they have 53 % of seats in parliament. But, this coalition also had quite a coherent political program. Being sure of their electoral victory, members of future coalitions, to a large extent, prepared a coalition agreement before voting day.<sup>3\*</sup> Many program items which received primary support from the electorate were based on the critique of ineffectiveness of the previous Cabinet. One example was the curbing of the too extensive activity of top officials in the policy process. The three political parties that formed the coalition received almost an equal number of votes. Estonia's first independent Prime Minister, Mart Laar, became PM for the second time. His party was actually re-born from the dust after a merger with the other nationalist-conservative party in 1995. He demonstrated strong leadership and prepared an extensive package of reforms, including profound institutional reforms. Among them was the plan of top down amalgamations of municipalities, as well as selling out Estonia's main infrastructures to foreign investors. So the PM in that coalition put emphasis on owning the strategic policy initiatives that sometimes were also initiated by other parties of the coalition. Nevertheless, despite the number of strategic initiatives, the constant search

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3 \* This was also a tactical move to avoid the appointment of the obviously winning party leader (Centre party, which received 28 % of seats) to become the formateur of the coalition (the next result gave the Reform party 18 % of seats) because of his outstanging skill of bargaining.

for political equilibrium was also an important feature of this coalition. (The other coalition parties were a liberal Reform party and centrist Social Democrats). It was not even the ideological distance which played an important role in the Cabinet's success and failures, but rather the inability of two right-wing parties to manage to command unity (and the majority). After a period of coordinated and successful policy initiatives, these parties began political "scoring" in order to increase the political capital of the party. This resulted in the dissolution of the coalition at the end of 2001.

The third coalition was formed as a result of the resignation of the previous Cabinet in early 2002 by the coalition-breaker, the liberal Reform party, which went into an alliance with the centre left Centre party. This latter has been, from the beginning, the "ugly duckling" of the party spectrum because it was and is chaired by an authoritarian leader but with a very skilful political tactic, Edgar Savisaar. The other factor for this image is the large proportion of non-Estonian voters, in other words, minorities backing the party. This very pragmatic coalition was chaired by Siim Kallas 15 months before the elections and was based on minority seats. The partners did not focus on peaceful harmony for the next regular elections in 2003, however. They agreed to use the Cabinet's politics to rule out other parties from competition at the election. The thesis about the feasibility of the two-party system in Estonia became advertised as a precondition for sustainable political development. Prior to the elections, the Partners began to forcefully expose their different ideologies on a social-economic scale (unusual in Estonian political debates) and thus gained more of the electorate at both ends of the spectrum. Kallas' Cabinet differs from Siimann's cabinet significantly, mainly for two reasons. First, it was a politically convenient and stable government as it was the only two-party coalition Estonia had ever had. Second, the two parties in Kallas' coalition had a very good political support level, whereas Siimann's party coalition struggled with the 5 % election threshold. The coalition agreement was carefully designed and implemented as a set of concrete deals to ensure pre-electoral support for both parties. The other important factor for the healthiness of this coalition was the fact that the leader of the second partner, Savisaar, did not join the government and the actual coalition management was delegated by the Centre Party to the leaders in their government delegation. Despite the large ideological distance, no meaningful conflict happened prior to the elections.

The next coalition came into power after the regular elections in 2003. It was chaired by a newcomer to politics, Res Publica, who had been recently formed by new young leaders and members of other parties who were disappointed in traditional politics. This party set forward some populist aims (incorruptibility, strong law discipline), but equally important was the promotion of new political values (consensus, political responsiveness, professional management, need for strong and stable parties and also the formation of a strong strategic core executive etc.). Besides the very experienced Reform party, this coalition also contained the third and

the smallest partner – the rural party – the People's Union. It is important to note that the Reform party started to change its profile – after the appointment of its leader Kallas to Vice-President of the European Commission – from the classical right-liberal to a non-ideological catch-all party. As a result of this, there emerged a most vague and ambiguous coalition. The recently formed party with Res Publica as the leader of the coalition was rather inexperienced and unstable. It began from the centrist positions but gradually approached right-wing conservative positions. The Prime Minister, Juhan Parts himself, could be described as a very strong administrative leader, having recently resigned as Head of the State Audit, which resulted, for a time, in fresh hopes. However, he appeared to be rather an inexperienced political leader, especially in terms of consensus-making, which soon resulted in a very fragmented coalition. The coalition decisions began to draw on ad hoc informal bargains between single ministers and informal leaders of the coalition outside of the official decision-making arenas to ensure the support of their proposals. The Government sessions at this Cabinet were an even more formal ratification site than with the caretaker coalition of Kallas (2002 – 2003). Quantitative analysis revealed that the coalition of Parts was closest to the ideal minimal winning type of coalition, as compared with others considered in this article (Boriskina: 2008). It also began with a very ambitious coalition agreement and even in the first year achieved quite a lot. It reduced taxes, launched a new family support programme and also made some relevant reforms in the political system, such as the change in the party finance model. Yet, quite soon after the beginning, all the major policy initiatives were cooled down because of the huge tactical tensions in the coalition, especially after the failed merger attempt between two right-wing allies, the Reform party and Res Publica. The fact that the government coalition controlled rather weakly the coalition's behaviour in Parliament makes it similar to the Siimann coalition. After Res Publica lost a large proportion of their support they were “fired” from the coalition in early 2005 and replaced – similarly to Pro Patria in 2002 – by the Centre Party.

### **The roles of the PMOs**

According to the Statute of the State Chancellery, the PMO has six tasks:

- a) to guarantee the relevant advice, consultancy and help to the PM, prepare materials and work plan and guarantee their completion;
- b) to check the implementation of the decisions made by the PM and to check the government's actions in accordance with the coalition political lines;
- c) to organise the information exchange and relations of the PM with Parliament and other state institutions, individuals and organisations;
- d) to schedule PM meetings;

- e) to organise the preparation and to follow the protocol of the meetings; collect and analyse political and economic information, to make surveys and advise the PM;
- f) to represent the PM in committees, commissions and meetings.

Many of these roles are traditional for any PMO as a personal support structure to the PM. Therefore, we would like to focus more closely on the roles of the PMO that would best characterise the specifics of the Estonian PMO due to the heavy bias towards political coordination and its rather weak role in politico-administrative coordination roles. We focus on the characteristic of most central roles of the Estonian PMOs, which vary in their importance depending on the cabinet profile. The result of the analysis is summarised in Table 3.

The characteristics of the four cabinets are summarised in Table 1.

**Table 1**  
The nature of 4 cabinets

<b>Characteristic/ Cabinet</b>	<b>Siimann</b>	<b>Laar</b>	<b>Kallas</b>	<b>Parts</b>
Time in office (months)	24	34	14	24
Formal political cycle	Caretaker, with strong reservations	Winner of regular elections	Caretaker, with strong reservations	Winner of regular elections
Stability/dynamic of party spectrum at the end of the coalition	Crumbling of key party	Decline of support to the PM's party	Stable, but emerging with a new powerful party Res Publica	Decline of support for the PM's party
Ideological distance between partners	Small	Medium	Large	Medium
Division of seats	With minor partner	Equal	Equal	All different size
Majority-minority	Minority	Majority	Minority	Majority
PM leadership	Consensus seeking	Domination	Delegation/symbolic	Moderator
Decision-making style	Very open, consensus seeking	Half open, elements of consensus seeking	Closed, deals	Half open, from consensus aims to deals
Weight of ministers	Moderately hierarchical	Hierarchical	Moderately hierarchical	Rather egalitarian
Cleavages and alliances (parties vs. ministers)	Ministerial alliances	Both	Strong party affiliation	Stress on Party affiliation, enlarging ministerial alliances

**Table 2**

Central roles of political coordination in the Estonian Prime Minister Offices

<b>PM</b>	<b>Siimann</b>	<b>Laar</b>	<b>Kallas</b>	<b>Parts</b>
<b>The role of PMO</b>				
1. Forming the government agenda	Strongly political, substantive	Politico-administrative and political	Rather weak but under political control	Gradually weakening and finally almost lost
2. Political advice in the process of politics	Strong, but insufficient capacity of bargaining mediation	Strong in conflict analysis and prevention	Potentially strong but the role played by coalition arenas	Moderate but decreasing partly because of changes in SC and PMO
3. Policy analyses and initiation	Weak, generalists	Strong by PMO specialists and external expertise	Potentially strong but few demands	Initially strong, but rapidly declining because of generalists
4. PM image-making	Moderate	Moderate, PM was himself an experienced public figure	Strong, directed to elections and appointment to EU Commissioner	Strong, directed to the correction of inappropriate conduct in public and later an increase of unpopular image
5. Steering and coordination of PM party by PMO	Strong because weak party	Medium although weak party, but too PM oriented leadership	Weakening, because strong party capacity and weakening PM and PMO	Weakest because strong party vs. weak PM.
6. Political control over PM	No control needs	There were more needs over risky leadership	Meaningful but linked with electoral campaign	Strong control at later stages, because of the complex policy networks bypassing PM
7. Management of political crises	Permanent need, skilful performance	Crisis generated by actors' miscalculations, PMO capacity not sufficient to prevent crisis	Negotiated conflict and well-managed at early stages	Rather deep source in the coalition, crisis generated by actors' miscalculation, difficult for PMO to manage them
8. Role in personal policy	weak	strong	moderate	weak
7. Mirroring of sector-policies	Very weak	Rather significant in some areas but unsystematic	Not important, the role was taken over by coalition council	Attempts made but no results at the end

**The first** essential role is the *formation of the government's agenda*. In the research project that was the basis for the well-known book (Blondel et.al. 2006), our survey revealed that agenda setting in central and eastern European Cabinets is, on average, roughly in only half of the cases considered as a purely administrative process.

**Table 3**  
The politico-administrative nature of PMO roles in CEE

Roles of PMO	Roles of PMO			
	Administrative	Political	A&P	Average
Agenda setting	63,1	1,3	35,6	51,6
Policy coordination	18,2	7,6	74,2	14,4
Political advice and support	31,6	19,4	49,0	33,9

Source: Sootla, Sootla 2004

It was an especially important finding in understanding the division of roles between the PM and government support structures in Estonia. In the case where the State Secretary is active in assisting the PM in the preparation of government sessions and this activity is not only technical but also politico-administrative, there is more time for the PMO, as a political unit, to deal with the more politically essential issues in the preparation of agenda. If he/she is not active, the PMO may become overloaded by the technical and politico-administrative work.

In the political dimension, the PMO advises the PM what to leave in and what to leave out of the government's agenda. These suggestions can be based on (a) substantive arguments but can also be (b) part of a purely political game (manipulation). In the latter case, it may become a kind of gate-keeping and hence the PMO can acquire political capital in the eyes of Cabinet members and external interests that is especially critical for the successful implementation of the second (political advice) and seventh (managing crisis) roles.

Under the Siimann coalition, the position of State Secretary (U. Veering, in office from 1995) was still powerful, partly because he was the closest ally of the former PM, T. Vähi. PMO capacity (number of staff) was weakest, but it was compensated for by the more extensive authority of the State Secretary and Chancellery in policy coordination. During 1995 – 1997, the most powerful and resultant Cabinet committee – the Commission of the Development of Public Administration – was created. The PMO in the Siimann Cabinet, contrary to the main role of gatekeeper, looks like a gate-offender aiming at sending the ball – a consensually supported policy proposal – to the gate (the government policy agenda). For instance, one of the most influential committees of experts (the Aru commission) that prepared the

strategy for the overwhelming public management reform was actually unable to get its rather perfect strategy document into the government agenda.

PM M. Laar made considerable changes in the institutional configuration of support structures. He strengthened even more the co-ordinating units that were directly subordinated to the PM as well as changing the role of State Secretary (Swedish born lawyer von Wiren) who became a more technical (legal) assistant to the PM and took over the major technical burden in preparing government sessions. Hence the PM Laar was strong in both dimensions – strategic and technical – in managing government sessions and the coalition. Therefore the PMO was able to focus more on strategic (politico-administrative) and political coordination roles, especially in managing relations with external interests. The PMO has become an especially skilful gate-keeper but nevertheless, it was primarily a filter for the substantive arguments for and against including issues into the agenda. PM Laar almost completely abolished the practice of branch ministers adding issues to the agenda as being extraordinary, bypassing the PMO and the department of Law at the State Chancellery. Clear leadership in all these issues was reserved for the PM.

Under the Kallas coalition, the State Secretary remained in office, but the agenda setting process was less extensive and less political. (Boriskina, 2008) Mainly because of the nature of the campaign orientated coalition, the PMO was able to fully concentrate on strictly political tasks such as image creating and political campaigning. Political coordination was provided by a rather strong and *formally* established coalition bargaining arena, different from the Parts coalition, where these arenas emerged informally and ad hoc.

The same State Secretary remained in office for some time, also in the Parts coalition. Parts and Res Publica aimed to strengthen the coordinating roles of the State Chancellery. The new State Secretary (Heiki Loot) soon took over this office and he had close political connections with the governing party. He was one of the most outstanding officials of the Ministry of Justice in promoting public administration reforms in the 1990s. This nomination was oriented to re-establish the State Secretary as the chief politico-administrative coordinator of government policy. For various reasons (i.e. also Cabinet member's resistance) the new State Secretary was not capable of taking this role. Because of the deepening instability of the coalition, the new State Secretary went back to the role of the previous State Secretary. The political agenda setting became a very confused and turbulent process that bypassed the PMO. It often happened that the Cabinet and the PMO did not control the coalition activities in parliament and in that situation, the main role of the PMO in the late stages of the Parts coalition became image creators, regulating the political crisis and control over the PM.

**The second** important role of the PMO is giving *advice to the PM in managing the political process*. It is similar to the previous role, but it is earlier in the policy-making chain and requires more political resources from the PMO. This role is tar-

geted on the one hand to assistance to the PM regarding the *tactics* for establishing control in political deals struck with the coalition partners in general, or with coalition partners (ministers) or other political actors. In advising the *substantive* aspects of practical politics, the PMO advises the PM concerning any political sensitivity or hidden political controversies of certain agenda items and proposals before they cause conflicts or instability.

There are clear differences between the different PMOs in dealing with this role. It was very developed in the case of the PMO in Siimann's and Laar's cabinet, but for different reasons and outcomes. In the former, the reason was primarily the need to manage a minority coalition. Throughout, the PMO's role was to steer and coordinate complex and unstable relations with coalition partners in the Cabinet and in parliament. As many Cabinet members had no party affiliation, it was tremendously difficult to ensure any kind of basic similarity and predictability of positions between members of the Cabinet. The PMO in this Cabinet was rather active but had no major success, especially in the tactical dimension of the political management role.

In the case of Laar's Cabinet, the need for such advice was caused by the active and sometimes politically risky style of the Prime Minister, who often took full initiative in developing political strategies. In debating agenda items, he intervened rather a lot in the affairs of individual ministers in Government sessions (Sootla et.al. 2004), which also indicates the good co-operation he enjoyed with the State Secretary. Besides balancing PM activities in policy coordination, the task of the PMO was also to inform coalition partners about the background and advantages of proposed PM policies. So, in assisting the PM, the substantive dimension of the PMO advisory role – to discover hidden political conflicts – was at the forefront. It was important also because separations in this cabinet emerged, not only along party lines, but also sectoral alliances.

In assessing the role of the PMO it is always important to see whether the people whom the PM *really* listens to are located inside or outside the PMO, i.e. whether the leaders of the PMO have sufficient political weight and legitimacy in mediating political deals or assessing political risks. There are clear differences between the PMOs from this point of view, especially if we consider the profiles of the heads of the PMOs. The Head of Siimann's bureau and key advisors had previous backgrounds in journalism and they were not party political figures, but specialists. For this reason they could give good substantive advice, find any hidden sources of conflict but not mediate political bargains effectively.

Laar had two heads of his PMO. Both were his long-time trustees in the party. This was also the case of the head of the PMO in Siim Kallas Cabinet. The PMO was led by the PM's party Head Strategist, who was also Kallas' advisor the Ministry of Finance (from 1999).

Parts chose a similar path to Siimann by choosing to lead his bureau with an experienced civil servant, who had no previous contacts with party politics.

**The third** important, but less developed political role in Estonia's PMO is *policy analysis and/or initiation*. These are activities where the PMO launches or organises from external sources some analytical work (a) to assess the substance of proposals from ministries or (b) to prepare its own policy proposal. This dimension entails not only the professional policy impact analyses, but also analyses the policy fit between different proposals and with the coalition's agreement.

The first restraint of the effectiveness of this role of the PMO is the small size of Estonia and its governing resources. The other issue is whether this role can be located in the personal assistance unit of the PM or whether it could be more effectively located in the government support structure. (Later the Strategy Unit at the State Chancellery was established.) Usually Prime Ministers tried to pick up 2 – 3 experts in the fields most important to their policy programme and those experts were capable of providing sufficient competent policy analyses. The PMOs differed here in two aspects; first, whether they employed mostly generalists or more narrow experts and second, how much time there is for the PMO to devote to the rather time-consuming analytical role.

In Estonia this role is primarily targeted to the analysis and evaluations of the proposals by the ministries or other government departments. Usually, the Prime Minister and his PMO do not have the capacity to launch policies and must focus on any chance to muddle policies through the government apparatus.

However, the PMO can be a policy initiator indirectly, when the PM (after advice from the PMO) gives its opinion to a certain minister. After that, the policy-making process can be maintained through regular consultations between the ministry and the PMO. Co-operation depends on the relative autonomy of Ministers and party discipline of the members of the coalition. Co-operation has mainly been observed in the Cabinets and the PMO where the home party is under the direct control of the PM and separatists follow sectoral lines and alliances. In this sense, Laar's PMO has been the most powerful. Parts' PMO and government were strong in the first period in office.

This is also mirrored in the significance of the second dimension in initiating its own policy proposals. The PMO in the Laar government was most outstanding in this sense, especially in defence and economic policy. We cannot forget that Laar created or restored some politico-administrative coordinating structures and arenas, such as the Public Administration (PA) Bureau, the PA reform committee and the PM advisory council. The latter included a large array of interest groups and professionals who prepared analytical reports on different issues of PA reform. This council was de facto chaired by a staff member of the PMO, and a representative of a business interest group who coordinated PM relations with external constituencies. Those structures provided supplementary powers to him in the areas of analysis and

initiation. Meaningful initiatives also originated from the PMO in the Parts Cabinet, such as the innovation policy strategy Estonia 2014. But due to the much less integrated coalition, few of these initiatives have had significant outcomes.

**The fourth** important role of any PMO has been the creation of the Prime Minister's image. This is especially important for internally splintered cabinets with strong leadership ambitions for the PM. This task is usually carried out either by the PMO or by its parallel unit, the Government Press Office. According to the formal structure of the State Chancellery, the Press Office ought to serve the government as a whole, not just the Prime Minister. Although all coalitions try to limit the actions of the press office so that it is only a general government service, in reality, the situation tends to be the opposite: to a very large extent, the Press office still serves primarily the PM. The activities linked with that role are the writing of important political speeches for the PM, publishing political messages to the media to test public opinion or to attract attention to the PM, and personal advice/training in communication skills etc. This also presumes the general design of the PM's rhetoric and consulting him in any aspects of political visions and conceptions. In recent political history, the best-known in this role was Prime Minister Tony Blair's advisor, Alistair Campbell (Rentoul, 2001: 397-399). There is a certain amount of such *Campbellism* in every Estonian PMO too. We could say that this task was most distinctive to the PMO of Siim Kallas's. First, the former government was formed a year before elections as a cabinet with no long- or mid-term strategic policy tasks. Then the PM's team was free at the outset to focus on ensuring electoral support to the leader of the party (Reform party) i.e. the PM's tasks in the electoral competition were merged into the actions of the PMO at a very early stage and dominated until the eve of the elections. Also, the PMO looks forward to developing the image of the PM as a future candidate for Estonia to the European Commission<sup>4</sup>. The second is the coalition, where the leader of the other party was not a member of the Cabinet and this left plenty of room for the PM to "shine" in a background of government piecemeal with concrete achievements and an unusually peaceful (and appreciated by the electorate) Cabinet life.

The task of the PMO to create a good image for the PM was also quite pronounced in the fourth (J. Parts' cabinet), but for different reasons. The PMO basically focussed on the image for crises management, which emerged because of the fast decrease of the PM's popularity and also because of some major political scandals. At a later stage, a special expert was hired with the unsolvable task of improving the sagging image of the PM, first of all because of his insufficient communication skills.

In the analysis of the PM's support structure, it is always important to make it clear whether people at the PMO, carrying out certain tasks, are indeed trustworthy and close allies of the PM or if they are political civil servants with their own profes-

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4 Siim Kallas become vice president of European Commission

sional ambitions. This is especially the case when we look at the media consultancy function. For example, in Siim Kallas' Cabinet, the Head of the Government Press office, Mr. Daniel Vaarik, had accompanied him from the time he had been the Minister of Finance in a previous cabinet and was clearly part of his political team. PM Parts' advisor in media issues was Allar Tankler who had previously been the PM's home party media Head.

The fifth central role of the Estonian PMO is *steering and co-ordinating activities inside and with the PM's (home) party*. This function is relevant for all PMOs where the PM is simultaneously a party leader and that party is either too strong or too weak organisationally. The first issue is to what extent the top party bureaucracy is appointed to the leading position at the core executive and the PMO. If these appointments are extensive, the top official at the core executive would continue to steer and also manage the party machinery, especially before the elections. The steering and coordination here means participation or involvement in the work of the party machinery, informing and consulting party officials and members about the PM's and government's activities and policies (perspectives), discussing draft proposals at the party council, work in the PM's electoral district, but also contacts with the PM's party faction in parliament. This role was a central one in the activities of the PMO in the first (Siimann) and third (Kallas) Cabinets. In the case of the Siimann Cabinet, the reason was a very weak party organisation of the Coalition party. The PMO was actually forced to spend meaningful time in managing urgent party affairs. In the case of Kallas, the reason was more to do with the political cycle of the government. During the period of an election campaign, it is quite natural that the coordination of party matters is, to a large extent, carried out by the PMO in direct contact with the leader.

The role of the PMO in party steering was, in the case of the Part's and Laar Cabinet a more controversial issue. The first and main reason was that they saw their mission as PM less as being a leader of the party in the coalition, but as being in charge of government policymaking.

M. Laar took key officials into his support structures who, de facto, also managed his home party. But their preferences were in government management and this started to harm – as tensions in the coalition increased – the management of party affairs. After the resignation of M. Laar as PM he also resigned as formal party leader which caused for the second time (the first was in 1995 – 1998) a deep depression in the party. PM Parts Res Publica was, prior to coming into office, a well-organised party. Parts transferred numerous key actors to the core executive, but this did not considerably reduce the strength of the party *vis a vis* the PM.

**The sixth** political role of the PMO is what we call *political control over the PM*. If the previous role characterised the extent to which the PM's party is steered by the PM via the PMO, then the current role of the PMO is the contrary: organisation of steering and directing PM activities by the party via the PMO. It is not the con-

spiracy side of politics we refer to here, but the natural role of the PMO in the policy framework, which emerges as a weak or re-active PM or in the case of necessity to avoid any damaging political surprises of a too selfish or risk-friendly PM. The aim of the PMO is to fit the PM's actions with the demands of party leadership/ bureaucracy or with Parliamentary coalition. The other issue is whether the PM enables the PMO to actively play such a role.

This role of the PMO was more visible in the cabinets of Parts and Kallas. For the PMO in the Cabinet of Kallas, this role had more of a coordination connotation because it was targeted to the strong assistance of the PM in his electoral campaign, which was, to a large extent, planned from the PMO. Here the PMO ensured more professional advice, but with a clearly political background.

Parts' PMO had to play a sensitive role, trying to create some sort of political equilibrium between the PM as a newcomer in top-politics and other key players in the political field. This was not achieved and key players started to arrange their own games, by-passing the PM and the PMO. In this situation, the other party leaders attempted first of all to retain their bargaining potential in the informal arenas of policy deals (also with members of the opposition) and expect from the PM a lower profile in order to not break fragile bargains achieved elsewhere. So the PMO became the channel for directing the activities of the PM.

There was no need for such a role in the Cabinet of Siimann. The PMO tried to reduce the overload of an extremely hardworking PM but this was aimed more at caring about his health than his popularity, which was high. The reverse situation emerged in Laar's cabinet, where the PM and political leadership needed, from some point of Cabinet evolution, some neutral direction or even control. The PM's and consequently his associates' policy became too risky and resulted in a loss of the PM's legitimacy. But the PM was a strong leader and there were no balancing sources of such an impact available. The policymaking in the Laar Cabinet became, at later stages, like gambling with political capital (especially in issues of privatisation, neglect of social issues etc.) which led, not only to the dissolution of the Cabinet, but to a deep crisis in the Pro Partia party. Hence, the PMO must always retain, to some extent, autonomy from the PM. A checking or correcting role over the PM is important and especially healthy for strong leaders.

**The seventh** role of the PMO is *the management of political crises*. This is a classical function in the Estonian case where coalitions are rather fragile and the main emphasis is placed on political coordination, i.e. to ensure the cabinet's durability through avoiding political conflicts in the case of the solution of primarily politically sensitive issues. (Blondel, Golosov 2000). Nevertheless, Estonian coalitions do not survive more than two years and the conflicts that cause the Cabinet to fail are usually preceded by numerous other conflicts, hence, the extreme importance of crisis management by the PMO. We can see two continuums of political crisis. One is policy decisions, which can cause a crisis either because the policy issue con-

tains very serious objective controversies and the Cabinet has to choose between the bad and worst options. Or, the PM or other Cabinet members make obvious miscalculations in assessing options and plans of action in making and implementing the policy. The second dimension is linked largely with personal relations in the coalitions and with the leadership style of the PM. On the one hand, a strong PM (or a PM that believes he is a strong leader) tends to take too much responsibility in initiating policies (that is usually tolerated at the first stage) and tends to later neglect the interests and opinions of the partners, interpreting their silence as a sign of approval. On the other hand, a weak PM who cannot join together the different parties into a smoothly working team is also a possible source of tension. Cabinet members expect effective political coordination by the PM and if he is not able to play this role, actors in the Cabinet start to play their own ad hoc coordination games, which increase the tension between the PM's ambitions and the intentions of the various sub-coalitions inside the Cabinet. The minimal winning coalition's primary aim is to stay in office as long as possible but not to harm the political support of its electorate. This Cabinet formation style dominates in Estonia. The tolerance of extensive leadership roles might be rather high, but it has its clear limits. Because of the delay in reaction caused by fear of conflict in the cabinet, the amplitude of the crisis can be deep and result in a full-scale political conflict and Cabinet failure, as usually happens in Estonia.

The Cabinet of Siimann acted in a context of permanent crisis but it succeeded because its leader was a skilful compromiser and balancer. The Cabinet of M. Laar which was perhaps the most coherent Cabinet among these four (in the beginning) was potentially conducive to crisis because of its very strong and risky policymaking style and because of the errors in making some policy decisions by leading members of the coalition. The PMO was capable of managing crises as soon they emerged over strategic issues, but were not so good if the leaders started to make obvious miscalculations. The public opposition to their initiatives was sometimes treated as a testimony of strong and uncompromising reform policy. This started to erode the political support of the leading coalition party.

The coalition of PM Kallas was actually the most "efficient" minimal winning coalition. (Boriskina, 2008) and was able to avoid any serious crisis. The PMO was very capable of ensuring the necessary manoeuvres even in the context of electoral campaigns where conflicts between parties were exaggerated intentionally. The most favourable example of emerging from a deep political crisis was during Part's government, mainly because latent sources of crisis were not neutralized at an earlier stage. This coalition soon faced a crisis in two dimensions: (a) at Cabinet level due to weak leadership and (b) at the coalition level in a large scale because of the very inexperienced and fragmented PM's party i.e. the various actors were faced with different crisis management needs and tools. The PMO obviously was not able to manage crisis at the cabinet level. The Cabinet failed, after several crises, gener-

ated by individual actions and miscalculations on the part of the PM and members of the cabinet.

**The eighth** role of the PMO is the *management of personnel policy*. Politics, to a large extent, is about deciding who gets where. It is clear that the PM tries to play a central role in the appointment process. However, in practice, it is quite hard to define the role of the PMO in ensuring the PM's powers in these matters, first of all because the role is quite delicate and therefore difficult to measure. The role of the PM and the PMO in personnel policy is more or less dependent on the general impact and importance of the PMO in comparison to the PM's own parliament faction, the other ministers and party leadership. The more powerful the PMO is in the policy-making chain in comparison to these institutions, the stronger the role it plays in personnel policy. It is, however, quite difficult for the PMO to hold the first roles because there are other arenas where these issues are debated and decided: first of all, in the party bureaucracy to which the PM frequently delegates decisions, or the coalition council, the place of bargaining with other partners. It is also dependent on the inner culture of the specific coalition, whether ministers are allowed to make personnel decisions alone or whether it is widely seen to be normal to discuss this in advance with the PM. There is also the possibility that acceptance of the partners is necessary, but the one to negotiate with is not the PM. In this case the most outstanding was the role of the PMO in the Laar cabinet, where the coalition council or other informal negotiation arenas played a primary role in other cabinets.

**The ninth role** is the coordination of *sector policies*. These are efforts by the PMO to at least *monitor* the actions of the line ministries and if possible, correct relevant policies in case they tend to follow a different path from that which was defined initially and/or policies began to contradict the coalition agreement or other more informal conventions. The ability to coordinate sectoral policies is dependent on whether there is a special person (or department) dealing with the task. The Estonian Government office, as well as the PMO, has a very weak capacity in this dimension. This capacity cannot be at all compared, for instance, with the German counterpart where the need to follow *Kanzperprinzip* obliges the line ministries to inform *Kanzleramt* about the essence of the draft law they intend to begin (Müller-Rommel, 2000: 90). It has been the desire of almost all Prime Ministers to strengthen the State Chancellery or the PMO's position in the policymaking chain. PM Laar made the most decisive attempts in that direction. During the first premiership this was the primary cause of his resignation. During the second Cabinet he staffed and launched very actively the Public Administration Reform Office, European Office and tried to rely on ministerial committees. (But this office, as well as the conception of politico-administrative coordination, was created under PM Siimann.) The most recent attempt was made by Prime Minister Juhan Parts in 2004, who tried to create a policy coordinating Strategy Unit under the State Chancellery. This attempt was overruled mainly by the Ministry of Finance, but also by other coalition partners. However, the same decree was successfully adopted under the next Prime Minister,

Andrus Ansip, in 2005. Hence, paradoxically, the increase of the role of (politico) administrative coordination in Estonia is still a much politicised issue. The Strategic Units' role is to advise the PM and to coordinate the government's key strategies. But its concrete tasks are still quite narrowly defined. Nevertheless, it is a clear step forward in the sense of core government's ability to influence, or at least monitor, at a synoptic level (Etzioni 1967) the activities of line ministries. The attempts to strengthen the politico-administrative dimension of government coordination has obviously been dependent on the policy cycle as both cabinets, which began just after the elections with a strong mandate, tried to launch this process intensively. Both PMs attempted to dig in to the different fields of their cabinet ministers through their PMOs. Later, during the Parts Cabinet's second year and the Laar Cabinet's third year, these attempts were significantly hampered by the coalition partners.

## **Conclusion**

PMOs in Estonia are primarily oriented to roles that can ensure political stability in a short time-perspective. An unstable political environment means fragile and shaky coalition governments. The biggest disadvantage is their inability to focus on medium- and long-term policy design and implementation. The strength of the PMOs is in their capability to give advice and support to the Prime Minister in handling party-political tensions and to act as flexibly as possible in case of political "fire alarms", but it does not have the capacity to support the sustainability of governments. PMO roles and actions in Estonia are also strongly determined by the stages of the electoral (or political business) cycle (Parsons, 1995: 221). Therefore the Laar and Parts PMOs were much more focused on policymaking during the early stage of the coalition when political tensions had not reached a critical level and policy start-up was possible. At the mid-term in office all governments were faced with a crisis, and from 2001 onwards all crises were successfully used in the interests of the Reform Party that stayed in office. The Estonian coalition building in the 2000s reminds us of the Slovenian one under J. Drnovsek in the 1990s, which was truly a transition Coalition through its origins (former Communist Youth) and by its period of stay in office. But it had rather a different role of Secretariat and PMO, which evolved towards balances of politico-administrative coordination after 2001. (Krasovec 2008).

The second important conclusion derives from the size of Estonia and its PMO. Its roles are weakly institutionalised and are very dependent on the personalities in charge of the PMO and on the individual policy style of the PM himself. Nevertheless, there are some key variables that determine the nature of the government and institutional design of the PMO. Above all, these factors are the type of coalition, the type of cabinet, the style of the Prime Minister, the role of the State Chancellery (State Secretary) and the role of the party, or even more specifically, the position of the Prime Minister in the party.

Third, the development of a small PMO as a personal support mechanism to the PM with overwhelming political tasks in the policy process and dismantling the State Chancellery of its politico-administrative roles would have a constructive meaning at the first stage of transition. This can ease the emergence of the executive who is completely in charge of the policy process. In Romania and Bulgaria, the inability to develop this role of core executive heavily restrained the governmentalising of the executive (Goetz, Wolmann. 2001) and profound institutional reforms. Attempts were made in Estonia by almost every government to strengthen the PM and government support structures (PM Vahi (as PM in 1995 – 1997) even intended to introduce a Bundeskanzleramt – like PMO). These attempts did not result in the strengthening of the PMO and State chancellery. One strong leader that promoted strategic and long-term policy aims finished his career with the failure of the government (1994, 1997, 2002 and 2005). As a result, cabinets in the 1990s increased the role and powers of the higher civil service in the policy process which makes the politico-administrative roles even more unbalanced.

What is at stake? Estonia still cannot manage the politico-administrative balance. All actors understand that the preservation of the institutional configuration – that is advantageous in the early transition period – will result in the paralysis of institutional evolution in Estonia. It might simply be a matter of time before politicians become aware of this and that its preservation is conducive to the peripheral role of Estonia in the EU or even in a serious political crisis. A too heavy bias towards the political end of coordination can develop into a closed causal circle that is conducive to political dead-ends where necessary institutional options are politically blocked. The first signs of that awareness and pressure of very urgent issues are, however, already evident.

The current development provides numerous examples. For example, the leading party of the coalition prepared, at the end of 2007, a new version of the outdated law on Labour Contracts. This draft act was prepared as a clear political document in close circles and met very strong and emotional opposition, among them the coalition partners. The period the draft became public was rather critical for the coalition (there were other similar policy items in the agenda). The problem was not so much in the conception or text of the law but in the manner the policy proposal was prepared and proposed. This crisis resulted in the creation of a wide unofficial forum in which the main stakeholders (i.e. trade unions) participated in the elaboration of a mutually acceptable i.e. legitimate, version of the act. This version was prepared. The urgent need of an effective politico-administrative coordination arena was once more evident. But, as previously, this resulted in an *ad hoc* construction of this type of coordinating body.

In Hungary we see a reverse trend of the presidentialisation of the Prime Minister's institution, which was identified in 2001 (Agh 2001), and the extensive concentration of policymaking and coordination roles in the PMO. This trend has

caused the serious concern of leading Hungarian political scientists (Vass, 2007) and, to some extent, challenges the validity of the thesis (Goetz& Wolmann 2001) that only a PMO with strong coordinating and policymaking powers can ensure strong policies in the long-term perspective.

It is equally dysfunctional and sub-optimal when politico-administrative configurations at the core executive are biased towards one or another end of politico-administrative continuum. The essence of democracy is not effectiveness – either political or administrative – but primarily a question of balance. Obviously, the development of democratic values in the former post-communist societies has been too superficial to suppress the temptation of politicians or officials to violate this balance for the sake of short-term and narrow political aims.

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# Evolution of Politico-Administrative Roles of Prime Ministerial Support Structures in Poland 1989 – 2007

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## Introduction

The main argument of this article is that changes of Prime Ministerial support structures were conditioned by the transformation of the Polish structure of governance. The enhanced position of the Prime Minister was the precondition for the professionalisation of the Prime Ministerial Chancellery (PMC).

Under communism, first of all the politburo of the Polish United Workers' Party (PZPR) decided on policymaking and had its own support structure. The government role was limited mainly to implementation of its decisions (Izdebski and Kulesza, 2004: 160 and Zubek 2001: 911). Thus, since the collapse of communism, the government has had to regain governmental roles in the policy formation, debate of policy alternatives, arbitration of often narrow sectoral interests of ministries and decision-making (Goetz and Wollmann 2001: 864). For these reasons, it has to build its own support structures.

During the first stages of political transition, the primary focus was on establishing democratic order (for example, emphasis on the division of checks and balances even within the bicephalous executive [Rokita 1998: 144-156]). Only in later phases was it recognised how important it is to enhance the effectiveness of the executive into a form of "governmentalising executive" (Goetz and Wollmann 2001: 864). This was conducive to the gradual prime-ministerialisation of government.

These reforms have been seriously undermined by the instability of the political system, which, in reality, has weakened the position of the Prime Minister, because of government instability, and hindered co-operation among the parties forming government coalitions. This in turn impeded the formation of coherent policies.

As a result, the post-communist evolution of the Prime Ministerial support structures has been characterised, on the one hand, by conscious reformatory actions, especially the comprehensive central administration reform of 1996. This resulted in the formation of the Prime Minister's Chancellery, as well as the political cabinets of the Prime Minister and Ministers. On the other hand, serious drawbacks resulted from frequent and radical political changes. Furthermore, in Poland, the Prime Ministers were often not leaders of the senior coalition party. This affected the shape and roles of the core executive and diminished the role of the Chancellery.

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## 2. Prime-ministerialisation of the Polish executive

After the collapse of communism, relations between the President, government and parliament were fluctuating although, in the long-term, the role of the Prime Minister increased considerably. The Round Table Agreement between the communist authorities and the Solidarity opposition and the following amendments of April 1989 to the Communist Constitution of 1952 established a presidential system with its prerogatives tailored for General Wojciech Jaruzelski.

Three years later, radical changes in the political environment, as well as the need to redefine and clarify competencies within the bicephalous executive and relations with parliament led to the adoption of an interim constitution in October 1992. As a result, the semi-presidential regime was introduced. The adoption of the 1997 Constitution was the third and last rearrangement. Wałęsa's style of presidency (1990 – 1995) had a strong impact on the constitutional arrangements adopted in 1992 and 1997, which later led to the curtailment of presidential competencies. The current political regime is defined as parliamentary, although with some elements of presidentialism (Zubek 2001: 914-918, quoting Antoszewski 1999 and Brzezinski 2000). Banaszak (2006: 9) interprets the Polish system as eclectic, being a mixture of both a presidential and chancellorship (Prime Ministerial) constitutional regime. This necessitates further rationalisation of the system to choose which part of the executive should be dominant.

In this long-term trend of decreasing the power resource of the President there were some temporary fluctuations. The president's role increased during the periods of cohabitation (especially 1993 – 1995 and 1997 – 2001), (see Table 1).<sup>2</sup> During these periods, the presidential prerogative to veto decisions of Parliament was used most often by both Presidents Wałęsa and Kwaśniewski. However, in autumn 1997, Prime Minister Buzek, during his cohabitation with President Kwasniewski, **broke with** initiated in 1991 by the presidential government of Bielecki tradition, that the President or his representative being present in government meetings (Gla-jcar 2006: 136). The Constitution of 1997 further weakened the co-operation between these two bicephalous centres of executives as the government was no longer obliged to inform the president on issues debated during government meetings<sup>3</sup> (Skrzydło 2002: 47-48).

2 It could be argued that the period 1989 – 1990 was the cohabitation with president Jaruzelski representing the post-communist authorities while the government, although defined as a non-party, was essentially a group of the former anti-communist Solidarity opposition. This cohabitation was characterised by the “passive co-operation” of the President and the presence in government of former communist leaders in the crucial positions of Minister of Defence and the Minister of Internal Affairs.

3 Nevertheless, the President can call and chair a special government meeting (*Rada Gabinetowa*) on issues of particular importance.

**Table 1**

Parliaments, Presidents and governments in the period 1989 – 2007

Parliament	President	Relations of president and government	Governments	Coalition parties
1989 – 1991	Wojciech Jaruzelski 1989 – 1990	Cohabitation 1989-1990	Tadeusz Mazowiecki (OKP) (Sept 1989 – Dec.1990) Nonparty	OKP, ZSL, SD
			Jan Krzysztof Bielecki (KLD) Presidential government (Jan. 1991 – Oct. 1991)	KLD, PC, ZChN, UD, SD
1991 – 1993	Lech Wałęsa 1990 – 1995	Cohabitation 1991-1992	Jan Olszewski (PC) Minority government (Dec. 1991 – June 1992)	PC, ZChN, PChD, PL
			Hanna Suchocka (UD) Majority government (Aug. 1992 – May 1993) Caretaker (May 1993 – Oct 1993)	UD, ZChN, PL, KLD, PChD, SLCh, PPG
1993 – 1995	Lech Wałęsa 1990 – 1995	Cohabitation 1993-1995	Waldemar Pawlak (PSL) Majority government (Oct. 1993 – March 1995)	PSL, SLD
			Józef Oleksy (SLD) Majority government (March 1995 – Jan. 1996)	SLD, PSL
			Włodzimierz Cimoszewicz (SLD) Majority government (Feb. 1996 – Sept. 1997)	SLD, PSL
1997 – 2001	Aleksander Kwaśniewski 1995 – 2000 first term	Cohabitation 1997-2001	Jerzy Buzek (AWS) Majority government (Oct. 1997 – June 2000)	AWS, UW
	Jerzy Buzek (AWS) Minority government (June 2000 – Sept. 2001)		AWS	
2001 – 2005	Aleksander Kwaśniewski 2000 – 2005 Second term	Cohabitation 1997-2001	Leszek Miller (SLD) Majority government (Oct. 2001 – March 2003)	SLD, UP, PSL
			Leszek Miller (SLD) Minority government (March 2003 – May 2004)	SLD, UP,
			Marek Belka (SLD) Minority government (May 2004 – Oct. 2005)	SLD, UP,
2005 – 2007	Lech Kaczyński 2005 – present	Cohabitation 1997-2001	Kazimierz Marcinkiewicz (PiS) Minority government (Oct. 2005 – May 2006)	PiS
			Kazimierz Marcinkiewicz (PiS) Majority government (May 2006 – July 2006)	PiS, Self- Defence party, LPR
			Jarosław Kaczyński (PiS) Majority government (July 2006 – August 2007)	PiS, Self- Defence party, LPR
			Jarosław Kaczyński (PiS) Minority government (August 2007 – Oct. 2007)	PiS

**Source:** Jednaka 2004: 296; Migalski, Wojtasik and Mazur 2006: 215-216; Zubek 2001: 915; and Szczerbiak 2001.

Note: AWS: Solidarity Electoral Action; KLD: Liberal-Democratic Congress; LPR: League of Polish Families; OKP: Solidarity Citizens' Parliamentary Club; PC: Centre Agreement; PL: Peasant Agreement; PiS: Law and Justice Party; PChD: Party of Christian Democrats; PPG: Polish Economic Programme; PSL: Polish Peasant Party; SD: Democratic Alliance; SLD: Democratic Left Alliance; SLCh: Peasant-Christian Party; UD: Democratic Union; UP: Labour Union; UW: Freedom Union; ZChN: Christian National Union; ZSL: United Peasant Party.

In Mojak's (2002: 296) opinion, the Polish Constitution of 1997 established the Prime Minister's political regime. He also argues that the strengthening of the Prime Minister (PM) and government against the President began already after the collapse of communism. Although the Round Table Agreement gave substantial political prerogatives to the institution of President, the PM and government were the main actors responsible for implementing systemic reforms. The first constitutional rearrangement towards increasing the Prime Minister's role in coordinating government policy, controlling ministers' actions and appointing and dismissing ministries, took place in 1992, with the introduction of an interim Constitution (Mojak 2002: 297-298).

However, the Prime Minister's actual power resource strengthened most substantially in the aftermath of the central administration reform of 1996. The primary aim of this reform was to improve government performance, especially its coordinative functions. Besides, the number of ministries had decreased (partially overcoming the communist tradition of fragmentation of government into multiple narrow economic branches)<sup>4</sup>. It also led to a rise in the prominence and organisational role of the PM after the adoption of the 1996 Act on the Council of Ministers, which was inspired by the German Chancellor's institution [*Organisationsgewalt*], (Rokita 1998: 150) The Act increased the flexibility of government and enhanced its autonomy towards parliament. The decision on the formation or abolition of a ministry was to be decided by the Prime Minister.

This reform continued in autumn 1997, by the passing of the Act on Departments of State Administration, which even further enhanced autonomy in the formation of government structure. It allows the Prime Minister to define the competencies of Ministers by transferring relevant administrative departments to them. This increase in the Prime Minister's powers was seen as so revolutionary and controversial that the Act only came into force in 1999. More than thirty Depart-

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4 A serious legacy of communism, although not always fully recognised, was the sectorisation of government. The scale of this phenomenon is illustrated by the number of ministries, which in the period 1952 – 1980 fluctuated between 31 and 41 [Stembrowicz 1985: 74], Zubek 2001), with the peak of this process in the late seventies (Traczyk 1989: 73. Goetz and Margrets (1999: 428). This also indicated a high average number of ministries during the post-communist transition in Central and Eastern Europe in comparison with its Western counterparts and recognises it as one of the main challenges to government coordination and formation of an efficient centre of executive.

ments of State Administration were established, and these became the most basic organisational units. They can be compared to bricks from which a particular Prime Minister can build a structure of government, fitting his/her own needs. As a consequence, the number of ministries decreased substantially. For example, in 2001, Miller's government composed sixteen people (with just twelve line ministers) compared to the 25 members of Mazowiecki's and Suchocka's governments in the early nineties (Mojak 2007: 131-32).

The other achievement of the central administration reform of 1996 was the clear definition of political roles within ministries. Political advisors were concentrated in ministerial political cabinets. Similarly, the Prime Minister's political cabinet was established within the Chancellery. The important part of this comprehensive central administration reform was the initiation of the building of the civil service corps (Civil Service Act [CSA] of 1996) which was also the precondition for the explicit separation of political and administrative sections within ministries and regional administration units. However, this reform was halted at the initial stage after the parliamentary elections in 1997. It was started anew by the CSA of 1998; this regulation was in force until August 2006 and thus had substantial influence on the evolution of politico-administrative roles in the Chancellery and personnel management. The slow pace of civil service reform meant that it was not enough to curb the politicisation of administration.

Furthermore, the Office of the Council of Ministers (*Urząd Rady Ministrów*) was replaced by the Prime Minister's Chancellery, which began to serve primarily the Prime Minister and not the whole government. This institutional reform of PMC, to a large extent, reflected the transformation of the role of the government and Prime Minister. The Prime Minister ceased to be one of *primus inter pares* as at the beginning of political transition and became the dominant figure in deciding on policies and methods of implementation, as well as supervising and controlling the activities of Ministers, as set down in the 1997 Constitution.

In legal terms, the most radical change introduced at that time, that should have strengthened the PM position within government, was the introduction of a constructive vote of no-confidence in the Prime Minister at parliament. This innovation, in the 1997 Constitution, was expected to increase political stability, facilitate political co-operation within coalition governments and thus promote coherence in government policy (Mojak 2002: 296 – 309). However, the political reality, since the introduction of the Constitution, has not confirmed these expectations, (surprisingly, the recent events since autumn 2007 began to be quite promising). Moreover, the political divisions within coalition governments have been conducive to the formation of subsequent weak minority governments.

Finally, the 1997 Constitution enhanced the position of the government in relation to the President (and other state organs or regional and local government) by introducing the principle that in the case of unclear division of powers,

the priority in decision-making should be attributed to the government (Sarnecki 2002: 187-191).

In December 2001, the number of central agencies supervised by the Prime Minister was radically limited as they were transferred to Ministers (Mojak 2002: 331). This can be interpreted positively as rationalisation and streamlining. However, Izdebski and Kulesza (2004: 161) and Jackiewicz (2004: 116) criticised this reform, indicating that in the post-communist context it had serious negative consequences by blurring the division between ministries and central agencies. The latter should perform only administrative functions. In consequence, reforms weakened ministerial motivation to focus primarily on policy formation and strengthened the administrative roles they extensively performed under socialism.

In political debate, the further strengthening of the government and Prime Minister's prerogatives in relation to the President was a popular solution aimed at increasing the executive's effectiveness. Nevertheless, experience from the parliamentary term of 2005 – 2007, supports opposite claims. There was a demand for a stronger presidency which extends beyond its ceremonial duties and for a more prominent President's role in ensuring check and balances within a bicephalous executive. In the situation in which the two chief positions in the country were held by twin brothers (both representing the same political option): Jarosław Kaczyński, as Prime Minister and his brother Lech as President, the division of power was blurred. Lech Kaczyński's, presidency may be defined as an "absent presidency", due to his inaction as a constitutional actor in recent periods of political and government instability.

### **3. The impact of politics on the prime-ministerialisation and coherence of governments policies**

In Poland, the position of the Prime Minister and the performance of government, particularly its ability to create coherent policy, has been severely restrained by the development of the political system formed after the collapse of communism. Four characteristics of this development can be distinguished. The first, the fragmentation and instability of the political system; second, coalition forming were based on historical memories that divided parties along the lines of the communist origins and post-Solidarity identity (groups formerly opposed to the communist system), instead of the similarity of their agendas; third, the coalition party leaders frequently remained outside governments and fourth, the by-product of the introduction of a constructive vote of no-confidence in the 1997 Constitution was a frequent emergence the minority governments.

Discussing these in turn, first the formation of the political system in Poland has been a tumultuous and prolonged process. Gradually this negative impact of Polish politics on the coordination of the core executive began to decrease. The extreme political fragmentation of right-wing parties of Solidarity origin in the

early nineties was finally overcome at the turn of the century. The post-communist party, the Alliance of the Democratic Left – SLD, was traditionally more disciplined. Nonetheless, while the political system is undoubtedly more stable, it is far from being fully institutionalised. Parties have been internally divided and in the long-term perspective, political trends used to be difficult to predict, as parties in power were frequently deserted by a considerable number of voters. Sometimes they were not able to even gain enough votes to be re-elected to parliament. Moreover, MPs of governing coalitions used to be rather undisciplined, which sometimes made it difficult for governments to gain sufficient backing for their policy initiatives. The critical event in this institutionalisation was the regulations of 2001 in the Act on Political Parties, which hindered the entrance of newcomers to politics: a threshold was introduced that does not enable small parties to receive state subsidies.

Relatively early in the transition, in 1993, the number of coalition parties in the government was substantially reduced to two.<sup>5</sup> Successive coalitions since then have been formed by just two or three coalition parties (although sometimes internally strongly fragmented – AWS is an extreme example). The political fragmentation, especially in the early periods of transition had a direct effect on the reduction of durability of governments. In the eighteen years following the collapse of communism, there were twelve Prime Ministers and sixteen governments, of which six were minority governments. Such frequent changes of government and Prime Minister have a serious impact on the performance of government and as a consequence, the Chancellery. Prime Ministers were often newcomers without an earlier apprenticeship in government and so learned their new roles in the post, only to be cut short due to frequent government changes. A side-effect of this has been the serious politicisation of the Chancellery. It has been especially challenging to resign under a communism perspective of political leaders ruling thorough entrusted personnel<sup>6</sup> and to adopt a perspective oriented towards institutional management.<sup>7</sup>

The second negative variable was that the Polish coalition governments' cohesiveness has been weakened by limited party coalition potential, leading to numerous coalition conflicts culminating in the formation of minority governments. Division of political arena on parties with communist vs. anti-communist origins

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5 In contrast the minority government of Hanna Suchocka, formed in 1992, was composed of seven, and later eight, coalition parties.

6 For example, Schöpflin (1993, 267-277) argues that communist institutions were seen as remote and abstract. Society had more trust in individuals holding office.

7 Probably the most extreme example of this anti-institutional approach was the rule of Prime Minister Jarosław Kaczyński, who appealed for a moral revolution, which he wanted to introduce through his 'entrusted-revolutionaries', the old guard of his party. In ministries, deputies were nominated and entrusted, who were directly communicating with him. Some competencies were artificially cut out of ministries. For example, the crucial issue of social insurance was transferred from the Ministry of Labour and Social Policies (given to a junior coalition partner) to the PM's Chancellery (thus, the formation of the Supervisory Department of Social Insurances) (Zasuń: *Gazeta wyborcza*, 4 April 2007).

(post-Solidarity parties) determined for a long time the logic of coalition formation. In 2005, this trend was abruptly broken by the post-Solidarity Law and Justice Party (PiS). It decided to choose as its coalition partner the nationalistic League of Polish Families (LPR) and the populist Self-defence party, instead of a party with Solidarity origins such as the Civil Platform. However, this recent coalition proved no more successful than its predecessors and its reign was brief.

The third variable was the trend that party leaders frequently did not become members of government and especially did not wish to take the responsibility of Prime Minister, although they often continued to be in charge of decision-making at coalitions. Crucial actors in making decisions were the chairmen of parliamentary clubs of coalition parties. Since the collapse of communism, out of sixteen governments, in only two were party leaders members of the government and in charge of government coalition, with the majority party leaders holding the position of Prime Minister and chairmen of junior coalition parties awarded with positions of Deputy Prime Ministers.<sup>8</sup> For the first time, this took place in 2001. This recent development has to be evaluated positively.

When the Prime Minister was not the head of a senior coalition party he/she was usually sidelined from certain decision-making and was primarily only responsible for policy implementation. Senior coalition party leaders in this way placed heavy political restraints on the Prime Ministers. An excellent example of such an impact was the tenure of Prime Minister Jerzy Buzek (1997 – 2001), when the chairman of AWS, Marian Krzaklewski was seen as making decisions behind the scenes. This meant that on certain occasions, the support structure of the party leader (and in this case, mostly the trade unions) took on roles which formally were ascribed to the Chancellery. The limited influence of Buzek was also evident in his personnel policy and resulted in the mushrooming of political appointees in the Prime Minister's Chancellery. Nevertheless Buzek was, over time, partially successful in curbing this development (Paradowska *Polityka*, 10 July 1999). He also launched an ambitious plan to form the first fully-professional political cabinet and reformed organisational structure of the Chancellery, delineating three main units: political, administrative and the Prime Ministerial own support section (Rydlewski 2002: 113 and Majcherkiewicz 2008b).

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8 This phenomenon appeared in Miller's government (Oct. 2001 – March 2003) and in the case of Jarosław Kaczyński (July 2006 – August 2007). However, in response to criticism of his policy, Prime Minister, Leszek Miller resigned from the position of party chairman in February 2004 wishing to preserve his position as Prime Minister, which he was able to hold for the next three months. Moreover, Prime Minister Waldemar Pawlak (Oct. 1993 – March 1995) was the leader of a junior coalition party similarly as Jan Krzysztof Bielecki (KLD) (Jan. 1991 – Oct. 1991) Prime Minister of Presidential government.

This phenomenon is ??? also continued in the current government of Donald Tusk formed in October 2007.

The second similar example of the Prime Minister's Chancellery functioning under a Prime Minister who was supervised by the party chairman, Kaczyński, of the ruling party was in Marcinkiewicz's government in 2005 – 2006. Senior political positions in his Chancellery were mainly filled by young, ambitious, performance-oriented males in their twenties and thirties mostly selected by the Prime Minister himself to be his own support base. Interestingly, after the shift of the Prime Minister's position from Marcinkiewicz to Kaczyński, the changes in staff at the ministries was not as extensive as in the Chancellery. (Grochal and Szpala: *Gazeta wyborcza*, 11, July 2006.).

Fourth, the introduction of the constructive vote of no confidence in 1997 was aimed at increasing the government's stability and to strengthen the position of the Prime Minister. However, all coalition governments after 1997 split up and were replaced by minority governments, whose ability to implement government policy depended on good co-operation with parliament. Since 1997, five out of nine governments have been minority ones. Moreover, these minority governments have been short-lived, lasting, on average around a year.

This recent trend of the formation of minority governments created, nevertheless, positive conditions for the development of a more professional Prime Minister's Chancellery. Although the power resource of those governments towards parliament was substantially weakened, at the same time, they strengthened the position of the Prime Minister within government and increased government coherence.

#### **4. Transformation of the Prime Minister's support structure in the nineties<sup>9</sup>**

The reform of the Prime Minister and government support structures was not the priority of post-communist transition<sup>10</sup>. Gradually, recognition of the necessity of improving government effectiveness became apparent. The second wave of

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9 Analysing the functioning of the Polish Prime Minister's Office, it is worth making reference to its rich institutional history. In most countries, institutionalised administering of a summit predates the Second World War (Peters, Rhodes, Wright 2000: 14). However, Poland has been the front runner, with its turbulent national history, generally being disruptive to the development of a modern administration. Nevertheless, in 1918, at the time of regaining independence, the Prime Minister and government structures were formed in parallel with its support structures – the Presidium of the Council of Ministers (*Prezydium Rady Ministrów*), (Izdebski and Kulesza 2004: 71). In 1926, the Presidium was composed of three units: the Office of the Prime Minister, his political cabinet and the Legal Office. Its structure confirmed the strong position of the Prime Minister in government. The organisational structure of the Presidium of the Council of Ministers in 1939 was composed of five units: 1. Office of the Presidium, 2. Legal Office, 3. Office for the Economy, 4. The Office for Administrative Improvements and 5. The Personnel Office. (Interestingly, the interwar structure that is the Presidium of the Council of Ministers was preserved for the first seven years of communism until 1952), (Rydlowski 2002: 107 – 108).

10 Although in 1992 government undertaken unsuccessful attempt to transform the OCM, Government proposal of the support structure was guided on the model of German Chancellery. After parliamentary election in 1993 reform was discontinued (Patrya 2002: 105-106).

the modernisation of the administration – in the case of central administration – began in 1996 (the first wave was the reorganisation of local government). Thus, the reform of support structures was part of a wider project aimed at government modernisation to enhance its coordination functions and substantially increase the Prime Minister's prerogatives.

During the first seven years of democratic transition, the Office of the Council of Ministers (OCM) established under communism, was preserved, but its function was modified as soon as the government regained its policymaking role. A particular feature of the government support structure during communism was its radical fragmentation. In 1945, the support structure was composed of five units. One additional unit was launched a year later, and two more in 1947. However, in 1952, the number of OCM offices reached 28, and at the organisational level of departments, 50. Fragmentation of the OCM was paralleled by the expansion of its administrative personnel. After the collapse of communism, the tendency to increase the number of personnel in the OCM continued. In the second half of 1996 (six months before the formation of the Chancellery), the OCM employed over 700 administrative staff, which was 20 per cent more than in 1989. The number of units during that period remained relatively stable (32 departments in 1989 and 34 in 1996) (Rydlewski 2002: 108-110). At the turn of the eighties and beginning of the nineties the OCM was a “super-ministry”, powerful but inefficient, as it was burdened with numerous and varied tasks<sup>11</sup>. The OCM was further dysfunctional, instead of being a real support structure to the government, in reality it was an additional government tier located between the Ministers and Prime Minister.

After 1997, the Chancellery structure was streamlined and its roles redefined. Nevertheless, successive Prime Ministers inherited from the OCM the tradition to make political appointments of the Head of the Prime Minister's Chancellery. Furthermore, the OCM was staffed by numerous Secretaries and Under-Secretaries of State, a tendency that reappeared after the formation of the Chancellery in 1997.

## **5. Politico-administrative relations of the Prime Minister's Chancellery<sup>12</sup>**

The Polish Chancellery comprises nearly six hundred staff, comparable with its counterparts in Germany and Canada (Peters, Rhodes, Wright 2000: 16). Chancellery staff is divided into two categories: political appointees whose tenure lasts as long as the Prime Minister remains in office and civil service staff. The complex interplay of politico-administrative roles is influenced first of all by the position of the Head of Chancellery

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11 Most of its administrative functions were taken over by the newly established Ministry of Internal Affairs and Public Administration.

12 This structure of investigation of the Prime Minister's Chancellery was strongly inspired by Müller-Rommel's (2000: 81-100) analysis of the German Chancellery.

## **5.1 Expansion of Political dimension**

### *5.1.1 The political cabinet*

Since the formation of the Prime Minister's Chancellery, two main types of units can be distinguished: political and administrative. The political cabinet of the Prime Minister is a predominant part of the political section. There are also usually one or two political cabinets of government politicians who are ministers without portfolio. Sometimes even some political appointees [Secretaries and Under-Secretaries of State] had their own advisors. If Deputy Prime Ministers combine their function with line ministers, which is the predominant trend, they have their political cabinets in the ministries (the exception was Janusz Tomaszewski in 1999 who had two separate cabinets, one in the ministry and a second one in the Chancellery to which he had the right as Deputy Prime Minister [Paradowska, *Polityka*, 6 March 1999]).

The real transformation of independent advisors into a more formalised and specialised cabinet with full-time employees took place in June 1999. At that time, six areas of advice were defined: social, economic, mass media, security, foreign policy and European integration (Rydlewski 2002: 155). This distinction was later abandoned. Nevertheless, in the short period of a decade of the existence of political cabinets of successive Prime Ministers, a gradual evolution from a political pool of spoils towards professional expertise has been partly achieved. Recently, particular attention has been paid to the information policy of the government and creating the Prime Minister's image. Prime Minister Miller had two advisory units: first, a political cabinet, concentrating on contact with its political background and second, a "strategic policy think-tank" chaired by Professor of Government Studies, Rydlewski (and the Head of the Chancellery in the period Jan. 1997 – Oct. 1997). The Prime Ministers' political cabinets were traditionally extensive – around twenty advisors (for more see details Majcherkiewicz 2008b).

Although the composition of the political cabinets of successive Prime Ministers has its own specific features, two main categories of appointees can be differentiated. The first group are Prime Minister trustees who are whole-heartily devoted to the Prime Minister, often being old political companions (for example during Miller's tenure they were the Prime Minister's old communist guards or Lipiński the Head of Cabinet of Prime Minister Kaczyński) or young party-activists (as under Prime Minister Marcinkiewicz). The second were renowned experts, often academics or more recently, young professionals (who can focus all their professional energy on serving the Prime Minister).

### *5.1.2 Secretaries and Under-Secretaries of State*

The second group of political appointees in the Chancellery are Secretaries and Under-Secretaries of State. They are responsible for various special political tasks: for example, foreign affairs as well as co-operation with parliament; often the status of

Secretaries of State received the heads of political cabinet and government spokesmen. Different from the political cabinet, which is formally separated into from administrative units, the Secretaries of State work at the junction of political and administrative dimensions. Problems arise in the situation of increasing in number of these positions as it seriously blurs the political and administrative division within the Chancellery and can cause its politicisation. During Buzek's tenure, at certain periods, their number rose to twelve. At the other extreme was the situation under Prime Minister Belka with only three Under-Secretaries of State.

**Table 2**  
Changes in the number of Secretaries and Under-Secretaries of State  
under successive governments

Prime Ministers	Włodzimierz Cimoszewicz	Jerzy Buzek	Leszek Miller	Marek Belka	Kazimierz Marcinkiewicz	Jarosław Kaczyński
Secretaries of state	Between 0 – 2	Between 3 – 8	Between 5 – 6	None	Between 6 – 7	Between 3 – 9
Under-Secretaries of state	Between 4 – 6	Between 0 – 4	Between 0 – 3	Between 3 – 4	2	Between 0 – 2

Source: compiled from data given by the Prime Minister's Chancellery

The reform of the support structure of 1996 assumed that that priority was to serve the Prime Minister rather than the whole government. Nevertheless, in coalition governments there are increased challenges for policy coordination and thus prominent positions should be held by leaders of junior coalition parties. The Chancellery should be actively engaged in this process of coordination. The Chancellery has been supporting Deputy Prime Ministers, traditionally representatives of the junior coalition partners, who have their own Secretaries. However the division of political positions, within the Chancellery, among coalition partners, indicates the tendency to marginalise the junior partners as indicated by the number of Secretaries and Under-Secretaries representing these parties (for example, in early 1999 [*Rzeczpospolita*, 19. Jan 1999; or Uhlig, *Gazeta wyborcza*, 3 Nov. 2006]). In November 2006, representatives of junior parties were appointed as Secretaries of State for the purpose of improving coalition co-operation by participating in the Chancellery's policymaking.

## 5.2 Head of the Prime Minister's Chancellery: drifting from administrative towards political roles

The critical role played in managing the Chancellery is by the Head. In the decade since the establishment of the Chancellery, the position of Head has been held by seven incumbents (see table 3). In general, each Prime Minister tends to appoint his

own Head of the Chancellery. Only the last head, Mariusz Błaszczak, has served two Prime Ministers, although they had strong political continuity, with the Law and Justice Party as the senior coalition partner.<sup>13</sup> At the other extreme, the longest-lasting government, which was Buzek's, had three Heads of Chancellery in four years.

**Table 3**  
Heads of the Chancellery Office in the period 1997 – 2007

<b>Prime Minister</b>	<b>Head of Chancellery</b>	<b>Duration</b>	<b>Administrative versus Political status</b>	<b>Months in office</b>
Włodzimierz <b>CIMOSZEWICZ</b>	Grzegorz <b>RYDLEWSKI</b>	Jan. 1997 – Oct.1997	Administrative status	9
Jerzy Buzek	Wiesław <b>WALENDZIAK</b>	Oct. 1997 – March 1999	Minister (Political status)	17
	Jerzy <b>WIDZYK</b>	March 1999 – June 2000	Secretary of State (Political status)	15
	Maciej <b>MUSIAŁ</b>	June 2000 – Oct. 2001	Administrative status	16
Leszek <b>MILLER</b>	Marek <b>WAGNER</b>	Oct.2001 – May 2004	Secretary of State (Political status)	31
Marek <b>BELKA</b>	Sławomir <b>CYTRYCKI</b>	May 2004 – Oct. 2005	Minister (Political status)	17
Kazimierz <b>MARCINKIEWICZ</b>	Mariusz <b>BŁASZCZAK</b>	Oct 2005 – Nov 2007	Secretary of State (Political status)	25
Jarosław <b>KACZYŃSKI</b>			Minister March 2007 – Nov 2007 (Political status)	

Source: own compilation

The reappearance of pressure towards the politicisation of senior administrative roles reflects the status of successive Heads of the Prime Minister's Chancellery drifting from administrative towards political roles. The establishment of the Chancellery unequivocally assumed that the institution would be directed by the Head, who would have administrative status. This was part of a wider organisational process of redefining political and administrative roles, aimed at curbing the post-communist legacy of politicisation and thus promoting administrative professionalism. However, just ten months after this institution was formed, new Prime

13 The precise explanation for this issue is that the appointment of Mariusz Błaszczak to the position of Head of the Prime Minister's Chancellery was not an independent decision by Prime Minister Kazimierz Marcinkiewicz himself but was a decision of the Law and Justice Party Leader, Jarosław Kaczyński (Śmiłowicz: *Rzeczpospolita*, 10 Feb 2006).

Minister resigned from the administrative status of the Head of the Chancellery (see table 3).

Directly after the formation of Buzek's government, the influential politician Wiesław Walendziak was appointed as the Head of the Chancellery and awarded the status of Minister<sup>14</sup>. Furthermore, he sometimes acted independently from the Prime Minister's line (Rydlewski 2001: 101). As a consequence, he was replaced by another politician, Jerzy Widzyk, who only received the status of Secretary of State (Deputy Minister). The third Buzek appointee, however, received administrative status. This indicates that after three years in office, Prime Minister Buzek was able to partially curtail pressure from his own party. The administrative status of the Head of the Chancellery indicates the wider trend of curbing the political pool of spoils in senior positions in the Chancellery (also by substantially limiting their number).

In all the governments formed thereafter, the Heads of the Chancellery have had political status. The question is whether successive governments — if they had lasted longer — would have repeated the learning process, which took place under Buzek's government and would recognise and invest in enhancing the administrative functions of the Chancellery. In other words, the political instability, i.e., the rather frequent changes of government has been the crucial factor that hindered improvements in support structures, the division of politico-administrative roles and the appointment of a politically neutral Head of Chancellery.

The main variable of controversies in the political or administrative status of Head of the Chancellery would be his difficulty, when having administrative status to to supervise political appointees, i.e. Secretaries and Under-Secretaries of State, especially after the substantial increase in their number. This difficulty to adopt the role of the Head of Chancellery to the politicisation of administration reflects successive changes of legislation. Initially, the statutory legislation gave the Head of the Chancellery a supervisory role over Secretaries of State, then it enacted some autonomy, and later again made formally the Head of the Chancellery a supervisor of the political appointees and coordinator, especially as the tendency to promote the Head to the position of Minister has been prevalent recently.

Recent developments indicate a tendency to award the Heads of the Chancellery the status of Minister, as evidenced by Sławomir Cytrycki (May 2004 – Oct. 2005) and Mariusz Błaszczak (March 2007 – Nov 2007) and is also continued in the current government of Donald Tusk.<sup>15</sup> However, this trend of awarding Heads

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14 The political type of his role confirm the fact that, he also tried engage in personnel policy: deciding on nominations in regional administration, similarly as his predecessor of OCM (Patriya 2002: 107).

15 Furthermore, some Heads of the Prime Minister's Chancellery simultaneously performed other strictly political functions during their time in office. Walendziak, Widzyk and Wagner were also MPs and Błaszczak was a member of the regional assembly of Mazovia and performed a strictly political role being a member of its board.

of the Chancellery the status of Minister has some positive effects. In the context of extensive politicisation of administration within the Chancellery, this can increase his influence and facilitate the performance of his supervisory role.

The professional/political careers of Heads of the Chancellery, to a large extent, mirror the characteristics of other senior personnel (especially those with the status of Secretary of State) and indicate a serious challenge towards professionalism in the post-communist context. Three of the Heads of the Prime Minister's Chancellery: Grzegorz Rydlewski (Jan. 1997 – Oct. 1997), Marek Wagner (Oct. 2001 – May 2004) and Sławomir Cytrycki (May 2004 – Oct. 2005) previously worked in the Chancellery in managerial positions. Rydlewski, prior to being promoted to the position of Head of Chancellery, held another crucial post as Secretary-General of the Government. Similarly, well-prepared professionally, with a sound knowledge of how the Chancellery functions was Wagner who was previously employed in the position of Deputy Head of the Chancellery. However, the staff who worked in administration under communism have specific political values, which negatively influenced the reforming of civil service<sup>16</sup>.

All Prime Ministers (Cimoszewicz, Miller and Belka) who appointed as Head of their Chancellery people with previous managerial experience within this institution had something in common: their communist political background. Moreover, Rydlewski and Cytrycki, worked before the collapse of communism in the Office of the Council of Ministers in managerial positions in the late eighties.

The opposite trend was observed in the case of the Heads of the Chancellery and political appointees [with the status of Secretary and Under-Secretary of State] – in the case of the post-Solidarity government of Buzek (1997 – 2001). None of the three successive Heads of the Chancellery have worked in the Chancellery prior to their nomination. Furthermore, Wiesław Walendziak, the first appointee, had not had any administrative experience before his nomination. His successor, Jerzy Widzyk, had extensive administrative experience in the position of Minister without portfolio in 2001. The last Head of the Chancellery in Buzek's government, Ma-

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16 Cytrycki had, in the communist period, co-operated with the communist *Security Forces*. However, further details are not known (*Rzeczpospolita*, 7 Jan. 2003). Furthermore, the press (*Rzeczpospolita*) has suggested that during Rydlewski's work in government administration, he actively co-operated with Military Intelligence (Military Information Services), an accusations he has officially rejected (*Gazeta.pl*, 24 April 2004).

ciej Musiał, had worked since the early nineties in regional administration.<sup>17</sup> However, recent trends indicate the gradual disappearance of this discrepancy. The Law and Justice Party, which has formed the last two governments, and has Solidarity origins, has as the Head of the Chancellery a person with administrative experience and relevant professional qualifications – Mariusz Błaszczak. He was a graduate of the prominent National School of Public Administration (KSAP), the main training centre for the senior administrative cadres.

### 5.3 The functional section of the PMC

The second branch of the Chancellery is formed by functional departments. This can be defined as the administrative part, although the division of political and administrative management roles at the Chancellery was unclear. Besides, numerous political appointees – Secretaries and Under-Secretaries of State were often engaged in similar duties as functional departments. This no doubt has a negative impact on the performance of the administration

At the starting point, the Chancellery had 21 units [this also included the political Cabinet of the Prime Minister and secretariats]. In July 2000, the number of units increased to 32. (Leszczyńska 2005: 286). Afterwards, the number decreased and stabilised just above twenty. In other words, the tendency of administrative splintering of the Chancellery (with the exception of Buzek's tenure 1997 – 2001) seems to be to scale down.

Functional departments of the Chancellery support the Prime Minister in organising and coordinating government decision-making and policy implementation as well as monitoring. (Recently Prime Minister Kaczyński made attempts to strengthen this last function.) The crucial role is played by Office of Prime Minister, which organise work of PM and coordinate his cooperation with President, Parliament and other state institutions as well as foreign representatives (Patyra 2002. 109-110). The Chancellery informs the media about the Prime Minister's and government's activities. It is also responsible for government communication and cooperation with parliament and President. The important institutional change aimed

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17 The evident difference between the post-communists (Cimoszewicz, Miller and Belka) and post-Solidarity Buzek government is the professional qualifications of its Heads. The first group is represented by a graduate of government studies and two economists, and in the second case a historian, an engineer and a physicist. This confirms that post-communist governments have varied from post-Solidarity (former opposition to the communist regime) and indicates that the historical background of the government had a critical impact on the selection of its cadres. Post-Solidarity was in a disadvantageous position, as its supporters only gained administrative experience after the collapse of communism and did not have cadres with wide experience of work in administration or politics. It could also be argued that attitudes towards or against communism and had influence on the type of university education undertaken and this was related to future expectations of their professional careers, with some professions seen as providing more political autonomy, i.e. science. Furthermore, work in administration under communism was in general seen as supporting the communist regime and thus as unpatriotic.

Comment: opposite meaning.

at improving the quality of legislation was the establishment in January 2000 of the Government Legislative Centre (Rydlewski 2002: 77) and the subsequent transfer of functions related to the preparation of legal expertise of government legislation to this institution. Furthermore, the Chancellery coordinates personnel policy in public administration. The crucial institutional change in autumn 2006 was the liquidation of the central agency: the Office of Civil Service. Its competencies were taken over by the Civil Service Department, and – in relation to senior officials employed in public administration – by the Department of the State Personnel Reserve. These organisational changes were caused by the civil service reform, which took place at that time.

**Table 4**  
Internal organisation of the Prime Minister's Chancellery in July 2007

<b>Head of the Prime Minister's Chancellery</b>	
<b>Director General of the Prime Minister's Chancellery</b>	
<b>Departments</b>	
1. Secretariat of the Prime Minister	13. The State Personnel Reserve Department
2. Secretariat of the Deputy Prime Minister	14. Parliamentary Affairs Department
3. Secretariat of the Minister without Portfolio	15. Department for Polish Diaspora and on Democratic Transformation in Central and Eastern Europe
4. Office of the Head of the Prime Minister's Chancellery	16. Complaints Department
5. Office of the Special Forces Board	17. Council of Ministers Department
6. Government Information Centre	18. Civil Service Department
7. National Security Department	19. Foreign Affairs Department
8. Task Budget Department	20. Budget and Finance Office
9. Council of Ministers Committee Department	21. Administrative Office
10. Audit Department	22. Office of Director General
11. Supervisory Department of Social Insurance	23. Security Department
12. Legal Department	
<ul style="list-style-type: none"><li>• The Political Cabinet of the Prime Minister</li><li>• The Political Cabinet of the Minister without Portfolio</li></ul>	

Source: compiled from to data taken from July 2007 Chancellery internal by-laws

#### **5.4 The administrative staff of the Prime Minister's Chancellery**

Limited progress was made in the development of the civil service with administrative staff dominating the composition of the Chancellery. The first Civil Service reform was introduced only seven years after the beginning of transition in 1996,<sup>18</sup> but implementation was stopped in its initial stages and was swiftly replaced by the new Act of 1998. The second Act created a good basis for professionalising the administration. But, sudden changes to the rules of the game made administra-

18 Nevertheless, when compared with other central and eastern European countries, Poland was the third country to implement it in the 1990-s. Civil service regulation was passed earlier only in Hungary in 1992 and Estonia in 1995 [Bossaert and Denmke, 2003, 20]).

tive staff cautious about plans to improve their qualifications and taking special professional exams. Consequently, in the first year, the changes were introduced at a snail's pace.

Reform only gradually began to produce some results as the number of volunteers wishing to take professional exams increased and reached over five thousand professional civil servants at the end of 2006 out of a total of 120, 000 administrative employees. Table 5 shows relevant data for the Chancellery. The number of civil servants who passed the professional test (*mianowanie*) and the number of those who graduated from the National School of Public Administration and were included in this category automatically are both minimal.

**Table 5**  
Building Professional Cadres in the Prime Minister's Chancellery

Prime Minister's Chancellery	2000	2001	2002	2003	2004	2005	2006
Number of civil service employees	517	528	501	488	515	488	473
Number of civil servants (who passed the professional test)	11	5	1	6	7	15	15
Number of graduates of the National School of Public Administration	9	0	0	0	1	0	6
In comparison to entire civil service corps							
Number of civil servants (who passed the professional test)	204	218	229	395	552	1440	1784
Number of graduates of the National School of Public Administration	261	58	62	52	48	58	61

**Source:** compiled from data taken by the Office of the Civil Service and Prime Minister's Chancellery.

The civil service reform halted in August 2006, when parliament passed new regulations. They seriously undermined the idea of the civil service, which was defined very narrowly and included only lower positions. As a result, the difference between senior administrative and political positions was blurred. The senior position holders were to be selected from the so-called State Personnel Reserve, by their supervisors: Prime Minister, Ministers or Regional Governors who could dismiss them at any time. Thus, the formation of an autonomous State Personnel Reserve may be seen as official encroachment on "senior administrative positions" by political appointees<sup>19</sup> (Majcherkiewicz 2008a). In consequence, the previously straightforward division of the Chancellery between political appointees and career

<sup>19</sup> However, the current government of Donald Tusk sent to parliament, in May 2008, proposals for a new Civil Service Act, which assumes liquidation of the State Personnel Reserve and reintroducing civil service regulations to senior administrative positions.

civil servants was undermined as “senior administrators in managerial posts”, being members of the State Personnel Reserve (according to the Chancellery data around 130 people)<sup>20</sup>, could be dismissed at any time, in the same way as political appointees who were also employed on a temporary basis.

### **5.5 Other central support units of the Prime Minister**

Although the principal role has been played by the Prime Minister’s Chancellery, there have been three other institutions that directly serve the Prime Minister and are engaged in government policymaking. These are the Legislative Council, the Governmental Legislative Centre and the Government Centre of Strategic Studies (January 1997 – March 2006).

#### *The Legislative Council*

The origins of this institution are rooted in the communist era. It was reformed in 1998 and became a sort of legislative think-tank of most prominent experts, often academics and legislative practitioners directly serving the Prime Minister and appointed by him. Council members are appointed for four-year terms and their number in Council cannot exceed twenty (in September 2007 fourteen members). The main aim of the Council is to evaluate and advise the Prime Minister on legal acts of particular importance, concerning their economic, social and legal consequences prepared by government as well as parliament or the President (Mojak 2002: 360-3; Wierzbowski 2007: 156).

#### *The Government Legislative Centre*

The Legislative Centre was established in January 2000 to guarantee a good quality of government law drafting and coordination of the government legislative process (Mojak 2002: 366-367, Wierzbowski 2006: 157-158). The number of employees-lawyers at the Legislative Centre has been increasing substantially from around sixty to above one hundred and forty in 2006. Since its formation, the Centre has been headed by the Secretary-General of the Government, Aleksander Proksa (2000 – 2005) and Jolanta Rusiniak (2005 – 2007). The Secretary-General is responsible for circulating drafts of government Acts prior to government meetings and preparing final versions of documents to hand over to the Prime Minister for signature. The combination of both functions by one person no doubt facilitates coordination of legal expertise. Furthermore, the Secretary-General of the Government (and simultaneously the Chair of the Centre) has proven to be relatively immune to political pressure, which made this position different in reality from other less neutral senior

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20 It is official but approximate data, as members of the State Personnel Reserve are not obliged to inform the Chancellery of their new status.

administrative positions. Maybe for this reason, Proksa held the position of Secretary-General for eight years (in the period 1997 – 2000 and 2001 – 2006).<sup>21</sup>

Although the formation of the Legislative Centre has no doubt improved government professionalism and expertise, its role has been weakened by high parliamentary activism and decentralisation of the legislative process at the level of ministries which results in weak Prime Minister and government coordination (Goetz and Zubek 2005).

### *The Centre of Strategic Studies*

In January 1997, simultaneously with the formation of the Prime Minister's Chancellery, the Centre of Strategic Studies was established. The aims of the Centre were to focus on the long-term strategic prognosis for social and economic development and to evaluate the consequences of the external developments on situation in Poland and to prepare proposals for long-term foreign policy. This unit was also assigned to synchronise the short- and medium-term policies with long-term strategic planning. The establishment of the strategic studies unit, supporting the government, created the opportunity to overcome one of the most serious government deficiencies – the legacy of communism. This innovation should facilitated ministers to resign from concentration on administrative tasks and to focus on strategic planning. However, they were difficulties to resign from the narrow branch orientation and create coherent and long-term government policy.

The number of administrative staff in the Centre in 2000 exceeded 250 and the following year dropped substantially to just over one hundred (Sprawozdanie 2005: 17). In March 2006, under the political rhetoric of cheap administration, its competencies were transferred to the Chancellery and the newly established Ministry of Regional Development.<sup>22</sup>

For almost a decade, the Centre was actively engaged in government policy-making. The tendency was to focus on current politics and abandon its strategic long-term orientation. For example Minister Kropiwnicki, its chairman (1997 – 2000), was the main opponent of the radical finance reform proposed by the Minister of Finance and Deputy Prime Minister Balcerowicz. This tendency was strength-

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21 This function was performed by Grzegorz Rydlewski (Jan. 1997 – Oct 1997), later the Head of the Chancellery and chief advisor of successive Prime Ministers (Miller and Belka). The similarity of the careers of other Secretaries-General is interesting. For example, Kazimierz Małecki (Feb 1991 – May 1993) previously worked in the Sejm Chancellery and in the period 1987 – 1989 as Deputy of the Secretary-General in the OCM. Maciej Graniecki (May 1993 – Feb. 1994) after working in government took a prominent position as the Chief of the Sejm Chancellery (1994 – 2001). This shows that the legal expertise required for these positions and thus their professional careers were not interrupted, despite frequent political changes.

22 In addition to the liquidation of the Centre of Strategic Studies, in August 2006 the Socio-Economic Department of the Chancellery was abolished. This suggests the abandonment of essential policies related to it in the Prime Minister's agenda.

ened because the Centre was chaired by politicians with Ministerial status (except in the period Dec. 2001 – July 2003).

## **Conclusion**

Since the collapse of communism, the Polish executive and its support structure has gone through radical institutional and functional reforms. The central administration reform of 1996 was critical. The formation of the Prime Minister's Chancellery was a step towards building professional administering of the summit. Important action, aimed at improving the quality of legislative acts through the formation of the Government Legislative Centre, also has to be appreciated. A solid institutional framework has been established. However, this potential was only partially utilised, first of all because the strong politicisation of the Prime Minister's Chancellery. Successive Prime Ministers, often without previous administrative apprenticeships, only evolve in their visions of the Chancellery after promotion. Furthermore, instability in the political sphere provokes frequent government changes. The further development towards its professionalism will only take place under conditions of prolonged Prime Ministerial tenures, which should enable a more thorough development of the idea of the PMC's role.

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# **Section II**

## **Presidential Offices**



# Reflections on Presidency and Executive Governance

*Oleh Protsyk*

The political role and powers of a presidency can have a profound impact on the practice of executive governance. Chapters in this section of the book look at how the centre of executive government functions in countries with constitutionally powerful presidencies in C.I.S countries. The chapters examine the sources of presidential power over executive matters, the ways in which this power is exercised, and organisational modalities employed by Presidents to maximise their influence over the executive.

The stories presented in these chapters are stories of evolution and change both in the format and the content of presidential leadership in executive matters. These stories are set, at least implicitly, in the context of transitional societies' search for answers to broader questions of governance, such as legitimacy, responsiveness, and accountability. Countries discussed in this section of the book especially face serious challenges in establishing democratic governance, which impacts in numerous ways on how the centre of executive governance is organised.

What the stories presented in the chapters convey is the process of constant adaptation that presidential offices go through in response to the political and social changes that prolonged transition entails. A number of countries discussed in this section saw their constitutional framework recently amended in ways that undermine or have the potential for undermining a very high degree of control over the executive that Presidents have enjoyed since they fought and won constitutional power battles against the legislatures in the middle of the 1990s. Even in cases that did not see constitutional changes, such as Russia, the evolution of political regimes poses questions regarding the continuity of the unchallenged dominance of presidents and their administrations in executive matters.

Setting aside concerns about how democratic the forms of governance are, in the considered countries, one can look at the chapters as informed contributions to another major discussion in comparative politics – one focusing on the benefits and effectiveness of a concentration of executive power in conditions of economic transition. The chapters on both Russia and Kazakhstan seem to endorse the view sometimes found in the political economy literature that emphasises the importance of executive power concentration for the successful launching and management of economic reforms. Both chapters see Presidents and their administrations as key actors who played a positive role in overseeing much needed economic reforms.

While examining presidential leadership in executive matters, the chapters in this section of the book try to dissect and analyse the internal workings of what have become formidably powerful organisations – presidential administrations. This task is an especially difficult one. Presidential administrations are not cabinets of minis-

ters. The latter have a degree of collegiality and openness in decision-making which is built into the system and which allows outside observers to gain better insights into the internal workings of the centre of government. Presidential administrations are much more closed organisations, which makes researchers' inferences about the workings of these organisations especially tentative and provisional.

Presidential control of executive government in the country cases discussed in the following chapters is a political matter, which is far from being settled. This issue is open to constitutional and political reinterpretations, which makes studying this topic of on-going interest.

# The Presidency and the Political Roles of Cabinets in the Western CIS Countries

*Oleh Protsyk*

The institutionalisation of central executives in Central and Eastern Europe (CEE) has received a substantial amount of attention in the literature (Blondel & Muller-Rommel 2001; Goetz & Margetts 1999; Goetz & Wollmann 2001). The scholarly work on this topic was encouraged by the attention paid to the issue by leading international organisations which sponsored a number of comparative research projects (EU-sponsored SIGMA initiative; UNDP-supported NISPAcee program; etc.), and by the growing Europeanisation of CEE executive institutions (Brusis 2004; Grabbe 2001; Lippert, Umbach, & Wessels 2001). The transformation of the central executive governments in the former Soviet Union received, with the exception of the Baltic countries, a much smaller amount of attention in the literature. This paper attempts to fill this gap by examining the features of the cabinet decision-making process in the Western republics of the former Soviet Union and by reviewing the obstacles to the efforts to, in Goetz and Wollmann's (2001) term, 'governmentalise' post-Soviet cabinets, i.e. to build up their policy-making and coordinating capacities.

Despite the high profile that presidential involvement in major policy matters receives in literature on Russia, Ukraine, and Moldova (so-called Western CIS countries), neither the constitutional set-up nor political practices in any of these countries can be described in terms of a presidential form of government. Cabinets headed by prime ministers constitute an important part of what can be termed a 'dual executive' constitutional arrangement that has been in place for most of the post 1991 – period in these countries. Local scholarship on government organisations in these countries as exemplified, for example, by the recent book on the role of cabinet in the legislative process in Russia (Shuvalov 2004), which was written by one of the key advisors to the Russian president. He is paying an increasing amount of attention to the role cabinets play in the governance structures of transition countries.

The structural and procedural design of the first post-communist cabinets was heavily influenced by the legacies of their institutional predecessors, national and republican Councils of Ministers in the late Soviet period. Since the fall of communism, each of the former republics experienced a number of cabinet restructuring reforms. One important result of these reforms was that cumbersome sectorally-based ministerial organisations, which were inherited from Soviet times and were preserved through a significant part of the 1990s (Parison 2000; World Bank 1997), slowly but surely gave way to cabinets with a more streamlined functional organisation of ministries. The departmental restructuring was coupled with a reorganisa-

tion of cabinet secretariats and prime ministerial offices. These changes led to a situation by the mid-2000s in which the Western CIS cabinets were structurally quite similar to CEE central executives.

The functions performed by the cabinet in these two groups of countries, however, remain substantially different. Although there is a considerable variation in cabinet performance across individual countries, cabinets in the Western CIS countries did not become the dominant force in policy formation. The balance between the administrative and policy components in the functioning of these cabinets remains skewed: administrative tasks continue to dominate over political and policy-related tasks of policy initiation, coordination, and arbitration.

This chapter reviews some of the most problematic features of the decision-making process in the Western CIS cabinets and traces the roots of these problems to the general challenges of institutionalising the executive government in these countries. It argues that the functioning of these countries' cabinets is characterised by a diffusion of executive decision-making authority and a lack of collegiality and collective participation in the cabinet decision-making processes. These problems are, in turn, a product of the type of relationship that the Western CIS cabinets have developed with presidents and political parties. Each of the following sections of the paper examines in detail how the variation in severity of the above mentioned problems in cabinet decision-making is linked to the variation in success of establishing the centrality of the cabinet in the political system of individual countries.

### **Diffusion of executive decision-making authority**

While discussing government policymaking across a number of different issue areas in Russia, Okun'kov (1996) refers to different strategies that various interest group representatives and regional officials employed to deal with the issues that required approval at the central government level. They would opt for either lobbying presidential administration officials or cabinet secretariat staff. The choice of an institution to contact depended on the lobbyists' expectations regarding the preferences that officials in these two different institutions were likely to hold with respect to the specific issue at hand, and on the strength of the lobbyists' personal connections in the presidential administration or in the cabinet. The required executive decisions, according to the author of the study, could be secured either through the presidential administration or through the cabinet. A somewhat similar logic is described by Luchin and Mazurov (2000) who claim that officials and societal actors have to deal with situations in which alternative regulations on the same issue are produced by different state actors, leaving it to the former to choose which state agency's instructions to follow. While the degree of concentration of decision-making power in the hands of the presidency increased substantially during Putin's period, these Russian examples illustrate what is a common phenomenon across the Western CIS countries – the existence of multiple centres of executive government.

The persistence of diffusion of executive decision-making authority periodically produces competing claims on executive authority, leads to the establishment of parallel chains of command, encourages the proliferation of contradictory and conflicting executive orders and regulations, and imposes a high burden of coordination on top echelons of civil servants. It also institutionalises a system where informal reporting lines cut across formal reporting lines, further adding to the administrative confusion created by the conflict of overlapping and cross-cutting executive responsibilities.

The existence of multiple centres of executive governance is not compatible with what in the literature is often described as basic prerequisites for effective executive governance: executive policy-making initiatives must come from the cabinet; leadership in cabinet matters is exercised from the office of the prime minister; all major policy decisions are the results of collegial deliberation and ratification and all major outcomes of decision-making are presented in the form of cabinet resolutions and laws passed by parliament (Manning et al. 1999).

Central government policymaking in Russia is affected by overlapping claims for the control of executive authority on the part of cabinet and presidential administrations across a wide spectrum of policy areas. Some recent examples come from areas as diverse as science and technology reform, privatisation, and gas price regulations. With regards to the first issue, in 2005, the presidential administration issued a call for science and technology reform proposals. At the same time, the cabinet of the Russian Federation, after a long process of deliberations, consultations and elaboration of reform programme documents, was about to hold a cabinet meeting to approve a detailed plan of science and technology reform in Russia. The Ministry of Education and Science officials expressed surprise at the presidential administration's initiative and claimed to have no prior knowledge of the presidential administration's plans to initiate the elaboration of plans for a reform whose design, in the view of ministry officials, was already elaborated in detail in the Cabinet. This incident was interpreted by analysts as evidence of a serious lack of coordination and communication between the cabinet and presidential administrations on an important policy matter (Petukhov 2005).

Similar tensions exist in central government decision-making in Ukraine after the Orange revolution. For several months following the December 2004 presidential elections, a number of conflicting statements about the re-privatisation plans of the Ukrainian government were issued by the Ukrainian president, Yushchenko and prime minister, Tymoshenko. While the former advocated a policy involving a comprehensive review of privatisation results, the latter stressed that only a very limited number of privatisation outcomes would be questioned by the new Ukrainian authorities (Malynsky 2005). Another example of tensions over decision-making authority comes from prime minister Tymoshenko's attempt to impose administrative controls on the rise of gas prices in spring 2005. President

Yushchenko intervened by publicly criticising cabinet policy and by issuing a decree that banned the imposition of administrative controls on gas prices (Mostova 2005). In both instances, neither the government bureaucracy nor the economic actors involved, were sure where to look for guidance on what government's actual policy would be.

*Sources of presidents' executive power.* Presidential ability to intervene in cabinet matters in the Western CIS countries is derived from a number of sources. Presidents' control of significant constitutional powers is of primary importance in this respect. Two types of powers granted to presidents by the constitution are of immediate relevance in executive matters. The first one has become known in literature as "executive decree authority" (Carey & Shugart 1998), which is the power to issue decrees on a wide range of executive matters. Constitutional provisions regulating executive decree authority can grant presidents power to create and reorganise central government agencies, to make decisions on issues of public administration, to issue decrees on economic and social matters, and to decide on matters of state secret. The other distinct type of presidential power is the power to make appointments across a wide range of positions in the executive government, judicial system, independent regulatory agencies, etc. Deciding upon whom to appoint can represent an important policy move, thus making presidential appointment powers of immediate relevance for understanding executive politics.

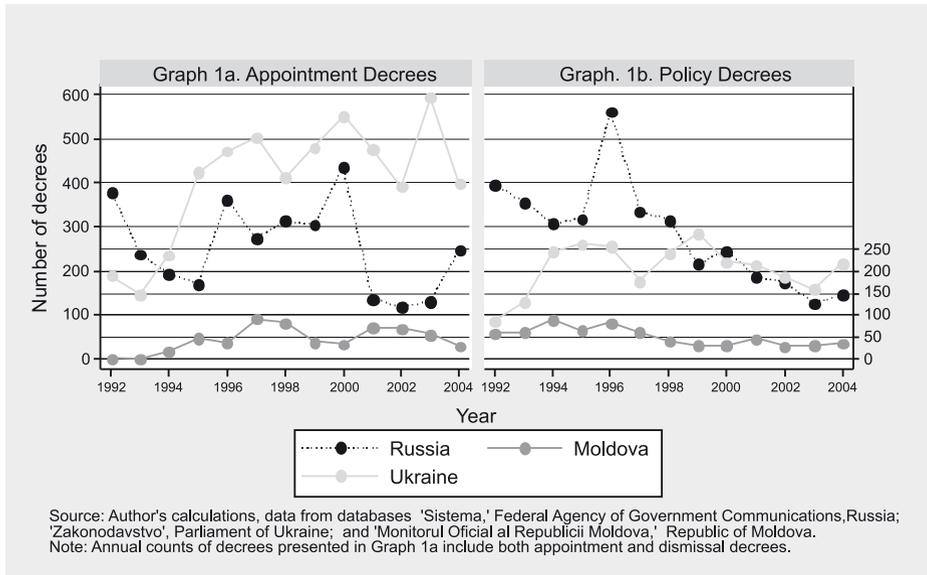
To illustrate the degree of presidential intervention in executive matters, Figure 1 below provides data on the annual number of appointment and policy-related decrees in three countries<sup>1</sup>.

Throughout the post communist period, presidents in Russia and Ukraine issued annually several hundred appointment decrees. On average there were also more than two hundred policy decrees issued in Russia and Ukraine each year. In Moldova, on the other hand, the presidents used decrees much less frequently. The differences in the use of decree powers reflect the underlying variation in the strength of presidential constitutional powers. The constitutional powers of the Moldovan president are much weaker than his Russian and Ukrainian counterparts, which in turn, reflect the varying ability of post-communist presidents to dominate political processes during the pre-constitution period (Frye 1997).

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1 Annual numbers for appointment decrees include both appointments and dismissals made by the president. The count of policy-related decrees included decrees that dealt with issues related to the broadly defined policy areas of government, economy and society. All decrees dealing with issues in the specific policy area were included in the count, regardless of the scope and nature of the actions required by the decree. So-called ceremonial decrees used by presidents to establish events, commemorations and to award medals, honorary titles and pardons, etc. were not included in the count of policy-related decrees. So-called secret or "not for a publication" presidential decrees were also excluded from the count.

**Figure 1**  
 Presidential Use of Executive-Type Decree Powers



One important finding that Figure 1 illustrates is that there is no immediate link between the size of the country and the number of appointments presidents make. As both graphs indicate, Ukrainian president Kuchma, during his 1994 – 2004 office term, routinely issued more decrees than his Russian counterparts, although the latter enjoyed a similar set of constitutional appointment powers and presided over a numerically much larger state apparatus. This phenomenon is largely due to president Kuchma's success in gaining control over the appointment of some additional categories of top government officials. The Ukrainian president's strategy was either to secure the inclusion of specific provisions that granted him additional appointment powers into statutory documents during their passage, or simply to usurp a power to make appointment decisions in areas that were not regulated by statutes. The use of these strategies was the Ukrainian president's response to the perceived need of securing the loyalty of government officials in a political environment that was consistently more competitive than the one that his Russian counterparts faced (Protsyk 2004).

The prominent features of the Russian graph are the spikes in the number of appointment decrees during presidential election years and a substantial decline in the number of appointment decrees during Putin's term in office. The latter reflects Putin's emphasis on prioritising stability of the political system in general and the stability of cadres in particular (Shevtsova 2004). When put into a comparative perspective, the number of Russian presidential appointment decisions is similar to

the number of presidential appointments for top government officials recorded for the post-war US presidents (King & Ragsdale 1988). Unlike the US case, however, only a small percentage of presidential decisions related to appointing or dismissing government officials in Russia and in Ukraine require legislative confirmation or are constrained in some other way through constitutional or statutory norms.

Table 1 summarises the cabinet appointment rules that guided the process of cabinet formation in each of the countries.<sup>2</sup>

**Table 1**  
Presidential Powers over Cabinet Appointment

<b>Cabinet Positions</b>	<b>Cases</b>	<b>Nominate</b>	<b>Confirm Nomination</b>	<b>Dismiss</b>	<b>Confirm Dismissal</b>	<b>Total</b>
Prime Minister	Russia 1993 – present	+	0	++	0	3
	Ukraine 1996 – 2005	+	0	++	0	3
	Moldova 1994 – 2001	+	0	0	0	1
Cabinet Minister	Russia 1993 – present	0	+	0	+	2
	Ukraine 1996 – 2005	0	+	++	0	3
	Moldova 1994 – 2001	0	+	0	+	2

Source: Author's coding of constitutions from <http://confinder.richmond.edu>

The Russian and Ukrainian presidents controlled the ultimate power with respect to the destiny of the cabinet, that is, the power to dismiss the prime minister unilaterally. The dismissal of the prime minister automatically led to cabinet resignations in both countries. The prime minister and cabinet's survival in Moldova, on the other hand, did not depend on the president. The 1994 Moldovan constitution put cabinet survival entirely in the hands of parliament. This dramatically shaped the incentives of cabinet office-holders. In contrast, prime ministers in Russia and Ukraine considered the president as their main principal, even if the parliament controlled a symmetrical power of cabinet dismissal.

Formal rules for appointing and dismissing prime ministers were guarded jealously by presidents and parliaments who had stakes in the procedures and deterred each other from violating these procedures. Rules for the appointment and dismissal of individual ministers, however, were often ignored. Both the Russian

<sup>2</sup> To focus attention on the most important differences, Table 2 summarises appointment rules only for the constitutional regimes that lasted the longest in each individual country.

and Ukrainian constitutions require the prime minister to submit candidates for ministerial posts for subsequent presidential approval. This requirement was often ignored by the presidents who repeatedly chose to make unilateral decisions about ministerial appointments. The Prime ministers' dependency on presidents for survival in office, as well as the former's weaker political legitimacy, allowed presidents to use non-transparent procedures for nominating individuals. How many ministers close to his/her ideal choice the prime minister could have in the cabinet depended on the results of individual bargaining between the prime minister and president. Unlike the constitutional rules in Moldova, where not only the prime minister, but also the line-up of individual ministers, had to be approved by parliament, cabinet formation norms in Russia and Ukraine only required a parliamentary confirmation for the candidacy of the prime minister. The weak political stature of individual ministers led to a high dependence on the president.

The Russian and Ukrainian presidents also used their power to create and reorganise executive government agencies in order to put key agencies directly under the president's control (Protsyk 2004; Remington, Smith, & Haspel 1998). In contrast, when the Moldovan president Luchinschi proposed the creation of a Department for Organised Crime and Corruption Prevention directly subordinate to the president, this move was strongly opposed by Parliament as an usurpation of parliamentary authority and an effort to create an agency to collect information on Luchinschi's enemies. The dispute was taken to the Constitutional Court, which ruled that such an agency could only be created under the subordination of existing government agencies, over which some parliamentary oversight existed (Way 2003). The proposed department was finally created under the Ministry of the Interior. Although president Lucinschi was still able to influence investigations conducted by the department, his ability to fully control its work was much more limited than the presidential control of executive agencies in the Russian or Ukrainian cases.

President Kuchma also fought the battle for controlling the appointment of deputy ministers and deputy heads of central government agencies. Although the 1996 constitution contains no clauses relating to the appointment of deputy ministers, president Kuchma effectively usurped the power to appoint all deputy ministers and a large number of deputy heads of central government agencies. Facing more institutional constraints on his power, including a constitutionally stronger parliament than his Russian counterpart, president Kuchma sought to enhance his stand *vis-à-vis* other government institutions by using his decree powers to secure control of the stay in office of as large a number of high level government officials as possible (Protsyk 2005).

Presidential decrees can be conceptualised as a direct form of intervention in executive matters. Political practice in post-communist countries is also characterised by the presence of many indirect forms of presidential interventions. Presidents frequently charge cabinet, individual ministers, or heads of other central govern-

ment agencies with taking some specific actions in their respective areas of responsibility. The constitutionality of these presidential instructions is often questioned by observers of presidential politics. The presidential ability to use these forms of intervention, however, is rooted, not in constitutional norms, but in established political practice that is based on the acceptance of presidential leadership over the executive.

As the co-existence of presidents with a number of different cabinets indicates, these claims are not always accepted by prime ministers. Political competition between the president and the prime minister over control of the executive was most frequent in Ukraine, although instances of confrontation between these two institutional actors also took place both in Russia and Moldova (Protsyk 2006). The coherence of government decision-making suffered during these periods of confrontation, and the negative consequences of multiple centres of executive government were also the most pronounced during these periods.

Another important source of presidential ability to claim leadership in executive matters is the continually growing sophistication of the presidential administrative apparatus, including agencies charged with providing logistical support for presidential activity, such as the special directorate of affairs, directorate of property management, etc. Countries' constitutions either do not mention presidential administrations at all or only mention them in passing as a body created to assist in organising the work of the president. Presidents in all three countries, however, used their decree powers to boost the resources and prerogatives of the presidential administrations and transform what was envisioned by many of the constitutional drafters to be merely presidential secretariats into independent centres of policy analysis and coordination.<sup>3</sup>

Many departments of presidential administrations duplicate functions of individual ministries or try to coordinate the work of a group of related ministries. For example, it was widely acknowledged among analysts that the major initiatives in the Ukrainian foreign policy during Kuchma's 10 year presidency were generated, processed, and elaborated not in the Ministry of Foreign Affairs, but in the respective department of the presidential administration (Protsyk 2003). Luchin and Ma-

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3 The staff of the presidential administration in Russia consists of approximately 2,000 people (Degtev 2005). The overall budget of the presidential administration, presidential directorate of affairs and offices of presidential representatives in federal districts was almost 6 billion rubles (about 240 million dollars) in 2006. For the same year, the budget of cabinet was 841 million rubles (about 33 million US dollars). The staff size of the presidential administration in Ukraine during Kuchma's presidency was reported to be 619 (Tomenko 2003). The staff grid of the presidential apparatus in Moldova lists 84 staff members (Decree N 716-III, 10.06.2002). Only the figure on the size of the Moldovan presidential apparatus was available from the original sources. Overall, the data on the size of presidential administration staff is not very reliable and might not be fully comparable across countries. A number of analytical centres, commissions, and presidential representatives, along with their apparatus might be missing from the numbers reported.

zurov (2000) rely on interviews of presidential administration officials, which they use to analyse the officials' perception of the role that the presidential administration should play in the work of government, to report the officials' conviction that presidential administration staff should, among other things, coordinate the work of so-called "enforcement" ministries (ministries of defence, internal affairs, justice, and emergencies). These authors also claim that there is evidence that prior to 1998, the drafts of virtually all cabinet decisions had to be approved by presidential administration officials. This screening procedure, according to the authors, also remained in place after 1998, although it began to cover fewer issues.

Presidential administrations were not the only government bodies that exhibited ambitions to serve as alternatives to the cabinet centre of executive decision-making. At various stages of post-communist evolution in both Russia and Ukraine, constitutional bodies such as security councils, which were intended to deal with matters of national security and consisted of a number of the highest ranking government officials, were successful in extending their mandate beyond traditional security issues and encroached on cabinet responsibilities in various policy areas. The ability of security councils to intervene in some of the traditional domains of cabinet authority grew at times when presidents, for a variety of reasons, were looking for alternatives to the cabinet as a decision-making venue. This underscores the fact that irrespective of the types of challenges facing cabinet authority or the institution mounting those challenges, ultimately it was the president who was behind them.

### **Lack of collegiality in the cabinet decision-making process**

Cabinets in the Western CIS countries also suffer from a lack of collective participation in the cabinet decision-making process. The concept of 'cabinet government', which is often taken to imply an arrangement where the prime minister is 'the first among equals' and cabinet meetings are arenas where all major cabinet decisions are jointly debated and ratified by all ministers, might be an elusive ideal (Weller 2003). There is, however, a broad consensus in the literature that levels of collegiality vary and that higher levels of collegiality contribute to a higher quality decision-making process (Blondel & Manning 2002; Manning et al. 1999). Collegiality here is understood, not only as a collective ratification of cabinet decisions, but also a collective responsibility by cabinet members for all cabinet decisions.

The technocratic nature of the cabinet formation process is the single most important challenge for collegiality of cabinet decision-making in the Western CIS countries. Forming a cabinet along technocratic, rather than party lines, is sometimes perceived as advantageous for the effectiveness of decision-making in the cabinet. Technocratic cabinet members usually have a deep knowledge of the sector of government they manage. They are expected to make their judgments on the basis of sectoral expediency and not electoral concerns. They might also be perceived as more capable of withstanding the pressure of special interests and more willing

to initiate unpopular economic and social reforms. The empirical research on the subject, however, finds mixed support for such expectations. The evidence showing a better performance of technocratic cabinets when compared with party-based cabinets is only related to the initiation of reforms and not to reform implementation and consolidation (Haggard & Kaufman 1995).

In terms of their role in countries' political systems, technocratic ministers can be best described as individual political entrepreneurs. Conceptualising technocratic ministers in this way points to the lack of partisan constraints on the behaviour of ministers and highlights the personal, rather than the political, nature of the ministers' commitments. In the context of the post-communist transition in the Western CIS countries, the technocratic character of cabinets posed a number of challenges for government decision-making. The idea of having cabinets staffed with technocrats rather than politicians sounded very appealing to many at the beginning of the 1990s in a society inexperienced in the operations of a modern democracy. The problems associated with the prevalence of technocrats in post-communist cabinets have become increasingly salient over time. These problems include fragmentation of cabinet policymaking, parochialism of ministerial interests, and weakness of political mandates for governance.

Fragmentation of cabinet policymaking and a lack of co-operation between individual ministries are reported in a number of studies of post-Soviet central governments (Parison 2000; Sundakov 1997). While these authors point to the deficiencies of internal cabinet organisation and poor coordination on the part of centres of government, fragmentation of cabinet policy making also has important political roots. This fragmentation is, to a very significant extent, due to a situation in which individual politicians appointed to cabinet positions do not comprise a team bound together by shared political beliefs and programmatic goals. Ministers who were given their portfolios, not because of their membership in political organisations, but because of their individual merits and technical expertise, tend to be more preoccupied with their department's performance and individual political careers than with the collective image or performance of cabinet.

Technocratic ministerial selection also leads to parochialism in policymaking on the level of individual ministries. Ministers, whose professional roots are in the industries they are currently in charge of, have a tendency to associate themselves with the interests of that sector and not the cabinet as a whole. They view themselves as representatives of their specific industries in the cabinet. They are oriented to satisfy the demands of their sectoral constituencies rather than the needs of the citizens who consume their goods or services. For example, the minister of transportation is more preoccupied with the well-being of transport-related bureaucratic structures and enterprises than with the quality of transportation services that consumers receive. A minister of interior who was a former high level bureaucrat in a

law enforcement agency can allow the concerns and preferences of this constituency to dominate his/her decision making process.

Unlike ministers who are party agents, technocratic ministers often find it very difficult to sustain the course of policies that is required to ensure effective governance in their policy area. They lack legitimacy that party affiliated ministers enjoy due to the fact that the electorate grants parties an explicit mandate to exercise governance functions. The weakness of political mandates often contributes to ministers' inability to overcome numerous obstacles to unpopular, but needed, reforms in internal ministerial organisation and in the execution of regulatory functions that ministries are expected to perform in their respective policy areas. Frequent references to the 'lack of political will' in the post-Soviet context are often related to the weakness of the political mandate of ministers brought from the top layer of the bureaucratic apparatus.

### **Causes of the persistence of technocratic types of cabinets**

The presidential ability to intervene selectively in the process of cabinet formation and dismissal, as discussed earlier, is one factor explaining the persistence of technocratic cabinets, especially in Russia and Ukraine. The low level of party system institutionalisation across all three countries is the other. The maturity of the party system, however, has been growing substantially in recent years, which is likely to have major implications on how cabinets and individual ministries are organised and function.

For most of the post-communist period, parties played a rather limited role in cabinet formation. Presidents who had a preference for appointing technocratic cabinets were able to influence the cabinet formation process, first of all, through their constitutional power of prime-ministerial nomination. Their decision to nominate technocratic candidates for the post of prime minister tended to result in only limited protest from political parties whose organisational and programmatic weaknesses undermined their ability to insist on partisan principles of cabinet formation. Similarly, ministerial candidates tended to be selected on the basis of possessing some sort of technical expertise in a specific area of government operations. Having strong party ties was perceived as a liability, especially for candidates for key economic and "enforcement" portfolios.

The prevalence of technocrats in ministerial positions was in contrast to some radical changes in other aspects of cabinet functioning. For example, technocrats dominated cabinets throughout the entire 1994 – 2004 period of Kuchma's presidency. At the same time, the Apparatus of Cabinet of Ministers, whose obsolete structure and functions had been a significant obstacle to streamlining the organisation of cabinet and for empowering the individual ministries (Krawchenko 1997), underwent substantial restructuring. These changes were laid down in the Interim Rules of Procedure of the Cabinet (Cabinet Resolution N. 915, 05.06.00). Now the

reformed Apparatus ensures that ministerial initiatives and legal acts are in line with the policy priorities and strategic goals of cabinet.

With political parties asserting their central role in the political process and acknowledging the advantages of partisan political composition of cabinet, the situation has begun to change. These developments, however, have been unequal across individual countries. Table 2 below provides data on the share of partisan appointments in countries' incumbent cabinets at the time of writing.

**Table 2**  
Ministerial Partisanship in Europe

<b>Regime Type/Country</b>	<b>Share of Non-Partisan Cabinet Members</b>
Parliamentary regimes*	0.09
Semi-presidential regimes*	0.15
Moldova**	0.78
Russia**	0.81
Ukraine**	0.32

\* Mean share of non-partisan ministers for European cabinets formed during the 1990 – 2000 period (includes observations from the Baltic republics of the former Soviet Union), adopted from Octavio Amorim Neto and Kaare Strøm (2006)

\*\* Share of non-partisan ministers for incumbent cabinet (May 2007) only, author's calculations

To put the experience of the Western CIS countries into perspective, the table provides data on a mean share of non-partisan ministers for European cabinets formed under parliamentary or semi-presidential rules (Neto & Strom 2006). As the table indicates, shares of technocrats in the cabinets of each of the three Western CIS countries were substantially larger than corresponding shares in either parliamentary or semi-presidential European cabinets. The table also points to a very substantial difference between Ukraine on the one hand and Russia and Moldova on the other. Only about a third of cabinet members in Ukraine can be qualified as technocrats lacking partisan political experience whereas the share of technocrats in both Russian and Moldovan cabinets was more than three quarters.

The Ukrainian cabinet's composition reflects the dramatic political changes that followed the end of president Kuchma's rule. The introduction of a proportional representation, instead of a mixed electoral system for the 2006 parliamentary elections and the enactment of the 2006 constitutional reform, which limited the president's involvement in cabinet formation, radically increased the role of parties in the political system in general and in cabinet formation in particular. Even prior to the enactment of these institutional changes, the Orange Revolution events signalled a change in patterns of ministerial elections.

The first post-Orange Revolution cabinet, which was formed in early 2005 by Yulia Tymoshenko, brought into the cabinet a number of politicians who had very limited or even no prior experience in the policy sectors they were assigned to. Yet these ministers had a clear political mandate to bring about a radical change in the quality of policies and services produced or delivered by specific ministries. For example, a new minister of interior, who, for the first time in the history of the ministry, had no prior experience in law enforcement, was able to implement difficult changes such as a substantial reduction in the number of high level positions: limiting the number of ministry officials at the rank of police general or an official launching of an internal investigation into claims of high level corruption in the ministry.

High levels of both ministerial and bureaucratic turnover in Ukraine are in a stark contrast to recent developments in Russia, where political and bureaucratic stability, which are a product of restrictions on political competition under Putin, leads, in the view of many observers, to a growing lack of responsiveness, especially on the part of bureaucratic structures. Policy failures rarely result in the dismissal of ministers or high ranking bureaucrats. These individuals tend to circulate from one position to another without leaving the cohort of the so-called “managerial cadres” (Huskey 2004; Kryshatanovskaya & White 2005). Yeltsin’s period, on the other hand, was characterised by much higher levels of ministerial turnover, although ministerial appointments were also made primarily on the basis of technocratic competence and personal loyalty to the president, rather than on the basis of distinguished careers in public politics (Shevchenko 2004).

Table 2 also indicates the presence of a large number of technocrats in the incumbent Moldovan cabinet. This finding is an apparent contradiction to the logic suggested by the trajectory of political developments in this country. The institutional framework, which provided for a constitutionally weak president and empowered parties through the adoption of a proportional electoral system from the very beginning of the post-communist transition, could have been expected to produce political, rather than technocratic, cabinets. The persistence of technocratic cabinets in the Moldovan case, however, is a result of a combination of factors that are not likely to persist. The Moldovan party system is currently living a period of one-party dominance, which is highly unlikely to be maintained over a long period of time under the conditions of a fully competitive proportional electoral system.

Under the influences of semi-presidential political practices, the ruling communist party made a highly unusual decision to vest political power in an indirectly elected president rather than a prime minister. With the election of party leader Vladimir Voronin to the presidential office in 2001, political power became concentrated in the hands of the president. The party and its leader at that time made the choice of forming a technocratic cabinet. This practice was preserved after the communist’s repeat, albeit substantially less convincing, victory in the 2005 parliamentary elections. The decline of communist party hegemony, providing that the consti-

tutional framework is left intact, is likely to lead to a change in the current patterns of governance and a reallocation of executive powers from the president into the hands of the partisan cabinet headed by a politically powerful prime minister.

## Conclusion

This chapter analysed how the functioning of the cabinet in the Western CIS countries has been shaped by the existence of constitutionally and/or politically powerful presidencies and by the character of political parties' involvement in the cabinet formation process. It argued that one of the main consequences of presidential dominance in all three countries has been a delay in establishing cabinets as a centre of executive decision-making. The low level of political parties' participation in cabinet formation for most of the period analysed has also denied cabinets political legitimacy in asserting their central role in executive policy-making. As a result, the Western CIS cabinets continue to lag behind their counterparts in most of the CEE countries in terms of their institutionalisation and centrality in the policy process.

The diffusion of policymaking authority at the top of the government, as well as fragmentation of cabinets' internal decision-making processes, were identified as some of the major issues that negatively influence the capacity of governmental leadership to lead effectively. The origins of these problems were traced back to the choices made with regard to the constitutional setup of the executive, cabinet formation procedures, and the role of parties in the overall design of the political system. These choices themselves, however, are far from being immune to changes and developments.

Recent constitutional amendments in Ukraine and Moldova, which, among other things, had the effect of weakening presidents vis-à-vis cabinets, constitute one type of development with very significant implications for how the centre of government is organised and functions in these countries. Transformation of parties from small elitist political groupings into genuinely strong political organisations with professional staff and a mass following is another important development in each of the three countries. The assertion of party control over the cabinet formation process will gradually change the patterns of ministerial recruitment, cabinet's internal organisation, and cabinet's relations with the presidency.

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# Administration of the President in Russia: Institutional Capacities for Politics 1991 – 2007<sup>1</sup>

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## Introduction

This paper focuses on coordinating strategies of the Presidential Administration (AoP) in the contemporary Russian centralised political-administrative regime. The first part discusses the history of the Administration, the development of its structure and its role in the political-administrative interface during the transition period. The second part describes the contemporary legal base for the activities of the Administration. The third part focuses on its increasing role during the creation of the “power vertical” and on the analysis of its role in coordinating different administrative, political, and ideological processes.

The Presidential Office (executive offices of the presidents) must support the powers and activities of the presidents. This institution can play different political-administrative roles and can have different structural configurations depending on the distribution of powers between the president, the government and parliament. The legal status of this body is determined in Russia, as a rule, by presidential decrees, although there could be some other source for these regulations. Nevertheless, presidential executive offices may have more influential political and policy functions and roles than is prescribed legally. That is why there are some gaps between the prescriptive theories of presidential power, the description of institutional support of AoP in ensuring the implementation of presidential duties and analytical theories of real presidential practices of authority.

It is known that the current status Executive Office of the President (EOP) in the USA is a result of the growth of political influence of the executive branch. The executive was equipped with a powerful EOP in 1939 that could offset parochial pressures and tried to arrive at a concept of the broader national interest (Rossiter 1990)<sup>3</sup>. In the

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3 It is important Rossiter’s note on a potential force of the Executive Office: “The real problem of the Executive Office is potential rather than actual: the danger that the President might be buried under his own machinery. The institutionalization of the Presidency could be carried so far that the man who occupies it would become a prisoner in his own house, a victim of too much and too rigid organization” (Rossiter 1990: 222-223). Once President V. Putin, answering the question concerning his opinion on his assistant’s proposal and said: “Who is employee? Me or my assistant?”.

central and east European countries and the Commonwealth of Independent States, powerful presidential institutions (more in the CIS than in the CEE, except Romania and Yugoslavia) as a rule were formed during the transition processes. Presidential powers played a different role. In the CEE, it was more influenced by democratic consideration, but in the CIS – as the situation was more complicated – the presidency evolved from democratic presidentialism to authoritarian and personalistic presidential regimes. Post-communist presidency cannot be considered as a one-dimensional phenomenon (Beliaev 2006). The political role of the president is determined by his position in the executive branch and in its relation to the state bureaucracy. Presidential dominance can be considered as an instrument in coordinating or pacifying the fierce competition inside a highly fragmented administration (Protsyk 2006) to ensure the smooth development of the state during the transition period.

There are three turning points in the development of the Administration of the President in Russia: (a) increasing its role in 1994 and 1996 (governance of economic policy as core function); (b) transfer of the role of economic policy governance from the AoP to the government in 1998/99; (c) and the concentration of the role of political and ideological management in the hands of AoP from 2003.

The next issue is how the specifics of a dual executive system (presidential, semi-presidential – with modified unified executive or with dual executive) determine the structure and roles of the presidential office.<sup>4</sup> In CIS and CEE countries we can mainly speak about semi-presidential systems in which, on the one hand, the parliament and party competition (coalition politics) cannot balance the executive power of the president. On the other hand, the presidential administrative offices are paralleled by the government and prime minister's offices. In that case, the government and its support structures may have different discretion in shaping the state policy. There are (were) some sort of premier-presidential systems in Poland, Lithuania and Ukraine, where the politico-administrative system have an increasingly considerable restriction on the presidential executive authority.

There would be several main scenarios in the separation of politico-administrative roles in government. Some countries may establish the peculiar dual executive, where the prime minister and cabinet are dually accountable to the president and the assembly's majority (presidential-parliamentarism) (Troxel 2003; Protsyk 2006). This is obviously the Russian case. However, the Russian presidency is more influential and powerful and sometimes it is defined as a "super-presidential" regime (Nichols 2001; Fish 2000, 2005; Beliaev 2006). Often this is a system of presidential leadership based on a formal-legal dual executive. This politically grounded presidential system is aimed to coordinate inter-relationships between state agencies (and especially inside the executive) and to achieve the policy integration. This means that the administrative reorganisations and processes are becoming a key

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<sup>4</sup> We don't intervene into discussion what does semi-presidentialism mean. On this see: Elgie, 2004.

focus for policy development. In this version, the main interplay of politics and administration in the policymaking process – making policy and coordination of its implementation – is concentrated in the presidential office. An important issue in this system is the role of the president. What is the role and formal (Constitutional) position of the president as the head of the state? Does he belong to the executive or does he govern all bodies of the state power?

Another side of the coin is that the president nominates the prime minister and members of the government; he determines national policy and the activities of the government, although the government is formally subject to parliamentary confidence and its survival depends on parliament's will. In semi-presidential regimes where the president does not possess formal powers to dismiss either individual ministers or the government, the politico-administrative roles of the president and its office are very unpredictable, because it depends on the real political control over cabinet and government authorities by parties or other actors.

Different stages of transitional processes often result in different attitudes (from different parties and political forces) to the authority of the president. The creation of governing institutions and party systems during the transition period was influenced by historical legacies in different aspects. However, in some countries, institutions of executive power and presidential bodies show a high degree of 'path dependence' with the past and this determines the consequent specific of current system development. This is especially true in the case of centralising tendencies in some countries. Currently, according to the law, the Presidential Administration in Russia, alternatively called the Kremlin staff, is a government agency responsible for providing the President with administrative support, thus enabling him to carry out his duties as the head of the state. It could be related to a 'core executive agency' that "co-ordinates central governmental policies and acts as final arbiters of conflict between different parts of the governmental machine" (Rhodes, Dunleavy 1995: 12; see also: Peters, Rhodes, Wright 2000). The Presidential administration in Russia, as some scholars stressed, retained many of the institutional structures and roles of the old Communist Party. But, initially it has lost three of the four main pillars which supported communist party hegemony: the power to purge, the ideological control, and freedom to indoctrinate (Huskey 1999; Sakwa 2002; Shevchenko 2004). However, the step-by-step political role of the Presidential administration becomes more influential in the political arena and currently he becomes more involved in the direct management of political, economic and ideological processes than in the 1990s.

The presidential office is a complex state institution. Its structure includes different departments, positions and roles. What are these core departments and positions? What is the basis of the institutional capacity of this state body? Being one of the important parts of the policymaking community, mechanism of implementation of decision, coordination and control, the presidential office must have such an institutional capacity that allows it to achieve the best way of governance in the country.

## 1. Creation of the Presidential Administration (AoP)

Administration of the President was established by the Decree of the President of the RSFSR "On the Administration of the President of the RSFSR" № 13 July 19, 1991. The position and role of AoP was determined by the role of the President who, according to the Constitution and other laws, was defined as the supreme official and the head of the executive power. But neither the Constitution nor other laws contain any reference to a special governing body, which can support presidential activities. This administrative unit was formed by the President's personal decree. The AoP was established simultaneously with the other presidential support structures, such as the Security Soviet, the State Soviet, and the Soviet on the Issues of Federation and Territories. These bodies were assigned to provide consultation and advice. During 1991 – 1992, several other consulting and advisory commissions under the President were created. The extensive authority of the President in the policy field, in executive matters, and in managing the economy determined the functions and the structure of the Presidential Administration.

Legally the AoP was defined then as *the apparatus of the president* i.e. as a support structure to the president. The structure of AoP was composed by the secretariat of the President and of the Vice-president, of the Prime-minister, the chancellery of the State Secretary, the presidential advisors, the services of the state advisors in the fields of legal policy, of economic policy, of science, education, and culture and of the relations with civic associations. There were also autonomous divisions of the AoP such as the management office, the control office, the centre of information and analysis, and the service of security and the press service.

The role of AoP was determined by the specific circumstances of that period:

The president, being the head of the executive power, was (up to mid 1992 – G.S.) at the same time the head of the government. This extended the functional responsibilities of the President and the Presidential Administration.

Second, the president received extraordinary authority to define the legal context of economic transformation and to establish central executive agencies from November 1991 to December 1992. Presidential decrees were, at this time, the main regulatory tools in governing the economy, the political processes and the public administration. The lack of laws made the decrees very influential legal instruments.

Third, the sharp conflict between the legislative power (the Supreme Soviet) and the President and the government emerged over the division of powers between them. The Supreme Soviet disagreed and started actively to restrain the economic policy of the government (April 1992 – October 1993). This conflict resulted in an unconstitutional scattering of the People Deputies' Congress and the Supreme Soviet and considerable restriction of its legislative, administrative, and control functions by the presidential decrees in September – October 1993.

Since November 1992, the tendency of power concentration in the hands of the President intensified. This resulted in a special decree of the President “On improving of the system of providing activity of the President of the Russian Federation” № 273 February 22, 1993. This decree, for the first time, recognised the existence of the regulations on AoP. These regulations contained the main principles of the organisation of the administration, its purposes and functions and its structure. Besides the Administration consulting bodies, such as the Presidential Soviet, the Soviet of the Regional Administration heads were established. A special Controlling-supervising Soviet (Council) under the Chair of the Presidential Administration was created. The aim of these units was to increase the quality of expert and analytical work as the basis of the president’s decision-making.

This decree defined the position of the Presidential Administration as a *working* apparatus which was established to ensure the presidential and vice-presidential activities and for the realisation of the constitutional authorities of the president. The definition of the Presidential administration as an instrument was supplemented by a list of its tasks and functions. However, some executive functions of this body were obviously wider than formally prescribed by the law and Constitution i.e. the AoP unilaterally takes some rather important executive functions. Some are especially worthy of mention:

- Personnel administration: providing personnel policy in federal and regional executive agencies of the government;
- Policy strategy: working out a complex means for settling issues of domestic and foreign policy conducted by the President;
- Organisational function: providing a unified order of registering, writing, and preparing state documentation;
- Analytical function: providing an informational support and analysis of domestic and foreign policy questions and of social-economic problems;
- Supply function: material, technical, financial, and services provided to higher officials of the federal executive.

The existence of the Security Soviet apparatus at the Presidential Administration determined its crucial role in the activities of this central authority of Russia. The Office of relations with the regional administration and Representatives of the President in the regions increased the coordinating functions of AoP. The Office of Planning and Implementation of Special Programs made the AoP identical to the executive administration.

The Chief of the Administration of the president also has extensive tasks. He gives tasks to the heads of the executive agencies (ministries etc.) to prepare materials and proposals for the issues that are under presidential consideration. He can engage the executive personnel to participate in the preparation of the projects of the presidential decrees and directives. He can also request and receive information about the implementation of the decisions of the President, the

government, and other executive offices – the ministries, departments, and other governmental services.

The Presidential administration was fairly structured. The departments of the Administration included services, secretariats, apparatuses, offices, analytical centres, divisions, a publishing office, library and archives. The total number of different bodies was 29. To this number we can add the extensive staff of the different consultative commissions that were formed by the President and the Chief of the AoP.

## 2. “Super-presidentialism” and the Presidential Administration: transition from apparatus to a government agency

The new Constitution adopted in 1993 established a semi-presidential system of government with the extensive powers of the President. According to the Constitution, the President is the head of state and commander-in-chief of the armed forces. He can initiate and veto legislation, can dissolve the State Duma and call to hold new elections. He appoints the prime minister (with the consent of the Duma) and the ministers. He has the ability to appoint all higher judicial officials and the head of the Central Bank (with the consent of the Federation Council). The President has the constitutional power to issue decrees on any subject (without parliamentary approval) as long as they do not contradict existing laws. Important presidential authority was the definition of general directions of public policy. The constitutional position of the President makes this institution superior over all branches of power. However, his authority becomes especially wide in relation to other parts of the executive. The Russian constitutional framework of a directly elected president with the constitutional power to appoint and dismiss cabinet under weak cabinet responsibilities before parliament could be defined as the special mode of semi-presidentialism: a president-parliamentary republic (Shugart, Carey 1992, Protsyk 2006). Such a system is characterised in Russia by many special features, of which several specific features could be pointed out. First, the Russian president obtains *leadership of power resources* comparable to that of the president under a pure presidential regime: “The logic of presidentialism provides the head of government with superior executive power resources. This emanates directly from the fact that he is not responsible to parliament, is usually directly legitimated and has the power to form a cabinet without significant interference from other institutions” (Poguntke, Webb, 2007: 5). Second, the Russian president has a *leadership autonomy*. While in office, the head of state can be protected against pressure from his political party. According to the Constitution, he is no longer affiliated to any political party. Neither B. Yeltsin nor V. Putin declared their formal membership in any party<sup>5</sup>. The

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5 The State Duma election 2007 partly changed this tradition. The President V. Putin occupied the first position into the party list of the “United Russia”. However he didn’t become the member of this party and preserved his formal independent status after the election.

position of being above politics is still key for the Russian presidency. Third, the Russian presidential system is characterised by *personalisation of policy-making*. President V. Putin in his address to the Federal Assembly in 2000 declared: “Only the active head of a state has the right to set to the authorities program tasks, and only he has the real possibility to organise their effective implementation” (Rossiyskaya gazeta, July 11, 2000).

The Constitution 1993 gives the President the right to form his Administration. Thus, this institution became a constitutional one. But, his legal status and real authorities depended on the one hand, upon presidential decrees, and on the other, on political practice and political and administrative capacities of different political institutions, especially the presidency. In the 1990s the Administration was under the influence of the existing system of power called “super-presidentialism”. As Steven Fish wrote: “Anaemia of Russian democracy can actually be explained exclusively in terms of a single institutional choice” (Fish, 2001: 237). Juan Linz in his explanation of the relations between types of regimes (presidentialism, parliamentarism) and consolidation of democracy mentioned the corrosive impact of presidentialism on democracy formation (Linz, Stepan 1996).

The super-presidential system in Russia overruled the effective division of executive powers. Besides, the combination of extensive executive functions and with wide legislative prerogatives of the president at that time made the presidency the uncontested centre of power in Russia.

Though concentration of political power was partly based on the constitutional rules and principles, some political processes of the mid-1990s continued to weaken the public roles of the state power and enabled it to be captured by private interests. The state lost its autonomy and became a “privatised state”. The influence of new big owners to state authority without intermediate mechanisms of any public authority resulted in the creation of so-called “oligarchic rulers”, and their close relations with core government institutions, especially the presidency. This unconstitutional system of political governance in Russia during that period was called the “Family”, because some supreme officials of the AoP also belonged to it (Sakwa 2003: 64; Meyer 2006: 43). Informal relations and rules became instruments of politico-administrative governance at different levels of the government – federal – as well as at the level of subjects of the federation.<sup>6</sup> Political-national, political-territorial, political-economical “clans” became actors in politics and governance. The priority of informal rules over legal norms and development of patron/clientele-ist relations became an important specific of Russian super-presidentialism of 1990<sup>th</sup> (Ledeneva 2006).

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6 This specific Russian term to capture the diversity of regional authorities and initially also the roots of the Russian federation as actively constituting the Federal State from below. Soon the latter meaning (subject as an active side of relations) was decisively abandoned after the strengthening of the power vertical by V. Putin. (Editors).

The concentration of political powers of the Russian presidency facilitated a tendency for the duplication of governmental bodies and overlapping political-administrative functions. Some scholars mentioned super-presidentialism to be the result of “politics of institutional redundancy” (Huskey 1995; especially for the Russian case see: Robinson 2002: 79-80; McFaul 2002: 147). Many scholars have stressed that the presidential apparatus, created for the support of Presidential activities, converted to an autonomous government institution, fulfilling political-administrative functions of constitutionally assigned authorities, especially the government.

The institutional redundancy of political governance and public administration was caused not only by the presidential offices but also by the spontaneous, uncontrollable development of all the political-administrative system: the formation of unnecessary governing organisations and increasing administrative staff. These processes began in 1994, when President Yeltsin issued several decrees creating new institutions and posts in the AoP, such as the Finance-Budget Administration and the special advisor to the President on economic affairs<sup>7</sup>. At the end of the 1990s, indeterminate functions, vaguely defined roles of governing units and their duplication led to extra complexity and increased the uncertainty of the public administration process and of public decision-making. This redundancy contributed to a non-transparent public administration system and caused impediments for the evaluation of responsibility for decisions taken.

This system of super-presidency decreased the role of the government as an independent executive authority. Its capacities to govern were reduced to technical functions of the implementation of presidential directives. The government became dependent on the presidential administration. Thus, the constitutional principle of power division that presumed the autonomy of the federal executive in the field of policy-making and implementation of political decisions was violated and largely ceased to work.

### 3. Presidential Administration in the second half of the 1990s

On 2<sup>nd</sup> October 1996, new Regulations of the Presidential Administration were adopted by decree of President B. Yeltsin after his re-election to this post. These Regulations defined the Presidential Administration as a *government body* performing some functions that were not covered by the Constitution and were inconsistent with constitutional principles. For this reason, the State Duma sent an application to the Constitutional Court to check the compliance of this decree to the Constitution.

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7 We could partly agree with Neil Robinson’s conclusion on Russian politics under President Yeltsin: “Russian politics under Boris Yeltsin power was balanced with the government and Presidential Administration. Together these two practices enabled Yeltsin to counter his low support in parliament” (Robinson, 2002: 78). However since 1994 the tendency of power concentration into Administration began to increase.

The Regulation defined the Presidential Administration as a government body, responsible for providing the President with administrative support. But the regulation contained a much wider list of functions than necessary to ensure that role. Some definitions gave the Administration the right to take more extensive actions than an ordinary executive office of the president. The deputies of the State Duma treated this document as an endeavour to give a new role to the Administration as *an institution of executive power*. Indeed, there were several assignments and provisions which gave the AoP the executive roles. The application of the State Duma to the Constitutional court pointed out the following competences:

- Supervision and checking of the implementation of federal laws, decrees, directives and missions of the President of the Russian Federation and preparation of corresponding reports to the President;
- Ensuring interaction of the federal state authorities, of their territorial bodies, and the state authorities of the subjects of the RF in a way, ordered by the President;
- Realisation of public policy in the field of personnel and civil service;
- Coordination of activity of the federal state authorities on the implementation of the foundations of public policy in the field of human rights, mass-media freedom, advertising;
- Founder of mass-media jointly with the federal executives in a way, ordered by the President;
- Coordination of the activities of the divisions of the federal executive responsible for inter-relations with mass-media and their officials;
- The right of the Chief of the Administration to address the prescriptions that are compulsory for fulfilment to federal state authorities to eliminate the gap of realisation of the Presidential decisions.

In April 1997, the President introduced some corrections and additions to these Regulations that stressed the supplementary character of these functions. However, he did not change many of the functions of the Administration as a government authority, listed above. Nevertheless, the State Duma renounced the claim. On May 29 1997, the Constitutional Court issued the decision to dismiss this case.

Thus the super-presidential regime made this executive institution and AoP extremely active and influential in politics. Regardless of the chaos of the early period of transition and new conflicts inside the political regime, many features of the old communist system may be seen in Russia – perhaps more than in other CEE countries, and certainly more than the reformers themselves in Russia might have expected.

The President was at the centre of political and administrative decisions, and tried to force and increase the functions of the AoP. The latter became a decisive source of policymaking and control of policy implementation. During that period, the president governed mostly through decrees. The “decree” lawmaking caused the

superactivity of the AoP, because this body alone had the right and responsibility to draft presidential decrees, orders and missions. This trend was supported by the shortage of laws during that period. Thus, if in 1992, the President issued 118 different acts, in 1998 their number increased to 1859 (Degtev 2006: 196). It is obvious that the legally unregulated process of issuing decrees (the procedure of adoption of presidential decrees was determined by his own decree!) resulted in vagueness and irresponsibility of the whole authority system. M. Afanasiev wrote: “Mass media and some experts mentioned that there are unclear criteria and limits for presidential intervention into concrete administrative and economic issues, cases of rough lobbying, favouritism, and ordinary low quality in issuing decrees, permanent “cold war” between government and presidential administration, which took a lot of time and energy” (Afanasiev 2006: 187).

Comparing the regulations of 1993 and 1996 and the activities of the presidential administration during that period we can conclude that the AoP President not only *provided support* for the realisation by the President of his authority, but it also became *a body of realisation of extensive presidential authorities*<sup>8</sup>. In fact, the State Duma was right when it posed the question about the AoP as an autonomous authority of state power which is not presumed by the Constitution. Some scholars focus on “‘all round management’ of major state institutions and political forces by the President’s Administration” (Meyer, 2006: 84). Iulia Shevchenko writes: “The centre of decision-making had moved into the presidential office. As it had been in early 1994, the prominence of bodies affiliated with the presidency increased” (Shevchenko 2004: 124).

In 1998, the total number of Administration staff was about 1500 people. The biggest department was the Office of Informational and Documentation with its 315 officers, then the General State-Law Office with 168 employees, the General Control Office – 158 people. The number of officers at the Secretariat of the Chief of the Presidential Administration was 115. (The Decree of the President: 1998)

The Presidential Administration was so influential an authority at that time that different political elites and political-economic clans began intensively to compete for influence over that governing institution. Since 1993 and before January 1996 the post of the AoP chief was occupied by S. Filatov who was a representative of liberal pro-democratic forces. But when he declared in the newspaper “Izvestia” (January 1996) the idea that it is possible to nominate some candidates from democratic forces for the presidential post, Filatov was dismissed and was changed by the representative of the hard line elite (the group of A. Korszakov – the head of the

8 Taking into consideration the illness of President Yeltsin the political and governance role of the Administration was very influential. Anatoly Chubais as the head of the Administration in 1996 – 1997 said: “I was appointed head of the presidential administration, but there was no real president” (Hoffman 2003: 364). And David Hoffman adds: “Yeltsin spent months’ recovering away from the Kremlin. Anatoly Chubais, chief of the presidential administration, was effectively the acting president” (ibid, p. 365).

presidential security service) N. Egorov. Sharp conflict and struggles between this group and the oligarchs during the presidential election campaign in 1996 finished in the victory of the oligarchic group. A. Chubais was a representative of this group and was appointed as the Chief of the Administration. He drafted the Regulations on Administration that were contested by the State Duma and discussed by the Constitutional Court. The financial scandals Chubais was involved in resulted in 1997 in his dismissal. His place was occupied by a representative of large capital, V. Yumashev. He was one of the powerful persons in the so-called “Family” that was the informal governing group formed around inactive B. Yeltsin. The attempt to make the AoP more independent from the influence of large capital and other groups of interests after the financial crisis of 1998 led to the appointment of N. Bordusza as chief of administration, who held this post jointly with the position of the secretary of the Security Council until spring, 1999. However, the political character of this office meant it could not be neutral. B. Yeltsin changed again the Administration chief with the representative of the oligarchic capital, A. Voloshin, who took office till 2003. He also belonged to the “Family”.

**Table 1**

The chiefs of the Presidential Administration and their political affiliations<sup>9</sup>

<b>Name</b>	<b>Term</b>	<b>Political affiliation</b>
<b>Petrov</b> , Yuriy V.	1991 – 1993	
<b>Filatov</b> , Sergey A.	1993 – Jan. 1996	Pro-democratic forces
<b>Egorov</b> , Nikolay D.	Jan. 1996 – July 1996	“Siloviki” <sup>9</sup>
<b>Chubais</b> , Anatoly B.	July 1996 – 1997	Pro-democratic + Oligarchic capital
<b>Yumashev</b> , Valentin B.	1997 – 1998	“Family”
<b>Bordusza</b> , Nikolay N.	1998 – 1999	Compromise figure
<b>Voloshin</b> Alexander S.	1999 – 2003	“Family”
<b>Medvedev</b> , Dmitriy A.	2003 – 2005	St. Petersburg group
<b>Sobianin</b> , Sergey S.	2005 – present	Compromise figure

Source: composed by the author

The financial crises of 1998 demonstrated the ineffectiveness of political governance in the country. Special attention was paid to functional duplication of the government and the presidential administration. In 1998, at the reading of the 1999 Budget, the State Duma directly challenged the Presidential Administration’s power by reducing its budget. Since that period the Presidential Administration has gradually become a centre of political management in the country: it started to influence the formation of political parties, the institutional design of the electoral system and

<sup>9</sup> “Siloviki” – from Russian “sila” (force), that is representation of military, police, security office.

the administrative structures. This governmental institution has become an important instrument in the coordination of *political governance* in the country.

#### 4. Autonomy of state power and the Administration of President V. Putin

The Presidential administration of V. Putin inherited many units and functions of the Yeltsin administration. It ought to become conducive to new politics of liberating state power from the grasps of the private interests of financial-political clans. General tendencies of contemporary political processes in Russia are characterised by the following.

The first – strengthening of the *political-administrative autonomy* of the state authority, its independence from the private interests of corporations, autonomous economic groups, and regional political-economic or political-national clans. State autonomy becomes a decisive factor of a state's capacity for developing real public policy;

The second – increasing the level of *political-administrative capacities* of the state to achieve public policy aims, to fulfil its functions in regulating economy and servicing society; state capacities for performing tasks more effectively and qualitatively;

The third – directing economic development, social processes, and the activity of the government to follow the *public interests*, providing human rights and freedom.

These tendencies receive different specific forms and are coming across conflicts and ideological struggle. Some of the political steps of the president are being negatively assessed. Reconstruction of political institutions is considered as narrowing democracy and public space for democratic activity. However, there is serious public support for this reform.

These general elements of political-administrative transformations are inter-related and have many points that overlap. It is obvious that the presidential policy of the “dictatorship of the law”, “equal distance from powers for the oligarchs”, system of “dictated consensus”, “power vertical”, creation of six federal districts, and changing the mechanism for appointing the supreme executive officials in the subjects of the federation (jointly with the reformation of the Federation Council) depends on the realisation of the first aim: to strengthen the autonomy of a state power and the President. It is also obvious that President V. Putin used the regime of super-presidency to fulfil this task. During the realisation of this policy, the super-presidency was transformed too. The general direction here was the rationalisation of the presidential power including its increased legal clarity, rational motivation of co-operation, functional technocratism, and so on. However, the position of the Presidential Administration was not changed proportionately.

Policy orientation on public interests was more obviously expressed in the creation of the “national oriented business”, in programs and projects of the national priority. The administrative reform (2003 – 2005, 2006 – 2008) linked government and administrative capacities to the autonomy of a state power for increasing the influence of public interests on public policy and its implementation.

New Regulations for the presidential administration were issued by the presidential decree № 490 April 6, 2004. This Regulation defined the main the responsibilities of the Presidential Administration as follows:

- Drawing up bills for the President to submit to the State Duma;
- Drafting decrees, orders, instructions, presidential speeches, and other documents, including the President’s Annual Address to the Federal Assembly;
- Providing administrative support to the Security Council, the State Council and other consulting and deliberating bodies of the President;
- Monitoring of the enforcement of federal laws and presidential decrees;
- Preparing proposals for the President on ensuring the coordination and interrelation of the state authorities;
- Coordination of the President’s interactions with political parties, non-governmental and non-profit organisations, unions, foreign governments, Russian and foreign politicians and public figures, and international organisations;
- Assistance to the President in the realisation of his authority in personnel policy;
- Preparing the proposal of the President in the field of human rights and freedoms, mass-media, struggle against corruption, self-government.

Today, some interventions of the AoF in the economy and social policy have been reduced. Actually, the government becomes the centre of economic and social policymaking. In some aspects, the role of the President in managing the government increased. The number of ministries, services and agencies under direct presidential management increased. The President appoints not only ministers, but their deputies. The Presidential Administration controls only general processes in this field, but no details in comparison with the past.

The structure of the Administration was improved, some departments were eliminated and some new ones were created. It is especially important to stress one new structural element of the Administration: the Plenipotentiary Representatives of the President in six federal districts, who are responsible for the coordination of the activities of regional governmental bodies. The main structural elements of the Presidential Administration are: the apparatus of the Security Council, the apparatuses of the Plenipotentiary Representatives of the President in six federal districts, the apparatus of advisors of the President, the state-law office, the chancellery, the control office, the office of the referents, the chancellery of the administration chief, foreign policy office, the home policy office, the office of personnel policy and state rewards, public service office, the office for providing the constitutional rights of the citizens, office of informational providing and documentation, office of working

with citizens appeals, the office of the press-service and information, office of the protocol and organisation, expert office, and the office of regional and cultural relations with foreign countries. In total, the Presidential Administration has twenty sub-divisions. The Administration has its own research and analytical departments whose task is to examine and analyse socioeconomic, political, and legal trends both in the domestic and international arenas. As from 2002, the Presidential Administration has employed a staff of approximately 2000 persons.

In comparison with the Yeltsin presidency, some new features developed in the Presidential Administration. First, the Administration is now included in the processes of construction of a corporative state and channelling the direct influence of state authority on big business (big corporations, especially). Second, the Administration is becoming a centre for the elaboration of the *state ideology*.

**Table 2**  
The representatives of the Presidential Administration  
in government corporations<sup>10</sup>

Corporation	Share of a state in property	Position in corporative governance	Representation of the PA
«Gasprom»	56 %	Chairman of the directors council	D. Medvedev <sup>10</sup> , first vice-premier, recently the Chief of the PA
«Russian railways»	100 %	Member of the directors council	I. Shuvalov, assistant to the President
«Rosneft»	100 %	Chairman of the directors council	I. Sechin, deputy of the chief of the AoP
«Almaz-Antey»	100 %	Chairman of the directors council	V. Ivanov, assistant to the President
«Aeroflot»	51 %	Chairman of the directors council	V. Ivanov, assistant to the President
«Transnefteproduct»	100 %	Chairman of the directors council (before 2006)	V. Surkov, deputy of the chief of the AoP
TV corporation «Pervy kanal»	100 %	Member of the directors council	A. Gromov, press-secretary of the President
«TVEL»	100 %	Chairman of the directors council	S. Sobianin, the chief of the AoP

Source: composed by the author based on different sources of media

Strengthening the autonomy of a state's power determines its capacity to govern without pressure from myopic interests of some political-economic clans. In a state, mainly the President is the active player building up co-operation and con-

<sup>10</sup> Dmitry Medvedev was elected as the President of the Russian Federation on the presidential election 2 March 2008.

tracts with big business. Some co-operative institutions (councils, commissions) were built for the realisation of this aim. In addition, we can mention the system of representation of supreme officials in the directorate of corporations. Some AoP officials are now represented in such corporation governance bodies (see table. 2).

The second peculiarity of the new AoP under Putin is its intervention into ideological processes. Where the public space of ideological configurations became narrow and public discourse became very weak, the Presidential Administration has tried to fill the ideological vacuum by a proposal to build a state ideology. The assistant of President V. Surkov proposed the ideology under the name “sovereign democracy” (Surkov, 2006) which raised discussions in public. The reaction on this ideology was adequately supportive. Nevertheless, the currently uncontested “power party” – “United Russia” – put it in the party program. In fact, the administration of the President controls the general ideological processes in the country directly, as founder and owner of the mass-media companies, or indirectly conducting these processes.

Though the staff of the AoP supports the President politically, there are some differences between the officials of AoP concerning the affiliation to certain ideas and a level of influence to the head of state. This influential group included two deputy chiefs of the AoP, I. Sechin and V.Surkov, assistant to President V. Ivanov, and the chief of the AoP, S.Sobianin. Some observers distinguish three different and influential groups. The first has emerged around V. Sechin (“Petersburg group”, “siloviki”), the second – around V.Surkov (“Moscow group”), and the third group that is integrated by S. Sobianin attempts to establish a liberal counterbalance to “siloviki” (Mukhin 2007: 34). In reality, the AoP is a much closed system and it is difficult to define actual preferences and the composition of the forces. The only fact that is obvious is that all groups are subordinated to and are following the presidential policy and his authority.

## **Conclusion**

The Administration of the President in Russia was formed in 1991 during a major reconstruction of the state, economy and policy. Since then it has been an influential instrument of the president for the development and implementation of his policy. The Administration was on the sharp edge of political conflicts and its development was influenced by different political trends. It was not and is not a single office or department, but a group of agencies that are all directly responsible for helping the president to fulfil his duties and to deal with different political, social, and economic institutions. The specification of its elements has changed over the years. But the political role of the AoP was always wider than the legal norms provided for the regulations of its activities. Currently, AoP is trying to play the role of a political manager and an ideological guru. There is an inconsistency between the reality of its formal status as presidential apparatus and its role as supreme executive in Rus-

sia. It is possible that Russia needs a special law on the President and his administration to answer the many questions of the power and role of the president and his support structures.

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# 'Administering the Summit': The Case of Kazakhstan

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## 1. Introduction

Kazakhstan was formed as an autonomous Republic within the Russian Federation in August 1920 and became a Republic of the Soviet Union in 1936. In 1989, Nursultan Nazarbayev became head of the Communist Party of Kazakhstan. The Supreme Soviet elected Nazarbayev first Kazakh president in 1990 and declared state sovereignty. In December 1991 Nazarbayev won uncontested presidential elections (98 % of the vote) and Kazakhstan declared its independence from the Soviet Union and joined the Commonwealth of Independent States (CIS). In 1995, the President's term of office was extended until 2000 at a nationwide referendum and in January 1999, in an early election, he was returned for a seven-year term by almost 80 % of voters. The most recent Presidential elections were held in December 2005 when Nazarbayev won a third term with more than 90 % of the vote. The people of Kazakhstan have to live with the aftermath of Soviet-era nuclear testing and toxic waste dumping. President Nazarbayev got rid of the nuclear weapons on Kazakh territory and sees his greatest achievement as building an independent country without violence or a split along ethnic or religious lines. He has also led a period of significant financial and economic reforms (Foreign and Commonwealth Office, 2007).

Following independence, Kazakhstan engaged in a programme of economic reforms where prices were liberalised, trade distortions reduced, and small/medium-scale enterprises (SMEs) privatised. The treasury and budget processes were dramatically improved. More recently, a framework for public resource management was introduced, which lays the foundation for a modern civil service. The creation of a National Fund (in 2000) to save part of the revenues from oil and other extractive industries has been used to increase social spending and share the benefits of economic growth. Since 2000, the economy has shown significant signs of improvement with GDP annual growth in 2006 at 10.6 % (World Bank, 2006). The government is attempting to promote economic diversification and growth in the non-oil sector. Diversification into labour-intensive sectors is necessary for growth in employment and incomes, as well as to reduce the economy's vulnerability to swings in the price of oil.

It is against this political and economic background that we consider politico-administrative patterns in Kazakhstan by examining the actors, structures and processes supporting the administration of the Office of President of Kazakhstan.

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## 2. Background: Presidential Republic

Kazakhstan is a presidential republic initially modelled on the Constitution of the French Republic (1958) in which the principal roles of the President are defined as follows: the President of the (French) Republic shall see that the Constitution is observed. He (*sic*) shall ensure, by his arbitration, the proper functioning of the public authorities and the continuity of the State. He shall be the guarantor of national independence, territorial integrity and observance of treaties (French Constitution, 4<sup>th</sup> October, 1958: article 5).

Heywood (1997) defines presidential government in the following way. A presidential system of government is characterised by a constitutional and political separation of powers between the legislative and executive branches of government. Executive power is thus vested in an independently elected president who is not directly accountable to or removable by the assembly.

- The principal features of a presidential system of government are the following:
- The executive and the legislature are separately elected, and each is invested with a range of independent constitutional powers.
- The roles of head of state and head of government (the chief executive) are combined in the office of the presidency.
- Executive authority is concentrated in the hands of the president; the cabinet and ministers being merely advisors responsible to the president.
- There is a formal separation of the personnel of the legislative and the executive branches
- Electoral terms are fixed. The president can neither 'dissolve' the legislature nor be dismissed by it (except through impeachment).

Unlike other CIS countries, Kazakhstan favoured a presidential system of government as a necessary response to the economic and political crises which accompanied the collapse of the USSR. A presidential system provided the authority and leadership to tackle economic reforms as a priority and with urgency needed to address the Soviet legacy. It was seen as a pragmatic approach to a crisis which demanded immediate and decisive actions. A limited process of change in the system of government had begun before independence with modifications to the Constitution of Kazakhstan Soviet Socialist Republic proposed by the *Supreme Soviet* (the Soviet Union's standing parliament). A law entitled 'About the Establishment of the Post of President' (April 1990) was intended to pave the way for the national election of a President but the *Supreme Soviet* proved slow and ineffective in making the necessary transformation. The *Declaration on State Independence of the Republic of Kazakhstan* in 1991 was a legal, political and ideological turning point in the history of Kazakhstan and established the status of the President as head of state and the supreme executive and administrative authority (Ertysbaev, 2001). The presidential elections followed in the same year. Such was the potential for an imminent national

crisis that little attention was paid to the formal separation of powers between the legislature, executive and judiciary, and associated checks and balances. Executive power dominated through an independently elected President. In the period immediately following the elections, the old state structure of the Kazakh Soviet Socialist Republic remained, with the Soviet-communist system of councils in place. It quickly became clear that there was a need for change and in particular a new constitution was required.

A group of international and local legal experts worked on a draft constitution aimed at incorporating broad democratic principles, whilst recognising the political and economic realities of Kazakhstan at that time. This included the need to replace the old Soviet-era parliament, an unwieldy part-time institution which met in full session only twice a year and lacked experience as effective legislators. The whole Communist system of 'representative' bodies from the federal to the local levels required radical reform and had become an obstacle to progress. Proposals for reform encountered resistance from some deputies but in December 1993 a majority voted to disband themselves, dissolve all the local councils or soviets and hand over management of the regions to local executive authorities. In the same year the first *Constitution of Sovereign Kazakhstan* was adopted which promoted the formal separation of powers, with the President setting national policy priorities. The executive and judicial bodies were defined for the first time as independent branches of government and the *Supreme Commission* established as the representative legislative body of the Republic of Kazakhstan. The first elections took place in a single chamber parliament in March 1994 with about 700 people from various political parties or social movements competing for 135 seats and an additional 42 seats elected directly from the regions (two from each region). However, Kazakhstan's first parliament also appeared unable to react quickly to unfolding events best characterised by contradictions between an emerging period of liberal free-market reforms and the legacies of a command style economy.

Faced with opposition surrounding the pace and extent of economic reforms, work began, with the assistance of international experts from the UK, France and the USA, on the creation of a new constitution aimed at creating the foundations for a strong, independent state. The form of governance was deliberately presidential, although an important role was also given to a new bicameral parliament. The new Constitution of the Republic of Kazakhstan was approved through a national referendum in August 1995 and paved the way for parliamentary elections. Parliament was defined as the supreme representative body with responsibility for legislative functions. The lower house of parliament, or Majilis, comprised (at that point) 67

directly elected members and the upper house or Senate, 47 senators<sup>3</sup>. New constitutional laws were adopted to firmly embed the presidential republic and the respective roles of its key stakeholders: *About the President of the Republic of Kazakhstan*; *About the Parliament of the Republic of Kazakhstan*; and *About the Government of the Republic of Kazakhstan* (1995). The President as Head of State appoints the Prime Minister (currently Karim Massimov since January 2007) with the approval of Parliament. The President also has the right to appoint 7 members of the Senate. Executive power is therefore represented by the President who forms the government and names regional akims (governors).

In order to limit presidential powers and exercise 'checks and balances', the President does not have the automatic right to initiate legislation. Parliament could award him special law-making powers for up to one year by a two-thirds majority at a joint session. Another safeguard was that the President could be impeached by a three-quarters majority of a joint session of Parliament. In addition, local councils or Maslikhats have the right to stage a no confidence vote (two-thirds required) in any executive head whether at the district, town or regional level. In such cases, the President must automatically remove the official from his or her post. Further controls are available through the strict separation of powers between the legislature, executive and judiciary whereby if any of them infringe the constitution they can be held to account for their actions. The new constitution also established a six-member Constitutional Council, replacing the old Constitutional Court, with two members appointed by the President, and two each from the Majilis and Senate. This allowed the Council to be above politics, independent and free from outside pressure. In short, the new Constitution of the Republic of Kazakhstan (1995) has cemented the transition to the presidential system, and strengthened the Executive's authority at a time when strong leadership was needed to achieve economic reforms and movement to a market economy.

### **3. Stages of development**

The period of 1991 – 1995, from independence until the adoption of the new Constitution, can therefore be characterised as the first stage in the formation of Kazakhstan's statehood. Tentative steps were taken towards political pluralism and minor democratic changes emerged. The overriding emphasis was to tackle economic recession and build a solid foundation for recovery by exploiting the country's considerable mineral wealth. During this period, power and authority were concentrated in the hands of the President and executive authorities. The reason for such an approach was that political development and reform could not take place without a

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3 At present the Senate has 39 members made up of two elected representatives from each of Kazakhstan's 14 regions, and cities of Astana and Almaty. Representatives serve terms of two, four or six years. The remaining seven members are appointed directly by the President from the choice of prominent public figures, academics etc. The Majilis is a 77 directly elected member body (10 seats on party lists) and the deputies serve for a term of five years.

stable economy and good inter-ethnic relations – the so called ‘first economy, and then politics’ era. President Nazarbayev argued that evidence has shown only when gross domestic product per capita is greater than US\$6,000 can democracy become viable. Kazakhstan is fast approaching this level – in 2006 its GDP per capita was US\$ 5,083 and forecast to be US\$ 6,500 in 2007 (Nazarbayev, 2007a).

The second stage in Kazakhstan’s development was the period of 1995 – 2000 which witnessed not only significant economic transformation, but also political improvements. The new Constitution provided for a democratic, secular state and a presidential system of government. During this period the socio-economic strategy document *Kazakhstan 2030: Prosperity, Security and Improvement of Welfare for Kazakhstan Citizens* was launched (1997) and became the template or master plan for progress towards a market economy. With an improving economy and political stability, international investors provided capital for the development of local industry resulting in an emerging middle class. An environment was evolving conducive to political pluralism, regular elections, a growing civil society and some diversity in the mass media.

The most recent phase in the country’s development from 2001 onwards has consolidated Kazakhstan’s strong economic performance as a regional leader – GDP is expected to double between 2000 and 2008. With the economy performing well, attention shifted to democratic reform aimed at improving public services, increased accountability, and transparency of executive bodies. A State Commission for the ‘Development of Democratic Reforms’ was established in March 2006 under the chair of the President and committed itself to a political reform agenda, the objectives of which were:

- To make the liberal and democratic reforms in Kazakhstan systematic and irreversible by mobilizing the efforts of the Government and civil society institutions.
- To ensure that the majority of the population embraces and adopts democratic traditions with a view to establishing a society of a ‘consolidated democracy’, and to strengthen the social base of the reforms.
- To achieve political reforms that represent a compromise among all the forces of society who have joined together to meet the challenges facing them (Abdykariimov, 2006).

To date, the State Commission has implemented a number of initiatives to enhance the political process in Kazakhstan: one-third of the governors are elected in districts and regional centres instead of being appointed; a strategic framework for the development of civil society (covering the period of 2006 – 2011) has been formulated and approved; and the Commission has made a significant contribution to drafting the law on local self-government. Importantly, the State Commission prepared constitutional proposals on further political development. These included ideas to strengthen the authority of Parliament and other representative bodies, the

promotion of local self-government, strengthening judicial and law-enforcement systems, developing civil society and political parties, and amending the Constitution in order to provide a legal base for effective democratisation.

#### **4. The Presidential Office**

The separation of powers under the 1995 Constitution, with the strengthening of the presidential system, demanded a more enhanced Presidential Office to deal with the different branches of government in the implementation of a unified state policy. As a consequence, the *Administration of the President of Kazakhstan* was formed in October 1995, a state authority directly subordinated and accountable to the President. The principal functions of the Office are to:

- Develop and implement social and economic strategic policies for the development of Kazakhstan. Constantly review ways in which social and economic reforms can be updated to improve the quality of life for the citizens of Kazakhstan.
- Support the activities of the President as Head of State by implementing his decisions and ensuring effective outcomes. The Administration also briefs him about current local and world affairs.
- Provide support to advisory and consultative authorities under the Head of State such as: the Security Council; Council of Foreign Investors; Council on Legal Policies; National Fund Council; the Supreme Judicial Council of Kazakhstan; National Council; Social Council on Mass-Media; and the Entrepreneurs' Council.
- Prepare the annual message of the President to the people of Kazakhstan on the current situation in the country, its internal and foreign policies, and future social and economic prospects.

These are significant tasks and require a sizeable workforce. The current Administration of the President derives its authority from an updated presidential decree (Decree of the President of the Republic of Kazakhstan, 31<sup>st</sup> March 2004, No. 1327). There are 376 staff in post, 74 of whom are political appointees and the remainder administrative state posts. The Administration has a complex structure including various departments, centres and councils (Majlybaev, 2001). There are 3 key personnel in the Administration of the President – the State Secretary, Head of Administration, and Security Council Secretary.

The **State Secretary** (currently Kanat Belmurzaevich Saudabayev) is appointed (and discharged) from the post by the President. He provides policy advice to the President on social and regional development and their implementation. He represents the President in any communications with state institutions, political parties and other public bodies or associations. He also coordinates the activities of consultative bodies under the Head of State such as: the National Council, As-

sembly of the People of Kazakhstan, Human Rights Commission, and the Committee on Corruption, and Public Service Ethics. He oversees the implementation of Presidential acts and orders.

The **Head of the Administration** (currently Adilbek Ryskeldinovich Dzhaksybekov) coordinates the work of the assistants and advisors to the Head of State and recommends the appointment of officials within the Administration to the President. He also oversees contacts between the Administration and Parliament, the Government and Prime Minister's Office, ministries, the Constitutional Council, Supreme Court and other central executive bodies. He submits laws adopted by Parliament, draft decrees, orders and other documents to the President for consideration and his signature. Of particular note, the **Office of the President** (or Chancellery of the President) resides within a division overseen by the Head of the Administration. This Office offers administrative and research support to the President, including arranging his daily operational schedule and civic events involving his participation. The Office is also monitoring the activities of state bodies or public officials who are responsible for implementation of political decisions.

The **Security Council Secretary** (currently Berik Mazhitovich Imashev) is responsible for the performance of the Security Council whose key roles are: to guard the national interests, highlight threats to national safety, and agree ways of protecting the national security of Kazakhstan. The Council ensures the protection of national sovereignty, independence and the territorial integrity of the state. It is also charged with maintaining social and political stability and guaranteeing the constitutional rights and freedoms of the citizens of Kazakhstan. The President is the Chairman of the Security Council. An important subdivision of the Security Council is the Situational Centre which advises the Head of State through information and analysis on local and world events and their potential impact on the internal and foreign policies of Kazakhstan.

The Administration of the President operates within a triad also involving the Cabinet of Ministers and the Security Council. Ministers exercise considerable autonomy over social and economic matters and hence are influential in the policy making process. The Security Council, chaired by the President, has more recently emerged as an organisation monitoring the state machinery and purging corrupt officials. Whilst the Administration of the President, Council of Ministers and Security Council represent the key formal actors in 'administering the summit', there are signs that their role in policy making and 'speaking the truth to power' is being becoming less exclusive (Guy Peters, Rhodes and Wright, 2000). The importance of the role played by the State Commission on the Development of Democratic Reforms is a case in point. Given the centrality of this Commission to the future political reform agenda of Kazakhstan, it might have been expected to have drawn on established elites. In fact, whilst chaired by the President, its membership comprised speakers from both chambers of Parliament, leaders of registered political parties

and public associations, members of parliament, government representatives and public figures. The Commission undertook its work in a widely consultative way arriving at a public consensus on the political modernisation agenda. The Secretary of State, Mr. Abdykarimov (2006), described the process as 'leading the national dialogue on the problem of reforming our country's political system'. Amendments to Kazakhstan's constitution were required to implement the fundamental nature of the reforms emanating from the Commission.

To take forward the work of the Commission, an *ad hoc* working group chaired by the President was set up to consider the significant democratic reforms proposed. These included decentralisation and the development of local self-governance, more widespread application of the principle of election such as in top local government posts, granting greater powers to Parliament and local representative bodies, more active participation of the political parties, development of civil society institutions, and combating corruption. Here again the diversity of this working group signalled a shift in elite decision making. It comprised government officials, members of parliament, scientists, and legal experts in constitutional law. The significance of this group was outlined by the President when he said that the task of the *ad hoc* group was 'to study and summarise suggestions made by the State Commission, weigh their legal merits and clearly formulate amendments to the country's Constitution. The quality of your work will largely determine the success of political transformations in Kazakhstan' (Nazarbayev, 2007b).

The formal structures and processes of 'administering the summit' do not of course reflect the existence of a political elite in Kazakhstan which, like other post-Soviet countries tends to be personalised. Political elitism is compounded by the fact that Kazakh opposition parties are in disarray and fractured, offering no real alternative to the voting public. The President's policy has allowed him to continuously increase his popularity by providing substantial increases in pension benefits and civil service salaries. In the President's annual address (28<sup>th</sup> February 2007), he announced a doubling of childcare benefits and raised the basic pension, increasing its level to 40 % of the minimum cost of living. From January 2007 salaries of civil and public servants have increased by 30 %. The changes suggested under the Constitution could be seen as part of the preparations for further political reforms. The President has said 'it's time we laid a legal basis to ensure the success of the liberal reforms that we have begun, to switch to a new balance of state and public interests, a new system of checks and balances' (Nazarbayev, 2007c).

## **5. From a Presidential to a Presidential-Parliamentary Republic?**

In May 2007, the two chambers of Parliament unanimously endorsed the proposals emerging from the State Commission on Democratic Reforms, its *ad hoc* working group, and the associated amendments to Kazakhstan's Constitution. The changes

were signed into law by President Nazarbayev. Therein the State Commission supported the preservation of the presidential form of government but backed a redistribution of powers and responsibilities in favour of an enhanced role for Parliament. These changes imply a shift from a 'presidential' to a 'presidential-parliamentary' republic by increasing the legislature's role. Importantly, the amended Constitution places a two-term limit on presidents with each term being reduced from seven years to five. President Nazarbayev is exempt from this change 'in recognition of the historic role the first president has played in the establishment of our state, as one of the founders of our new independent Kazakhstan' (Zhumabayev, 2007). In effect, this permits Nazarbayev to be re-elected – his current tenure is due to end in 2012. The President will, under the changes, need to seek Parliament's endorsement for his choice of Prime Minister. The role of the courts is enhanced. The package also increased the number of members in Parliament and provided for more seats in the lower house (Majilis) to be filled according to the proportion of votes won by political parties<sup>4</sup>. The Deputies will also have a greater say in picking regional governors (akims) who will see their terms reduced from five to four years. Constitutional changes increase the role of the Assembly of the People, a unique instrument to preserve the religious and ethnic peace and mutual tolerance of Kazakhstan's multi-ethnic and multi-confessional society. See structure of government following the constitutional reforms (appendix 1).

Opposition parties question whether the reforms represent a real shift in power. Strengthening Parliament poses little risk to the President and could be a way of retaining political influence after he steps down, according to his critics. Supporters of the constitutional reforms could refute this criticism and argue that both chambers of parliament have been strengthened in an evolutionary process to a presidential-parliamentary form of governance. Given that there was no nation state until 15 years ago and no tradition of formal democracy until 1992, Kazakhstan is undergoing significant modernization. Advocates argue the retention of a strong centralised power base in the President is necessary for Kazakhstan at this stage in the democratization process. They point to comparisons with neighbouring Kyrgyzstan and other Central Asian Republics and the Ukraine and Georgia to illustrate the point.

In an effort to legitimise the constitutional changes and following proposals by some members of Parliament, the President called for an early dissolution of Parliament ahead of the official end of its legislative term in 2009 and elections took place in on 18<sup>th</sup> August 2007. Party candidates were voted in via a system of proportional representation with 98 Majilis seats to be shared out by those parties which could win more than 7 % of votes. The remaining nine seats were reserved for representatives of the Assembly of the People of Kazakhstan. The outcome of the elections

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4 The number of deputies of the Parliament will be increased to 154 people. This includes an increase by 30 of Majilis representatives and 8 new senators.

was perhaps predictable. The People's Democratic Party Nur-Otan won a landslide 88 % of the vote in the parliamentary elections, leaving the opposition with no seats. Neither the Social Democratic Party nor its moderate rival Ak-Zhol surpassed a 7 % threshold for gaining seats, with 4.6 % and 3.3 % of the votes respectively (the Kazak opposition had previously held a single seat in Parliament). Nur Otan holds all 98 seats which were up for election. The OSCE report on the elections 'welcomed progress' over previous elections, while saying 'a number of international standards were not met'. Consiglio Di Nino, a Canadian senator who led the OSCE's monitoring team commented: 'notwithstanding the concerns contained in the OSCE report, I believe that these elections continue to move Kazakhstan forward in its evolution towards a democratic country' (Di Nino, 2007).

Have the constitutional reforms and parliamentary elections significantly altered the power base of the President? Critics will now argue that the elimination of all opposition forces from the lower chamber has subverted the improvements to increase Parliament's power in the amended constitution. One key element of the reforms was the right granted to the lower house to have greater oversight in the selection of the Prime Minister. The President will continue to pick the Prime Minister, subject to parliamentary approval, but the new rules require the Head of State to first consult the parliamentary faction leaders. The lower house now has greater budgetary oversight. The Prime Minister is obliged to report on budgetary implementation to the chamber, and a vote against the budget would be tantamount to a vote of no confidence in the government. This is highly unlikely in a parliament comprising the president's supporters. This analysis has been rejected on the grounds that Kazakhstan will develop in its own way in accordance with 'the Kazakhstan way of political transition. One of the features of our way is the preservation of the presidential form of government, phased introduction of reforms, balance in decisions, and national dialogue among and between the main political forces' (Nazarbayev, 2007c).

One way of trying to capture whether such constitutional changes do in fact represent a significant shift in governance arrangements in Kazakhstan is by considering data collected by the World Bank. 'Worldwide governance indicators' report aggregate and individual governance indicators for 212 countries along six dimensions of governance: voice and accountability; political stability and the absence of violence; government effectiveness; regulatory quality; rule of law; and control of corruption (Kaufmann, Kraay and Mastruzzi, 2007). The aggregate indicators combine the views of a large number of enterprises, citizens and expert survey respondents in industrial and developing countries. The individual data underlying the aggregate indicators are drawn from a diverse variety of survey institutes, think tanks, non-government organisations, and international organisations. We consider the indicator 'voice and accountability' here. Voice and accountability measures the extent to which countries' citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.

Drawing on the most recent data (2006) we present voice and accountability measures for Kazakhstan’s government by comparison to its nearest CIS neighbours: Russia, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan.

**Figure 1**  
Voice and Accountability

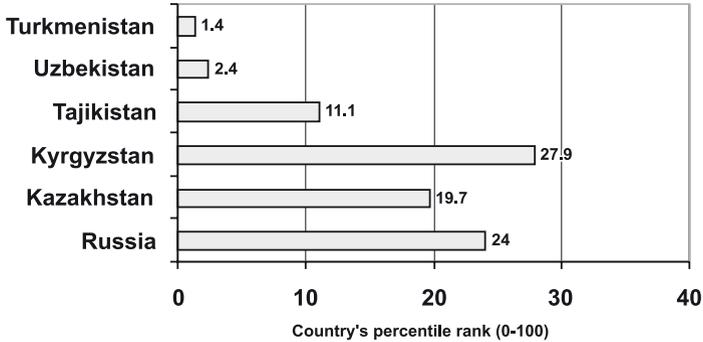


Figure 1 shows the percentile rank of each of the six selected CIS countries measured in terms of one dimension of governance as defined by the World Bank, that of ‘voice and accountability’. Percentile rank indicates the percentage of countries worldwide that rate below these countries. Higher values indicate better voice and accountability arrangements. The more important observation here is the relative position of Kazakhstan to its nearest CIS neighbours which ranks third (19.7) after Kyrgyzstan and Russia at 27.9 and 24 respectively. Hence the government’s record on voice and accountability exemplifies the strength of a centralised presidential or presidential parliamentary republic. Tracking changes to these data following the 2007 constitutional reforms in Kazakhstan should allow an assessment of their impact.

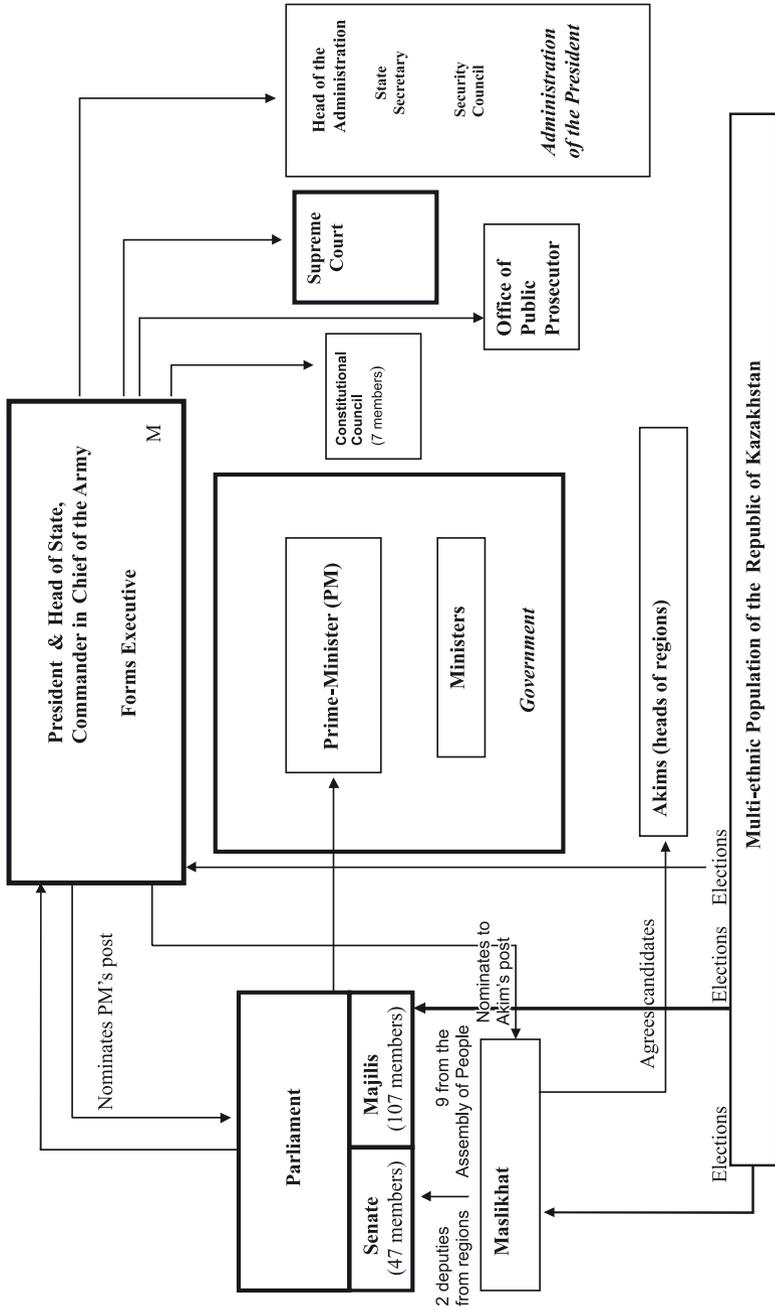
## 6. Conclusions

Kazakhstan has drawn comparisons between its form of governance as a Presidential Republic and that of France’s Fifth French Republic. In Kazakhstan, power is concentrated in an executive presidency. The Prime Minister and the Council of Ministers were appointed by the President. He must now seek parliamentary approval for his choices. The 1995 constitution gave the President wide powers, such as the ability to dissolve the two-chamber parliament if the president’s nominee for prime minister was rejected twice, or a vote of no-confidence was held. Moreover, only the President could initiate constitutional amendments, call referenda at his discretion, and appoint administrative heads of regions. Amendments to the Constitution in 2007 sought to alter the balance of power in favour of a stronger legisla-

ture. In France it has been argued that presidential power varies according to political circumstance and the personality of the head of state. It is acknowledged that the French president is a major political actor but 'dependent on the parliamentary majority for political authority and on the prime minister for general administrative support' (Elgie, 2000: 242). In Kazakhstan with a very weak political opposition base, power remains highly concentrated at the centre. The Administration of the President, Cabinet of Ministers and the Security Council are the key power agents. Kazakhstan has come a long way since independence in 1991. Its significant economic success and rise in living standards owes much to the strong leadership of the President. Whether the political reform agenda is sufficient to satisfy the aims of the Strategy-2030 and the demands of the international community remains to be seen.

## Appendix Structure of Government in Kazakhstan

**System of government in the Republic of Kazakhstan, according to the renewed Constitution (Law of Republic of Kazakhstan, 25th May 2007, N254-III)**  
Kazakhstan is unitary state with the presidential form of board



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**Section III**  
**Advisors and Political Civil Servants**



# Staffing the ‘Summit’ – Evidence from East and West on the Role of Personal Advisors and Senior Civil Servants

*Bernadette Connaughton*<sup>1</sup>

## 1. Introduction

In their original study on the administration of the summit, Peters, Rhodes and Wright (2000) noted several complications in pursuing a comparative analysis of the structure, staffing and changing trends within the institutions serving executive leadership. These related to the structural equivalence of summit institutions, formal (and informal) division of responsibility), problems of relative values and perceptions, differing responsibilities of summit staff, constantly changing character of summit staffs and the complex problem of the role of unofficial advisors who may be an intimate part of the leader’s entourage but do not feature in official documentation (ibid: 4 – 6). The evidence from the case studies presented in this section illustrates the reality of these tensions and the variety of means by which they seek to manage them. The staffing of the summit also reflects public administration trends over the past twenty-five years whereby many areas of public employment have lost their uniqueness and have adopted similar characteristics of general employment systems. There are both more options for politicians in how they obtain advice and more competition for civil servants in its provision. Several governments have not considered the civil service to be sufficiently responsive and have created their own alternative structures for policy advice.

This chapter serves as an introduction to the case studies in this section. The countries included are Belgium, Estonia, Finland, Ireland, Poland and Romania. In addition to outlining the key questions of interest in the case studies, the discussion in this chapter serves to provide a context for understanding the changing relationships between politicians and civil servants and presents a comparative overview of the types of arrangements that have been introduced to manage politico-administrative relations across selected EU/OECD states. Of particular interest is the role of those actors who are engaged in providing policy advice and co-ordination – be they (a)political civil servants, members of prime ministerial/ministerial cabinets or special advisors. The latter constitute a group of actors whose role has become quite entrenched in governmental affairs. By virtue of their close proximity to ministers, advisors may potentially have a significant influence on relations between ministers and civil servants and the content of policy. In all cases the architecture and staffing of the summit remains conditioned by the national context, institutional and constitutional arrangements, leadership and culture.

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## **2. Shifts in the original ‘public service bargain’ – interpreting the roles of the principal actors in the policy making process**

The normative reference point for evaluating the relationship between politicians and bureaucrats is provided by the ideals of Max Weber and Woodrow Wilson and internalized in the traditional public service bargain. Hood (2000: 8) defines a public service bargain as ‘any explicit or implicit understanding between senior public servants and other actors in a political system over their duties and entitlements relating to responsibility, autonomy and political identity, and expressed in convention or formal law or a mixture of both.’ The Northcote-Trevelyan Report (1854) in Britain served as a catalyst for introducing the traditional bargain. This advocated that bureaucrats gave up political office for neutrality and permanency and, in return, politicians gave up their right to ‘hire and fire’ in exchange for loyalty and competence. These were integral features of the traditional model of public administration which dominated mainstream approaches to the field for much of the twentieth century (Hughes, 2003). Despite the distinctiveness of public sector ideals, however, the arrangements that exist(ed) in EU/OECD countries have produced differentiation in structure and methods of governing due to variations in national context, culture, leadership, management, institutional and constitutional arrangements (OECD, 2005).

In recent decades the traditional set of norms and values shaping relationships between politicians and bureaucrats and the diversity of their national settings have been subject to analysis in the literature. The understated role of bureaucrats in the classical model became subject to various interpretations of role perceptions and interactions with politicians in the shaping of policy decisions (see Aberbach, Putnam and Rockman, 1981; Peters, 1987; Peters and Pierre, 2000; Verheijen, 2001). From their study Aberbach et al (1981) identified that politicians and civil servants have different agendas and approaches. They developed the concepts of ‘classical’ and ‘political’ civil servants – the former more aligned to the insights of Max Weber and Woodrow Wilson, and the latter interpreting their roles as engaging in policy making and not ruling out the political involvement of civil servants. Peters’ (1987) analysis conceptualised the interactions between politicians and civil servants in the policy making process on a continuum that presented on one end a model of the clear separation between political and administrative roles, and at the other end an extreme presented by the ‘administrative state’ model. This model reflected a perception that the decision making of government is dominated by bureaucracy, echoing warnings in the 1960s and 1970s that the rise of technocracy and bureaucratic government threatened to marginalise the politicians at the expense of unelected bureaucrats.

Svara (2001) offers an alternative framework for interpreting contemporary politico-administrative relations. The key premise in this model is what is termed

'complementarity' whereby politico-administrative relationships operate along two dimensions: *political control* and *professional independence*. Complementarity reflects the idea that both politicians and senior civil servants are highly dependent upon each other in terms of accomplishing their individual tasks in government – but simultaneously retain distinct roles. For example, a secretary general/permanent secretary plays a pivotal role, linking the political to the administrative system through providing strategic managerial and operational advice to ministers. It is advocated that these roles come together in a mutually supportive way and resemble the 'win-win' situation of complementarity (Svara, 2001). Such representations from the literature have facilitated our questioning and understanding of the relevance of the traditional model and guided analysis of the interactions between ministers and mandarins in both national and comparative perspectives (Verheijen, 2001).

Further insights into shifts in the traditional public service bargain are also inherent in theoretical developments probing the influence of bureaucrats and the reality of public management reform. The traditional model misrepresented the reality of official influence on the parameters of policy decisions and is deemed to be an outdated paradigm (Hughes, 2003). Public choice theory applies economic methodology to non-market situations and asserts that all political actors, whether politicians, bureaucrats, interests groups or voters are 'egoistic, self-regarding and instrumental in their behaviour' (Dunleavy, 1991: 3). In the institutional struggle over power and policy within government, it is argued that of the two groups the elected political officials have generally been assumed to have a better motive in their service of public interest (Peters, 1997). Public choice perspectives present officials in a negative light by asserting the departmental monopolisation of policy advice and manipulation of ministers to favour the oversupply of public services. The insistence that civil servants may be 'budget maximising' in order to fulfil their own agenda (Niskanen, 1971) gained prominence in several New Public Management (NPM) reforming countries and the monopoly of the civil service role in policy advice became contested.

In general ministers are now more likely to draw upon several sources of policy advice – advisors, think-tanks, consultants, in addition to senior bureaucrats. The reforms of the past two-three decades have also had a major impact on both the nature of and the distribution of power in the connections between civil servants and their political masters (Peters and Pierre, 2000). Agencification and the changing recruitment and career patterns of officials have altered the classical relationship. Reforms directed to the senior civil service have aimed at encouraging a more performance oriented culture, developing leadership and a transition from generalists to managers. It is argued, however, that such shifts have not been without conflict and may have undermined cooperation akin to the 'village-life' metaphor whereby jointly socialized politicians and top officials worked effectively together (ibid).

In Central and Eastern Europe the relationship between politicians and bureaucrats has been especially problematic in the states in transition from Communism. Coombes (2001: 26) comments that this is not only because the conditions of 'post-communism' were in themselves extraordinary, 'but also because of an excessive and misguided effort to justify assimilation to the western model'. The prescriptions of NPM have also been directed to transition states, many of which have expedited administrative reform activities in order to comply with EU accession requirements. The creation of civil service law has been an important element in the attempts to reform public administration and address the challenges of fragmentation, instability and politicization. Despite the adoption of laws widely across the region, however, their impact on addressing the problem of instability and administrative quality has not lived up to expectations (Verheijen, 2001; 2003).

What is apparent is that whether due to administrative reform, cultural differences, further legacies of history, crisis, or the complexities of contemporary governance, a black-and-white interpretation of the traditional 'bargain' does not grasp the patterns and interactions of the principal actors at the summit. In some countries there is the added reality that civil servants are also active politicians and have to grapple with both roles. The senior civil service does remain influential for policy advice, in particular for counsel on its procedural aspects and practical implementation. But it has had to adjust to the increased emphasis placed upon the significance of management as well as policy skills. The 'cult of the generalist' has had to adapt given the necessity to be responsive to the needs and specialised skill demands of contemporary society. The countries whereby a career system still dominates include France, Ireland and Spain. A position based system is evident in more active NPM reformers such as Finland and Sweden. During transition in the 1990s the countries of Central and Eastern Europe have adopted different models of civil service systems. Hungary and the Slovak Republic have adopted career based systems whereas Czech Republic and Poland have opted for more position based systems, the different choices affecting governance and civil service culture (OECD, 2005). Understanding the roles of politicians and senior bureaucrats and how they have changed remains important to address since these actors undertake core roles in the policy process. But it is also important to widen our analysis to the other key actors and structures that are providing support and advice to the government in 'administering the summit'. Such structures/personnel need to be taken into account in politico-administrative relations since they represent a dimension of governance where both types of roles intermingle.

### **3. Staff who advise the summit – advisors in a comparative perspective**

#### **3.1 Structural and cultural features**

The circumstances in several EU/OECD states illustrate a rather varied picture with respect to the provision of policy advice and staffing at the summit. In the twelve country study undertaken by Peters, Rhodes and Wright (2000) a growth in the advisory resources available to leaders and their ministers was recorded. This was entrenched by the institutionalisation of such structures and roles (ibid). In addition to the senior civil service a range of political staff is employed to undertake a range of duties. The combination of advice needed reflects the multiple roles of both prime ministers and ministers and the necessity to maintain political support. Factors which dictate the forms of support availed of at the summit include whether the country is a presidential, semi-presidential or parliamentary regime. In the USA the President and his ministerial counterparts are provided with large staffs and can procure almost all forms of policy advice they might need. Several of the former communist states have opted for directly elected heads of state and, in the case of Poland and Romania, have been endowed with some sizable executive functions. In the past ten years, however, most of these countries have emulated the Western European pattern of largely ceremonial presidencies. Goetz (2006) comments on the exceptional circumstances of transition politics whereby the instability plaguing parliament, government and political parties allowed entrepreneurial presidents punch above their weight. In parliamentary regimes, however, the executive has traditionally tended to depend more on the senior civil service though trends towards the appointment of partisan ministerial or special advisors have increased. The strengthening of the core executive referred to by Peters, Rhodes and Wright (2000) has facilitated these trends through factors such as the presidentialisation of politics reflecting the growth of leadership power and autonomy and the greater prominence of political leaders in electoral processes. The UK is a prime example where the 1997 – 2007 premiership of Tony Blair saw a substantive increase in central control emanating from 10 Downing Street. The latter also reflects the independence of single party majorities in parliament.

It has been noted that generally one of the most crucial factors affecting the role of the civil service in parliamentary regimes is coalition government and the number of parties involved with their demands for patronage positions (Peters, 1997: 240). Coalitions are the norm in many European states such as The Netherlands, Italy, Belgium, Ireland and Germany. In the case of new democracies in Central and Eastern Europe coalitions have emerged as a dominant form of government and this has had serious implications for civil service development (Peters, Verheijen and Vass, 2005). In Central and Eastern Europe the types of coalitions have varied, ranging from flimsy marriages of convenience in order to exclude particular par-

ties from power, to more sound multi-party coalitions. Voters have tended to eject the government in office with profound consequences for civil service development policies since reversals of strategies and even laws has been common place (Verheijen, 2003). States such as Poland (whose case is discussed in this section) have witnessed a political fluidity that has created government instability and numerous minority coalition governments.

Another important factor is the dominant administrative culture prevailing within the country (e.g. public interest, legalism). Pollitt and Bouckaert (2004: 41) refer to this as the expectations the staff of an organisation have about what is 'normal and acceptable' in that setting. Such formal and informal institutions do not change easily except under extraordinary conditions whereby it takes a fateful incident to produce a critical juncture or punctuate the pre-existing equilibrium. Understanding national differences and responses to challenges is contingent on comprehending the shaping and mediating influences of cultural factors and historical legacy. In CEE the communist regime created an administrative apparatus that worked according to the principle of subordination of administration to political power and priorities. The parallel bureaucracy which was created consisted of one part loyal party members developing policies, instructing and controlling the other part at each hierarchical level. In some countries the party bureaucracy was even integrated into the administration which meant that high party officials were at the same time civil servants in ministries (Verheijen, 1999). The public administration mainly carried out its task without giving any professional input or feedback to the policy proposals developed by the party bureaucracy since thinking was undertaken in the party structure, not in the administrative one.

Goetz and Wollman (2001: 864) have commented that in policy terms the state administration was therefore under-politicized, whereas in personnel terms over-politicized. In many CEE countries the preliminary approach to reforming public administration was the rapid abolition of bureaucratic structures in operation under communism. However, this has not prohibited features of these structures from enduring and frustrating reform. An example of abiding legacies in Western European administrations may also be illustrated by the authoritarian endowment of Francoism which still influences the way the civil service is structured and organized in Spain (Magone, 2004: 73). The early governments up to Gonz ales were not able to prevent the continuity of the former administrative elites in the new democratic structures. This was similar to the Italian case where there was almost no change in the civil service during the transition from authoritarianism to democracy (*ibid*).

### **3.2 Ministerial advisors and political cabinets**

As noted, across EU/OECD countries the ministerial or special advisor has emerged as a prominent actor at the summit of government, 'filling in' to facilitate fulfilment of the prime minister/minister's political responsibilities. The international origins

of the *special advisor* as a governmental term, however, are not entirely clear but it gained prominence in the United States during the first half of the twentieth century (Blick, 2004: 63).

### *3.2.1 The Westminster tradition*

The UK and countries which employ systems deriving from the Westminster tradition such as New Zealand, Australia and Ireland have all introduced the role of special/political advisor. Civil servants were traditionally regarded as the arbitrators of facts and the neutral, apolitical character of the civil service militates against the close working relationship of a political aide. The impartiality of the civil service may be compromised if requested to undertake certain tasks and roles, hence resulting in a form of indirect politicisation (see Peters and Pierre, 2004). It is therefore helpful for a minister to have personnel that he/she can count on for advice that is of the 'same stripe' politically, and who will have political as well as technical dimensions (Peters 2001). Their impact and influence, however, is varied and controversial.

The most prominent example is the UK whereby political advisors have been referred to as the third element of the executive branch (Wicks, 2002). Following Labour's election victory in 1964 Harold Wilson appointed five special advisors as temporary civil servants aligned to the party politically. Although drawn from outside the civil service they were employed within it, subject to the patronage of individual ministers (Blick, 2004: 64). They were allocated to the Cabinet Office and the Treasury. Political advisors in their current incarnation, however, date from Wilson's decision in 1974 to allow ministers appoint them on a regular basis and advisors sign a Model Contract for Special Advisors (Gay, 2000: 8). Special advisors are now employed under the 1995 Civil Service Order as temporary civil servants within departments. Although Margaret Thatcher also made use of advisors, the role and personnel received significant attention during the life-span of Tony Blair's governments and a marked increase in their numbers within and beyond the PMO. Some of the special advisors serving in the Blair governments had previously advised them as Shadow Ministers in Opposition prior to the election in 1997. Many of the advisors serving Blair were not only close to the Labour Party in political terms but also socially and personally. Of significance, two special advisors – Alastair Campbell as Press Secretary and Jonathan Powell as Chief of Staff – were appointed under a special order allowing them executive authority over civil servants. Their role and that of others, for example the 'Moore-Sixsmith affair'<sup>2</sup>, has proved controversial and highlighted concerns that the growing influence of special advisors may create disharmonious relations and politicise the policy process by diminishing the role of civil servants. A lot of attention was focussed on those advisors who played a media role, which led to accusations and misinterpretation that

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2 Otherwise known as the 'Spingate' affair this controversy was fuelled by civil servants' accusations of bullying by advisors and resulted in the resignation of the minister and reconfiguration of a department.

the majority of those employed constituted “spin doctors”. Generally these advisors offer an expressly political dimension to advice available to the minister, organise briefings and ‘politically proof’ policy developments and implementation. On the one hand, the growth in the number of advisors from 1997 in the UK has been ‘portrayed as a reversion to the arrangements with which the Northcote-Trevelyan report found fault’ (Blick, 2004: 61). On the other hand, the realities of contemporary governance have prompted commentary from a former Cabinet Secretary maintaining that advisors are ‘a legitimate features of the constitutional framework within which Cabinet ministers work’ (Wilson, 2002).

In Australia the growth of advisors has also had a significant impact on political-bureaucratic relationships. In 1972 the Whitlam government introduced partisan advisors recruited from outside the Australian public service. Advisors have been used to increase the power of the political executive vis á vis the bureaucracy by extending the scope of influence of the ministerial office and by enlarging the partisan element within the executive (Maley 2000: 451). Advisors have also exerted considerable influence in setting the policy agenda, playing a distinctive role in relationships with interest groups and ‘managing networks of political interaction’ as technical policy specialists (ibid, p.453). Although most ministerial advisors work in the role for quite a short period in time, a significant minority have worked for previous federal/state governments and/or have weaved in and out of advisor type roles for a considerable amount of time. Their role has not been without controversy as illustrated by events such as the “Children Overboard Affair” which generated sustained public debate about the conduct of ministers and public officials.<sup>3</sup> The case illustrated the dilemmas with the nature of contemporary ministerial staffing in respect to the accountability and conduct of advisors whereby the capacity of a minister to know what his/her staff is doing has diminished, rendering untenable notions that staff are mere agents of their minister (Tiernan, 2007: 171-208).

In New Zealand the appointment of political advisors has been a growing trend since the formation of the fourth Labour government in 1984. With the advent of mixed-member proportional electoral system, however, the environment within which ministers, officials and ministerial advisors function has become more complex and it is argued that second order effects of change are felt more sharply by those officials who advise the political executive (Eichbaum and Shaw, 2006). There is no formal cap on the number of advisors employed and oversight of their appointment and deployment rests with the Prime Minister. There is no separate statute under which ministerial staff is employed and authority to employ them

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3 The children overboard affair created political controversy when it was claimed by John Howard’s government ministers in October 2001, leading up to a federal election, asylum seekers had thrown children overboard in a ploy to secure rescue and ensure passage to Australia. A subsequent Senate inquiry discovered that the claim was untrue and that the government had known this prior to the election. Yet they had focussed on border protection as a key electoral strength and misled the public and exploited voters’ fears of increased illegal immigration.

comes under the State Sector Act 1988. Unlike the UK, a specific code of conduct for advisors is absent. The increase in the number of ministerial advisors in what is now regarded as a more contested policy market has raised concerns regarding the potential politicisation of the civil service. But the evidence to date suggests that this threat appears more theoretical than actual (Eichbaum and Shaw, 2007). Since policy is contested it is alleged that this provides every incentive for the civil service to improve the quality of advice put forward to ministers (*ibid*). Although precise accountability arrangements for advisors have not developed to date in New Zealand there has not been the degree of controversy surrounding advisors in comparison to its Westminster cousins, Australia and the UK. The Irish case which also has embraced the system of partisan special advisors is discussed in more detail in this volume.

### *3.2.2 Continental traditions*

In contrast to the Westminster tradition, continental systems such as France and Belgium illustrate an in-built politicization of the civil service whereby civil servants are permitted to be members of political parties (Rouban, 2003). Ministerial cabinets are used as vehicles for providing expertise and exerting political control. In France the composition of cabinets is characterized by the integration of civil service and cabinets careers. In contrast the Italian case illustrates a senior civil service which is not a homogenous group and the nature of the civil service reflects the division of the country into North and South. It maintains stability despite traditional governmental instability but has not taken up an autonomous policy making role, preferring instead the bureaucratic supervision of secondary administrative management (Cassese, 1999: 63). Politicians do not generally use civil servants in political cabinets and instead university professors, civil servants from the council of state and civil servants from (semi-) public bodies are more frequently employed in ministerial cabinets. The French and Italian systems of politico-administrative relations have much in common as far as the structures are concerned. In terms of the practical development of these structures, however, they have tended to develop into opposite extremes. In the Belgian case the civil service is also isolated within the policy making process. The 'ordinary' administration and the cabinets work back-to-back with the cabinet dominating the policy formulation process. The Copernicus reforms<sup>4</sup> introduced in 2000 sought to reform this by strengthening the role of civil servants in the production of policy advice and reducing the size and influence of ministerial cabinets, yet little of the plan was actually implemented (Brans, Pelgrims and Hoet, 2006: 64-66; see Pelgrims et al in this volume).

The Netherlands demonstrates further differentiation whereby the relationship between politicians and civil servants is observed as political control through a loyal

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4 Copernicus – the Belgian federal government's plan to modernise the federal administration advocated revising the organisational structure of the Ministries and reintegrating civil servants into the policy making process.

civil service and complementary contributions to successful policy making (Wille and t'Hart, 2006: 123). Ministers have no institutional source of policy advice and support other than their departmental officials and the government 'think tanks' embedded within the departments. Despite claims that ministers and their civil servants are 'growing apart' following more adversarial relationships in the 1990s and amidst efforts to promote cross-departmental coordination (ibid), arrangements have not fundamentally altered. The system has inhibited the appointment of political affiliates of the minister at the departments and the coalition nature of Dutch politics constrains the emergence of ministerial cabinets (Brans, Pelgrims and Hoet, 2006). It is claimed that despite increased pressures to change in both Belgium and The Netherlands, the actual balancing of professional policy advice remains path dependent (ibid, p.57).

### 3.2.3 *Central and Eastern Europe*

This path dependency is also reflected in the Central and East European states wherein the system of *nomenklatura* as well as the absence of free elections meant that a bureaucratic career was a political careers and vice versa. There were some exceptions to this. In the case of Yugoslavia, for example, traditions of a professional and impartial civil service were retained well into the development of the communist regime. However, in contemporary times a hyper-politicisation of the civil service has endured due to the polarisation that resulted from the Yugoslav wars and the growing pains of the newly established states in the aftermath (Verheijen and Rabrenovic, 2001). In the case of the Baltic countries, Sootla (2001) comments on the difficulties of making stable longer term institutional choices concerning basic politico-administrative arrangements in the early years of transition. Whereas Hungary is an example of a state whereby a career civil service and legislation was created quite rapidly following the downfall of communism, yet this has not inhibited party political influence on personnel policy or politicians by-passing the administration.

Most of the states grappling with the legacy of a communist past have a civil service that is severely challenged in building policy formulation capacities. Improving policy making mechanisms has tended to be one of the most difficult aspects of administrative development. Strategic policy formulation and decision making tends to be the preserve of the senior political figures, and policy advice secured from party political advisors or by civil servants in the apex of the ministerial hierarchy (Lazareviciute and Verheijen, 2001; Goetz and Margetts, 1999), largely due to a lack of confidence in relations between politicians and administrators. For example, in Estonia the administration is politicized and the specific roles of politicians and bureaucrats are not defined. Policy ownership is not present in the system as a value and the attitude of many civil servants is that they implement policy, but do not form it (Keris in this volume). The introduction of advisors is alternatively

regarded as a positive means of protecting the civil service from politicisation (see Cobarzan on Romania in this volume).

What this overview elicits is that advisors exist within a variety of arrangements. The reciprocal relationships between the key actors in the policy making process and the nature of the 'bargain' are evidently shaped by their habitat and mutate as a result of historical experience, social evolution and political culture of the state in question. The role of advisors in policy making, whether viewed as necessary buffers or deliberate barricades, is also determined by whether civil servants are permitted to be members of political parties, the capacity of the civil service to provide quality policy advice and the nature of administrative reform.

### **3.3 Selected case studies in Western and Central and Eastern Europe**

#### *3.3.1 Case Studies*

The country cases under discussion were not featured in the study by Peters, Rhodes and Wright (2000). The factors authors were requested to investigate included:

- Profile of the staff, career patterns and their role perceptions
- Relationship between supports, the permanent civil service and minister (including degree of politicization, accountability arrangements)
- Contemporary roles and functions – vertical and horizontal roles
  - Contribution and impact to the quality of the policy making process
  - Role in coordination/steering of cross-cutting issues, coalition management
- Influence and impact on policy making process (note reform initiatives, impact on independence of permanent civil service)

Using the five characteristics used by Pollitt and Bouckaert (2004) in their comparative analysis of public management reform the politico-administrative regime of the selected cases is summarized in the table below.

For all the case studies the approaches of new institutionalism are relevant for understanding reform and institutional change or lack of change at the summit. Its various approaches provide different insights into how institutions shape the way decision making takes place and the variety of economic and societal influences on outcomes. Historical institutionalism emphasizes that 'history matters' since change is 'path dependent' and new institutional configurations will be conditioned by the existing system's trajectory. Once in place, the features of a system's trajectory will perpetuate itself and limit alterations brought about by external change. The approach of rational choice institutionalism underscores the role of institutions in shaping policy preferences and outcomes. Sociological institutionalism underlines the significance of cultural explanations based on an understanding of culture as shared attitudes or values. Hence, and as illustrated in the cases discussed, institu-

tions encompass not only formal rules but informal rules, routines and conventions.

**Table 1**  
Type of politico-administrative regime

	<b>State Structure</b>	<b>Executive Government</b>	<b>Minister/Mandarin Relations</b>	<b>Administrative Culture</b>	<b>Diversity of Policy Advice</b>
<b>Belgium</b>	Federal	Consensual	Politicized	Rechtsstaat	Mainly consultants & universities
<b>Estonia</b>	Unitary	Consensual	Fluctuations between neutral & politicized	(Communist legacy) Rechtsstaat	Mainly politicians, advisors, professionals
<b>Finland</b>	Unitary Decentralised Fairly fragmented	Consensual	Separate Fairly politicized	Tending to <i>Rechtsstaat</i>	Mainly civil service
<b>Ireland</b>	Unitary Centralised Co-ordinated	Intermediate	Separate Not politicized	Public interest	Mainly civil service Recently some from consultants & special advisors
<b>Poland</b>	Unitary	Consensual (from Sept. '07)	Politicized	(Communist legacy) Rechtsstaat	Mainly politicians, some academics, young professionals and media specialists
<b>Romania</b>	Unitary Decentralisation process ongoing Still coordinated	Intermediate	Separate/ Politicized	(Communist legacy) Tending to <i>Rechtsstaat</i>	Civil service, special advisors, and recently some consultants

Source: Adapted from Pollitt and Bouckaert (2004: 42)

### 3.3.2 *Western Europe – Belgium, Finland and Ireland*

Belgium constitutes an interesting case to investigate staffing at the apex of government. Its federal system and division along ethnic/linguistic and functional lines presents a complicated administrative framework. Although influenced by the French model the career civil service does not constitute an elite and does not have an input into policy making. The highest levels of the civil service are extremely politicised and this has both prompted politicians to use the 'infrastructure' of the

cabinet and enabled this to flourish. Pelgrim, Brans and Wayenberg investigate the efforts to reform the institutionally entrenched system of ministerial cabinets and remedy the isolation of the civil service in the formative and decision making policy processes. Using an actor centred institutional approach they illustrate the resilience of institutions to change since the Copernicus reform launched in 2000 failed and ironically cabinets became stronger.

The bureaucracy in the Scandinavian countries can scarcely be called an unified administrative elite, since careers are pursued within a ministry or agency (Page 1995). The civil service is largely non-politicized and the traditional dominance of lawyers has been somewhat eroded. Finland departs from its Nordic counterparts in that the civil service is more politicized. Despite this there is a career civil service and political and mandarin careers are usually separate. Public management reforms from 1987 are owed mostly to the thinking of senior public servants and consultants have not been very influential (Pollitt and Bouckaert, 2004). Markku Temmes' paper investigates the role of senior civil servants in Finland within a comparative overview of other Nordic countries. The paper presents a case study of the new Finnish senior civil servant introduced as a means of acquiring a balance in personnel between impartial duties and those of political steering. The case provides an instructive example for countries in transition which are endeavouring to stem the problems associated with politicization in the civil service.

The Irish public service has common ground with the Finnish case in the sense that it was also the civil service that brought forward an agenda for reform. It departs from Finland in that its civil service system is not political, even at the higher echelons. Despite its Westminster heritage and tradition of importing policy ideas and lessons from the UK, the Irish system has not experienced the ramifications of NPM in the same way. The civil service remains apolitical. The trend towards external advice and rise of the special advisor is, however, also evident in the Irish case. Variables that have had a bearing on the development of current institutional patterns are the strengthening of the Prime Minister's (Taoiseach) department, a trend towards coalition government and some impacts of public management reform. The examination of the Irish case concentrates predominantly on the role of programme managers and special advisors, both in the context of gauging their policy advice role and their contribution to effective political co-ordination.

### *3.3.3 Central and Eastern Europe – Estonia, Poland, Romania*

It has been commented that overviews of politico-administrative relations in post communist Central and Eastern Europe demonstrate important parallels with those based on the Western experience (Goetz, 2006; Goetz, 2001; Verheijen, 2001). For example, Goetz (2006) argues that the evolution of politico-administrative relations since 1989 may be perceived as an intensified version of Western trends. As noted, for many of these states the necessity to comply with the EU *acquis communau-*

*taire* and cope with EU co-ordination has precipitated reform and the emulation of western methods. For the first time, the EU assessed the administrative capacity of the acceding countries and stipulated the stability of institutions, thus also underpinning the complementarity between building democracy and EU membership. However, in the first half of the 1990s the structure of government in CEE was predominantly less stable than in Western democracies and ministries were restructured quite frequently. Politicization has been an ongoing problem.

The chapters on Estonia, Poland and Romania present the introduction of the role of advisor within political cabinets and, as in the case of Estonia, as formally part of the civil service system. What is apparent in the cases is that the operation of advisors is closely associated with improving performance of the administrative machinery as a whole and in facilitating political co-ordination. In the Estonian case, Keris notes that an advisor is perceived as a civil servant with a political background. The role and function of the special advisor is examined and it is argued that advisors play distinct roles inside and outside the ministry to ensure the effective delivery of government.

In Poland considerable effort has been invested in order to introduce formal institutional change and demarcate politics from administration. Despite this an extensive system of spoils has been adopted and employed by successive governments since 1993. Corruption remains a problem and a lack of clear rules and the financial difficulties encountered by service providers also feeds this. The Polish case illustrates the difficulties of reform given the lasting legacies of the communist regime and its informal institutions. Majcherkiewicz investigates the role and functions of political cabinets over the past decade and notes the limited progress in their development as an entity for contributing added value to the policy making process or political advice to prime ministers and ministers. To some extent they are regarded as redundant given the pervasiveness of political appointees directly employed in the public administration. This contrasts with the presentation of the Romanian case by Cobarzan who presents the case of advisors within the minister's cabinet as an attempt to delineate boundaries between political appointments and the permanent civil service. It is also argued, however, that advisors do not contribute policy expertise but rather contribute to managerial performance. In Romania the transition to democracy has been more extreme than in some of the other transition countries that experienced a gradual deterioration of the communist regime. Poor economic conditions, widespread corruption and a lasting (formal and informal) organizational culture militated against effective and rapid administrative reform. In conclusion, for better or worse, the country cases illustrate the advent of advisors, efforts to re-cast the civil service personnel and revamp the role and composition of cabinets as instrumental attempts to address the intricacies of policy making and processes of executive government.

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# An Institutional Perspective on Personal Advisors in Belgium: Political Actors and a Failure to Change an Institution During a Critical Juncture

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## Abstract

The Belgian politico-administrative system has a long tradition of personal advisors. Since the creation of Belgium in 1830, Ministers are surrounded by advisors chosen by them. These personal advisors are institutionalised in ministerial cabinets (Ziller, 1993). As institutions they are very well demarcated and defined, which offers opportunities to study them. They may therefore be interesting for comparative research on political systems in which advisors are less visible. At the turn of the millennium, the reduction of the size and role of ministerial cabinets and the reintegration of civil servants in the policy-making process had a firm place on the reform agenda of the Belgian government. The government plans launched in 2000 aimed to reduce the ministerial cabinets and integrate policy-formulation in the administrative apparatus. Six years after the intention to downsize cabinets nothing remained of this proposal. On the basis of actor-centred institutionalism, we conclude that the interaction between political actors is not only crucial for change, but also for re-inventing or even reinforcing the logic of old institutions.

## 1. Introduction

The Belgian politico-administrative system has a long tradition of the presence of personal advisors. Since the creation of Belgium in 1830, ministers are surrounded by advisors chosen by them. These personal advisors are institutionalised in ministerial cabinets (Ziller, 1993). Ministerial cabinets may be defined as a policy supportive body of the Minister, composed of political and policy advisors on a temporary appointment. The Minister appoints his/her staff members personally, who consecutively remain outside the administrative hierarchy (Pelgrims, 2003). These advisors fulfil both political functions and policy functions (Brans et al., 2006). The combination of the different functions implies that ministerial cabinets comprise more than only the combined functions of private secretary, political advisors and spokesperson.

Since the late 1980s, the size and scope of ministerial cabinets have suffered serious criticisms. Criticisms of the political functions of ministerial cabinets ques-

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tion the scope of partitocracy in Belgium, or the party political penetration of all sectors of public life, at the expense of other policy actors. Ministerial cabinets would disproportionately empower party control and privileged interest groups at the expense of parliamentary oversight. With their dominant role in the policy-making process, cabinets would have marginalized the administration in policy formulation, fuelled further politicisation, ruptured the trust between Ministers and their civil servants and encumbered accepted lines of communication; all elements of which have fostered an adversarial dynamic within the formal legal model of politico-administrative relations (Brans & Hondeghem, 1999; Hondeghem, 1996; Pelgrims, 2001b). But the cabinets' weight in the policy process has gone beyond playing a role at one side of the dichotomy policy-implementation only. Cabinets not only produce policy advice but have also developed into shadow administrations, taking on secondary legislation and even mere executive tasks.

The institutionalisation of personal advisors in ministerial cabinets carries distinct advantages for research. As institutions they are very well demarcated and defined, which offers opportunities to study them. They may therefore be interesting for comparative research on political systems in which advisors are less visible. As institutions are also hard to change, in Selznick's terms recalcitrant (Selznick, 1957), they offer interesting cases for the application of institutional theory in general and of institutional change in particular.

In this article we seek to describe and explain the failure to change an institution during a critical juncture and the subsequent reinforcements of this institution. At the turn of the millennium, the Belgian federal government launched a reform plan to modernize the federal administration. One issue of this proposal was to abolish ministerial cabinets. Six years after this intended change nothing remained of it. Budget and size of the cabinets show that the institution is even reinforced. On the basis of actor-centred institutionalism, we conclude that the interaction between political actors is not only crucial for change, but also for re-inventing or even reinforcing the logic of old institutions.

## **2. A political-administrative perspective on the production of policy advice in Belgium**

During the last three decades, Belgium changed from a unitary to a genuinely federal state in a process of state reform in four steps (1970, 1980, 1988, 1993). The federation is composed of three communities and three regions, each with legislative powers, and thus with their own parliament, government, and administration: the Flemish, Walloon, and the Brussels regions on the one hand and the Dutch-speaking, French-speaking and German-speaking communities on the other. The Flemish government combines the competences of both the Flemish region and the Dutch-speaking community. Apart from the political level, it comprises the Ministry of the Flemish Community (core civil service) and a

number of “Flemish Public Institutions” (agencies). During the creation of the federal state, the regions and communities take over the old custom of ministerial cabinets from the federal level.

Ministerial cabinets have always existed in Belgium, but their size, structure, and roles have strongly evolved during the 20<sup>th</sup> century. The growth of ministerial cabinets answered the need of ministers to free them from the King’s influence. The first modest expansion of the personal secretariats of ministers consecrated the emancipation of ministers from the King’s influence (Van Hassel, 1975). The proliferation of cabinet members really started taking momentum after World War II, following the growth of the welfare state and party political developments (Brans et al., 2006). Government expansion increased not only the number of ministerial departments but also affected the nature of the ministerial tasks, in that the latter became more heterogeneous (Crabbe, 1960). In principle, the production of policy advice and control of departments could also have been delivered by the civil service. Yet, the impact of party politics on politico-administrative relations did not allow the smoothness such an option would have required. The turnover of Liberal and Christian democratic governments and their extensive use of informal politicisation of administrative positions created a dialectic that favoured the expansion of ministerial cabinets (Van Hassel, 1975). Consecutive politicisations of recruitment and promotions negatively affected the ministers’ trust of civil servants. Partisans of government parties with low turnover have been overrepresented and partisans of opposition parties underrepresented (Majersdorf & Dierickx, 1992). In 1990, 62 percent of the top three senior civil servants of the federal ministries belonged to the Christian Democratic Party; 21 per cent to the Socialist parties; 11 per cent to the Liberal. Only 6 per cent were independent and 1 per cent Flemish nationalists (Brans & Hondelghem, 1999). At any rate, to ministers, the option of recruiting partisan spoils in ministerial cabinets was more attractive than involving civil servants either as modest partisans or neutral agents.

We explored the role of the civil service in the production of policy advice with the help of two sets of variables. The first set deals with the generic organisation of policy formulation and comprises type of actors, their location and respective roles. A second exploration of the differential features of the administration’s role in policy formulation runs along the nature of politico-administrative relations as a determining influence upon the way policy advice is being produced.

### Generic organisation

We tried to identify the nature of actors involved in policy formulation with the help of a typology developed by Hoppe (Hoppe, 1998).<sup>4</sup> Since Belgium has coalition governments, *the politically accountable group* consists of functionally responsible

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4 Hoppe (distinguishes between the politically accountable group; the directly responsible group; the working group; the core group; the accompanying group; and the representative group.

ministers. Those *directly* responsible for preparing policies are actors directly responsible for the policy formulation process. In Belgium its members are advisors of the ministerial cabinets.<sup>5</sup> Cabinets play a central role in the production of policy advice. The literature assigns many policy functions to them. Flexible policy support, specific expertise, and unconditional loyalty are central assets. In addition, ministerial cabinets are centres of communication and co-ordination (Suetens & Walgrave, 1999). Ministerial cabinets engage in vertical contacts with the administration, but often also recruit trusted civil servants into their teams. This provides access to the secrets of bureaucracy, and first hand information on informal rules and hierarchies. Ministerial cabinets often co-opt members from interest organisations with the aim of facilitating interest intermediation (Pelgrims, 2001b). They also play an important role in rendering services to the ministers' constituents, ranging from the supply of information to what is called social service. Besides these policy functions ministerial cabinets also fulfil political functions.

The *working and core group* is responsible for the actual exploration of policy alternatives and production of policy advice. In Belgium, the working group consists of a mix of civil servants and members of ministerial cabinets, with the latter steering the process. The number of experts involved in policy formulation can be labelled the *accompanying group*. In Belgium, it is more common to temporarily co-opt experts within ministerial cabinets, or to group both administrative and external experts in ad hoc projects, managed by cabinet members. The same goes for the *representative group*, which consists of the number of interest and target groups that are being involved in the policy formulation process. Mostly ministerial cabinet members take the lead.

As to the location of these actors, we can distinguish three arenas: the *central arena*, the *policy support arena*, and the *external arena*.<sup>6</sup> The *external arena* consists of actors that are involved in the process, often at the initiative of players in the central arena, or only at the evaluative phase of policy process. In Belgium, *the central arena* is the playing ground of ministerial cabinets' members. The *policy support arena* consists of units in the departmental structures supporting bodies in the central arena. Internal consultancy organisations, governmental research organisations may be positioned in this arena. Actors associated with initiatives of actors out of the central arena of the policy evaluation are found in the external arena. Examples

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5 Advisors of ministerial cabinets are often civil servants. However, research shows that civil servants detached to ministerial cabinets adopt a political rationality. Their culture in the ministerial cabinets would thus comply with ministers' culture, rather than civil service culture (Majersdorf & Dierickx, 1992).

6 The *central arena* consists of actors that find themselves at the apex of policy formulation, responsible for the eventual communication of policy advice to the minister. The *policy support arena* are units within the departmental structure that contribute policy relevant information and the results of policy analyses to the central arena. The *external arena* consists of actors that are involved in the process, often at the initiative of players in the central arena, or only at the evaluative phase of policy process.

are private consulting and universities. The research units of government parties seem to play a more significant role in the exploration of policy alternatives. We may add them also to the external arena.

We can broadly distinguish two types of loyalties – professional analytical loyalty and political loyalty – and two types of competencies – sectoral expertise and policy process skills.(Hoppe et al., 1995). In Belgium, political loyalties are structurally embedded in ministerial cabinets and informally promoted by a politicised administration. In addition, ministerial cabinets have also tended to monopolise process skills and sectorial specialisms, the latter by brain-draining the civil service. Comparatively the role of policy support units within the administration is rather limited. As to the external arena, the Court of auditors has only recently started evaluating policies, but remains absent in auditing policy formulation. Political parties' research units in turn still play an important role providing trusted policy advice.

### **Politico-administrative relations**

Belgian politico-administrative relations fit the formal-legal model (Peters, 1987). Political executives are solely responsible for policy formulation and civil servants for the execution of policy programmes (Brans & Hondeghem, 1999). This is confirmed in civil service attitudes and role definitions. They see themselves primarily as neutral servants of the state, and display a technocratic orientation and dismissal of partisan loyalty (Majersdorf & Dierickx, 1992). Extensive informal politicisation and the size and role of ministerial cabinets make the political agenda dominate the administrative arena. The number of political executives is great and the background and careers of civil servants and politicians are distinct. Belgian ministers are primarily generalists who do not see themselves as managers of their departments, but rather as representatives of their parties and electorates. Belgian civil servants communicate with their political masters via ministerial cabinets, which allows them only little use of their traditional base of power (expertise and experience). Ministerial cabinets function as shadow administrations, which severely diminishes the policy role of the administration. Civil service culture kept civil servants out of the political arena (Majersdorf & Dierickx, 1992). Mutual distrust between ministers and their spoils on the one hand and top civil servants on the other has so far put a break on conceiving political administrative relations beyond the formal legal model.

### **3. Impact of administrative traditions on institutions and patterns of behaviour**

As personal advisors are institutionalised in ministerial cabinets, the attempts to change this pattern will be analysed using an institutional perspective. However, different streams of neo-institutional theory focus especially on stability instead of

change. Actor-centred institutionalism may be a way out of the inexplicability of institutional change.

### **Neo-institutional theories and their inexplicability of institutional change**

Sociological institutionalism developed out of an organisation theory during the 1970's. According to sociological institutionalism institutions are cultural constructions. These cultural constructions (i.e. norms and values) determine the identity of individuals and organizations. Because institutions are social constructs they become 'taken-for-granted' for individuals and organizations. "*The self-images and identities of social actors are said to be constituted from the institutional forms, images and signs provided by social life*" (Hall & Taylor, 1996). According to the sociological variant of neo-institutional theory, actors try to define their behaviour and identity in a socially acceptable way. The institutional field demands organizations or individuals to comply with institutional pressures. Therefore, legitimate behaviour is manifested rather than instrumental behaviour. Through this legitimate behaviour organizations become isomorphic. "*Isomorphism is a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions*" (Hawley, 1968).

Because institutions structure the way actors evaluate existing institutions and contemplate reform, sociological institutionalism shows difficulties integrating institutional change in its explanatory framework (Torfing, 2001). According to Dorado, the sociological variant in neo-institutionalism is even marked by a paradox regarding institutional change. If intentions, action and rationality of actors are defined by institutions, it is even impossible to include institutional change in a theoretical framework (Dorado, 2005). After all, these determining institutions are an object of the institutional change. Because of this paradox, sociological institutionalism came to externalise institutional change. Institutional change only occurs due to exogenous shocks in the environment. Only an external crisis can shake up the existing institutional framework. Next, institutional change requires a twofold step. First, institutional change is characterized by a process of de-institutionalisation. Second, the 'new' institutions need to be re-institutionalised (Peters, 1998). The normative focus leads scholars to conclude that sociological institutional theory explains resistance to change rather than change itself (Tolbert & Zucker, 1983; Thelen, 1999).

Besides sociological institutionalism, the literature marks historical institutionalism as another school in institutional theory. In short this variant typically argues that 'history matters'. Including history in institutional analysis, historical institutionalism focuses on path dependency. "*A social process that has been created by a small or big event, is governed by self-reinforcing feedback, setting a specific pattern into motion and has gained momentum to an extent that leads at*

*latest potentially to a lock in*" (Sydow et al., 2005). Actors adapt their strategy and behaviour to the marked path. Because of compliant behaviour, the marked path will be enforced. Therefore, continuity of the path is fulfilled by self-enforcing feedback mechanisms. The lock-in of the path creates a momentum of stability, often called a punctuated equilibrium (Krasner, 1988). Path dependency will not necessarily be created by big codifications moments. Historical institutionalism focuses both on big and small events in the process of embarking a path or a punctuated equilibrium. However, criteria to determine a path are still a point of discussion in the historical institutional literature (Sydow et al., 2005). Parallel to the punctuated equilibrium, the literature often refers to the importance of so-called critical junctures (Collier & Collier, 1991). These junctures create opportunities in which institutional change becomes possible. These change opportunities may lead towards opening up a new path. Although historical institutionalism includes moments of opportunities when change might happen, it hardly defines criteria to define critical junctures (Lindner, 2003).

Like sociological institutionalism, the historical variant needs to externalize change. Change only becomes possible when an exogenous shock creates an opportunity for change. These opportunities create conflict and power differences between actors. Institutional change becomes a process of conflict between actors. Although conflict and power are at the heart of historical institutionalism, it does not succeed to include this concept in periods of path dependency. Therefore, Peters concludes that conflict becomes a result rather than a cause in historical institutionalism (Peters et al., 2005). Consequently, historical institutionalism loses predictive capacity (Peters, 1998). Kay follows up on this by arguing that historical institutional theory becomes a label which fails to take decision-making into account (Kay, 2005). Peters and Pierre in turn claim that the need to have political actors in disagreement with the prevailing policies of the institutions is crucial for change (Peters et al., 2005).

### **A focus on actors to integrate institutional change: actor-centred institutionalism**

Actor-centred institutionalism may be a way out of the inexplicability of institutional change in historical and sociological institutionalism (Scharpf, 1997). This theory does not exclude the impact of institutions on individuals but focuses on the relations between actors in changing institutions. The interaction between actors explains institutional creation and change. According to actor-centred institutionalism institutions do not determine fully the behaviour of actors. Actors' behaviour is characterized with a purpose to reach a certain outcome. Actors always have the choice not to 'obey' an institution. "*Even binding rules may be violated by actors who are willing to pay the price of sanctions' being applied or who subjectively discount their incidence*" (Scharpf, 1997). Through this, actor-centred institutionalism has the possibility to include conflict and power in periods of stability; which complies with Peters' (2005) suggestion for including change in historical institutionalism.

This does not mean that we may equate actor-centred institutionalism with rational-choice theory. Contrary to rational-choice theory, actor-centred institutionalism assumes that preferences of actors are dependent of actor, time or place. Behaviour depends on the situation and the actors' perception about a specific situation. These perceptions and preferences are, however, created by institutions. Actor-centred institutionalism does not exclude institutions, but does not assign the same kind of explanatory power to them as other institutional theories do. Institutions rather construct a framework to describe influences on actors. The interaction between different actors is the focus of this theory. "*The primary business of interaction-oriented policy research within the framework of actor-centred institutionalism is to explain past policy choices and to produce systematic knowledge that may be useful for developing politically feasible policy recommendations or for designing institutions that will generally favour the formation and implementation of public-interest-oriented policy*" (Scharpf, 1997).

Actors are characterized by capacities, perceptions and preferences. Capacities are a means actors own to reach a certain result. Actors are not exclusively individuals. Scharpf distinguishes between individual, collective actors and organisations (Scharpf, 1997). The possessed means are under institutional influence. Perceptions and preferences are stable or change due to learning or convincing. Actor-centred institutionalism assumes also that actors are not equal. They do not all possess the same capacities to introduce institutional change projects. As we mentioned before, actors' behaviour is intentional. According to actor-centred institutionalism a change project requires actors with sufficient means with the intention to reach a certain outcome. These actors have the capacity for change. We may say, actor-centred institutionalism meets institutional entrepreneurship (Dimaggio, 1988). "*Capacity for action and power dependencies are the enablers of radical change*" (Greenwood & Hinings, 1996).

Actors in institutional change projects are not isolated. Therefore, it is often not possible to undertake unilateral actions. Actors are surrounded by other actors which of course also possess capacities, perceptions and preferences. Changing institutions thus create arenas where different actors encounter each other and the result of the institutional change project will be determined by a constellation of different actors. "*Constellation describes the players involved, their strategy options, the outcomes associated with strategy combinations, and the preferences of the players over these outcomes*" (Scharpf, 1997).

While actor-centred institutionalism shares with rational-choice theory that actors change institutions, it shares with the institutional theory that changing institutions is a difficult process. Even when circumstances from which institutions originated and mechanisms conserving institutions have disappeared, institutional change remains a difficult process (Scharpf, 1997). The main difference with other

institutional theories is that actor-centred institutionalism explains recalcitrance of institutions, path dependency by interaction between actors.

According to actor-centred institutionalism, studying a change project requires studying constellations of actors involved in the change process. The constellation of these actors will determine the outcome of the change process.

### **Belgium: the institutional framework**

Although actor-centred institutionalism focuses on the interaction between actors, it remains an institutional theory. Institutions will define the context in which decision-making takes place. Institutions have the possibility to influence, simplify or hamper public management reforms. Therefore these reforms will be adapted to the political system (Ingraham, 1997). Besides, institutions influence the capacities, preferences and perceptions actors possess.

Before analysing the interactions between different political actors, we first describe the Belgian institutional framework. The institutional framework gives us the possibility to determine the political actors which will be involved in the institutional change process.

Belgium is a representative and parliamentary democracy. Only the parliament is directly elected. The Constitution of 1831 defines Belgium as a monarchy. Consequently the head of state is a King. According to the constitution the King only has a limited personal power. He is not responsible and is incapable to act unilaterally. The competences of the head of state can only be executed together with a member of government. Because Ministers are not directly elected, they are responsible towards parliament. The Belgian parliament consists of two chambers: the House of Representatives and the Senate. Together with the King, parliament exercises legislative power. This executive power is executed by the King and the Ministers. Although not explicitly formulated in the Constitution, the National Congress of 1831 preferred the separation of power on the basis of Montesquieu (Vande Lanotte et al., 2005). Based on the constitution, we could expect that parliament will fulfil an important role in policy making. However, research showed parliament hardly fulfilled its constitutional role (Dewachter, 1995; Dewachter & Das, 1991; Dewinter, 1981). Parliament lacks power to impose its will on government (Dewachter, 1995). Executive power controls legislative power in Belgium. Concerning public management reforms, Pollitt and Bouckaert even argue that members of parliament lack time and are not inclined to give attention to public management reforms (Pollitt & Bouckaert, 2004).

Because of the power political parties possess, Belgium often gets the label of partitocracy (De Winter et al., 1996). This implies that political actors penetrate all sectors of public life. They become the key actor in policy-making. In the literature, presidents of political parties are often defined as central actors in the partitocracy (Fiers, 1998; Dewachter, 1995). Belgium has a multi party system. Three dimen-

sions are noted: a socio-economic left-right dimension, a Catholic and anti-clerical dimension, and a regional/linguistic dimension. After elections in 2003, ten political parties were represented in the House of Representatives. Belgium's electoral system for parliamentary elections is proportional, and hence no single party wins a majority in Parliament. As a result, elections in Belgium are always followed, often by painstaking coalition negotiations. Since WW II, coalition government has been the rule in Belgian politics.

A further two classic features to understand the Belgian political system are consociationalism and federalism. Lijphart classified Belgium as a consociational democracy (Lijphart, 1999), typically for a culturally divided society. This involves a necessary division of power between different societal groups (ethnic, religious,...) in order to 'glue' society together (Hood, 2000), and a political culture of compromise between the different groups in society to resolve conflicts. During the last three decades, Belgium changed from a unitary to a genuinely federal state in a process of state reform in four steps (1970, 1980, 1988, 1993). The federation is composed of three communities and three regions, each with legislative powers, and thus with their own parliament, government, and administration: the Flemish, Walloon, and the Brussels regions on the one hand and the Dutch-speaking, French-speaking and German-speaking communities on the other. Since the 1970s, Belgium ceased having unitary parties: "... *one crucial feature of the Belgian party system is that there are no 'Belgian' parties any more! All parties are homogeneously Flemish or Francophone, and only present themselves in the Flemish or Francophone constituencies*" (Dewinter et al., 2000).

According to Pollitt and Bouckaert the speed to implement reforms differs according to the type of government (Pollitt and Bouckaert, 2004). In the absence of a clear distinction between winners and losers that is typical for majority systems, Pollitt and Bouckaert argue public management reform can be expected to be less radical in coalition government, but maybe also more continuous. The radical nature of reform in majority systems makes a succession of different reforms likely. "*The form of political executives can thus affect change at several stages in the process of reform. First it influences the degree of leverage that can be created to launch a programme of reform. Second, it may affect the stability of reforms, once carried through (consensually based innovations are hypothesized to have a higher life expectations than single party-based innovations, which may be overturned when a rival party gets back into power*" (Pollitt & Bouckaert, 2004).

Following the wide range of parties represented in parliament, government in Belgium is traditionally composed of at least four different political parties, which makes compromise necessary at different circles of government. Dewachter distinguishes between three concentric circles in government. The first circle involves the approval by the Council of Ministers (Dewachter, 1995). The second circle includes the consultation bodies of the government. These consultation bodies take care of

the consensus between the different coalition parties. Here we find for example the inner cabinet. Also the negotiations between personal advisors of different ministers during the policy preparation phase can be located in this second circle. The third circle consists of the decisions by the individual Ministers. As the case in this article deals with public sector reform, the Minister of Public Affairs is a central actor in the third circle.

In the fragmented Belgian government, the Prime Minister (PM) fulfils an important role. He chairs the cabinet, which decides by consensus. The PM needs to be a good negotiator to glue the coalition together. He needs to facilitate compromises within the coalition and fine-tune them in ways that each coalition party agree (Dewachter, 2001). The PM is also responsible for agenda setting. He is responsible for the items that will be placed on the agenda during the cabinet meeting and also for the way in which the issues will be raised. This competence gives the PM a lot of power over the other Ministers. It may be no surprise that research put the PM on top of the list of the power hierarchy in Belgium (Dewachter & Das, 1991), with Vice-PMs as close seconds. Vice-PMs are leaders of their own party Ministers in government. PM and Vice-PMs represent the inner cabinet, which is an important coalition smoothing institution. *“This inner cabinet meets quite regularly, and is a forum in which coalition parties reach major decisions on conflictual matters, decisions that the full cabinet then formally ratifies”* (Dewinter et al., 2000). Inside government, PM and Vice-PMs are the crucial actors in the operation of the government.

The administrative system used to be based mainly on the Civil Service Statute of 1937. The aim of this statute was to create a professional civil service, protected from political interference. The Camu Statute, named after the special government commissioner, represented the Weberian model of a neutral, apolitical and competent civil service. Due to the Camu Statute, selection is based on competitive examination and promotion for length of service within the lower grades and merit within higher grades. Traditionally, Belgian civil servants are appointed for life. Therefore they hardly can be dismissed.<sup>7</sup> These formal rules clash with the informal organisation of the civil service. (Brans & Hondeghem, 1999). Political criteria have always played an important role in recruiting and promotion of civil servants. Due to this tension, the Belgian civil service shows itself as a hybrid system between a ‘merit system’ and a ‘spoils system’. Besides, Ministers are not only assisted by civil servants in the preparation, execution and evaluation of policy. In the introduction we mentioned already the importance of personal advisors in the ministerial cabinets.

From the perspective of actor-centred institutionalism, political interaction on public management reform is crucial for understanding government reforms. The requirements that spring from compromises between different societal groups in a consociational democracy underscores the salience of interactions even further. Who then are the players in these interactions? Our overview of the Belgian insti-

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<sup>7</sup> Recent reforms introduced a system of mandates for top civil servants.

tutional framework pointed out the dominance of government over parliament. We hence expect that the debate on institutional change is primarily located in government and more specifically in the Council of Ministers (first circle), inner cabinet (second circle) and Minister of Public Affairs (third circle). Given the important role of the PM in Belgium, we add this function to these three circles. Political parties and their presidents too are central actors in the Belgian institutional setting. They are not ignored in our analysis.

#### **4. Changing an institutions from an actor-centred perspective**

The Copernicus plan envisaged reform in four areas: organizational structure, management culture, new processes and new HR-policy. Under the heading of a new organizational structure the Copernicus reforms revised the organisational structure of the Ministries and re-allocated policy advisory roles to new units. The Copernicus plan firstly managed by words. Ministries became Federal Government Services (FGS). Secretary-Generals were replaced by Chairs of the Management Committee. Directors-Generals no longer presided over the 'old-fashioned' administrations but operational directorates. Secondly, Copernicus planned a number of structural measures. A new interface would be created between the Minister and the Department: the Policy Board. This interface should be responsible for a number of managerial tasks as well as for assisting the Minister in drafting and monitoring the execution of his or her policy programmes. Also a new cell policy formulation would be created, responsible for the co-ordination and integration of policy advice and evaluation.

#### **The Copernicus reform: a critical juncture**

As to the government's relations with civil society and its broader political environment, it is no exaggeration to say that in the last decade of 20<sup>th</sup> Century, the Belgian political system was facing a governance crisis. This is evidenced not only by election results and survey data, but also by the growing concern of political elites about standards in public life. The 1991 electoral success of right-wing extremist and anti-political parties at the expense of the traditional parties was taken as a clear sign of dissatisfaction among citizens. A significant number of focusing events further supported the call for reform. Political sleaze and corruption dominated the first half the 1990s. In 1996 came the biggest and most dramatic blunder of all – the Dutroux case-, giving rise to a new social movement against past political practices and for drastic reform. New political culture (NPC) became the new buzzword, including a range of plans to restore public trust and raise standards in public life, including putting an end to political appointments, curbing the size of ministerial cabinets, and reintegrating top civil servants into policy-making (Maesschalck et al., 2002).

During the 1980's and 1990s Belgium faced many institutional reforms: the accession to the EMU, restricting budgetary deficits and the reorganization of social

security. Due to these necessary institutional reforms, civil service reform had not been a priority for a long time. At the same time, it was being perceived that the succession of different crises in the 1990's would lead to a serious breakdown (Van Hooland, 2003). After the elections in 1999, the newly elected government picked up the signals that an inadequately working government had a baleful influence on the country. Modernising government became one of the priorities of the newly elected government in 1999.

For the first time in Belgian political history, a purple-green (composed of Social Democrats, Liberals and Greens) came into office. After 50 years in office, the Christian Democrats were no longer part of the coalition. In many policy arenas there existed a “*euphoria of change*” (Maeschalck et al., 2002). A new PM came into office and had the explicit ambition to change Belgium into a “*model-state*” (Federale Regering, 1999b). Luc Van den Bossche, who had previously ‘modernised’ the Flemish administration on the basis of New Public Management principles (Bouckaert and Auwers, 1999), now obtained the portfolio ‘Public Affairs’. It was also fortuitous for reform that the Belgian economy was doing well. In 1999, economic growth was 3.2 % and in 2000 it even reached 3.7 %. After many years of budgetary austerity to reach the ‘Maastricht norms’ new budgetary opportunities were available.

At the turn of the millennium, the reduction of size and role of ministerial cabinets and the reintegration of civil servants in the policy-making process received a firm place on the reform agenda of the Belgian government, which we find confirmed in the coalition agreement *«In recent years, the administration has been increasingly excluded from the preparation of political choices and from the legal and regulatory documents that put the latter into practice. The excessive influence of some Ministerial cabinets has demotivated many civil servants. The administration should therefore become a partner of Ministerial cabinets again in preparing policies (own translation)»* (Federale Regering, 1999a).

In February 2000, the Minister of the Public Affairs in conjunction with the PM launched a plan to modernize the federal administration. The plan launched in 2000 aimed to seriously reduce the size of ministerial cabinets and integrate policy-formulation in the administrative apparatus. The Copernicus reform was established as a radical reform. The crises Belgium had faced led to the conclusion that only a radical reform of the civil service was an appropriate answer. The federal bureaucracy had to be replaced by an organisation based on modern management principles. Therefore the Copernicus reform launched proposals on almost every aspect of the organisation: a new organisational structure, a new management culture, redesigned processes and a new human resource policy. The press labelled the Federal Government’s plan to modernise the federal administration the *Copernicus*

plan<sup>8</sup>. The government later adopted this term, as it fit the ambitious discourse of modernising government.

The unique political and economical context created the window of opportunity for drastic reform (Kingdon, 1995; Hondeghe & Depré, 2005). From the radical nature of the reform and the unique context in which the reform was embedded, we may conclude that it constructed a critical juncture in the modernization process of the Belgian government. The PM and the Minister of Public Affairs seemed to have taken on the role of policy entrepreneurs. We consider them as the central actors of the reform. Their personal advisors and the private consultants they hired also played a primary role in the conceptualisation of the plan. Civil servants in turn were marginalized in the design of the reform proposals (Parys et al., 2005)

### **The introduction of the policy preparation cell**

The structural initiatives in the Copernicus plan had the explicit ambition to create a closer cooperation between politicians and civil servants. The policy preparation cell had the explicit task to take over tasks of ministerial cabinets. Chart 1 shows the place of the new bodies (X, 2000b). Two elements are remarkable. First, the original Copernicus chart did not mention ministerial cabinets. Second, the policy preparation cell is considered as a horizontal staff service among others like: Budget and Management control, Personnel and Organization, and Information and Communication Technology. Thus, the original plan had the ambition to construct the policy preparation cell as a horizontal staff service of the highest civil servant (chair of the management committee).

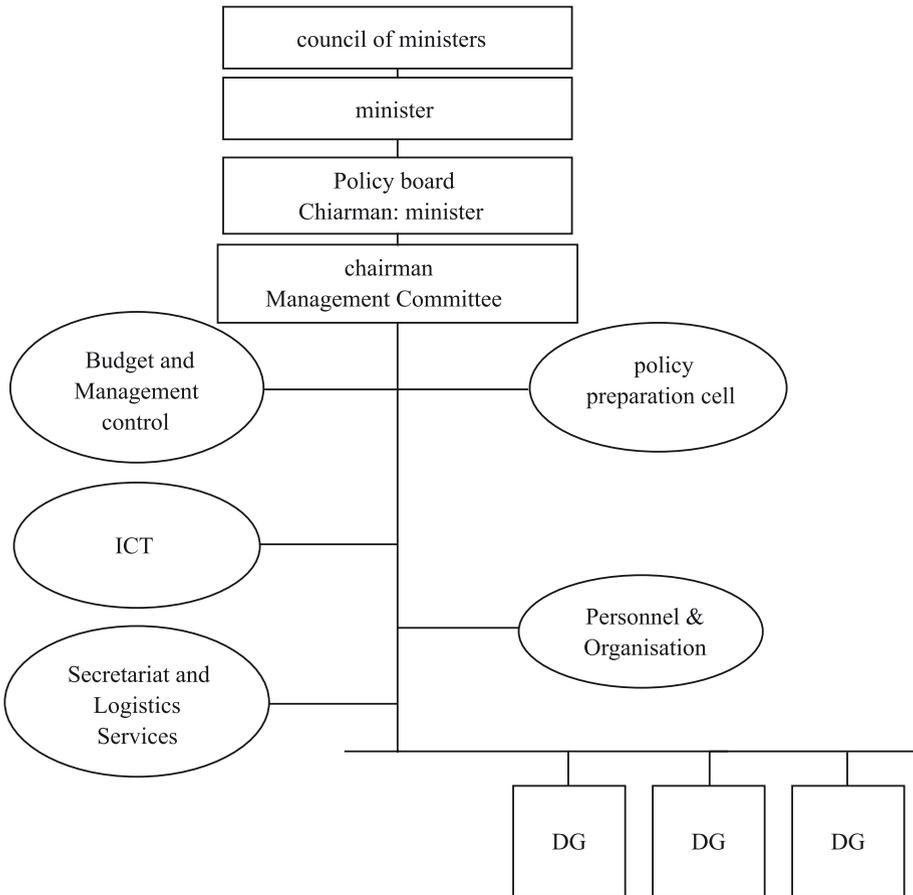
The composition of the policy formulation cell may be called remarkable. Based on a competence profile, designed by the Minister and after the advice of the highest civil servant, Selor (the central recruiting office for the federal government) had to organize a selection. This selection had to distinguish between competent and non-competent candidates. At the end of this procedure, the Minister had the possibility to select the most appropriate candidate.<sup>9</sup>

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8 The plan was presented on 16<sup>th</sup> February 2000. In recent years, the Belgian governments label major deals or agreements with reference to the birthday of historical figures. Copernicus, born on the 19 of February 1473, was revolutionary in that his theory no longer conceived of the earth as the centre of the universe. Similarly, the government's plan emphasised that government was not primordial, but citizens and that government should serve citizens, not the other way around. (<http://www.copernicus.be>, 07 03 02).

9 Koninklijk Besluit van 19 juli 2001 betreffende de invulling van de beleidsorganen van de federale overheidsdiensten en betreffende de personeelsleden van de federale overheidsdiensten aangewezen om deel uit te maken van een kabinet van een lid van een Regering of van een College van Gemeenschappen of een Gewest, *Belgisch Staatsblad*, 28/7/2001.

**Figure 1**  
Copernicus Plan (X, 2000a)



This might be called remarkable because selecting personal advisors is normally a privilege of the Minister (Pelgrims, 2001a). Nevertheless, a note from the Minister of Public Affairs directed at the Council of Ministers foresaw in a pragmatic and realistic selection of the cell for the first time. The ‘translation’ of pragmatic and realistic could be found in article 23 of the Royal Decree of July, 19<sup>th</sup> 2001.<sup>10</sup> This article foresaw a deviation from the procedure for the first time the cell was staffed. Due to article 23 the responsible Minister could transfer personal advisors directly into the policy preparation cell. We may conclude that even before the reform went into the decision-making process the note foresaw already some revisions done by the Minister of Public Affairs. One is reminded here of what are called *primo ap-*

<sup>10</sup> This decree foresaw the judicial bases for the reforms of the organisational structure.

*pointments*, which have traditionally been deviations from the 1937 merit principle, and indeed tools of politicisation (Brans and Hondeghe, 1999).

### **Towards the approval by the Council of Ministers**

On April 28<sup>th</sup> 2000 the Council of Ministers approved the reform plan. A note in the preparatory phase of this decision introduced two revisions. On the one hand, this note revised the original plan by making room for a small personal secretariat for Ministers. On the other hand, the note made an organisational link between the policy preparation cell and the Policy Board, the latter of which is presided over by the Minister of the department. The note also stated: *“In every department, a policy preparation cell will be constructed, reporting directly to the president of the management committee and the Minister (own translation)”* (Kabinet van de minister van ambtenarenzaken en moderniseren van de openbare besturen, 2000b). The amendments to the original plan are visible on chart 2.

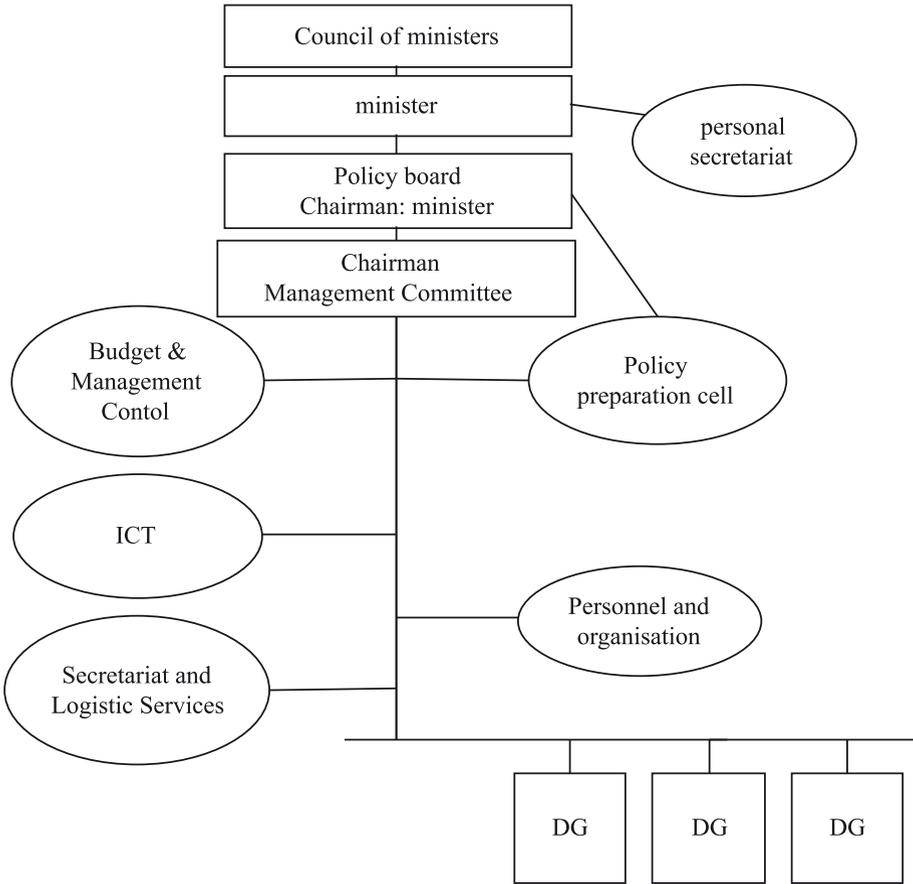
The note originated from the personal advisors of the Ministers of Civil Service, who amended the initial proposal on the eve of the approval by the Council of Ministers. Although our empirical evidence is not conclusive, we speculate that the amendments to the reform proposal sprang from informal negotiations between advisors of ministers and party presidents on the eve of the formal decision.

After the approval of the reforms by the Council of Minister of April, 28<sup>th</sup> 2000 we found evidence of a third revision. The policy preparation cell is even more distanced from the horizontal staff services for the chair of the management committee. Although there still exists a link between the cell and the chair, the policy preparation cell is promoted up the hierarchical ladder. The policy preparation cell is now no longer considered as a horizontal staff service among other such services but received a special status, closer to the Minister. This can be seen on figure 3.

Besides the structural changes we discussed above, the Royal Decree of July, 19<sup>th</sup> 2001 includes opportunities for delay. Its article 21 §1 stipulated that the decree would come into effect at the latest at the resignation of government. During the Council of Ministers on February 9<sup>th</sup> 2001 it was decided that all ministers, except those with horizontal departments, could decide autonomously when to transform their departments into new structures, on condition they would do so before the end of the legislature. We know that this delay was obtained by the francophone socialist party (Parys et al., 2005). This decision gave opponents of the reforms in government the opportunity not to transform their ministerial cabinets into the proposed structures, leading to a serious postponement of organisational change. This opportunity should not be underestimated. ‘All that was delayed would become lost’ fit with some opponents’ expectations that a next government would reverse the reform. Only the two Ministers – champions of change turned their ministerial cabinet into a policy preparation cell, albeit according to article 23.

**Figure 2**

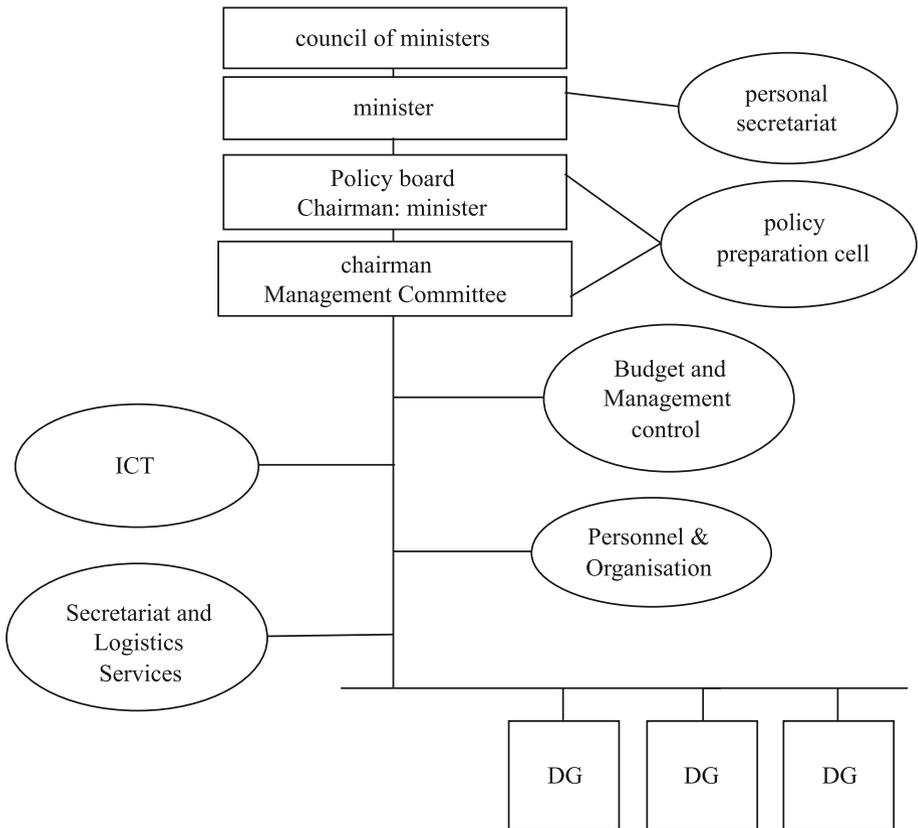
Chart according to the note ‘Fundamentals for modernizing the federal civil service’(Kabinet van de minister van ambtenarenzaken en modernisering van de openbare besturen, 2000a)



In the decision-making phase, political actors clearly reshuffled the top structure of the departments. On the eve of the decision-making in the first circle, personal advisors in the third circle had already revised the original plan. According to one of the personal advisors of the Minister of Public Affairs the proposals concerning the Ministerial cabinets were a bridge too far for the Belgian politico-administrative culture. This advisor also pointed out that those plans had too much weight in the total of reforms (Pelgrims & Parys, 2004). The amendments made by ministerial advisors prior to the Council of Ministers’ decision were an explicit attempt to make them weigh a bit lighter. It was also clear that the policy preparation cell (which was intended to take over most of the functions fulfilled by the minis-

terial cabinets) was considered too important for the Ministers to be delocated in horizontal staff functions to the top civil service. The discussion between Ministers during the Council of Ministers seemed to result in an abolition of the policy preparation cell as a horizontal staff service and a movement towards a body under control by the Minister. Strategic calculations of political actors changed the status of the policy preparation cell.

**Figure 3**  
Government approval on 28 April 2000 (Ministerraad, 2000)



### The new government

Towards the end of the legislature the opposition inside government became apparent. Resistance came most adamantly from the francophone Socialist Party and their Deputy Minister (X, 2003). This party's leader publicly announced that the next government should revise the reform (Parti Socialiste, 2003). He would

be proved right. The coalition agreement of the new government<sup>11</sup> stipulated that revising the reform was necessary. It was literally put in writing in the coalition agreement that: “*Henceforth the members of government, will have control over a personal secretariat and a policy preparation cell (own translation)*” (Federale Regering, 2003). This sentence reveals that Ministers would regain full control over the policy preparation cell. The newly elected government in 2003 agreed that the Copernicus plan to do away with the tradition of personal advisors was not adapted to the Belgian context. Again, it was political actors who revised or in this case rather put a hold on the reforms.

The Royal Decree’s (of July, 19<sup>th</sup> 2001) procedure for recruiting members to the policy preparation cell seemed to be too complicated (Franceus, 2004). The Supreme Administrative Court too had been critical of the procedure. The time schedule for recruiting staff members of policy cells would be too tight to follow up on the formation of the new government. Government in turn argued that continuity and the transition to a new government would suffer from this procedure. To meet these criticisms, the new government enacted a new Royal Decree on July, 19<sup>th</sup> 2003, exactly two years after the first one.<sup>12</sup> Article 7 of the new Royal Decree now confirms that members of the policy cells are appointed by the Minister, apart from the appointments they can make in their personal secretariat. Where past Ministers had control over personal advisors in their ministerial cabinets, they now control two organizations: a personal secretariat and a Ministerial cabinet. The Royal Decree thus clearly re-installs the feature of personal advisors, and hence rejects the alternative policy advisory systems of the Copernicus plan. The revival of an institution

Institutions are very difficult to change; they are recalcitrant, in Selznick’s words (Selznick, 1957). On the basis of the ‘old’ institutional school one can indeed expect that changing a system of institutionalised personal advisors was not going to be a sinecure. In the next sections we argue that the institution of ministerial cabinets was not only recalcitrant, but that they were even reinforced after the reform. This argumentation builds on the basis of evidence from budgets for and numbers of personal advisors.<sup>13</sup>

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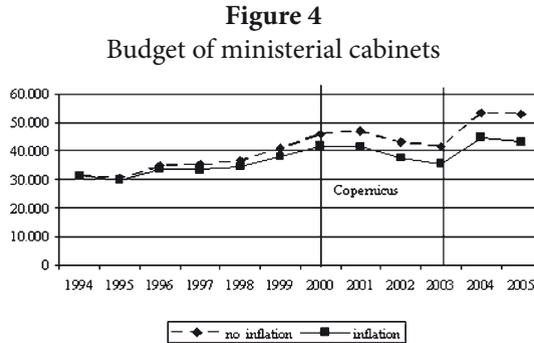
11 The elected government in 2003 became a purple coalition (Liberals and Social Democrats) with the same PM.

12 Koninklijk Besluit van 19 juli 2003 tot wijziging van het koninklijk besluit van 7 november 2000 houdende oprichting van de organen die gemeenschappelijk zijn aan iedere federale overheidsdienst, en het koninklijk besluit van 19 juli 2001 betreffende de invulling van de beleidsorganen van de federale overheidsdiensten en betreffende de personeelsleden van de federale overheidsdiensten aangewezen om deel uit te maken van een kabinet van een lid van een Regering of een College van een Gemeenschap of een Gewest, *Belgisch Staatsblad*, 25/07/2003.

13 The process of data collection can be found in Dereu S. (2005), *De hervorming van de Ministeriële kabinetten en de politiek – ambtelijke verhoudingen in het kader van Copernicus: een evaluatie*, Leuven: KULeuven.

## Refunding Ministerial cabinets

Based on budgets between 1994 and 2005, we constructed the chart below. We constructed developments in both nominal and real terms. The chart represents three periods: before the Copernicus era (1994 – 2000), the period during the reforms (2000 – 2003) and the third, post-Copernicus era (2003 – 2005).



During these periods we notice different developments. The period before the Copernicus reform is characterized by an increase of the budget for ministerial cabinets. At the start of the reform in 2000, budget spending on cabinets drops. This complies with the reform's intention to transfer tasks from ministerial cabinets towards the civil service, and the limitation of the Ministers' advisory staff units. During the decision-making process which encompassed the period 2000 – 2003, the budget for cabinets keeps decreasing, although no definite consensus was found yet.

The post-Copernicus period, starting in 2003, shows a strong increase of the budget. As described above, the Royal Decree of July, 19<sup>th</sup> 2003 of the new government removed the intention to abolish cabinets. Also the budget information is crystal clear. Budget allocations to ministerial cabinets are substantially raised, not only to reverse the consequences of the Copernicus reform, but even to surpass the size of funding in the pre-Copernicus period.

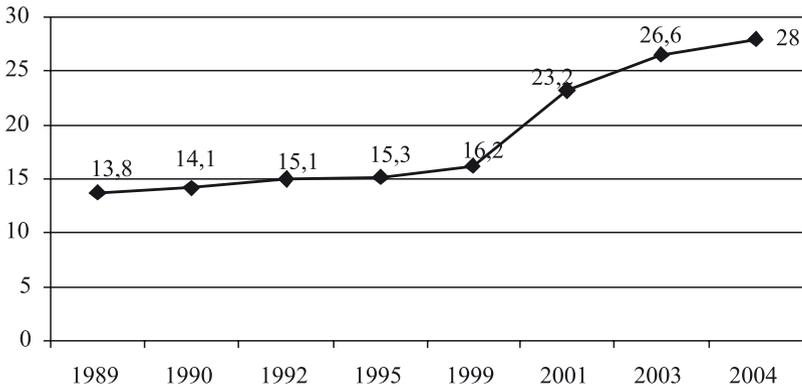
## Restaffing Ministerial cabinets

Ministerial cabinets were refunded after the Copernicus reform. What about the volume of personal advisors? From our analysis of the average number of personal advisors for each Minister we can safely say the size of cabinets grew. We calculated the total number of personal advisors in the federal government and divided this amount by the number of Ministers.<sup>14</sup> Although the budgets show a slight increase in the era before the Copernicus reform the average size of cabinets remains equal

<sup>14</sup> For a few years, data were incomplete.

in this period. In comparing the average number of personal advisors in 1989 and 2005, the chart demonstrates that numbers doubled.

**Figure 5**  
Average amount of cabinet members per minister



Comparing the initial period of the government (1999) and one year after the approval of the reform plans by the government (2001), we do not notice a decrease of ministerial cabinet members. On the contrary, the average number of cabinet members increased. Although the budget for ministerial cabinets decreases during the Copernicus reform, our analysis shows an increase of the number of ministerial cabinet members during the period (2000 – 2004). Previous research has shown that personal advisors hardly work part-time (Pelgrims, 2001a). The only explanation we can offer is that the number of civil servants on secondment in ministerial cabinets rose. Civil servants in ministerial cabinets typically do not appear on the cabinet’s budget. Their salary remains on the budget of the civil service.

The results are even more remarkable when we compare the period during the Copernicus reform and the period after the reform. In 1999 Ministers have on average 16.2 members in their cabinet. In 2004 this number reaches 28, an increase by 73 %. Based on the budgets, we could already notice a revival of ministerial cabinets. The average numbers of cabinet members only confirms this conclusion. It is indeed striking to observe that the increase of the number of personal advisors in the period 1999 – 2004, is the most significant one in the last 15 years, paradoxically at a time when a critical juncture had created an opportunity for reducing the number and even doing away with personal advisors altogether.

## 5. Conclusion

Personal advisors of ministers in Belgium are institutionalised in ministerial cabinets. This carries advantages for research as they are well demarcated and defined.

Therefore Belgian ministerial cabinets may be an interesting case for political systems in which personal advisors of ministers are less visible. Besides the advantage for research, institutionalisation also means that they are hard to change.

Since the late 1980s, the size and scope of ministerial cabinets were targets of serious criticisms. The Copernicus reform (1999) had the explicit ambition to change the relations between politicians and civil servants. One of the proposals in the reform plan explicitly intended to transform ministerial cabinets into policy preparation cells, embedded in the administration. Six years after this intention, and initial efforts to reform ministerial cabinets nothing remained of it.

Because of the unique political and economical context, the Copernicus reform was situated in a critical juncture in the modernization process of the Belgian government. From an actor-centred institutional perspective, we analysed why the institutional change project failed during this critical juncture. The outcome of the reform was indeed not merely explained by the recalcitrance institutions traditionally show. It was the particularly constellation of actors in the change process that weighted heavily on the success of the change project.

The analysis of the decision-making process shows that incremental amendments to the reform project undermined the proposals of ministerial cabinets. The reshuffling at the top structure of departments was heavily influenced by political actors, the most important of which appeared to be the Minister of Public Affairs and his personal advisors, the Council of Ministers, the French Socialist party and its president. On the basis of our institutional framework we expected that institutional change is primarily located in the three circles of government. Given our analysis of the failure to change an institution during a critical juncture, we conclude that personal advisors fulfill a horizontal task across these three circles.

Actor-centred institutionalism argues that institutional change is a difficult process. Based on budget and number of staff members we conclude that ministerial cabinets were not only difficult to change, they were even strengthened after the attempt to change them. The reconsideration of ministerial cabinets in the Belgian politico-administrative made them return with a vengeance, since their position was not only reconfirmed but even reinforced.

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# Ministerial Advisors in Estonia: Role Perceptions as Multi-Functionalism

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## Abstract

Formally, the minister's personal advisors are part of the civil service system in Estonia. However, the difference in status and political background of advisors changes the perception of their roles, actual functions and responsibilities. Advisors are essential actors for analysis, not only within their ministry, but through their significant roles outside departmental boundaries.

The main findings of this study are that it is not possible to generalise on the role of advisors in Estonia: there is no one type of personal advisor. Advisors supplement the tasks of the minister and civil servants, but do not take over their functions. There are also some tasks that can be assigned only to the advisor. The roles inside the ministry are different from those outside. The role inside the ministry is all about coordinating policies and acting mainly as a mediator of ideas and initiatives between administrative and political levels; whereby the advisor is perceived as a civil servant with a political background. The role outside the ministry involves many political activities, both in tone and actions, as well as bargaining skills. It is a common view that the position of personal advisor is essential to the effective delivery of government.

## 1. Introduction

Ministerial advisors are an under-researched area in the Estonian analysis of governmental structures and the relationships between them. Although the role of advisors has always existed in some shape or form, their roles, functions and interactions with other elites at the summit secured little interest. The principal aim of this article is to analyse the minister's personal advisors from the perspective of their role and status, both vertically within a single ministry and also horizontally as elites operate across government ministries to facilitate coordination. The analysis addresses questions pertaining to the coordination of policy and politics, political management, the relationship between politicians and permanent civil servants, as well as established formal links with other governmental bodies. It is advocated that these actors are viewed as an emerging independent institution. The article is organised in the following sections – firstly, an examination of the status of personal advisors and their roles within a ministry (vertical dimensions). The second part analyses the links, both formal and informal, established between the individual

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ministry and other government institutions (horizontal dimensions) in order to reveal the roles and performance of personal advisors at the 'summit'.

## **2. Institutional framework**

In order to understand the context within which a minister's personal advisors operate, it is necessary to examine the main characteristics of the Estonian governmental system, traditions and evolution over time.

There are two main periods to consider when investigating the evolution of the institutional framework: the Soviet era and independence since 1991. These two phases in Estonian history have served as critical junctures for the formation of current institutional arrangements. It is argued that Estonians themselves designed little of their administrative order. Rather, the models inherent in Soviet Russia and Germany have had the greatest influence in shaping the contemporary administrative system in Estonia (Sootla and Roots, 1999: 216). During the Soviet period, Estonia was ruled and governed by methods that are common to authoritarian or even totalitarian rule. The experience has had a profound and lasting legacy in Estonia and the reaction has been to instigate numerous and ongoing reforms over the past two decades in order to bring about effective democratic governance. Since 1991, these reforms have constituted two different types: normative (constitutional) and positive (concentrated on improving both effectiveness and professionalism). Nevertheless, it should be borne in mind that administrative culture is also formed by the customary attitudes and values of citizens. In this respect, the impact of the Soviet period is relatively short, compared with centuries-long traditions of German accuracy and correctness (Roots, 2000). Along with other values, namely individualism and independence, they have never been eradicated but were undermined by the soviet period. In 1991, significant efforts were made to restore the administrative arrangements evident during the first independence period (1920 – 1940) but with limited success. Since 1991 Estonia obtained its administrative culture, primarily in the form of a civil service system inherited from the former regime despite the fact that civil society values now diverged from those of the previous Soviet system (Roots, 2000).

In accordance with the Constitution adopted in 1992, the institutional context in which ministers' advisors operate is outlined below.

### **Government**

As the official institution of top executive authority consists of 14 members and may not comprise more than 15 members as a rule set by the Government of the Republic Act Ministers are divided between Ministers who are the executive heads of the ministries and Ministers without portfolio (The Minister of Population, Minister of Regional Affairs and Minister of Public Administration). The Head of the Government is the Prime Minister who has the right to appoint Ministers. The Prime

Minister himself has no special area of responsibility within the cabinet. However, the role representing the state overseas is quite important.

In the Constitution, the Government is defined only by its administrative functions as the pinnacle of administration (art. 86). It is important to note that in Estonia the term ‘cabinet’ refers to unofficial meetings of ministers and heads of its support structures. Cabinet meetings play a significant role in policy coordination and formulation. Another organisational body which is important for dissolving conflicts and for other negotiations is the Coalition Council, which consists of the representatives of the political parties who form the government. Other functions of government include a duty to submit draft legislation to Parliament. At the same time, a definition such as “policy formulating” or just “policy” is missing in Estonian legislation (Sootla, 2001).

### **Administrative structure**

The main body to provide support services to and operationalise Government functions is the State Chancellery (Riigikantselei). It carries the main responsibility for managing the relations between the Government and Parliament together with other state institutions (ministries, local governments). All administrative support structures of the Prime Minister are formally units of the State Chancellery. However, there is a distinction between staff serving the leader (Prime Minister) and those assisting the government as a whole. The Prime Minister’s bureau consists of politically appointed advisors and the Prime Minister’s secretariat consists of non-political civil servants.

### **Ministries**

These are relatively autonomous. This is the consequence of a general tendency toward functional specialisation, increased complexity and organisational differentiation. The principal task of the Prime Minister is to coordinate the work of the government, creating a balance between different interests and networks organised on a professional or sectoral basis. The task is to keep the fragments together and to ensure they are functioning in the right direction. An important factor about the Prime Minister’s role in political coordination comes from the fact that Estonian *government* is always a *coalition*<sup>2</sup>. Estonia has a multi-party political system and normally no party can form a Government alone. The number of parties needed to form a majority coalition government is, in most cases, three. As an unwritten tradition, the chairman of the party who secured the most seats in elections will receive a proposal from the President to form a Government. However, this rule is applicable in accordance with the existing political situation – it does apply when

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2 After the Parliament election held on 4<sup>th</sup> March 2007, the new coalition government, consisting of three parties (Reform Party, Pro Patria and Res Publica Union, Social Democrats), was formed. It took its term on 5<sup>th</sup> April, 2007.

there is a silent agreement on the Prime Minister candidature between the political elite. In this situation, the more parties involved in the governance process, the more political and policy coordination required. Basically, the main characterisation of the Prime Minister's tasks is the political management of the state apparatus and good governance. However, it is essential to mention that the Prime Minister's Office plays a leading role in the coordination process of European Union affairs.

The state priorities in the EU are set by the government. The Government adopts EU policies, sets priorities, discusses all potentially sensitive issues and at its weekly sessions endorses Estonian positions for the EU Council meetings and for those Commission proposals which require amendment of Estonian legislation or have significant financial impact once adopted. In cabinet meetings, members of the government discuss the strategically and politically relevant questions. In addition, the government has the authority to solve those problems and conflicts, in cases where a consensus was not obtained at the administrative level.

Each ministry is responsible within its area of competence for the formulation of national positions on EU legislative drafts and initiatives. To ensure cohesion between the ministries, the government created the so-called Coordination Council. Its main task is to provide coordinated preparation of materials and national positions that the government should decide on, as well as an accord between ministries, information exchange and possible problems mapping. The Coordination Council consists of representatives from each ministry, the Estonian Bank and State Chancellery officials, and in a position of observing members – the European Affairs Committee and President's secretariat representatives.

The coherence of ministerial positions requires strong coordination. The Prime Minister is responsible for the management of EU business and he or she carries the political responsibility for its efficiency. The work of the Prime Minister and the government is administered and advised by the State Chancellery, which technically serves the Coordination Council, is responsible for the European documentation systems and the monitoring of the implementation of EU legislation.<sup>3</sup>

### **Estonian civil service**

This is under permanent construction. Problems in implementing reform are further complicated by political instability. There is also no clear political understanding of what type of civil service Estonia really needs. For example, the Civil Service Act of 1995 refers both to career and open civil service systems and there are features of both in the present configuration. The general tendency is, however, to an open system. For example, Bossaert (2002: 19,37) has commented that "The ability to use one or another model is in close relation to the traditions of the state, type of thinking, culture and institutional order. Estonia is a country with most open career civil

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3 For more information on coordination of European Union issues in Estonia see the website of State Chancellery <http://www.riigikantselei.ee/?id=5024>.

service system in European Union'. There has been a slow but steady increase in the number of public servants throughout the late 1990s despite the declared intention of consecutive governments to downsize. The number of civil servants rose from 19,977 in 1997 to a maximum of 20,472 in 2000. Then the government succeeded in breaking this trajectory whereby at the end of 2003, the number of civil servants was reduced to 18,998 (Ministry of Finance, 2004).

The Estonian civil service is also characterised by decentralisation in terms of personnel management. This provides an impression that through decentralisation, the co-ordination roles are distributed not only vertically, but also horizontally. The actual problem is not in task distribution, but rather in the fact that no concrete institution is given resources or formal responsibility to coordinate the civil service area. It could be argued that it is much easier to apply reform where there are no clear institutional order and co-ordination mechanisms.

### **3. Politico-administrative relations at core support structures**

From a formal perspective, there is little evidence concerning the relationship between politicians and civil servants. The principal legal acts of relevance are the Constitution, Public Service Act (PSA) and Government of the Republic Act. However, the politico-administrative dichotomy is not clearly, some would say if at all, set in legislation. The specific roles of politicians and bureaucrats are not defined and have so far been shaped in a predominantly ad hoc manner. Thus, among the central goals of the reforms was to redefine the roles of politicians and civil servants (Norgaard and Winding, 2005). In Estonia, there have been intense fluctuations – towards politicisation at one time and towards neutrality at another (Sootla, 2001).

According to the PSA, some posts can be filled by way of political appointments. The Act introduced a distinction between career civil servants and state servants appointed by parliament and the President and those working for politicians during their term in office. Minister's personal advisors belong to the latter group. Hence, there are neutral civil servants and politicised state servants. Furthermore, politicisation has been more pronounced towards the top as higher officials, who can be appointed politically, are involved in policymaking and have close working relationships with ministers. There remains, however, a very wide scope for administrative discretion within the framework of the law. But in order to ensure the legality of the administration, the judiciary is charged with controlling the use of administrative discretion (Randma, 1999).

Neutral professionalism among Estonian civil servants has been a reaction to the attempts of politicisation. Civil servants try to ensure their neutrality by following formal rules and laws. Sometimes this causes problems, as bureaucrats prefer to be uninvolved in the sense of being unresponsive. The so-called "policy ownership" is not present in the system as a value and it a hard task to achieve. In

Estonia, the attitude of many civil servants is that they implement policy, but do not design it. The latter is the sole responsibility of politicians. For example, the Code of Ethics of Public Service requires public servants to follow the legitimate will of politicians (ibid).

The Constitution requires impartiality and professional independence of public servants. A special reference is made regarding the State Audit Office (§ 132), the Legal Chancellor (§ 139) and the courts (§ 146). For others, PSA imposes a restriction of § 70 on political party membership, where state officials, except advisors and assistants to the Chairman and Deputy Chairmen of the Parliament (*Riigikogu*), advisors and consultants to factions of the *Riigikogu*, and advisors and assistants to the Prime Minister and ministers are not permitted to belong to the permanent directing body or permanent control or audit body of a political party. Paragraph 59 of the Constitution says that a public servant performs his/her duties in an accurate, timely and conscientious manner and without self-interest. The duties of a public servant are determined by laws, regulations and job descriptions, and by other legislation (Randma, 1999). Concerning the role of civil servants in policy-making, there are no specific provisions in Estonian legislation about policy advice. These functions may be assigned to officials as professional responsibilities (through legal acts, job descriptions or service-related orders). Often officials have working relationships with different interest groups (such as trade unions) and different political parties through parliamentary committees and expert commissions, which is considered as joint decision-making, with the participation of both politicians and officials (ibid).

#### **4. Characteristics of ministerial advisors**

In Estonia, the formal position of minister's advisor is regulated, as is the position of civil servants in accordance with the Public Service Act (PSA). This provides for the advisor's position to be part of the administration within a ministry. Most of the regulations of the PSA apply to advisors in the same way as they apply to other civil servants. The most significant difference in formal terms between ministerial advisors and other civil servants is the fixed term of service – a minister's advisor is appointed to the post and leaves the office with the minister. Another essential difference is the way advisors are appointed to the post – as a rule senior officials come into office through open competition, but ministerial advisors are solely appointed by the political party or the minister.

A ministerial advisor is not only formally a civil servant; it is also often required that he or she act as one. Nonetheless, advisors must be loyal to the Minister and strictly follow political guidance. The field of action of an advisor can therefore be described as an overlap of politics and administration (Pelgrims, 2005). Although the PSA does not directly define the number of advisors per minister, it has become usual to have a maximum of two or three advisors who form the minister's *political*

back-up team. This number is comparable with other European countries. France and the United States diverge from this standard since the number of politically appointed civil servants is much higher. These differences are rooted in the historical and traditional evolution of the civil service system. With politically appointed civil servants there is an attempt to bind an integrated system of political intentions and administration (Peters 2001: 88). Most Ministers in Estonia have two advisors<sup>4</sup> who are subordinate directly to the minister, though there are some cases whereby the Secretary General is also allowed to provide instructions to the advisor in order to allocate resources more effectively. Two advisors within one ministry are likely to have different sets of responsibilities; the distinction can be brought out most clearly when we look at the main directions of communication of the advisor. Usually, one of the advisors can be described as a party advisor who helps the Minister on political issues and acts as a communication bridge with the party. This type of advisor is also the one to communicate with the public when needed. The other advisor is active on ministerial and policy issues; he/she is competent, loyal and helps the Minister on issues that require deeper concentration on ministerial policies. The latter is of more relevance to this analysis.

## 5. Conceptualising the role of the ministerial advisor

This section serves to develop a theoretical framework to facilitate an analysis of the advisor's political and administrative roles; roles in policy formulation and implementation; position in the communication process – all of which are inside the ministry. The advisor's roles are seen as independent, but also as possible supplements to those of politicians and bureaucrats.

According to the *two main dimensions* of a) advisor's functions in policy formulation and implementing and b) position in the communication process, four theoretical role configurations have been developed. The third, more imaginary dimension of political and administrative roles serves rather as an essential contribution to the previous two in terms of a supplement to the general context. It illustrates that an advisor's functions fluctuate to more or less political or administrative depending on the activities in policy formulation and implementing and communication process.

*Roles in policy formulation and implementation* are determined by the advisor's ability and delegated authority to control and guide the work of the administration. It also comprises the power to make civil servants change the policy in a desired way as well as give them orders to undertake required changes. Regardless of how professional and competent an advisor can be, it is not possible to actually control everything. Rather, it would be clearer to distinguish how far the advisor's knowledge of a particular policy extends and how much background information they have obtained. On the one hand, we can observe a very general and cursory

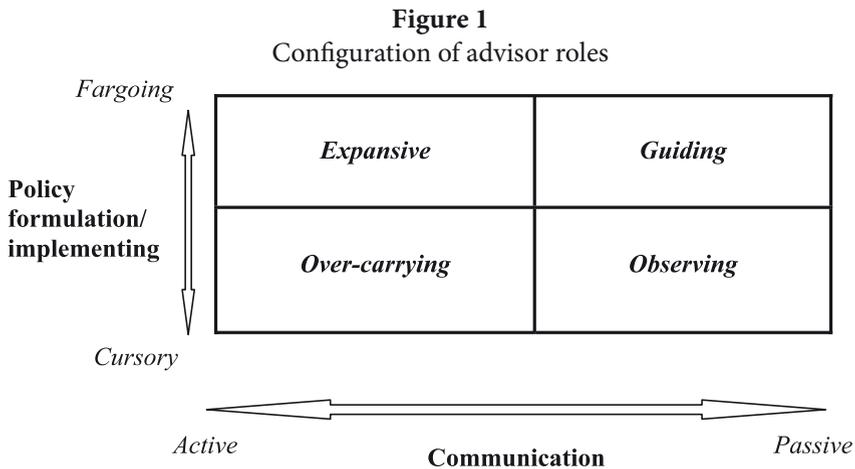
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4 See Table 1 in Annex.

inspection; however it will also allow implementing the political agenda at the administrative level. On the other hand, the advisor’s control power can reach very far: he/she makes very careful studies of ministry policies, prepared draft acts and so on. This provides more potential power to, for example, filter information and this indicates a pro-active policy formulation process. Two perspectives of a general guidance or active policy formulation are also dependent on an advisor’s own perceptions of their political role. The Minister’s will is also essential.

*Position in the communication process* refers to the advisor’s function as a bridge between politicians and civil servants. We can also call it ‘in-between’, mediator, moderator, third force etc. The difference lies in for whom the advisor is a mediator: a minister’s implies a greater need for the minister’s politics to be “sold” to the bureaucrats. If a mediator for the civil servants – in this case the accent is on providing a feedback loop from the administration to the Minister for better policy formulation. The position in the communication process is also much determined by the fact of how intensive the communication is: is it completed with just a formal correction of some technical issues, or, does it try to prevent possible misunderstandings and conflicts. In short, is it reactive or proactive?

Together, two dimensions give four theoretical models, or advisor role configurations.



**I Expansive** role patterns comprise strong political and administrative powers of policy formulation and implementation from the one side and active position in communication process from the other. It requires advisors to be a ‘mutual’ communicator of Ministers and bureaucratic viewpoints, while simultaneously to have a far-reaching, pro-active brief due to expertise, knowledge and professional competence.

**II Over-carrying.** This type of advisor does not have the intention of controlling the work of the administration. The latter, together with an active political agenda, ensures implementation is undertaken by other channels, so this function in an advisor is not required. However, through an active role in the communication process he/she takes the responsibility to bring politicians and bureaucrats together and put forward the arguments/points advocated by either side.

**III Guiding.** This implies the potential as opposed to actual control of the work of the administration, whereby the advisor is satisfied with a general guidance and advice-giving role. She or he is not actively involved in the everyday business of administration; rather end results can be determined or shaped by the advisor's viewpoint. Communication is passive and starts from the end, where and when a bureaucrat's policy results need to be corrected.

**VI Observing.** The work of the ministry is mostly carried out without the intervention of an advisor; information which the administration needs about political intentions is obtained elsewhere (directly from the Minister or Chancellor). The Minister's role is strong enough to control bureaucracy him/herself where needed, as well as to give political guidelines. The advisor is more likely to function as the Minister's personal assistant.

## 6. Analysis of the advisors' roles

The analysis is informed by an empirical case study conducted in two Estonian ministries in autumn 2005. It also includes several interviews from spring 2006 (mainly to complement previous findings about the advisor's functions inside the ministry, with additional information about the roles outside ministerial borders). Amongst the interviewees were chancellors, senior civil servants (heads of department) and ministers' personal advisors. The principal documents concerning responsibilities of ministerial staff and the work order within the ministry were also studied. This provided valuable data for understanding the advisor's formal position.

### 6.1 Competence and functions

The Minister's advisors interviewed felt competent in their posts even although one of the advisors did not actually have a relevant educational background in the field of the ministry he was responsible for. The advisors saw their position to be valuable because of the professional experience and knowledge they could obtain doing this job. It was regarded more worthy than the sacrifice of neutrality, since being in the service of a particular Minister is being associated with a particular political party as well as concrete party politics. One of the advisors did not see any problem with serving the Minister. He even believed that his current position was a good platform for entering "the normal civil service". Here he mentioned a former advisor who became a head of department at the ministry. At the same time the

other emphasised that due to such associations, many doors in a civil service career can be closed. However, in both cases they had been chosen for the post (by the Minister himself or by the proposition of a party's secretary-general) not for their political loyalty, but because of their professional background.

Much about advisor's functions can be learned from an examination of the position manuals. A first impression is that the formal list of duties and responsibilities is very comparable to one of an apolitical civil servant. The duties mentioned in the manual are quite general: preparation of minister's meetings, conferences and consultations, opinions reporting, providing minister with essential information, writing speeches and articles and many other ad hoc duties. The mission of the advisor's position is not as clearly set out and neither is the competence requirements formally constituted. In Estonia, advisors belong to the ministry's board, where the most important strategic decisions concerning the ministry's policy are made. Advisors are accountable directly and only to the minister, so they stand outside the normal hierarchy of the ministry (SIGMA, 2007). First, this diminishes possible position-based formal and informal power of an advisor that he or she could have within a ministerial department. Second, it leaves the possibility for the Minister to use his advisors flexibly where and when required (Peters 2001: 88). Although advisors do not have subordinates, interviewed advisors stressed that, if needed, they are allowed to give ad hoc tasks to the highest ranks of civil servants in the ministry.

Advisors themselves commented that their functions can be more or less described as a list of certain activities. They both have a responsibility for the preparation of cabinet meetings, policy coordination inside and outside the ministry, gathering all kinds of information, making policy analysis and communicating with civil servants. Some especially underlined roles involve ensuring that issues which are important for fulfilling the coalition agreement remain active and initiate discussions (this facilitates influencing agenda-setting in the ministry). One advisor formulated his main duty as 'to bring together different views and opinions, mediate information, communicate and negotiate.' The other advisor articulated different views about his role with more emphasis placed on expert knowledge.

## **6.2 Relations in the policy process**

### *Position on an axis of communication*

Advisors also have a meaningful role to play in the communication processes directed to administration. The ministry example studied revealed that the communication process is formalised and the administrative hierarchy is mostly strictly followed. The advisor does not get involved in a bureaucrat's work; rather problems requiring solutions are brought to a board meeting. Another example is when the role of the advisor in the communication process is much wider and stronger. On the one hand, political opinions are brought to bureaucrats and on the other hand,

the advisor is also an information-resource who helps civil servants to solve problems without getting the ministry's board involved. In the latter example, the communication directed from civil servants to ministers also runs through the Minister's advisor, who was described as a mediator contributing to problem solving and conflict management and who balances the interests between politicians and bureaucrats. One of the civil servants interviewed commented that 'although civil servants can discuss different issues amongst themselves, the Minister's advisor is needed to take the concerns and opinions to the political level.' Bureaucrats also pointed out that sometimes the advisor is the one to collect different opinions from amongst the ministry's specialists and to form one comprehensive position to be presented to the Minister. According to this line of discussion, an advisor is not so much perceived as a source of expertise or a policy maker himself, though it is important for him to be competent. In the civil servant's opinion, the advisor's main role is to coordinate, communicate, mediate and filter issues.

In the field of communication, some specific dimensions and differentiation were discussed regarding the advisor in comparison with other civil servants. The advisor is a trusted colleague of the Minister; he/she has a direct access to the minister, with the possibility to bring up new topics to the ministry to work on and also to choose the right moment to do this. Civil servants normally lack this power, as they are given orders to be fulfilled. It was also noted that the advisor has to know the whole ministry and the functions and responsibilities of the different departments.

### 6.3 Political and administrative roles

The position of minister's advisor does not belong historically to the side of politicians or civil servants. The roots for the emergence of the position are closely knit with the development of the roles and duties of politicians and civil servants. Politicisation remains an eternal and unresolved dilemma. Arguably, advisors undertake both the role of politicians and civil servants and fill the sensitive space between. Advisors can also be seen as a buffer that helps to protect the minister and ensure that he/she is not overrun by bureaucrats' demands and simultaneously prevent the politicisation of the civil service. Irrespective of the advisor's political membership, civil servants tend to see him/her more as a politician. '[The] advisor is the implementer of party politics who helps the Minister on political questions and preferences.' Advisors themselves have the opposite view, though they admit to having both political and administrative responsibilities. One advisor commented on the situation as follows: 'I feel that I am a civil servant who is a subject of the Public Service Act and the norms laid down there. I fulfil my duties in my sphere as any other civil servant.' Public officials also mentioned that a personal advisor is exactly the right person to be involved in the politics of an issue in the way he/she mediates and transforms the positions and policy initiatives to a political level and to the summit. In Estonia, civil servants try to avoid being involved in anything that seems to have

a political dimension. This implies that neutrality has a somewhat negative impact on policy coordination and the responsiveness of public officials. However, this can be compensated by a personal advisor.

The political side of the advisor’s work was seen as inevitable by one of the high ranking civil servants interviewed: ‘The ministry is led by a politician; every bureaucrat gets involved with day to day politics’. In one ministry where the organisational system resembles the organisation of classical bureaucracy, the roles of political and administrative levels are perceived as further differentiated. The advisor in such an organisation structure is viewed as a member of a politicised support unit and as a politicised bureaucrat i.e. a politician. Thus far, it would appear that there is no common understanding among interviewees as whether to see an advisor as a political or administrative actor. The following figure also illustrates the difference in the opinions.

**Figure 2**  
The perception of a special advisor’s role in the ministry

<b>Ministry 1</b>	Chancellor	Head of Department	Advisor
<b>ROLE</b>	<b>Politician</b>		<b>Bureaucrat</b>
<b>Ministry 2</b>	Head of Department	Chancellor	Advisor

Such a difference derives from the comparison of the advisor functions in policy coordination inside the ministry or outside. The more towards the top the tasks go, the more political the tone becomes.

#### 6.4 Role in policy formulation and implementation

Advisors are sometimes perceived as a “diminisher” of the minister’s workload. He/she has to be competent in the field that concerns the ministry’s inner organisation and what the ministry is responsible for. The advisor himself rarely has the possibility to influence the policy formulation and implementation, but is normally the one to help the minister to fulfil the prescribed goals.

In comparison with other civil servants, there is one significant factor that gives the advisor a better means to take part in formulating and implementing policies. This is a more informed knowledge of political deals and back-stage decisions. One of the civil servants stressed: ‘An advisor always knows more than he claims to

know; he can present the ministry's opinions, negotiate and communicate outside the ministry – line bureaucrat has no such power.'

This would imply that the advisor's position is that of balancing the spheres of politics and administration. One public official described it as: 'The advisor does something that an ordinary civil servant cannot do. He gives a political perspective to the whole work we are doing, he sees farther than the legal aspects. If we didn't have an advisor at the ministry we would have to ask for political appraisals from the minister.' This illustrates that advisors have the implicit power to influence the work of civil servants by giving a political perspective to the whole process. However, the guidelines come from the Minister who has the democratic mandate. The advisor does not invent his/her policies, though they may have their own interpretation. Policy initiatives derive from coalition agreements, the Prime Minister, parliament or ministries. The important thing is that in all cases it is the civil servants who prepare draft laws. Sometimes the technical details might be essential in presenting the legal draft with a somewhat different meaning. Negotiation on policy initiatives with bureaucrats is one of the tasks of the personal advisor. This is the so-called "pre-cooking" job which refers to negotiations on policy initiatives among ministries and staff members from the PMO, at a somewhat lower level.

### **6.5 What if there were no advisors in the ministry?**

Some aspects of what make the advisor's position valuable either to politicians or administrators have already been presented. They indicate the extent to which the advisor is a 'right hand person' for the Minister. He carries out many routines and technical tasks in order to 'let the minister think and deal with strategic things' as one interviewee referred. Civil servants thought that without an advisor there would be no-one (apart from the minister himself) who they could ask for advice on politically sensitive questions. Advisors thus help in formulating coherent policies and ensure political initiatives are in a line with practical implementation probabilities.

Political communication was also seen as one of the important duties of the advisor. One of the public officials noted that a line civil servant should not be responsible for promoting ministry's policies and the politics behind it. According to the advisors' own view, apolitical civil servants could also fulfil most of their duties. Only the smaller, political side would be left to the minister to implement. Nevertheless, civil servants themselves do not agree with such an opinion, especially when it goes outside the boundaries of the ministry itself.

## **7. Interfacing at the summit: advisors as a formal channel linking the ministry to the upper echelons of government**

Thus far, the analysis has focused predominantly on the vertical roles of the advisor and participation in the policymaking process within the ministry itself. Another

significant role of the advisor is that of their activities outside departmental boundaries and their horizontal interactions with other elites at the summit at the level where political and administrative roles become blurred.

The process of policy and politics coordination involves a variety of actors on different administrative and political levels. Ministers' personal advisors, who interface at the summit, are clearly important players in the decision-making process, alongside ministers and civil servants. However, the roles that advisors play in policymaking coordination often remain unexplained and undistinguished from other state actors.

### **7.1 Advisor's potential to improve coordination**

As previously commented, an ideal advisor is not only a good administrator, but also a good politician. The variety of roles – political, policy, technical and representational – impose several dilemmas and conflicting values. However, this mixture of the functions is required in the pursuit of better coordination. This would imply a rationale for advisors to play a significant role in the business of the summit.

In addition, advisors are formally integrated into the ministry's administration and this is an advantage to control and coordinate the policies inside and outside the ministry. Inside the ministry, clear conclusions have been presented to indicate that an advisor has more political background information which helps in smoothing the policymaking within the ministry. This information comes from the advisor's status to represent the ministry outside, for example in parliamentary commissions, to act much as a broker for a minister's policy implementation, or at least consult with politicians and officials from other government structures. Such interactions with other elites lead to a certain number of questions, for example: how do these interactions result in agenda setting, policy advice and coordination/steering in a single ministry and also does it help, in general, the coordination of state policy.

### **7.2 Coordination functions**

The principal tasks of a Prime Minister and his/her Office in the coordination process are the following:

- providing legal and political advice to *ministries* preparing legislation;
- transmitting agreed government decisions to individual *ministries*;
- ensuring that the policies of the *ministries* are generally consistent with one another;
- integrating dispersed policies into ideological preferences of the government, or – the case in coalition governments – an attempt to make sure that coalition agreements or pacts are respected;
- political management of relations with parliament, coalition parties or major pressure groups (Peters et al, 2000).

At least three of the above mentioned points directly refer to the relationship with an individual ministry. It requires one or a few people to act as a coordinator or to fulfil these tasks.

In principle, three different areas of coordination can be identified: political coordination, day-to-day policy coordination through the interactions with other state actors (summit elites) and coordination of policies inside the ministry. The role of the advisor inside the ministry has already been discussed.

### **7.3 Day-to-day policy coordination – interactions with other elites**

Many day-to-day and routine issues can be addressed through informal means. For example, one of the interviewed advisors noted: ‘To ask a question or to find out the principal position of the ministry is possible simply by making a phone call or writing an e-mail. Basically, very often, the right person to ask was the minister’s advisor. But of course, it depended on the question.’

The same scheme applies to communication between personal advisors and their counterparts in different ministries – they just call or write an e-mail to one another.

But, there are also formal channels of communication between the special advisors, civil servants and, for example, Prime Minister Office officials. One example is inter-ministerial committees, organised on the basis of prime ministerial or governmental decree and whose function is to deal with more fundamental decisions. There are also permanent groups, such as the previously mentioned Coordination Council. The Minister’s personal advisor represents the ministry in many of the inter-ministerial committees for two reasons. First of all, those committees are very much designed to solve technical problems without involving politics where a minister’s participation is normally required. Secondly, a minister does not have the time to participate in all possible committees, so when and where possible, personal advisors can substitute for the minister.

### **7.4 Political coordination**

According to Müller-Rommel (2000: 89) efficient political management in the Chancellor’s Office (in the case of Germany; Prime Minister’s Office elsewhere) depends upon information flow, coordination of inter-ministerial communication, and formulation and supervision of policy proposals directed to the summit. Concerning inter-ministerial communication, it is one of the factors of a well-implemented policy. In this respect, both Prime Minister and ministries are interested in mutual co-operation and eager to know about proposals formulated elsewhere, but presented to the summit. Ministries wish to know about activities in other ministries. They should also negotiate with each other on policy initiatives and, in the case of disagreements, try to formulate compromises.

One of the instruments of this political coordination, besides government and Coalition Council meetings<sup>5</sup>, is the so-called “3 o’clock Monday meeting”. This meeting is held weekly each Monday starting at 3 o’clock at the headquarters of the leading coalition party. The personal advisors in the ministries of the leading coalition party, as well as the Prime Minister’s Bureau special advisors are presented. In addition, the secretary-general of the party participates.

One of the interviewees commented:

The meeting had several purposes. First of all, each ministry’s advisors talked about what is going on in his/her area of responsibility and generally in the ministry. The information exchange was important in previewing, monitoring and controlling policy planning and implementation. Everyone received information “first hand”, without any in-between administering (e.g. ex the Prime Minister Office officials) or through other formal channels.

Special advisors also pointed out that the meeting was useful in resolving possible conflicts between the ministries:

In case there was a conflict between leading coalition party ministries, we discussed them right there at the meeting and made a decision.

If there was a problem within a ministry from the other coalition parties, then the strategy and scenarios of possible solutions were discussed. The Prime Minister Bureau’s advisors consulted and asked for the assistance of leading party ministries regarding managing conflict. In such cases, the party politics and the perspective of the Prime Minister, presented by his advisors, clearly had a decisive influence on the action to be taken, as opposed to any other calculations or the perspectives of an individual ministry. The ‘3 o’clock Monday meeting’ has had a very positive impact on the process of policy coordination. It brings summit actors together and is a direct channel for communication between the elites. However, in the case of especially sensitive political questions, the issue is discussed either at the government meeting or in Coalition Council. But the so-called “pre-cooking” job is carried out by the 3 o’clock Monday meeting, where ministers do not participate.

## **8. Conclusion**

The pursuit of more efficient coordination of policies and politics has led to new roles and more complex structures to emerge within the executive. It is ever more apparent that officials need to upgrade their competences – not only to be good

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5 In Estonia, there are three types of government meeting: a) the official meeting of members of the government, held weekly on Thursday; b) Cabinet meetings – Cabinet refers to unofficial meetings of ministers and heads of its support structures. Cabinet meetings play a significant role in policy coordinating and formulation; c) Coalition Council meetings – organisational body which is important in solving conflicts and for other negotiations; consist of government members, in addition – party officials.

administrators, but also to manage political issues and participate effectively in the policymaking process. A new state actor has emerged in Estonia – namely the minister’s personal advisor.

Coordination, by definition, involves a variety of actors at different political and administrative levels, thus creating an arena for the interactions of many state actors: politicians, bureaucrats, interest group representatives, special advisors and other elites. The role of advisor in coordination is essential. His/her role is multifaceted and is not confined to the interior business of the minister but also the entire government perspective. In principle, three different areas of coordination can be identified: political coordination, day-to-day policy coordination through the interactions with other state actors (summit elites) and coordination of policies inside the ministry.

One of the important conclusions is that the advisor perceives his/her role to be more political through participation at the summit. Inside the ministry he or she feels, as all other civil servants, to be typically an administrative actor. However, the civil servants themselves see a clear difference between themselves and advisors. The more an issue moves up the ministry hierarchy, the more political skills are required. An advisor’s political task is also to substitute for the minister in inter-ministerial committees, representing the position of an individual ministry, as well as during other possible interactions with summit elites. Other responsibilities include monitoring the implementation of a coalition treaty. The advisor checks whether the policy initiatives formulated in the ministry are in accordance with coalition agreements as well as “politically suitable”.

Communication channels with other states actors are, where possible, rather informal, especially in scenarios where business concerns those summit elite members who belong to the same political party. A principal coordination instrument is the so called “3 o’clock Monday meeting”; the meeting of special advisors from the ministries and Prime Minister’s Bureau, where the secretary-general of the party also participates. The 3 o’clock meeting is regarded as one of the most important political management tools in policy coordination. In conclusion, intra-ministerial, inter-ministerial and political coordination of policy at the summit or inside the individual ministry make personal advisors important state actors. It would not be an exaggeration to conclude that they have emerged as a new group of elites at the ‘summit’.

## Appendices

**Table 1**  
Estonian ministers and their personal advisors in 2005 – 2007

<b>Nr.</b>	<b>Ministry</b>	<b>Minister</b>	<b>Number of minister's advisors</b>	<b>Party the minister belongs to</b>	<b>Advisors' political affiliation</b>
1	Ministry of Science and Education	Mailis Reps	1 + vice – minister and minister's secretary	Eesti Keskerakond (Central Party)	Advisor – non Vice-minister and minister's secretary – both Central Party
2	Ministry of Justice	Rein Lang	2	Eesti Reformierakond (Reform Party)	Both Reform Party
3	Ministry of Defence	Jürgen Ligi	2	Reform Party	1 – non, the other – Reform Party
4	Ministry of Environment	Villu Reiljan	3	Eestimaa Rahvaliid (People's Union Party)	1 – non, 2 others – People's Union Party
5	Ministry of Culture	Raivo Palmaru	1	Eesti Keskerakond (Central Party)	non
6	Ministry of Economic Affairs and Communications	Edgar Savisaar	3	Eesti Keskerakond (Central Party)	All three – Central Party
7	Ministry of Agriculture Affairs	Ester Tuiksoo	2	Eestimaa Rahvaliid (People's Union Party)	Both – People's Union Party
8	Ministry of Finance	Aivar Sõerd	1	Eestimaa Rahvaliid (People's Union Party)	People's Union Party
9	Ministry of Internal Affairs	Kalle Laanet	2	Eesti Keskerakond (Central Party)	Both – Central Party
10	Ministry of Social Affairs	Jaak Aab	1 + vice – minister and minister's secretary	Eesti Keskerakond (Central Party)	All three – Central Party
11	Ministry of Foreign Affairs	Urmas Paet	2	Eesti Reformierakond (Reform Party)	Both – Reform Party

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## Legal acts and on-line databases

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- Government of the Republic Act <http://www.legaltext.ee>
- State Chancellery <http://www.riigikantselei.ee>
- Estonian Government [www.valitsus.ee](http://www.valitsus.ee)
- Information and Registers Center – (person's membership in political party: <https://info.eer.ee>)
- Ministry of Finance [www.fin.ee](http://www.fin.ee)

# Civil Servants at the ‘Summit’ – a Comparison Between the Nordic Countries

*Markku Temmes<sup>1</sup>*

## Abstract

This paper investigates the role of senior civil servants in the central administrations of the Nordic countries. The administrative habitat of these actors is underpinned by traditions emphasising democratic values, legalism and an orientation towards the welfare state. The position of senior civil servant will be compared with the roles of Ministers and other politicians. It is argued that civil servants are operating as gatekeepers of the vertical and horizontal strategic procedures of the ministries. The politicisation of these officials is an important element in balancing the political and technocratic impacts of strategic governmental decision-making. However, uncontrolled politicisation is problematic and has created tension within the administrative machinery for several countries. This is particularly the case in transition environments such as the former Communist states in Central and Eastern Europe. The paper presents a case study of the new Finnish top civil service system since the Nordic practices may be considered as instructive examples of how to achieve a balance between political steering and a neutral and impartial civil service in the post-NPM era.

## 1. Introduction

The main focus of this article is the top civil service and its relationship to the political steering of the administrative machinery. Changes in the position and the role of the top civil servants in state administrations have an impact on the respective roles of both political leaders and the entire civil service. Each country has developed its own form of balance in the relationship between the leading politicians and senior civil servants at the summit. One element of this relationship is the politicisation of the civil service which can be open or hidden. According to the extent of politicisation, senior civil servants can be divided into two groups: senior civil servants who follow the traditional model of the neutral apolitical civil servant (Weberian model) and the political civil servants who follow the models of the political functionary. This division is important for balancing political and technocratic impacts on public policies.

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## 2. Interpreting politico-administrative relations – some reflections from the literature

Caiden (1996) has presented a comprehensive analysis of bureaucratic neutrality. He explores specific questions concerning the possibilities of using the model of a neutral civil service. For example, what are the relevant ideological, institutional, and environmental factors that affect the functioning of public bureaucracies? Is open bureaucracy more reflective of society? Do bureaucrats see themselves as acting neutrally? Do the advantages of neutrality outweigh the disadvantages? Why is strict neutrality neither possible nor desirable? (Caiden, 1996: 20-44).

It would appear that Caiden (1996) is quite pessimistic in answering his questions. He claims that certain unusual or exceptional conditions are required before neutrality or impartiality of the bureaucracy can be contemplated and these conditions are rarely found. The conditions are:

- The regime has to be secure from external and internal threats and free of political paranoia.
- The society has to be relatively free of strong divisions and prejudices.
- The society has to be relatively free of an institutionalised spoils system with expected shares.
- The maturity of political system, in which the political is separated from the religious, has to breed confident governments, aware of their strength and also strong self-possessed leaders aware of their abilities.
- The public has to support the political regime, feel a sense of ownership of it and identify with it.
- Although political and administrative career paths are separated, the rule of law has to apply to all through an independent judiciary in an open government system guaranteeing the public's right to know.
- The concept of public service has to be introduced as an honourable and prestigious career, entry into which should be by way of a perceived honest and fair merit system free of overt discrimination, prejudice or bias.
- Integrity has to be highly prized and the possibilities of systematic corruption minimised through effective anti-corruption measures.
- Senior public servants have to be able to live in the shade with minimal financial worries and none of the distractions associated with personal possessions so that they can devote themselves wholly to their public duties (Caiden, 1996: 24).

The list above consists of both political and administrative elements. The administrative criteria clearly follow the Weberian tradition of a neutral bureaucracy. The political elements emphasise political stability and development of a ripe and civilized political culture. The list is long and challenging, especially for the transition countries. In the transition environment both political and administrative developments can hinder the achievement of these preconditions for the balance

between the neutral bureaucracy and political leadership. In the transformation from the communist politico-administrative culture, the neutral role and developed working culture of the civil service is a crucial factor.

Under these circumstances the public bureaucracy should play a stabilising role insofar as it underpins the continuity of public functions irrespective of whoever comes to power through regular elections. Peters' (1987) model of the villages provides a theoretical background for evaluating national solutions in seeking a balance between political steering and civil service technocracy. He has classified the structural relationships between politicians and bureaucracy, and emphasises that there is a continuum describing those relationships. One end of that continuum is a formal Weberian separation of the functions of the political leaders and the bureaucrats, with the political leaders firmly in charge and the bureaucrats following the formal model. At the other end is a 'bureaucratic government' in which the technical expertise and command of information of bureaucrats wins out over the amateur qualities of most political leaders. Peters (1987) also illustrates two intermediate categories of the 'village life' and the 'functional village life'. In these models the socio-economic backgrounds, training and even interests of both sets of actors, are quite similar. The archetype of this model is Whitehall. In the functional village life, the village is not the government as a whole but representative of particular policy areas (Peters, 1987; Peters and Pierre, 2001, 4-5).

Peters' (1987) village models are based on the co-operation and confidence between politicians and the top civil servants. The experience from most developed European countries indicates that the reality of relationships within the central administration tends to follow Peters' village models because of the co-operation needs among the Ministers and senior civil servants. A good example of this kind of intersectional co-operation is modern strategic planning in government in which the politicians and top civil servants have their own specific co-operative roles (Tiili Puoskari, 2002 and 2003). On the one hand, senior civil servants are in fact operating as the gate keepers concerning information and analysis in the vertical and horizontal strategic procedures of the central administration. They are working together with their Ministers but their contribution is obligatory to reach the real results. On the other hand, the Ministers are the gate keepers in approving or denying the proposals of the top civil servants. Both the Ministers and the civil servants in fact need each others to a significant extent so that we can speak of an obligatory confidence hypothesis. Paradoxically, both partners believe that they are in a leading position and a sovereign partner in strategic procedures (Tiili Puoskari, 2002). Tiili (2007) has developed her analysis by presenting empirical results which indicate that the management reforms aimed at introducing the strategic role of politicians have not been a success. This is not a surprise as politicians do not follow the logic of rational managerial models. Politicians are not eager to define goals and to set out priorities, nor are they motivated to consider issues that are not realised in the immediate future (Tiili, 2007).

In a further interpretation of politico-administrative relations, De Vries (1996) has identified four trends in the relationship between politicians and civil servants during the post-war period in the Netherlands. The total subservience of bureaucrats to policy-makers characterised the first trend which lasted until the end of the 1960s. The next trend, identified by the formerly unprecedented appointment of politicians to higher civil service positions, dominated the seventies. According to de Vries (1996), this turn of events somehow undermined the idea of a neutral civil service. The next trend, prevailing in the 1980s, placed the quest for efficiency at the top of the agenda. During this third stage, the principle of the checks and balances and the notion of civil service representation in policy formulation were still a fact of life in Dutch politics. The 1990s heralded the fourth trend which conferred increased attention on political authority. De Vries' (1996, 78-103) central conclusion is that the administrative systems of the Netherlands and other Western societies, manned by skilful bureaucrats and experts, will probably remain the key resource in determining state performance.

A principal question to be investigated, however, is what kind of expertise the senior civil service needs in order to meet the challenges of their role in the society? Are these challenges administrative or managerial? To what extent do top civil servants need to be experts in political issues and what is their relationship with party politics? The question of expertise is inter-connected with their educational backgrounds. Is it required that they be lawyers or political scientists or economists? In particular, the balance between the lawyer examination and the other university degrees seems to be an important borderline in the top civil service of many European countries. We can even speak of lawyer dominance in some European administrations such as Germany, Italy, Spain and even Finland (Temmes, 1987 and 1991). A typical question in these countries is: Must the permanent secretary of the Ministry of Agriculture be an expert of legislation in agriculture or a real expert in agriculture policy?

### **3. The Nordic civil service tradition – the Finnish example**

The Nordic civil service tradition is rooted in the long development of administrative culture adopted in Denmark and Sweden as early as the 1700s. This tradition was connected to a substantial body of advanced legislation, including the constitution which restricted the power of the regent. The tradition of a neutral civil service subservient to the law was also developing in Finland during the Swedish era prior to 1809 and continued into the Autonomy period (1809 – 1917) when Finland was a grand duchy in the Russian empire. As a result of these traditions, there was clear evidence of development of what Max Weber called passive democratisation (Weber, 1978: 985-7) during the early period of independence in which the civil service and the administration adopted a neutral and legalistic role toward citizens and the political leaders. During the so-called Russification activities which Russian rulers

directed against the Finnish autonomy and laws, these values were threatened, but remained predominantly intact.

Arising from this historical foundation, the Finnish civil service system obtained its principal heritage from the Nordic tradition. This tradition gives a prominent role to the civil service and especially to top civil servants. Their position has been protected in the constitution and the civil service laws (Salminen and Temmes, 1994, 8-9). The protected position gives them some independence in their relationship to the political leaders. The strong legalistic administrative culture also supports the independence of the civil servants. During the Autonomy period and from independence, Finland belongs to the group of the European countries which is characterised by a legal monopoly or dominance in the top civil service. The strong legalistic tradition, the dominance of lawyers in the top civil service and the weak role of economic and managerial themes in lawyer education, formed an interesting challenge in developing modern management and leadership in the Finnish administration when international NPM trends arrived in the 1980s.

Side by side with the core reform of the State budgetary reform, in which Finland adopted frame budgeting and management by objectives, important reforms also commenced in personnel policy. The delegation of decision-making related to the first attempts to develop a recruitment, remuneration and salary system for public sector employees to respond to NPM-type reforms in steering systems. A profound change has been implemented in the legal status of civil servants, bringing them much closer to that of employees in the private sector. Significant efforts were made to improve the in-service training of civil servants because of new demands generated by growing internationalisation. For example, all top civil servants had the possibility to take part in tailored strategic management training (Kekkonen, 1994: 25-32 and Metsäpelto, 1994: 68-70).

However, in the Finnish case, all these efforts to develop a personnel policy to meet the demands and challenges of post NPM governance have been insufficient. There was a clear gap between the demands wrought by the managerial needs of the new steering system and personnel policy in which the reforms had only incrementally succeeded. In particular, the developments of new types of public management and leadership have been focussed upon. Theoretically the most interesting question in that new situation was the challenges in the relationship between the top civil service and the political leadership. The Nordic tradition has emphasised a strong senior civil service but in practice, there have been elements which have weakened and obscured the role of the top civil servants. In Finland, political appointments have been the most important element in weakening the role and the independence of senior civil servants. The most intensive period of politicisation of the top civil service was the 1960s and the 1970s when the basic reforms of the modern welfare state were planned and implemented within a short time period and the political parties needed to co-operate intensively with the administration. In the

1980s, a new phase in politicisation commenced whereby the number of political appointments decreased as a part of the development of more open political culture. In the 1990s, however, following the decentralisation of the appointments to the ministries, politicisation has again become more dominant. Simultaneous with this new phase in political appointments, Finland has adopted a system of *political secretaries* which also strengthens the political steering of the civil service and weakens the role and independence of senior civil servants. It should be noted, however, that the position of senior civil servants also has connections to the development phase of an administrative culture. If there is a remarkable gap between the managerial challenges of the administrative machinery and administrative culture, there are also problems in the role of the top civil service. In the rapidly changing developments of the 1990s, this gap increased in Finland because of difficulties to adapt the administrative culture in order to respond to new managerial requirements.

As mentioned above, in the Nordic countries, the role of top civil servants can be described as being quite strong, with some obvious variations between the countries. The trends which de Vries (1996) identified are also apparent in the Nordic countries in 1960s, 1970s, and 1980s. In the 1990s the NPM-type reforms changed the arena for civil service appointments. The political steering has been strengthened in the Nordic countries and the tasks of the top civil servants have become more managerial in nature. The post NPM era reflects adaptation to a situation which can be interpreted in the Nordic societies as the era of the Neo-Weberian State [NWS] (see Pollitt and Bouckaert, 2004, 99-101) because of the strong legalistic and pro-public service traditions in these countries. This Weberian tradition supports the strong position of a neutral civil service and the ethos of public service. The balance between the political leaders and top civil servants has, however, been changing and under reorganisation during the post NPM era.

The reforms of the top civil service in the state administration have been a common but somewhat difficult issue in many EU countries during the post NPM era. In the Nordic countries, Norway has been the pioneer in that field, but during the last decade has concentrated on qualitative developments through supporting services offered to senior civil servants without any remarkable changes in the core senior civil service system. In Sweden and Denmark, the reform activities have been more careful in this respect. In the Finnish case, a history of substantial but non-doctrinaire reforms is apparent. They have been implemented steadily and continuously over a period of more than ten years and have straddled the periods in office of three coalition governments representing a diverse mixtures of parties (Pollitt and Bouckaert, 2004: 49). Finland was quite passive and cautious in the 1990s in the area of public personnel policy and especially in the reforms of the top civil service. However, in 2006, the Finnish state employer organisation presented a draft law which will usher a new phase in recruitment, career planning, job rotation, education and in-service training of senior civil servants in the Finnish state administration. This reform mainly follows the lines of the managerial NPM-type

reforms implemented in New Zealand, the UK and The Netherlands. But these lines have been adapted to the framework of the Finnish top management system. Before this reform, the general reform of the salary system of the state civil servants was implemented.

In the following analysis the Finnish reform will be a basis or mirror that facilitates clarifying the preconditions and impacts of the modernisation of the top civil service. The analysis is informed by empirical research undertaken by the author on these issues when making an ex-ante evaluation of the above mentioned draft law. The empirical material of this analysis consists of interviews with political leaders and top managers in the ministries and agencies and with some representatives of the media (see Temmes, 2005). For transition environments, the impact of the civil service reforms concerning the structures and the power relations, but also the impact of the qualifications of the top civil servants typical to this kind of a new system, are most interesting. The Finnish draft law of the new system for the top civil service is a ready-made plan for gradual reform of the position and qualifications of the top civil service. It is also interesting to view those who opposed the reform and why they did so.

The impacts of this kind of reform can be classified in the following way (see Temmes, 2005):

- How will the new system change the roles of the political leaders and senior civil servants? Above all, what is the impact on politicisation of the senior levels of civil service?
- What is the impact on improving the results, the productivity and the quality of operations in the state administration?
- What is the impact on the balance between general management and special expertise?
- What is the impact on continuity in political and in top management?
- How can the new system increase job rotation within top management?
- What is the impact on social respect for senior civil servants?
- What is the impact on the image of the state as an employer?
- What is the impact on the number of women in senior management, on the balance between various educational backgrounds and on including an international experience in career planning?
- What is the impact on the average age of senior civil servants?

Most of these criteria are practical and relevant in various management tasks but in the senior civil service the criteria also affects the balance between the politicians and the senior civil service. In the Nordic system, in which the main principle has been open recruitment and equality of opportunity, it has been difficult to regulate and use a more specific general system for recruitment, in career planning, in job rotation, in selecting educational backgrounds or in organising in-service training and other support mechanisms for senior civil servants. This kind of ex-

treme open recruiting system has also been vulnerable *vis á vis* politicisation. The conventional Nordic system has been slow to adapt to the managerial needs of senior management, which has been the one of most relevant challenges in the post NPM environment.

The career system used in France, partly also in the UK and Germany and in the supranational administration of the EU is, in principle, an easier basis for the managerial reforms in senior management. Of course, the real results presume active development of managerial aspects in the senior civil service. The career system can also be better protected against uncontrolled politicisation. European integration has increased the needs or at least provided the reasons and models to develop the new combinations between the open recruitment system and the career system evident in countries such as the Nordic countries, which have traditionally used an open recruitment system. These combinations seem to imply new kinds of hybrids between these two models.

#### **4. The modernisation of the senior civil service – the case of the Finnish draft law**

In February 2005, the working group of the Finnish Ministry of Finance brought forth proposals to reform the system of senior management posts in the central government administration. The first group of the proposals concerned the criteria and procedure for filling senior management posts. In this proposition the definition of leadership skills as a criterion for appointment is more specific, including an academic degree, practical leadership experience and a capacity for self-development. The working group also proposed an Appointment Board consisting of experts from within and outside central government administration. The introduction of an interview group was proposed for each appointment.

The working group proposed permanent posts, but fixed term for senior management posts. The fixed term of five years applies in respect of individual management tasks. It is possible to reappoint senior officials for another five-year term, but thereafter the official concerned shall normally be assigned new tasks. The purpose of fixed term assignments to certain management tasks is to increase the mobility of the top management officials and thereby to acquire a more comprehensive perspective on managing the entire central government. As part of the new system, so-called manager agreements have been introduced in some agencies. In these agreements, the responsibilities and benefits of the managers have been specified.

The third proposal of the working group concentrated on creating common management resources in the central government administration. In practice, the main proposal to strengthen common management resources (for creating a common policy in management development at that level) was the establishment of a Support Unit to assist the ministries in the appointment of senior management officials, to search for people who fulfil the appointment criteria, to plan future ca-

reers, to support managers in their self development and to evaluate management performance.

Formally the proposed new system is not a typical closed career type system because of the principle in which all vacant posts or tasks shall be declared open for applications (which means that all persons who fulfil the formal qualification criteria can take part in the competition). In the new system, a person can become a member of the joint group of senior civil servants in a later part of her or his career; in comparison to, for example, the French system where this is only possible after one has just graduated. So, officials appointed to general posts, as well as 'outsiders' can be appointed to the vacant posts. If 'an outsider' is appointed, he or she shall first be appointed to a joint senior management post.

This kind of semi-open career system was planned to be implemented at the highest very restricted apex of the civil service. Only 130 senior management posts were planned to be included in these joint posts of the new system. The main proposed groups of the senior management posts were the posts of the permanent secretaries and department chiefs of the ministries, the director generals of the most important agencies and some directors from state regional administration. It was intended that the local administration and the lower level management posts in the ministries, the agencies and the state regional administration be left outside the new joint system.

## **5. The defenders and the opponents**

The intention was to implement the reform by enacting a special Act on the Appointment of Top Management Officials in the Central Government Service and on the Assignment to Certain Tasks. The preparation of the draft law included several working groups in which there was expertise from the ministries and the agencies and the above described ex-ante evaluation with interviews (Temmes, 2005). But the preparation activities were afterwards accused of having been conducted with too much secrecy. The two main groups opposed to the new system came from among politicians and especially from senior ranking civil servants. The argument of the opposing groups is interesting, not only as an example of reform fatigue and reform resistance, but also as more theoretical argumentation concerning the relationship between politicians and top civil servants.

The reform resistance in this case was likely mainly due to the adopted reform order and the timetables in the reform wave of the 1990s in the Finnish state administration. The reform wave commenced from the structural and steering system reforms and continued later on through the reforms concerning softer changes in the personnel policies and organisation culture. So the reform of the system of the senior civil service was postponed over ten years from the beginning of the reform wave (Temmes, 1994, see also Pollitt et al, 1997 in which there was criticism for not using all options of the NPM reforms). Because of this order, the reform of the

senior civil service system became a victim of the backlash against NPM-type reforms. In Finland, this kind of critical debate was quite dominant at the beginning of the 2000s. This was, however, only a part of the opposition's argument.

Theoretically, the most interesting part of the anti-reform group's argument came from the experts of administrative legalism. The traditional Finnish civil service culture has been based on legalism. Lawyers have been an exceptionally dominant profession among the top civil service in the Finnish central state administration (Temmes, 1987 and 1991). Although the reform of the top civil service system did not directly change the shares of various professional groupings in the top posts of the central administration, the reform was understood to question the dominance of administrative legalistic tradition in the civil service. The main oppositional faction came from those former senior civil servants who had obtained their appointments to top management posts in the politico-administrative environment in which there were traditional tensions between claims for the neutral position of the civil servants and their political representation. These tensions had formed the Finnish practice of so-called hidden political appointments, in which the civil servants were formally appointed on the basis of their meritocratic capacities, but at the same time, one took into account their political background – their memberships of political parties and their connections to the preparatory activities in the party organisations, such as working groups preparing societal reforms. These kinds of appointments were very common in Finland, especially in the 1970s.

The third strand within the opposition came directly from the political strata. Many of the politicians outside the government and the ministries were suspicious of accepting radical changes in the civil service system. In fact they were not ready to restrict political games surrounding senior appointments, which have been part of the hidden practice in the Finnish civil service system. The proposed Appointment Board was considered a step too far for the political leaders already in the government. It was eliminated in the preparatory phase of the draft law. Perhaps the Ministers were also afraid of the political neutrality of the Appointment Board.

On the other side of barrier, the younger strata of applicants for the top posts in the central state administration were assessing their opportunities for developing into high quality senior managers. In the interviews of the ex-ante evaluation, there was plenty evidence and material to observe the requirements for reform in the senior civil service system. The image of the state as an employer was also an important target of interest in the interviews. Amongst these observations was a clear focus on the need to create preconditions for a comprehensive manager policy in the central state administration. The other strand of the defenders consisted of managerialist experts including the experts in the Departments of Public Management and Personnel Policies in the Ministry of Finance. These experts believed in the potential to develop the modern manager policy in the central administration.

The tension between an administrative legalistic and managerial approach can be summarised in the tension between a modern managerial policy and a traditional practice in which the appointments and career development of the senior civil servants are organised on the basis of case by case and not using any remarkable planning or supporting activities. There are also elements, or at least shadows of tension and contradiction, between an open Nordic system and a career system which is in use in countries such as France and the UK.

It is interesting that the main argument of the opponents was the threat of losing the expertise of senior civil servants if they were to concentrate on management and leadership. For instance, must the Director General of the Central Board of Taxation be a taxation lawyer or a capable manager of the service organisation? These odd debates illustrate the issues of post NPM governance where increasing managerial challenges are adopted among the Finnish administrative and political leaders. The argument of decreasing neutrality of the top civil servants was also expressed. The rotations and periodical careers were perceived as a means to weaken the position of senior civil servants. But this opinion was not unanimous. The younger civil servants, in particular, emphasised a need to strengthen the status of the civil service by this kind of reform in a new situation in which the political staff of the Ministers and the members of the parliament have widened during the last two decades.

At a practical level, the modern senior manager policy can have an impact on recruiting policies, career planning and development of the managers. So, it can also have an impact on the structures of senior management. These kinds of indirect impacts can be seen in the age structure, in the balance between female and male managers, in the educational backgrounds of the managers and in their career backgrounds, for instance concerning their experiences in the local administration or in the private sector. On that basis, we can assume that those experts who see the need to increase the proportion of women, or decrease the share of lawyers, or are worried about the high average ages and limited experience of senior civil servants, are also potential defenders of the new system.

## **6. Developments in the other Nordic countries**

The administrative heritage of the Nordic countries is largely similar and all countries are democracies with a welfare-state tradition. Even civil service traditions are relatively homogenous. One can speak of a Nordic politico-administrative culture in which the strong and neutral civil service has traditionally had a remarkable role. In Sweden, the model of the central agency has emphasised independent and well-protected civil servants who have undertaken the role of bearer of neutral knowledge and power. The model of agentification, by creating more or less autonomous organisations from what had been integrated ministerial departments, is a historical feature of the central administrative structure in Finland and Sweden. In many

European countries, agentification has, in fact, been a part of the structural reforms within their administrative machinery. In Denmark and Norway the Swedish agency-model is not so clearly in use but the role of civil servants as guardians of neutral and objective decision-making has traditionally been part of the administrative culture. In Finland, the Swedish-type agency model was abolished at the beginning of the 1990's but in spite of that, the role of civil servants remains strong.

In all four countries, the governments have implemented the NPM-type reforms which have moved these societies more or less into the post NPM situation. As noted, Pollitt's and Bouckaert's (2004) characterisation of the Neo-Weberian State (NWS) captures the Nordic way of implementing the NPM reforms quite well. In that connection, even a manager policy has been introduced in all Nordic countries as a part of modern personnel policy. In Norway and Sweden, the focus has been the qualitative development of the managers by training and career planning, using traditional ways. In Sweden, the large number of openly politically appointed civil servants who are following the cabinet in power is an obstacle for using a common manager policy.

The most radical manager policy reform seems to have begun in Finland in 2006. The discussion has referred to the civil service system as a step toward the career system and the provision of better possibilities to implement a comprehensive and effective manager policy using a centralised model. It is clear that a threat of centralisation can be part of the argument against this kind of manager policy reform. Despite this, the model provides better opportunities to impact upon the development of the senior managers as a joint group who adjust to the post NPM environment characterised by the Neo-Weberian State.

The new Finnish model may be promoted as an example of quite radical attempts to create a strong and managerially professional top civil service in the post NPM environment, which can balance the increasing power of the politically appointed civil servants. In Finland, the balance between the political leaders and the senior civil service has been changing, commencing with the system of the political secretaries as top managers in the ministries which was introduced in 2004. In the Finnish political secretary model, the new secretaries have high positions within the hierarchy of the ministry but they are not superior to the permanent secretaries who still are civil servants. This clearly reflects a double leadership in the Finnish ministries. We can call this model a *balanced model*.

The Swedish model is built on the premise of the politically appointed senior civil servants who change together with the cabinet. They are supported with the permanent civil servants, for instance with lawyers who do not change with the government. However, the strong position of the central agencies in Sweden also provides much independent power to the top civil servants in spite of the many political appointments also apparent in the highest ranks within the agencies. The Swedish system means that political steering occurs in the ministries and the agen-

cies represent the neutral civil service expertise. We can call this system a *divided model*.

In Denmark and in Norway, the so-called ministry system is in use in which the position of the ministry is clear as a leading organisation of the central administration. The neutrality of the senior civil servants depends on the number of political appointments. The problem of this kind of system is the difficulty in controlling politicisation and systematically ensuring the availability of needed expertise. In fact, this kind of system will easily develop towards hidden politicisation. Even in Finland, we can speak of a system of hidden politicisation because of the large number of civil service appointments where there has been evidence of strong political influence. Politico-administrative culture can restrict the use of political criteria in civil service appointments, but because of hidden procedures, this kind of self-control is difficult to promote among the political decision makers. We can call this system a *hidden model*.

**Table 1**

Models of the balance between the politicians and the top civil service

Model	Features
<b>Divided Model</b>	Central administration consists of the ministries and the agencies which share the powers of the central administration, in charge of the management of the agencies are in principle neutral civil servants The political career and the civil servant career are separated The political civil servants term is co-terminous with cabinet
<b>Hidden Model</b>	Senior civil servants may be both politically independent and those who have committed to be members in the political parties All civil servants have been appointed permanently (or for the fixed term which is longer than the term of the government) and have formal status of a civil servant
<b>Balanced Model</b>	- The ministries have supremacy in the central administration In the ministries there are both political and neutral civil servants A limited group of political civil servants has been created to support the Ministers A joint group of top civil servants has been created for meeting the challenges of modern public management and for working together with the political leaders and their staff.

The differences between these models can be difficult to identify. The divided model (Swedish agency model which has similarities with the Anglo-Saxon 'Next Steps' agency model) has been effective in the conventional administration. The needs to develop it towards the balanced model have increased because of NPM-type reforms and European integration. The hidden model represents a politico-administrative culture in which transparency of the decision making is not well developed.

## 7. Civil service models in the transition environment

The development of the Nordic senior manager policies in the state central administration is also of relevance for transition countries. The environment to implement the managerial policy is, however, different. Pollitt and Bouckaert's (2004) definition of transformation and specific problems facing public administration in East Germany describes this difficult environment:

“The restructuring of the East German public sector was so dramatic that it is accurate to refer to it as a transformation. The transformation encompassed changes in governmental competencies (from holistic planning authority to a balanced function, typical for a market economy), civil service (from political cadre administration to a civil service based on professional qualifications), organization (from unity of powers to horizontal and vertical separation of powers), and procedures (from the guidance principle of the party to legalistic administrative behaviour).” (Pollitt and Bouckaert, 2004, 259-260)

A relevant part of reconstructing the national state and its administration in the transition situation is reconstructing the civil service to become capable of taking responsibility for society following the principles of liberal democracy, market economy and legal state. The gap in relation to the communist state model was so wide that the civil service of the transition country is obliged to re-evaluate its structures, working procedures and administrative culture. How to do that without damaging the continuity in society is a salient issue in the transition processes. The role of senior management of the administrative machinery is crucial in adaptation development. In many transition countries, the reorganisation of the senior civil service has been a difficult developmental process, characterised by failures and surprises. The politicisation and rapid overturn of positions at the senior levels of the administration have been the most visible problems in forming the new top civil service in the transition societies. Behind these curtains, there have been other problems such as the distortion in the age structure of the top civil servants. The core of the senior civil service may be very young and recently graduated from universities, or alternatively very old, which means that they are mainly drawn from the same nomenclature which was in power during the soviet era. The composition between male and female civil servants can also be distorted and the educational backgrounds of the new senior civil servants problematic. The most significant dilemma is, however, the general lack of qualities and capacities to take responsibility of the administrative tasks for governing the newly organised society. This means a lack of relevant knowledge and expertise and managerial skills are one of the most important qualifications evidently lacking.

In every country there are national cultural aspects which impact upon civil service culture in the country. These are connected to the historical development of the country. These kinds of cultural engagements can be obstacles for the progressive development of the civil service. In particular, the recruitment and training systems

of the former communist regimes can continue to have a significant impact on the civil service of the transition state. This kind of heritage will hinder the adaptation of the civil servants in their convergence process to meet the liabilities of the newly organised society. It may be noted that the problems of how to define a well functioning civil service system are not only difficult for a transition environment. For instance, the choices between the open recruitment system and the career system is one of the basic decisions which every transition country must have made in their development process towards reorganising the civil service; but these problematic choices are also common in the old EU countries. The Finnish case described above is an instructive example of how the NPM-type reforms and the integration of the EU have created new challenges to develop the civil service system.

The competition between civil service models is also a factor which may complicate the development strategies of the senior civil service in transition countries. Modelling of the civil service system is a most crucial development act in every national state. It is easy to say that these choices must be made according to the needs of modern society, especially concerning the needs of the legal state and according to national culture and historical heritage. If the country does not carefully take into consideration the adaptation requirements necessary for introducing the French career system, the British or German system, then the damages to the capacities of the national civil service can be fatal. The trap that can be fallen into in relation to modelling a system is its easiness. It is quite easy to hypothesise the organisation of the top layer of the civil service in accordance with some foreign model, since such arrangements may concern only a small number of the most senior civil servants. Much more difficult is to evaluate the impact of the foreign senior civil service system on the administrative culture and capacities of the whole administrative machinery.

## **8. Conclusions**

The civil service model is one of the most crucial horizontal elements of the structure of the administrative machinery. The internal structure of the civil service system varies from country to country. For example, the magnitude of the share of personnel of the public sector, that is civil servants and the number of top civil servants and their shares in various levels of government, can be quite different in various countries (Pollitt and Bouckaert, 2004: 44). Normally the country has a civil service law in which the general principles of the role and position of the civil service are drafted. In many countries there are special norms concerning senior civil servants who work in the leading posts of the ministries and agencies. Their status and the rules concerning their recruitment, appointments, rotation etc. are, in many countries, written to follow special rules. Behind these rules are their roles to be directly in charge to the political leaders – in the ministries to the Ministers. The practical

co-operation and tensions between the political leadership and the civil service is verified in that borderline.

In the comparative government literature, the main alternatives of the civil service system are the career system from which the French model is best known and the open recruitment system of which the Nordic practices is a good example. In the conventional administration, these models could describe the differences between the national civil service systems. Following the introduction of NPM-type reforms in many developed societies, the differences of these two basic models have decreased. European integration and the possible strengthening of the political sphere have also decreased the explanatory ability of these two basic models. In fact, many countries seeking new governance in the post NPM environment are also seeking new possibilities to create the modern manager policy in the state administration. The target of these kinds of reforms has normally been the senior civil service as a joint group of senior civil servants in the ministries and the agencies. The reasons for developing the new procedures are in the needs of adapting to modern management and leadership practices in public management. The experiences of these reforms have, however, been contradictory. It seems to be quite difficult to adopt the management and the leadership practices from the private sector into the public administration. Especially difficult is to change these practices into the top management of the ministries because of intimate political steering and the party political interests connected with it. The experiences from the Nordic countries and The Netherlands are informative of the difficulties, but at same time these experiences relate the clear requirements to develop senior management and leadership. In the following table, there is a comparison of the benefits and weaknesses of the career model and the open recruitment model. The purpose of this comparison is to illustrate the basic and traditional differences between these two basic models.

**Table 2**

The differences between the career model and the open recruitment model

<b>Career Model</b>	<b>Open Recruitment Model</b>
Possibility to effective training and rotation	Supporting services difficult to organise
threat of elitism	Threat of hidden politicisation
Possibility to protect against politicisation	Unclear border towards the political leaders
Cohesion inside administration problematic	Use of fixed terms problematic

In the last decades, there have been significant developments in the civil service systems of both western European countries and in Central and Eastern Europe. In the West, the main trigger was the preference and drive towards NPM-type reforms. For Central and Eastern Europe, reform requirements have been conditioned by the transformation of society from the communist system to a liberal democratic system with a market economy and legal state. In the pre-2004 EU member states,

the main reason to reform the civil service has been governance requirements in the post NPM environment, whereby the machinery of government presumes a more managerial grip on behalf of the civil service. In the transition countries, the needs are two-fold First is the necessity to ensure that the civil service is able, at least partially, to meet the primary needs of the new societal models. In fact, the tasks of the civil service have changed dramatically from the Soviet era into the new society, in which the civil service has the task of creating welfare services for citizens. These new tasks of the public sector imply rapid growth in the public sector staff and increasing responsibilities for the civil service in planning and implementing societal reforms in these countries.

In the transition countries, the same changes experienced by developed democracies in the era of the welfare state post-World War 2 will also happen, but with a faster timetable if the political stability and the growth of the economy make this possible. The second phase of the development in transition countries will be the adaptation of the public sector to meet productivity needs and higher level managerial requirements in public management. The problem in analysing this dual development is the difficulty of seeing which part of the reforms are made for the basic welfare services and which part can mostly be connected to the productivity development of the welfare state machinery. In the transition environment, both these types of reforms are planned and implemented at the same time. Also, the foreign models followed in the transition countries include elements from both types of development. In the transition countries it is necessary to simultaneously analyse both basic needs to create the neutral and reliable civil service for their new society and to meet the needs of the most modern models of public management. In timetabling, the primary needs to create the neutral and reliable administrative machinery and administrative culture go before the managerial needs. If the country commences the administrative reforms by only following the NPM-type managerial ideas, it easily loses possibilities to guarantee the basic solutions necessary for a reliable bureaucracy.

In the following Table, there is a comparison of the latest changes in the senior civil service models in the Nordic countries. The idea is to compare these models, in order to clarify the alternatives the transition countries have when modernising their senior civil service. The basic difference to the dual modelling of the career system and the open recruitment system is to illustrate how these models can be modified and how such modification is affecting changes in the relationship between the Ministers and the political civil servants.

It is difficult to provide clear prescriptions for the transition countries on how to develop their civil service systems. In the Nordic alternatives, the Swedish agency model with the strong neutral civil service of the agencies is interesting. It presents a well-balanced model for developing both political and technocratic expertise in the administrative machinery. The pure career system can be successful

in the first phase in developing the civil service, but in the long term this model has so many weaknesses that a more modified model is necessary. The hidden politicisation is a real threat in every politico-administrative system. Perhaps the best managerial results can be obtained by using a balanced model in which the needs of political leadership and managerial needs are balanced. A well-balanced relationship between Ministers and top civil servants in the state central administration is a precondition for adopting both effective political steering and technocratic management in the post NPM environment. According to the Nordic experience, these preconditions can be created both by using the Swedish-type agency model or some balanced model. The Finnish draft law is an attempt to introduce this kind of balancing act. The difficulties to have this type of reform accepted, however, show how sensitive the relationship between the political steering and technocratic civil service can be.

**Table 3**

A comparison of the top civil service models in the Nordic countries

Model	Features	Country
<b>Balanced Model</b>	<ul style="list-style-type: none"> <li>Controlled politicisation</li> <li>Benefits by qualification development</li> <li>Encourages career planning and self-development</li> </ul>	Finnish draft law
<b>Divided Model</b>	<ul style="list-style-type: none"> <li>Controlled politicisation</li> <li>Managerial development in focus in the agencies</li> <li>The political civil service career and technocratic career clearly separated</li> </ul>	Sweden
<b>Hidden Model</b>	<ul style="list-style-type: none"> <li>Politicisation uncontrolled</li> <li>Managerial development weak</li> <li>No or weak support for career planning or self-development</li> <li>A slot machine ("pajazzo") model in appointments</li> <li>Hidden impact of "patrons"</li> </ul>	Finland Denmark Norway

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# Changing Relationships at the Summit? Analysing the Role and Institutionalisation of Special Advisors in Ireland

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## Abstract

Ministerial advisors have been a feature of Irish public administration since 1973. Although deemed to have their genesis in the facts of Irish electoral life rather than the circuitous history of mainstream civil service reform, special advisors appear to have become an embedded feature in the broad architecture of the 'summit'. Despite this there has been relatively little attention paid to whether or not they make an effective policy contribution or what precise coordination roles they play within the core executive. The Public Services Management Act 1997, introduced to underpin civil service reform, formally institutionalised the position of ministerial advisors. But it has been questioned whether the provisions of the act effectively demarcate the boundaries and accountability relationships of this role. The Irish case will be examined with reference to the institutionalisation of special advisors, their role perceptions and contributions to vertical and horizontal aspects of the policy making process. It is argued that advisors operate in the political sphere as a form of 'parallel universe' but do not appear to have fundamentally altered the operating features and practice of the Irish civil service, or resulted in a formalised cabinet system. On the one hand, however, there is a concentration of advisors who have important leverage at the heart of the executive due to their privileged access to ministers (vertical dimensions). On the other hand, advisors contribute to managing strategic politico-administrative interactions and the coordination of the policy making process (horizontal dimensions) in ways that cannot be undertaken by an apolitical civil service acting within defined departmental boundaries.

## 1. Introduction

Over the past fifteen years special advisors have developed as a mechanism for providing advice and coordination for effective government. Although deemed to have their genesis in the facts and vagaries of Irish electoral life rather than the circuitous history of mainstream civil service reform (O'Halpin, 1997), advisors appear to have become an embedded feature in the broad architecture of the 'summit'. However, while advisors are often described as influential in policy-making we do not have a full understanding of the roles that they play. In Westminster-type systems the institutionalisation of partisan advisors can be viewed suspiciously as a vehicle

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with the potential to create conflict, crowd-out and politicize the civil service. As a result the scholarship conveys a sense of foreboding in that the official's place and the tradition of impartiality of advice are under threat from the "barbarians at the gate" (Eichbaum and Shaw, 2006).

This paper attempts to present an exposition of the role of advisor and their impact upon the institutional features of Irish administration. Of particular interest is whether the presence of advisors influences the ethos and values of the Irish senior civil service, since the latter is traditionally a pivotal actor in the policy making process. Firstly, a short overview of the institutional architecture of the Irish system is provided with reference to the norms and traditions that act as shaping influences on the development of the modern civil service. Secondly, a discussion on the institutionalisation of special advisors is presented, outlining their role perceptions and contributions to vertical and horizontal aspects of the policy making process at the summit of government.<sup>2</sup> It is argued that advisors operate in a form of 'parallel universe' as institutionalised political watchdogs but do not appear to have fundamentally altered the operating features and practice of the civil service. On the one hand, however, there is a concentration of advisors who have important leverage at the heart of the executive due to their privileged access to ministers (vertical dimensions). On the other hand, advisors contribute to managing strategic politico-administrative interactions and the coordination of the policy making process (horizontal dimensions) in ways that cannot be undertaken by an apolitical civil service acting within defined departmental boundaries. To this end the existence of the advisor system complements the role of an apolitical and impartial civil service.

## **2. Description of formal powers and patterns of the executive**

### **2.1 The constitutional architecture of government**

Ireland is a constitutional democratic state and the traditional features of the Irish political system may be characterised as unitary, highly centralised and hierarchical in nature with clientilism prevailing (Chubb, 1992). Other features of the Irish system include strong party government and a legislature with relatively little policy effect (Elgie and Stapleton, 2003: 39). The government structures put in place upon independence in 1922 closely resembled those of Westminster. The system was based on a strong central executive with subordinate local authorities answerable to and financially dependent on the centre. In constitutional terms, however, the British and Irish systems are very different whereby 'the UK is the classic example of a parliamentary system and by contrast, since 1937, Ireland has had a semi-presidential system, or one in which there is both a directly elected President who cannot

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<sup>2</sup> The paper will draw on interviews undertaken with special advisors within the former FF-PD coalition (2002 – 2007) in November 2006 and March 2007.

be dismissed from office as well as a head of government who is responsible to the legislature' (ibid: 38).

The Constitution, *Bunreacht na hÉireann* 1937, replaced the constitution of the Irish Free State in 1922 and emphasised the nationalist and unitary nature of the state. It provides that the *Oireachtas* (Parliament) shall consist of two houses: *Dáil Eireann* (lower house) and *Seanad Éireann* (upper house whose role in the legislative process is quite restricted). Despite recent reforms to strengthen the role of Dáil committees the legislature remains limited in its role of overseeing the executive. Party discipline is strong, as in the UK context, and this has the appearance of reducing the role of the lower house to a 'rubber stamp'. It is commented that Dáil Eireann has 'traditionally been regarded as a whipped parliament – a textbook example of an executive-dominated assembly' (Malone, 2007: 129). The *Taoiseach* (Prime Minister) is the head of government and nominates the other members of government (ministers). Article 28 sets out the basic functions and authority of the government and fixes its size to not less than seven but not more than fifteen members, all of which must be a member of one of the Houses of the *Oireachtas*. The *Taoiseach* is a dominant force in political decision-making processes since no item can be tabled at cabinet meetings without his/her approval. The constitution also describes the government as collectively responsible. Despite the significance of cabinet collegiality the departments of state are structured on sectorally differentiated lines. Ministers are the political heads of departments and decision-making processes are affected through ministerial responsibility.

## 2.2 The party system

The party system in Ireland is different to most European party systems because it is not based, as much as elsewhere, on social cleavages. There is a distinct lack of significant ideological divisions between the main parties as this was weak at the formation of the system. The division of the country into two separate states had largely removed the main cultural cleavage between the Protestant Unionists and the Catholic Nationalists. The major issue after independence in 1922 was the Anglo-Irish Treaty and it was precisely the 'national question' that largely produced and formed the basis of appeal and commitment to Irish political parties. In contemporary times, civil war politics has faded into the background and alignment to political parties is now more on the basis of loyalty and economic factors. The results of the general election of 2007 (Table 1) reinforced the positions of the two principal parties Fianna Fáil (Soldiers of Ireland) [FF] and Fine Gael (Irish race) [FG]. They are both centre right parties. Policy differences between them are often indistinct and vague, making the ability to clarify positions objectively difficult (Mair and Weeks, 2005). Ireland records a low level of electoral support for left wing parties whereby the Irish Labour party constitutes merely 10 % of the national vote. The other parties of note are Sinn Féin (We Ourselves), Green Party-Comhaontas Glas

and the Progressive Democrats. The latter two parties form the current government coalition with Fianna Fáil.

Since 1981 every government formation bar 1987 has been a coalition. The negotiation required following completion of polling has become increasingly complex. The establishment of coalition governments in Ireland has predominantly advanced as a result of the demise in the dominant position of Fianna Fáil that managed to identify itself as a “national movement” rather than a partisan organisation (Farrell, 1992: 146). Fighting an election as a coalition can be of great value because of the Irish electoral system. This is proportional representation (PR) by the single transferable vote (STV), in multi member constituencies. Studies of the Irish electorate advocate that there is a strong tendency to vote for candidates as individuals rather than along party lines. Candidates may be party members who serve their local constituency well or independent candidates contesting elections on single issue platforms e.g. health services. The operation of the PR-STV system means that voters can decide upon the basis of individual candidates, parties or a mix of the two. Despite these complexities coalition governments for the past decade have been relatively stable and lasted their official term in office. Coalition is now deemed the norm and Fianna Fáil, as the mainstay of government for the majority of the last twenty years, would appear to constitute a ‘permanent government’ of sorts. Fianna Fáil has developed into a type of ‘catch-all’, ‘electoral professional’ party, moving away from its civil war roots and pragmatically, rather than ideologically, appealing to the electorate at large. Their dominance in government raises speculation concerning the possibility of creeping, indirect politicization in the civil service.

### **2.3 The Irish bureaucracy**

From 1923 entry into the civil service was underpinned by a centralised competitive examination system in order to ensure that appointment to the institutions of the states would be based on merit only, and as such limiting any spoils system type influence. To the current day the Irish civil service is deemed to be independent of political influence and control vis á vis other European states. The civil service code of standards and behaviour states that all civil servants above clerical officer level are totally debarred from engaging in any form of political activity (Standards in Public Office Act 2005a: 10). Any attempts by Ministers to reshape or subconsciously interfere within these parameters are condemned. Cases whereby relations between ministers and their civil servants have become fraught are generally due to clashes of personality and policies as opposed to political criteria. Such incidents are

generally kept within the boundaries of departments themselves.<sup>3</sup> In 2004 the Public Appointments Service replaced the Civil Service Commission as the centralised provider of recruitment, assessment and selection services for the civil service, local authorities, health service and Garda Síochána. Senior civil servants are selected by the Top Level Appointments Committee established in 1984.

The legal basis for the civil service (*Stát-Sheirbhís an Rialtais*) is contained in the Ministers and Secretaries Act 1924 and under this the minister in charge of each department was designated a ‘corporation sole’, whereby the minister would essentially be the department and the acts of the department would be the acts of the minister for which he/she would be responsible to the Dáil. From a legal point of view, the civil service was seen to play a subservient role, thus parliamentary control of the civil service has been indirect in nature, occurring through the minister and the government. In effect the minister is the department, and his/her servants have no separate existence. As a result a considerable quantity of detailed business came to be discharged at high levels of the administration with ministers reluctant to relinquish the levers of power. Instead of being preoccupied with broad questions of policy making ministers therefore became burdened with matters of detail. It is unsurprising that managerial accountability has been weak, dealt with internally within the departmental hierarchy and civil servants rarely held publicly to account for their actions/inactions (Connaughton, 2006).

Under the general programme of public administration reform initiated, the Public Service Management Act 1997 is noteworthy in that it has attempted to address the rigidity in the system. The crux of this act is the intention to allocate authority and accountability for service delivery to those who provide the service, develop a performance management culture and a results oriented approach to decision making. In terms of roles and responsibilities the role of the Secretary General as an accounting officer is outlined in section 4 of the Act but it is questionable as to whether this is balanced with the constitutional requirement of governmental accountability to parliament (MacCarthaigh, 2005). It may be argued, however, that despite some greater clarity, the interactions between ministers and senior civil servants still remain a largely grey and undefined area. The Irish model continues to be based on the principle that ministers are collectively accountable for the performance of the functions assigned to their departments and Secretaries Generals

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3 One incident that was portrayed widely in the media was that of the poor working relations between the then Minister for Foreign Affairs, David Andrews (FF) and his Secretary General, Paddy MacKernan in October 1998. One of the key issues they disagreed upon was the decision by the Minister to use his legal power to personally select three people for senior promotions, hence politicizing appointments. David Andrew’s promotion of the three diplomats prompted accusations of attempts to politicise the department and it has caused a great deal of anger amongst most of the staff at Iveagh House, Department of Foreign Affairs, who viewed it as undermining the normal structure for promotions in Foreign Affairs. Andrews fortified his defence in the Dáil with the phrase “I am a Minister – not a rubber stamp.

are accountable to their ministers (see Connolly, 2005; MacCarthaigh, 2005; Connaughton, 2006).

### **3. Impact of administrative traditions on institutions and patterns of behaviour**

The previous section provided a short overview of the institutional framework, both political and constitutional, within which the Irish policy making process occurs. In conjunction with other EU/OECD states the Irish system has also been subject to the ideas and concepts of new public management that took root globally during the 1980s. As with other states, reform initiatives have been shaped by their 'implementation habitat' and the frequent constraining importance of path dependency on the introduction of change (see Pollitt and Bouckaert, 2004). In order to understand the interactions between the principal actors at the summit of government, change (and lack of change), it is necessary to investigate the shaping influences upon Irish public administration.

In regard to the wider political culture a number of characteristics have been identified as being representative of the Irish state in the early decades following independence – nationalism, democratic values, conservatism, clericalism, and isolationism (see Coakley, 2005).<sup>4</sup> The constitutional differences and broader political culture aside, it has been argued that Ireland's long experience of being governed as part of the UK has been the single most significant influence on its bureaucratic traditions (Barrington, 1980: 31). As noted, the Irish system of government is based upon the traditional Westminster model. It therefore not only shares features with the UK but also with Canada, New Zealand and Australia in that decision-making power is located in the executive. Ministers, who are accountable to a sovereign parliament, and civil servants, who are loyal and neutral to ministers, are perceived as key actors who determine policy outcomes in the public interest. It is a largely a set of arrangements that ensure that government is not in practice seriously constrained by the legislature and the system of decision making is secret.

Upon independence in 1922 the administrative machinery of the new state did not have to be created, as a senior civil service steeped in British tradition was transferred. An important indicator of the continuity is that 98.9 % of civil servants under the new administration had joined under the British regime (McManus, 1990: 93). Therefore, in the wake of independence, the response of the new Irish administration was largely of one that had wholly absorbed the organisation and principles of its predecessor. Indeed, Farrell (1988: 33) has referred to the Irish cabi-

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4 The political culture of the modern Ireland resembles that in other West European states rather more closely, despite a lag in socio-economic development (Coakley, 2005: 68). The role of the Catholic Church has greatly diminished. Besides the transition to secularity, society has become more cosmopolitan and isolationism replaced by Ireland being regarded as one the most globalised economies.

net system as being ‘more British than the British themselves’ and Chubb (1992: 231) described the service that emerged in the 1920s as ‘a British type civil service in miniature.’ In the main, the inheritance and preoccupation with the British model of administration was largely viewed as an asset for the new state (see Barrington, 1980: 31). However, certain weaknesses were also inherited. The generalist pattern of recruitment was viewed as leading to the ‘cult of the amateur’ being enshrined within the administration (Lee, 1989: 93). Likewise, another maxim of British civil service was ‘clear sight over short distances’ and this also became a hallmark of the Irish administration (Barrington, 1980: 31). One aspect where the Irish civil service departed from its UK counterparts was the social mould its recruits were drawn from. The UK civil service is generally regarded as elitist in that it reflects an upper class tradition in its higher ranks and a ‘superior social tone.’ Unlike its UK equivalents the Irish service was largely composed of the lower middle class. They were typically young men educated in the Christian Brothers ethos whose families could not afford third level education. This cohort was deemed to be deeply conservative and non-innovative, whose only ambition was a secure job with assured promotion if they were there long enough (see Chubb, 1992).

In retrospect the civil service system did not keep pace with the modernization agenda commencing in the late 1950s and for decades was criticized for being rigid and lacking in the expertise for many areas within the management system. Over time this was dealt with through reliance on external input from private agencies, political advisors and private consultants. The service remained risk averse and viewed pragmatism as a badge of honour (Boyle et al, 1997: 12). Ministers, however, have found the conservatism of the civil service frustrating at times. Commentators have noted the disadvantages incurred by ministers in seeking to impose themselves on their departments and drive them in new directions (Farrell, 1994: 83). To this day, civil servants view educating the minister of the administrative realities of policy implementation as a core part of their role. The British tradition was therefore largely retained though the system developed its own ‘logic of appropriateness.’ Reform generally remained piecemeal<sup>5</sup> and ad hoc until the 1990s when forces of economic, political and social change compelled reform at the national level (see table 3). The principal guidance for civil service reform is embodied in a programme for change entitled ‘Delivering Better Government’ (1996). A Freedom of Information Act was introduced in 1997. Other important influences have been the experience of and changes required by Europeanisation and the initia-

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5 Attempts to reform the civil service date back to the late 1950s. Two notable reform initiatives are the ‘Devlin Report’ 1969, the recommendations of which were largely resisted by the civil service; and the White Paper ‘Serving the Country Better’ 1986 which recommended managerial reforms that remained largely unimplemented due to inadequate public finances.

tion of the social partnership process<sup>6</sup> which has extended the remit of actors and evolved into an implementation mechanism in the policy making process. Change has therefore slowly trickled down to the operational environment. For example, legislation passed in 2004 provides the Commission for Public Service Appointments the power to grant recruitment licences to certain public service bodies that wish to carry out their own recruitment. It is argued that the experience of reform generally conforms to the European experience of the hybrid 'neo-weberian state' (see Pollitt and Bouckaert, 2004). The British legacy and the idea of a public service with a distinctive culture, terms and conditions is preserved; but there is a professionalisation and shift oriented to meeting the citizen-client's needs through quality and service (Connaughton, 2008).

#### **4. Actors – Policy advice and political coordination to support the administration of the summit**

##### **The institutionalisation of special advisors within the Irish political system**

As noted the impartiality of the civil service is a foundation stone upon which Irish democracy sits. Until 1993 the appointment of outside advisors for ministers was relatively sporadic in Ireland. The practice of appointing special advisors commenced in earnest with the 1973 – 1977 Fine Gael-Labour coalition whereby several Labour ministers appointed advisors from outside the civil service to provide them with non-departmental advice. They were concerned that the civil service, having served so long under Fianna Fáil administrations, would be biased against the new government. Hence the coalition sought to bring in its own professional expertise into departments as a defence. It is, however, important to note that the Fine Gael-Labour coalitions of 1973 – 1977 and 1983 – 1987 were held together in an attempt to exclude the more dominant Fianna Fáil party from government rather than a shared direction on policy. Advisors during these administrations did not generally become involved in any executive roles within departments.

The 1993 – 1994 Fianna Fáil-Labour government appointed the biggest political staff in the history of the state and this marked a critical juncture in the development of the special advisor system. At the behest of the junior coalition partners a new class of public official was created – the programme manager – to act as a coordinating mechanism between departments and as a method of keeping ministers fully aware of policy developments. The Labour party was fully aware of the difficulties that the Progressive Democrats encountered in coalition with Fianna Fáil between 1989 and 1992 whereby they sometimes became informed of policy devel-

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<sup>6</sup> Social partnership in Ireland describes an approach to government where interest groups outside of elected representatives play an active role in decision taking and policy making. This form of participative democracy enables the social partners to enter discussions with government on a range of social and economic issues and to reach a consensus on policy.

opments through the media as opposed to from their coalition partners. Their own unsatisfactory encounters in coalition with Fine Gael during the 1980s shaped their approach to coalition with Fianna Fáil and the initiation of support mechanisms like the programme manager. These officials were perceived as a combination of advisors and managers operating along the lines of an underdeveloped ministerial cabinet system and within the blurred borders between politics and administration (Connaughton, 2005).<sup>7</sup> They were perceived as contributing to a new management structure that would enable ministers to take strategic political decisions with a minimum of damage to the cabinet's operational morale and cohesion. In Ruairi Quinn's words advisors and chef du cabinet (programme managers) were described as 'political gladiators' that 'would, up to a point, bargain on behalf of their political masters, in a way that was impossible for a civil servant, whose loyalty was to the department first and then the minister' (2005: 297). Although programme managers per se had no formal policy formulation role, it is apparent that some of them as individuals did provide policy advice to Ministers (e.g. Fergus Finlay who has recounted his experiences in a memoir). A separate office of the Tánaiste was also established. On a par with the Department of Taoiseach, it was at the top of the information chain and received all proposals requiring an cabinet decision at the same time as the latter

In some departments the programme manager system was quite successful but this tended to depend on the individual minister and individual advisor as opposed to the overall system. During 1993/1994 almost all the Fianna Fáil programme managers were civil servants<sup>8</sup> though the Labour programme managers were perceived as more effective precisely because they were political appointments (see O'Halpin, 1997). They were deemed to have embarked upon the job with a more coherent set of policy objectives to which they wanted to see legislative embodiment to; and a clearer view of how to obtain this (ibid).<sup>9</sup> The 'Rainbow' coalition of Fine Gael-Labour-Democratic Left<sup>10</sup> in power between December 1994 and May 1997 retained the system and increased the number of political appointments. Interestingly, the Leader of the Democratic Left party and Minister for Social Welfare, Proinsias de Rossa chose a civil servant as his programme manager as he had never been in government and was concerned with how the system 'worked'.

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7 In reply to a parliamentary question on 29<sup>th</sup> March 1993 the Minister for Finance stated: The role and function of the new managers is quite distinct from that of departmental secretaries general and senior line managers. Senior civil servants will continue to have responsibility for the development of policy proposals, the overall management of schemes and programmes and have charge of their departments generally.

8 The exception was Liam Cahill appointed by David Andrews.

9 The programme managers selected by Labour came from a variety of employment backgrounds – public and private sectors. For example, the Tánaiste's programme manager, Greg Sparks, was a practicing chartered accountant. But all were personally identified with the Labour Party.

10 The Democratic Left party no longer exists and is subsumed within the Labour Party.

Under the Fianna Fáil-Progressive Democrats administration (1997 – 2002; 2002 – 2007) programme managers were drastically scaled back to two (Taoiseach and Tánaiste) as opposed to a system whereby every minister had both programme managers and special advisors. In the current Fianna Fáil-Green Party-Progressive Democrats administration (2007) the Taoiseach and leaders of the two coalition parties have programme managers. Hence, while the system has been modified and the number of political advisors has been substantively reduced. Having said this, the government partners remain adamant that political advisors are a necessary contribution to the effectiveness of government.

## **5. Who are they and what do they do? Formal definitions and role perceptions**

The legislative base for advisors is in the Public Service Management Act 1997, section 11 (1) of which makes provision for special advisors. The 1997 act describes advisor's roles and duties as including providing advice, monitoring, facilitating and securing the achievement of government objectives and performing such other functions as may be directed by the minister. Special advisors are accountable to the minister in the performance of their functions. As provided for in section 11 (3) of the Act, the terms and conditions of these appointments are subject to determination by the Minister for Finance. Such appointments are exempt from the general rules governing civil servants and politics. For example, they can be members of political parties. The appointments are, however, also subject to the Civil Service Regulations Acts 1956 to 1996. Therefore advisors are fully governed by compliance with the Ethics in Public Office Act 1995. The appointments are temporary and are terminated when the minister leaves office. The roles and duties of special advisors are presented very generally in the legislation and public attention has tended to focus on terms of pay and ethical issues as opposed to their contribution to the policy process.

In general advisors add a political dimension to the advice available to ministers in Ireland. They can provide ministers with the direct advice of distinguished "experts" in their professional field while reinforcing the political impartiality of the permanent civil service by distinguishing the source of political advice and support (Connaughton, 2005; 2006). Dooney and O'Toole (1998: 41) refer to advisors acting as an 'extension of the minister's political personality...as an extra pair of eyes and ears doing for him what the minister would do himself if he had the time'. They are likely to discuss the political and electoral implications of advice coming from the civil service including the likely reception from the media. Therefore advisors can play a constructive role by protecting apolitical civil servants from partisan risks that may be attached to requests from ministers.

In the Irish case appointments to the role of advisor are ad hoc and are not necessarily aligned with the specific expertise required for a particular departmen-

tal portfolio. Typically ideological similarity is a factor in their appointment. Advisors are generally sympathetic to the political orientation of the minister or are a member of their political party. The 'parish pump' remains important given national politics remain highly localized, with politicians engaged in networks built on personal relationships and acting on behalf of their constituents. The electoral cycle inevitably has a major impact on advisors' roles and how they change over time. Despite this, approximately half of the advisor group is either seconded from the civil service or drawn from the wider public service. Advisors normally move to other departments with ministers following cabinet reshuffles since the role is based on the build up of a trusted working relationship. Several advisors specifically referred to themselves as 'aides' to the minister and it is apparent that the role varies from department to department. Political support to the Taoiseach in terms of policy advice and coordination comes principally from his team of programme managers and special advisors. There has, however, been a very large variation in the extent to which this system has been used in different governments (Fitzgerald, 2004).

One of the advisors interviewed commented,

I think the term special assistant as in the US Whitehouse explains the role more accurately....(I) would be comfortable with name special assistant – not comfortable with special advisor....You provide a lot of back-up, provide a lot of advice...a role facilitating the policy process but a policy coordination role (Advisor 4, Interview March 2007)

Few within the current cohort of advisors constitute a qualified expert in the field relating to the department in which they operate. The advisors interviewed provided a variety of views on this but a common view was that the role of an advisor should be to keep the minister focused on their political priorities 'and not get distracted by a supplementary agenda from the official system' (Advisor 1, Interview November 2006). Technical expertise is considered important but not the overriding factor in making a good advisor since a 'political feel' is considered crucial. Advisors that were not drawn from the civil service spoke of the limited amount of time ministers have for policy formulation in the Irish system and referred to the 'official answers' that could be proffered from their seconded civil service counterparts.

Ministers are politicians elected to deliver a political agenda and the department's agenda may not always be the same. Advisors help ministers to ensure the work they were elected to do gets done. (Advisor 3, Interview November 2006)

In the opinion of one advisor a seconded civil servant's loyalty is 'to the civil service first and the minister after that'. This contrasted with perception of an advisor from the civil service who argued 'civil servants can be much more effective because they know the system, how to use it quite effectively and are political without being party political' (Advisor 2, Interview November 2006). It would appear therefore that advisors tend to be composed of a mix of individuals who are either

partisan, policy related, managerial or possibly a mixture of all three. Typically this has a bearing on the interpretation of their role.

Several questions regarding the roles and accountability of advisors arose in 2005 in the wake of a policy fiasco regarding illegal nursing home charges<sup>11</sup> (see Connaughton, 2006). An investigation on the case, the 'Travers Report'<sup>12</sup>, was presented to the Houses of the Oireachtas. Although blame for the situation was apportioned squarely and unambiguously with officials; in what was described as a 'persistent and systematic corporate failure within the Department of Health and Children' (Travers, 2005: para. 6.2), Travers also scrutinised the role of advisors. It was argued by the Secretary General of the department that advisors should have briefed the Minister on this problem and been more proactive.<sup>13</sup> Travers' interpretation and recommendation was that advisors should not stray beyond the roles set down for them in legislation and neither should they be regarded as part of the line management system of a department (2005: para. 4.66). Advisors cannot be interpreted as being available to act as intermediaries or in *loco parentis* with senior civil servants. Part of the fallout of this particular fiasco is the claim that the system of special advisors is not working as effectively as it was intended. However, it is questionable as to how critically the Travers Report has been interpreted. The only advisors corresponded with who referred to it were those from the Department of Health and Children, the locus of the controversy.

## **6. Contribution and impact to the quality of the policy making process**

### **6.1 Vertical dimensions – advisors and the departmental hierarchy**

The traditional model of public administration prescribed that policy ideas brought forward by civil servants (on the basis of facts and historical knowledge) were fed through the bureaucratic hierarchy to the minister for decision. In the Irish system the minister takes policy decisions while the civil service plays a dominant role in

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11 The crux of this case is that for twenty-eight years charges were imposed on residents (with 'full eligibility') in long stay public institutions without any legal basis. The case represented a major failure of administration spanning both the period prior to the 1997 reforms and afterwards. An attempt to introduce legislation retrospectively was deemed unconstitutional by the Supreme Court and left the state facing a bill approximating two billion euro in order to pay back those illegally charged.

12 The precise title of the report is Interim report on the report on certain issues of management and administration in the Department of Health and Children associated with the practice of charges for persons in long stay health care in health board institutions and related matters presented to the Houses of the Oireachtas Joint Committee on Health and children 9<sup>th</sup> March 2005. It is referred to as the 'Travers Report' after its author, John Travers.

13 Two of the Minister's advisors were in attendance at a significant meeting of the Department of Health MAC (Management Advisory Committee) in December 2003 whereby it was decided to seek the advice of the Attorney General on this issue. They claimed they did not read the briefing material and consequently did not discuss with the Minister.

the detailed development and implementation of that policy (Connolly, 2005: 340). The cabinet endorses any departures in policy innovation and the Department of Finance acts as a clearing-house for its financial implications. As noted, the Public Services Management Act 1997 has aimed to crystallize roles and clearly define them in terms of function. An aim of the reform was to facilitate the effective execution of government business in the wider context of public sector modernisation. How has the institutionalisation of ministerial advisors at the summit impacted upon the vertical dimension of the relationship between ministers and civil servants in the policy making process?

The introduction of ministerial advisors clearly attempted to compensate for the rigid operation of the system influenced and governed by the Ministers and Secretaries Act 1924. This 'extension of the Minister' (Dooney and O'Toole, 1998; Connaughton, 2006) strove to correct imbalances within the administration and strengthen political control. Despite the civil service rejection of the programme manager system, civil servants appear to accept that advisors have a useful role to play in the policy making process (Connaughton, 2006). The advisors interviewed maintained that relationships between advisors and civil servants are generally good, though one of 'tolerance and acceptance of "a necessary evil" at times'. Relationships are perceived to be easier with advisors who are public servants.

Secretaries General are the point of principal contact with ministers and, where ministers are less than competent they may dominate the relationship (Weller and Rhodes, 2001: 238). Traditionally, they wielded influence because of their control of information and privileged access to the minister (ibid: 238). How has the role of advisors changed this in the Irish case? Advisors may be veto players that are able to choke off or facilitate the information flow of advice into and out of ministerial offices and 'control the minister' (Eichbaum and Shaw, 2006). The advisors corresponded with may have referred to themselves as political 'buffers' between minister and civil service but not in respect to access/restricting information to the Minister. Rather they saw their role as 'conduits', a 'sounding board', 'handy way of getting stuff to the minister', 'the vehicle through which bad news is broken'. The perception was that their role ensured the Minister enjoyed a better flow of information within and out of their department and ensuring that there cannot be a 'departmental view' on issues until and unless the Minister has decided upon it by virtue of his/her position as a corporation sole.

The Secretary General inevitably sets the management tone of the department in question. Advisors agreed that the civil service system is very hierarchical and direct interaction between themselves and civil servants is largely mediated by the Secretary General. One advisor surmised that special advisors have facilitated 'the civil service down the line having more access to the minister by default rather than design'

I am constantly dealing with Assistant Secretaries, Principal Officers and Assistant Principals and constantly getting their opinion on views, information, whatever. I am channelling them, so effectively those people that I am dealing with on the policy issues assisting [ ] actually have more access (Advisor 1, Interview November 2006).

The question may be posed as to whether this may be interpreted as indirect politicisation (see Peters and Pierre, 2004, pp. 2-3). The interactions beneath the level of the most senior official, two or three layers down may threaten the neutrality of public servants or interference in departmental activities by advisors constitutes secondary procedural politicisation (Eichbaum and Shaw, 2008 forthcoming). There is no evidence, however, that this restricts the civil servant to provide advice frankly. It has been recommended that communication with a special advisor should not be regarded as a substitute for communicating with the minister even if they are a direct channel to the minister (Travers, 2005).

The authority for advisors to give instructions to civil servants, as illustrated in the UK case, does not exist in Ireland. This was clarified by the Travers Report (2005: para 4.66) and it would appear that both advisors and civil servants agree with this recommendation in principle (Connaughton, 2006: 271). As noted above, advisors must avoid becoming part of the line management of a department.

All advisors interviewed denied giving officials direct instructions and deemed this inappropriate. Rather they referred to 'acting as middle person', 'speaking with secretary general', 'couch things in terms of suggestion'. Such comments implied that advisors communicated the minister's wishes in conjunction with agreed protocol but also 'used the minister's teeth to bite them' (Advisor 3, Interview November 2007).

Maley, in her analysis of advisors in the Australian system, claimed that advisors are far from peripheral actors in the policy making process. Rather their location so close to the decision makers have significant potential to have an effect on policy process and outcomes (2000: 468). To what degree do they contribute to the architecture of policy in the Irish case? It has been noted that advisors seek to ensure that a Minister is not smothered by a departmental agenda and fulfill the role of political buffer in a neutral civil service. The role of political 'watch dog' shadows advisors' contributions to the policy making process. Speech writing and vetting parliamentary questions will also involve advisors. In respect to the latter advisors will look at how the answer may be perceived in the local constituency as opposed to the evaluation of the civil service delivery system.

Policy advice is scrutinised in light of the political programme of the party in government. The programme for government, since it is the fulfilment of the political mandate, is deemed the priority in the context of driving agenda setting and policy formulation. Discussions in cabinet, however, come predominantly from the advice of the civil service and special interest groups rather than advisors. As

noted in the New Zealand case, advisors may demand changes rather than disagree with the substance of the advice (Eichbaum and Shaw, 2006). As one advisor noted, 'I would never rewrite their advice or put words in their mouths that didn't exist. If I did disagree with something I would be fairly clear' (Advisor 3, Interview November 2006). An evaluation role is important and advisors spoke of official advice being assertive rather than argued. Again the departmental line will attempt to endure in conjunction with incremental adjustments to the way in which policy has previously been undertaken.

## **6.2 Horizontal dimensions – cross departmental coordination and coalition government**

The horizontal dimension of public administration is concerned with cross-cutting policy issues that transcend departmental boundaries in complex policy networks. Dunn (1997) detects a significant role for advisors outside the vertical minister-department relationship and relating to the 'horizontal' dimension of policy (cited in Maley, 2000: 452). Effective inter-departmental coordination has been diagnosed as a problem in the Irish administration as far back as the Devlin Report 1969 and was further exacerbated following EU membership. Part of the challenge has been the difficulty in overcoming this through traditional civil service structures (O'Halpin, 1997: 81). Advisors have the potential to be an effective tool in this regard. Advisors can address horizontal coordination through building support inside and outside government departments for policy initiatives, consulting with interest groups, monitoring the implementation of the programme for government and assisting coalition management. Advisors are absorbed in a Minister's overlapping relationships with other policy actors and are conduits for information within these relationships (Maley, 2000: 468).

As indicated, the special advisor system was initially a creation of coalition government in Ireland and constitutes an important element of the horizontal dimension in contemporary government. Although the single transferable vote (STV) system has enabled proportionality, it can indirectly lead to disproportional outcomes (see Sinnott, 2005). In the formation of government minor coalition parties have succeeded in achieving control in excess of their political representation in the Oireachtas or subsequent ministerial allocation. The current allocation of ministries in the thirtieth Dáil to the Green Party and the Progressive Democrats is illustrative of this (Table 4). Furthermore, the entrenchment of coalition government since 1989 has also required structures to facilitate them (Murray and Teahon, 1997: 40). As noted above, the Fianna Fáil-Labour government of 1993 – 94 introduced more formal mechanisms for coalition management. From the outset the Labour Party strategists had determined that it was necessary to restructure government in an effort to deal with the needs of coalition. Two of these mechanisms have endured, namely the programme for government and programme managers.

Prior to 1992 programmes for government did not exist and not even a skeletal document was prepared to mark a treaty between the coalition partners or prioritise and plan policy. The process of negotiating the programme for government plays a significant role in setting the climate upon which policy formulation and implementation will take place. It is recognized that the existence of a formal programme for government ensures that the implementation of party policy does not become derailed by the obstruction or erosion of the other parties in the coalition (Mitchell, 2000: 145) or that issues otherwise be relegated to the background. Although it is essentially a process where parties engage in extensive bargaining between each other (usually party leaders are not directly involved), there are other influences upon this process. The civil service supports the process through advising the parties as to what is technically and financially feasible but advisors have participated in proofing these documents. This presents another example of where advisors are a 'third element' in the policy formulation role. Finlay, with reference to the Labour party's experience in governments during 1993 – 1997, claimed Labour was in effect negotiating with the civil service,

...the civil service could give you forty pages overnight on why something shouldn't be done, but found it impossible to help you do it, even after it had been agreed at political level (1998: 149).

As noted, the proliferation of advisors perhaps climaxed with the added introduction of programme managers in the Fianna Fáil-Labour government 1993 – 1994 and the continuation of this structure during the 'rainbow coalition' (Fine Gael, Labour, Democratic Left) 1994 – 1997. From the civil service perspective programme managers were an additional layer between civil servants, advisors and Ministers that disturbed a carefully balanced system as they operated as a 'collective' as opposed to the 'singular' role of a political advisor (Connaughton, 2005). The provision for joint meetings of programme managers certainly represented a new departure in Irish administrative practice as the convention was no collective meetings of departmental secretaries as this could be interpreted as supplanting the role of the cabinet. The programme managers met weekly on Wednesdays, the day after the cabinet's normal meeting and the main purpose of these meetings was to review progress under the programme for government on a department by department basis, to identify blockages in the system, to facilitate interdepartmental exchanges on matters of common interest and shared responsibility, to ensure legislative targets were in process of attainment and generally to provide a forum where difficulties could quickly be ironed out. Unfortunately, the instances whereby programme managers facilitated the working of the system were not set down in any systematic way:

The difficulty was that the new relationship was not worked out.... system tried to rebel against it and was totally suspicious. It tried to work around it and in some places tried to isolate the advisors by doing things

as they did before and in some cases the ministers had to force them to do things through the advisors (Advisor 2, Interview November 2006)

It has been argued that Fianna Fáil perceived the programme manager trial as a device by which the coalition partners could support party functionaries and trusted colleagues out of the public purse (O’Halpin, 1997). They played up to the media depiction of the ‘non-elected kitchen cabinet’ and tended to stick with the civil service. By way of explanation Quinn defends this experiment as indicating that

...Fianna Fáil is not a party of ideas. A pragmatic party concerned with holding on to power relies heavily on the civil service to develop policy. But Labour certainly failed, in my view, to sell the positive benefits of the new decision making structure. (2005: 299).

What is interesting is that although the numbers of programme managers was drastically scaled back from 1997 with the advent of the Fianna Fáil-Progressive Democrat governments, it could be argued that a similar type of system operates today. Firstly, secretaries general do now meet as a group. It would also appear that despite civil service reservations about the programme managers usurping their role and politicizing the service, it was recognized that a coordination mechanism at the managerial level between departments, at least in relation to legislation, was desirable (Connaughton, 2005). Secondly, the current special advisor/programme manager group meets weekly on a Monday in order to go through the cabinet agenda. The meetings are chaired by the Taoiseach’s programme manager. This individual also directs the Taoiseach’s advisors to monitor, facilitate and help secure the achievement of government objectives and one of the advisors liaises with the ministers of state since they do not have advisors. Generally advisors sometimes attend meetings of cabinet sub-committees and cross-departmental teams relevant to their responsibilities. It is evident therefore that although the ‘high gear’ system of programme managers was deemed a step too far by the civil service, this type of system of horizontal coordination has persisted in a diluted form.

## **7. Changing relationships at the summit?**

The Irish administrative system following independence largely reflected its British legacy both in structure and ethos. It consisted of silo based bureaucratic institutions, namely government departments with defined remits that addressed issues within those boundaries. The senior civil service itself took absorbed many of the values of its predecessor – impartial, pragmatic and politically neutral. The Secretary Generals in particular operated in a culture with deep-rooted traditions not easily changed (Zimmerman, 1997: 540). They continue to protect the institutional memory and remain a fundamental part of policy making. In terms of Aberbach et al’s (1981) conceptualization of the role perceptions and interactions between Ministers and civil servants they would appear to lie between Images II and III. This allows for the impartiality of civil servants but with a willingness to adjust

and create policy for Ministers (Zimmerman, 1997), while still providing for their discretion and preferences. In terms of political involvement, the Irish civil service remains solidly apolitical.<sup>14</sup> One of the dilemmas of this conformity with the traditional model of public administration and its Wilsonian and Weberian values is that the permanent public servants may not be sufficiently responsive to changes in the priority of political leadership (see Peters and Pierre, 2004). If replaced with a more responsive, if politicised, cohort of public servant there may be a better correspondence between electoral results and policies. Politicisation, however, is a term that usually generates negative connotations in democratic societies (ibid, p.3). The role of special advisor can facilitate this dilemma without significantly changing the common culture at the summit of government. The input of contracted advisors can effectively triangulate the thinking of the Minister. The minister is at one point of the triangle, senior civil servants another point and external advisors at the third point. The end result is a wider frame around every issue and a productive interplay of ideas and constraints. Advisors are also politically aware of how specific policy issues will be received 'on the ground'. What is unacceptable to the Irish civil service, however, is if advisors became a filter between the political head of the department and the accounting officer.

In the current administration all ministers employ the services of ministerial advisors. The perception appears to be that so long the numbers of special advisors ('singular' as opposed to programme managers 'collective') is controlled, they make an effective contribution to the coordination of government business at the summit. Advisors appear to be accepted once they are an additional layer but not formalised in a cabinet type structure, such as the Belgian case, isolating civil servants from the policy advice role. As noted by Dooney and O'Toole (1998: 41) its introduction would 'necessitate radical changes affecting the patterns, traditions and values of Ireland's political culture to an extent that would probably be unacceptable. As in other countries, such as the UK, Australia and New Zealand, advisors have challenged the monopoly on policy advice but do not appear to have adversely affected their professional independence in terms of asserting their perspectives in policy formulation and implementation. A state of 'complementarity' (see Svava, 2001) between Ministers and civil service may still exist, with advisors facilitating the minister's political control in terms of setting directions and maintaining oversight.

Political advisors can serve as a bulwark against the cooption of minister as temporary assistants to the public service. A minister must have many qualities and

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14 A recent example of a Minister who put a civil servant in a position where the principal of political neutrality could have been undermined was the controversy surrounding the resignation of a Junior Minister at the Department of Transport, Mr Ivor Callely. A contributing factor to his resignation was his request to his Private Secretary to attend on his behalf a function which she believed was of a political nature. The civil servant in question refused to attend the event on these grounds and subsequently tendered her resignation as Private Secretary to the Minister (Irish Times, 25<sup>th</sup> November 2005).

one of them is resources to ensure that they are politically focussed and effective over time (Advisor 1, Interview November 2006).

An interpretation of the views of advisors illustrates that advisors and civil servants largely operate in separate but parallel universes. Occasional poor relations tend to be explained by personality difficulties rather than institutional issues. It would appear that advisors have not fundamentally changed the way in which the public administration operates or resulted in a parallel administration.

## Appendices

**Table 1**

Vote share of main political parties – general election 24<sup>th</sup> May 2007

<b>Party</b>	<b>First Preference Votes</b>	<b>%</b>	<b>Seats</b>
Fianna Fáil	858,565	41.6	78
Fine Gael	564,428	27.3	51
Labour Party	209,175	10.1	20
Green Party- Comhaontas Glas	96,936	4.7	6
Independent	106,719	5.2	5
Sinn Féin	143,410	6.9	4
Progressive Democrats	56,396	2.7	2
Others	30,181	1.5	0

Source: www.irlgov.ie. Voter turnout in the general election (24<sup>th</sup> May 2007) was 67 %

**Table 2**

Allocation of ministries per coalition party and number of seats by party

<b>Party</b>	<b>Departments</b>	<b>No. Ministers</b>	<b>No. &amp; % seats in Dáil Éireann</b>
Fianna Fáil	Taoiseach Finance Transport Foreign Affairs Enterprise, Trade & Employment Arts, Sports & Tourism Social & Family Affairs Education & Science Community, Rural & Gaeltacht Affairs Agriculture, Fisheries & Food Justice, Equality & Law Reform	11 & Taoiseach	78 (41.6 %)
Green Party- Comhaontas Glas	Environment, Heritage & Local Government Communications, Energy & Natural Resources	2	6 (4.7 %)
Progressive Democrats	Health & Children	1	2 (2.7 %)

**Table 3**  
Directions in administrative reform, 1990 –

<b>Legislation</b>	<b>Year</b>
The Comptroller and Auditor General (Amendment) Act	1993
Launch of Strategic Management Initiative	1994
Ethics in Public Office Act	1995
Delivering Better Government	1996
The Public Service Management Act	1997
Freedom of Information Act	1997
Quality Customer Service Initiative	1997
Management Information Framework Initiative	1999
European Union (Scrutiny) Act	2002
Public Service Management (Recruitment and Appointments) Act	2004
Civil Service Regulations (Amendment) Act	2005

**Table 4**  
Chronology of key changes at the summit

<b>Date</b>	<b>Event</b>
1924	Establishment of 11 Government Departments including President of the Executive (now Department of Taoiseach)
1937	Bunreacht na hEireann – Constitution comes into effect 29 <sup>th</sup> December
1948	'Inter-Party Government (FF out of office for first time since 1932)
1973	<ul style="list-style-type: none"> <li>• EU accession</li> <li>• Coalition government (FG-Labour) after – 16 years of FF government</li> </ul> Formal introduction of advisor system
1989	FF in coalition for first time with PDs
1993	<ul style="list-style-type: none"> <li>• FF-Labour coalition formed 12<sup>th</sup> January</li> <li>• Creation of new structures to manage coalition, new Office of Tánaiste &amp; Programme Manager system</li> </ul>
1994 – 1997	Rainbow coalition (FG-Labour-DL)
1997 (– 2002)	<ul style="list-style-type: none"> <li>• FF-PD coalition formed with support of Independent deputies</li> <li>• Office of Tánaiste abolished and Programme Manager system largely disbanded</li> </ul>
1999	Democratic Left merges with Labour Party
2002 (– 2007)	FF-PD coalition
2007 –	FF-Green Party and PDs (government formed in June 2007)

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# **Between the Pool of Spoils And Shallow Professionalism: Recruitment, Composition and Functioning of the Political Cabinets of Prime Ministers and Ministers in Poland 1997 – 2006**

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## **Abstract**

An analysis of the first decade of functioning Political Cabinets reveals limited progress in their development towards providing professional input to the policymaking processes or political advice to the Prime Ministers and Ministers. The operation of Political Cabinets has been closely interconnected with the improvement of the performance of the whole administrative machinery, especially the central level reform of politico-administrative relations launched after the Communist period. Although formal institutional change has been implemented, professionalising the Political Cabinets remains a challenge, though advances are more evident in Prime Ministerial cabinets. To a large extent, the attitudes of Prime Ministers and Ministers continue to be shaped by the pre-reform period that was characterised by pervasive political control over the administrative sphere. The impact of this political culture is critical for both professionalising Political Cabinets and wider personnel policy, whereby the continuity of political appointees has potentially undermined efforts to develop a civil service corps. It would appear that Political Cabinets can be viewed as redundant since political trustees and advisors of Ministers have been directly employed in public administration. In addition, there have been incidences whereby advisors have been implicated in corruption cases. This paper reviews the institutionalisation of cabinets and argues that the main challenge in developing Political Cabinets is the absence of a clear vision of the role they should play in the post-Communist institutional order.

## **1. Introduction – Political Cabinets and the administrative machinery of government**

The formation of units of political advisors in the form of Political Cabinets is bound up with reforming the dysfunctional central administrative structure established under Communism. Although Prime Ministers (and Ministers) were assisted from the early nineties by professional aides and political trustees, Political Cabinets are a relatively new phenomenon, included in the 1996 central administrative reform. The main aim of this reform was to create a more coherent structure of government by substantially limiting the number of ministries. This would overcome Com-

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munist legacies whereby government was divided into numerous small ministries which inevitably led to competition over limited resources and a failure to develop co-operative relations. The next stage of this reform came into force in autumn 1999, which delivered decisions on the number and type of ministries falling under the remit of the Prime Minister. Until then, decisions on forming or dissolving a ministry were made by parliamentary act. Furthermore, during transition, the position of the Prime Minister within the government was strengthened. Evaluations of these reforms should be cautious, however, for although the legal basis of formation of more efficient government was introduced, it did not result in the proficiencies widely anticipated (Izdebski and Kulesza 2004: 182-183, 203).

Moreover, as emphasised by Izdebski and Kulesza (2004: 169-170), the weakest link in creating a more coherent political agenda has been the Political Cabinet of the Prime Minister which should, in theory, co-operate with the Political Cabinets of the Ministers. Such a coordination role was assumed by the reform architects, but such activity remained absent in the Prime Minister's cabinet during the first decade of its functioning. This was despite efforts during Buzek's tenure (see Table 1) by the Head of his cabinet, Marcinkiewicz, to hold weekly meetings of the chiefs of the Political Cabinets of Ministers in order to present reform blueprints. This practice did not prove effective, since Ministers sent their junior staff and not the Head of the Political Cabinet (Zubek, 2001: 925).

This reform also aimed at changing the functions performed by government – the transition of Ministerial and government functions from detailed decision-making in each particular case by Ministers and approval of ministerial branch projects during government meetings, towards a concentration of Ministers in strategic planning and policymaking and coordination of these projects by government. Thus, it may also be argued that the ministerial role is still in flux, and this naturally has an impact on defining what roles are played by the Political Cabinets. The effort to change and reform the role of Ministers through breaking deeply rooted traditions from socialism has been a very serious challenge. This emphasises the difficulty in recognising the role of a Political Cabinet in the preparation of policies and analysis of alternatives. Furthermore, in each successive government ministerial newcomers (with limited or no administrative experience) have been a dominant trend coupled with frequent turnover. Polish governments are also predominantly coalition governments that denote that electoral agendas can be seriously curtailed and modified. As a result, Ministers define their priorities only after they are appointed. Matyja (2007) argues that the existence of coalition governments seriously hinders a Minister's learning experience and the formulation of ministerial strategy due to the fact that decisions on the appointment of Deputy Ministers are taken by Prime Ministers and coalition leaders, the with Ministers' influence marginalised. This can lead to weak policy coordination between Ministers and their deputies and on occasion ministries are informally divided into sectors, each implementing their

own policies in a compartmentalised fashion (for example the case of the Ministry of Culture, between January – August 1998, Golecki 2007).

## **2. The launching of Political Cabinets and drawing a politico-administrative division**

Academic commentary has emphasised that the Political Cabinets' model introduced in 1996 was inspired by the French tradition of ministerial cabinets and the Polish tradition in the inter-war period (Kulesza and Barbasiewicz 1999; Izdebski and Kulesza 2004: 181; Kulesza and Barbasiewicz 2007). The formation of Political Cabinets was part of a wider process of a clear separation of political and administrative roles. The necessity of drawing a formal division between politics and administration evolved only gradually during the democratic transition. Under communism, administration was subordinated to the communist party. At the beginning of the nineties there was no clear division between political and administrative spheres and post-Solidarity politicians believed in the formation of only a small self-limited political sphere. As a result, until 1996, advisors were employed in positions that were defined formally as administrative (Rydlewski 2002: 153).

In 1993, the vision of the political sphere changed and Prime Minister Pawlak introduced an extensive spoils system. Consequently the central administration reform prepared in 1996 had to cope with these developments through implementing institutional change, which drew a line between expanding the political sphere and the development of a career civil service. It was assumed that the civil service act would launch the construction of an apolitical civil service corps. Simultaneously and as a consequence of central administrative reform, the Office of the Council of Ministers, a “super-ministry”, was dissolved and most of its administrative functions were taken over by the newly established Ministry of Internal Affairs and Public Administration. Other competencies aimed at supporting the Prime Minister were transferred to the newly established Chancellery. The structure of government formally became more transparent. Within the Chancellery, the division between political and administrative spheres was officially drawn and political advisors were moved to the newly-established “Political Cabinet”. The dividing line between the political and administrative spheres was likewise drawn at individual ministries, where similarly Political Cabinet units were established.<sup>2</sup> These solutions to the politico-administrative dilemma were reconfirmed a year later by the Constitution of 2<sup>nd</sup> April 1997. In particular, the Constitution prohibited the functions of an MP to be combined with work in administration, except for the political functions of Prime Minister, Ministers and secretaries of state.

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2 However, the artificial and dysfunctional phenomenon was that the Political Cabinets also had the heads of central agencies, which should only fulfil an administrative, not a political function (Izdebski and Kulesza 2004: 182).

A consequence of the reform was that the political sphere was divided into executive and advisory roles:

**1. political (senior) officials** – Deputy Ministers; secretaries and under secretaries in ministries (as well as in the Chancellery) and regional governors (*województwi*) and their deputies (around 200 officials). Their dismissal accompanies each change of government.

**2. political advisors of Prime Minister and Ministers**, grouped in Political Cabinets (in some governments even reaching a total of 100 officials). Advisors are employed for the same duration as the individual they advise.

To illustrate this close inter-relationship between effective performance of Political Cabinets and building a professional civil service, it is worth noting the opinion of one of the Heads of a Political Cabinet in the Chancellery, Zawisza in 1999. His vision of Political Cabinets was modelled on the communist vision of “co-operation” (supervision, patronage) between politicians and administration: He proudly stated: *‘Formally, none of the administrative officials in the Chancellery is my subordinate. However, when I call different people located in various government structures they respect me as they do respect the Minister. This is rather a sensitive issue.’* (quoted by Janicki, *Polityka*, 6 March 1999). It could be argued that in this case, but also in numerous others, a prerequisite for effective performance of Political Cabinets was recognition by political appointees of their new advisory, not executive roles, as well as the autonomy of public administration.

Civil service reform was not introduced in Poland until the late nineties and had a fundamental impact on the efficient formation and functioning of Political Cabinets. Following the initial reform, the vision for the civil service remained unclear with successive governments hindering or even destroying previous actions. For example, two Acts were passed by parliament in 1996 and 1998. The replacement of the first Civil Service Act of 1996, which no doubt favoured post-communist cadres, with the much more ambitious Act of 1998 was positive. In evaluating the 1998 Act, it should be stressed that establishing competition procedures for senior positions in administration was crucial for promoting professional standards. Nevertheless, the fact that government decided to introduce a new act meant that implementing reform was delayed. As a result, the civil service corps remained small, in the early stage of its formation and thus vulnerable to repeated political attacks. (By 2006, there were 4,000 civil service officials [who passed professional exams] among 120,000 administrative personnel).

In August 2006, there was a serious retreat in the development of the civil service corps and the analysis of the performance of Political Cabinets does not extend beyond this date. Two acts came into force in 2006, namely the State Personnel Reserve and the Civil Service Act which undermined the civil service. Senior administrative posts became part of the State Personnel Reserve which can be perceived as a sort of political pool of spoils and their incumbents who can be dismissed at

any time. In May 2008, Donald Tusk's government forwarded proposals for a new Civil Service Act to parliament. This assumes the liquidation of the State Personnel Reserve and the reintroduction of civil service regulations to senior administrative positions.

In relation to the increasing professionalism of Political Cabinets, the crucial issue was the stability of senior administrative positions, especially those of director generals, the most senior officials in the civil service. These directors were responsible for the management of ministries (the Chancellery, other central institutions, and regional offices). They performed policies defined by the Minister and were responsible for the personnel policy of the administrative sections of ministries. The permanency in the positions of director generals, and other senior administrative posts in ministries should act as effective barriers, guaranteeing their apolitical functioning and preservation of "the organisational memory of an institution and the state". According to the Civil Service Act of 1998, appointments to these positions should take place in accordance with open competitive procedures. Nevertheless, there was strong resistance to this since the politicisation of positions remained a feature, evidenced by the replacement of post-holders in the aftermath of each change of government. The peak of this process took place in the period between December 2001 and January 2002 when the amendment to the Civil Service Act of 1998, namely Article 144a was enforced. This Article promoted the employment in senior administrative positions of politicians as acting managers. For example, during this period, only one-third of director generals (five out of 15 ministries) were able to preserve the positions they held in previous governments and in 30 central agencies only 15 directors general preserved their positions.<sup>3</sup>

Kulesza and Barbasiewicz (2002: 39, 58) observe that in reality, weak Political Cabinets co-exist with director generals who perform political roles (Deputy Ministers) and whose position is simultaneously rather unstable. Furthermore, they argue that the creation of Political Cabinets has been crucial for drawing clear divisions between political and administrative functions within ministries and thus it should limit politicisation and promote stability of employment in administrative positions. An alternative view to present is that the prompt strengthening of the civil service is of primary importance as a means of averting the politicisation of administration and limiting the negative impact of Political Cabinets. It is also probable that in contrast to administrative positions, those of advisors are seen as an attractive pool of spoils for political colleagues since in practice they require neither a high level professional qualification nor administrative experience; in addition to which they are seen as being comfortable and demanding no responsibility. Finally, the challenge to professionalising Political Cabinets in a climate of unstable politico-administrative relations was civil servants' reluctance to work in administrative positions support-

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3 *Sprawozdanie Szefa Służby Cywilnej o stanie służby cywilnej i o realizacji zadań tej służby za rok 2003 – część główna*, 2003, p. 4.

ing the work of Political Cabinets. Kulesza and Barbasiewicz (2002: 38-39) stressed that administrative officials do not recognise why they should support Ministers within the context of their political role. Rather they are apprehensive, interpreting it as a form of politicisation within central administration.

### 3. Prime Ministers and ministerial cabinets

#### 3.1 The Political Cabinets of Prime Ministers

To date, each Prime Minister has strongly modelled the cabinet on his own individual visions, often trying to improve performance without taking heed of lesson learning from the previous administration. The development of Prime Minister Marcinkiewicz's organisation of the Political Cabinet is an exception to the rule since there is evidence that feedback on previous experience began to be noted. In this instance Marcinkiewicz could draw on his previous role as the Head of the Political Cabinet of Prime Minister Buzek.

**Table 1**  
Prime Ministers, Heads of Political Cabinets and the number of advisors<sup>4</sup>

<b>Governments</b>	<b>Head of Cabinet</b>		<b>Number of advisors (at the time of dismissal)</b>
Włodzimierz Cimoszewicz Democratic Left Alliance (SLD) – <i>post-communist</i> (Feb. 1996 – Sept. 1997)	Andrzej Barcikowski		40
Jerzy Buzek Solidarity Electoral Action (AWS) – <i>post-Solidarity</i> (Oct. 1997 – Sept. 2001)	Wojciech Arkuszewski		24
	Since 1999 Kazimierz Marcinkiewicz		
	Since 2000 Teresa Kamińska		
Leszek Miller Democratic Left Alliance (SLD) – <i>post-communist</i> (Oct. 2001 – May 2004)	Lech Nikolski	Grzegorz Rydlewski,	20
	Since January 2003 Aleksandra Jakubowska		
Marek Belka Democratic Left Alliance (SLD) • <i>post-communist</i> (May 2004 – Oct. 2005)	Jacek Kluczkowski,		18
Kazimierz Marcinkiewicz Law and Justice Party (PiS) • <i>post-Solidarity</i> (Oct. 2005 – July 2006)	Jacek Tarnowski		17 <sup>4</sup>

Source: Compiled from data supplied by the Prime Minister Chancellery and *Gazeta Wyborcza*, 25 April 1996.

4 In the case of the Marcinkiewicz government, the data is from May 2006.

### 3.1.1 Cimoszewicz's cabinet – searching for external expertise

As noted, during Cimoszewicz's tenure, central administration reform was introduced, but Political Cabinet reform was not fully implemented immediately. Barcikowski became the head of the Political Cabinet and the cabinet comprised of 40 advisors to the Prime Minister. The data on this period is rudimentary – Barcikowski presented the names of 23 of his advisors to the press (*Gazeta Wyborcza*, 25 April 2006). Amongst them were professors of economy, history, constitutional law, public finance and social policy. A second distinguishable group of experts were representatives of business: directors of the largest state owned companies, a director of a private bank, a former director of the Polish stock exchange and an expert in the World Bank. Most of his advisors were well-known public authorities or experts in their particular areas. In addition, advisors included two journalists, a film director, a director of a public opinion research centre, a former ombudsman, and a respected and popular director of an NGO helping the homeless and drug addicts. In other words, this rudimentary data suggests, on the one hand, close links with business sectors, especially banking. On the other hand, an impressive number of academic advisors and experts in various fields to the extent that it raises the question of whether this potential was fully exploited.

Moreover, the list does suggest that in the formulation of his policy, he listened to advisors representing various professional groups and that inclusion of “strictly political advisors” appeared minimal. However, is this really true? This rudimentary list does not inform us who his main advisors were, or who were employed full-time. Rydlewski (2002: 154) commented on the role of the Head of the Political Cabinet, Barcikowski, by suggesting that he acted mainly as the organiser of consultation and advice for the Prime Minister. However, the value of advice is not only related to its quality but equally important, or even more important, is policy coordination, which does not appear to have been recognised. This issue has progressed partially in the Political Cabinet of successive Prime Ministers.

### 3.1.2 Buzek's advisors – first professional cabinet and proliferation of political positions

Buzek was the first Prime Minister to have a professional Political Cabinet. In 1999, the Political Cabinet began to be clearly separated within the structure of the Chancellery. The Head of the Political Cabinet became Marcinkiewicz and a real Political Cabinet was formed. Until then, advisors worked mostly in isolation and only occasionally met with each other. They were then transformed into more coherent groups working on government strategy (Paradowska, *Polityka*, 10 July 1999). The role of the Prime Minister's Political Cabinet was strengthened as six areas of advice were distinguished: social, economic, mass media, security, foreign policy and European integration (Rydlewski 2002: 155). Each area of expertise was chaired by a first rank advisor, so-called *special experts* who were well-known experts and

professionals. Some of them were so-called *social advisors* (working free of charge). Among his advisors, there were a few prominent politicians, for example former Prime Minister, Jan Bielecki, and former Ministers. Political commentators praised the Political Cabinet for its meritocratic qualifications, employing experts in various areas and limiting the political pool of spoils (although it was only a temporary phenomenon).

The most serious drawback to the efficiency of the cabinet took place in 2000 with the nomination of Kamińska, an *éminence grise* known by the nickname Richelieu, who took full control of the information and analysis given to the Prime Minister. Critics suggest that her emphasis on the Prime Minister performing a representative function did not improve the low rating of the government and caused him to neglect his other duties. For example, the Prime Minister was allegedly surprised by the size of the budget deficit (Macieja, *Wprost*, 16 Sept. 2001).

Analysing the functioning of Political Cabinets of successive Prime Ministers there is one common feature and challenge to performance which is the creation of large bodies of around twenty members (see table 1). The extreme proliferation of political advisors took place under Prime Minister Buzek. At the time of the formation of Buzek's government in 1997 he had a small Political Cabinet comprising only seven advisors from various professional careers. However, the Political Cabinet changed continuously throughout the period, mushrooming to 18 advisors at the end of 1997 and reaching a peak in May 2001 of 47 (Rydlewski, 2002: 154). The number dropped to 24 upon his leaving office. This example of the significant increase of Prime Minister's aids on the one hand shows a drive for expertise. On the other hand, it demonstrates political pressure reflecting the fragmentation of political parties in power fighting over the pool of spoils (this also compares with the proliferation of positions of secretaries and under secretaries of state in the Chancellery, see Majcherkiewicz, 2008).

### *3.1.3 Leszek Miller – the prominent role of communist *appratchki**

Miller's government came to power under the political slogan 'cheaper state'. The number of Ministers appointed was the smallest since 1989. However, the opposite was true in the case of his advisors, of which he had two sets. In addition, the achievement of the previous government in dividing Political Cabinets into six main areas of expertise was abandoned. His political advisors were grouped in the Political Cabinet headed by his close political colleague, Nikolski, who was to deal with internal communication in the party, co-operation with parliament and analyse the political and social consequences of current political decisions (according to Nikolski in *Życie* 20 Nov. 2001 and Paradowska, *Polityka*, 20 Oct 2001). The second group was the so-called 'group of advisors' headed by Rydlewski, his chief advisor. The group was responsible for the long-term government strategy and was to work on the basis of professional expertise. However, in reality, it was not clear where the

boundary was drawn, so analyses and rapport were duplicated and there was competition between the teams. During Jakubowska's tenure (the successor to Nikolski's), she won this 'competition' due to her dynamism (Mikołajewska, *Polityka*, 29 March 2003).

The first Head of the Political Cabinet was Nikolski. His political career can be seen as representing a more general trend in post-communist governments' senior appointments. He has been involved in political activism for his entire career and despite his relative youth, his political initiation had already taken place under communism. It could be argued that this event had a long-lasting effect on his performance as a political advisor. A few months before the collapse of communism, this young *apparatchik*, at the time thirty-four years old, gained a significant promotion to the Central Committee of the communist party. At the same time, in comparison to Buzek's government (and other Solidarity governments, of the former anti-communist opposition), which often employed 'outsiders', without administrative experience, Miller could rely on experienced administrative cadres, although influenced by the culture of communism. For example, in the period 1995 – 1997 Nikolski was the Under-secretary of State (Janicki, *Polityka*, 15, June 2002). In January 2003, he was replaced by Jakubowska. During her professional career she gradually shifted from work in the media (as a former reader of peak time news and spokeswoman of one of the post-communist governments of Oleksy 1995 – 1996) into politics. Her mass-media experience was no doubt crucial in her promotion as good contacts with the media have been important for Polish governments, especially as politicians receive very low ratings in opinion polls and this situation has intensified over time. The strong shift towards the creation of a political image indicates the fact that in the ten-member cabinet headed by Jakubowska, seven of them had journalistic experience or worked in PR agencies. The other functions of the cabinet were left very much behind.

Jakubowska, also had political experience and when Miller's government was formed, she became a Deputy Minister of Culture. She also had strong backing in the party and she adopted the same style and values to politics as the Prime Minister. Nevertheless, her nomination raised questions. In contrast to her predecessor, who liked to work in the shadow of the Prime Minister, she was dynamic, ambitious, noisy and sometimes a controversial politician (*Rzeczpospolita*, 7 Jan. 2003 and Mikołajewska, *Polityka*, 29 March 2003). Even more controversial was the serious accusation levelled against her of participation in the 'Rywing-gate' – corruption scandal (more details in section 4).

'The group of advisors' was lead by Rydlewski, a Professor of Government Studies who had extensive professional experience of work in prominent positions

in public administration.<sup>5</sup> He could be perceived as an asset, the perfect candidate for the position of Chief of Advisors, who should have sufficient experience and knowledge to have a vision of the formation of a professional cabinet. However, for the Prime Minister, Rydlewski selected advisors according to the taste of his master – trustee, the communist *apparatchiks* (Rybak, *Polityka*, 31 March 2003). In March 2003, the Prime Minister suddenly dismissed four of his close colleagues with whom he had co-operated under communism. Only two people stayed in Rydlewski's team (*Rzeczpospolita*, 19 March, 2003). Among those dismissed was Bisztynga, who had been a colleague of the Prime Minister for more than twenty years. He was especially prominent in the first period of Miller's rule. He had been a leading communist politician, Deputy Minister of Foreign Affairs and Ambassador to Greece and Great Britain under communism. Moreover, he was a protagonist of the communist party during Martial Law introduced in 1981. Finally, he was an officer of the *Security Forces* (a type of Polish KGB). He was one of a few of a Miller's advisors who had experience of work in the Security Forces under and after the collapse of communism.

### *3.1.4 Marek Belka – the least visible Political Cabinet*

Probably the least visible were the advisors to Prime Minister Belka. Kluczkowski acted as Head of Political Cabinet though he did not have an official nomination. A serious drawback was the fact that the Political Cabinet did not meet regularly. Instead, both the Prime Minister and the Head of the cabinet preferred to 'commission' certain tasks to particular cabinet members. Another shortcoming of the formation of an effective Political Cabinet was the fact that the government was formed with the assumption of being a temporary one, making it difficult to attract some experts and professionals. Nevertheless, there were ambitious plans to create a cabinet preparing analyses in various areas, thus four main spheres of expertise: media, political, economic and internal affairs, were established.

Searching for an explanation of this minor role of the Political Cabinet of Prime Minister Belka, some comments may be offered about his concept of government. It was during Belka's tenure that an ambitious reform, aimed at enhancing state institutions, was proposed. Elements of the administrative reform included proposals for increased transparency of the administration and civil service competition procedures for senior positions were extended. He also tried to substantially limit the political pool of spoils and infuriating his own party by appointing experts from the opposition. He tried to form a government of experts focusing on economy and, for example, speeding up privatisation and distancing him from politics. However, the government was rather unsuccessful in introducing some of its reforms. The

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<sup>5</sup> In the period 1986 – 1990, he was director in the Office of the Council of Ministers, from 1995 – 1996, the under secretary of state; and in 1997, he was the head of the Chancellery of the Prime Minister. Moreover, he was the principal advisor of Miller's successor as Prime Minister, Belka (for details see Majcherkiewicz 2008 – in the same volume).

parliament rejected numerous government proposals for new acts and the Prime Minister was absent both from parliament and in public life (Paradowska, *Polityka*, 2 July 2005). The Prime Minister would probably have been much more efficient if the Political Cabinet promoted and enhanced links with the government party structures facilitating parliamentary support for his agenda.

### 3.1.5 *Kazimierz Marcinkiewicz – towards youth dynamic aids*

In Prime Minister Marcinkiewicz's Political Cabinet, professional qualification dominated over political criteria. There was a definite shift from the well-known experts and professionals of the previous governments. While the latter could be praised for their competence and expertise, they rarely treated their work for the government as a priority, demanding only temporary resignation from other professional engagements. Marcinkiewicz was accompanied by a group of young dynamic individuals at the beginning of their professional careers, who were thus relatively unknown advisors. Their professional backgrounds varied, but among them were: a former senior diplomat, graduates of political science, economics, law, history, agriculture and medicine. Nevertheless, political-type nominations were also present. For example, Wiórkiewicz was awarded, for his work in the parliamentary campaign with the position of personal secretary of the Prime Minister, and Dworczyk who worked in the office of the Law and Justice Party. This limitation of the political pool of spoils, however, can be seen as a positive development and demonstrated the gradual professionalisation of the cabinet when the prominence of political positions began to be challenged by expertise in other areas.

What is interesting is the fact that the Head of Political Cabinet, Tarnowski, did not hold a secretary of state or under-secretary position (in contrast to his former counterparts). Nevertheless, this should be evaluated positively, as giving them political status was provoking them to perform executive roles extending beyond strict consultations (and engaging in political activity sometimes independently from that of the Prime Minister).<sup>6</sup> Tarnowski defined himself as a man of Marinkiewicz, even distancing himself from the Law and Justice party. The most successful activity of the Political Cabinet seems to be in terms of the Prime Minister's PR since Marcinkiewicz was the most popular Prime Minister since the collapse of communism. However, the Prime Minister's popularity appeared to be more the result of activity and close co-operation with his spokesman, Ciesolkiewicz, who was not formally a member of the Political Cabinet.

To sum up, the successive Political Cabinets of Prime Ministers reveal some noticeable trends. First, is the proliferation of Political Cabinets. There has been a gradual evolution leading to growing efficiency and notably a tendency to curb the

<sup>6</sup> However, the opposite argument can be raised: Prime Ministers would like to have in their cabinets prominent politicians from their own party, who would usually be MPs at the same time. In this case, they must have the status of secretary of state (or under secretary) and only then they can combine political and administrative roles.

political pool of spoils (especially when compared to the cabinets of Ministers). It should also be underlined that Political Cabinets of Prime Ministers seem to be much more advanced in defining their new roles than Political Cabinets of Ministers (discussed below). Efforts to professionalise Political Cabinets are apparent in the attention paid to the information policy of the government and creating the Prime Minister's image, although Prime Ministers were, in general, rather unpopular figures. Also evident is the strong informal power of its members, especially the Head. For example, Tarnowski was influential in deciding on the allocation of positions on the boards of trustees in state-owned companies, similarly to Nikolski and Jakubowska who participated in decision-making and had an influence on the personnel policy of Prime Minister Miller, and Kamińska during Buzek's tenure.

Nevertheless, each of these governments has specific features that dominate over similarities. It seems that the functioning of the Political Cabinet of each successive Prime Minister can be compared to geological layers of gaining institutional experience. Buzek's government left behind a negative legacy of the most extreme proliferation of advisors' positions as well as other political posts. Miller's advisors had similar political origins to their leader. A prominent role was played by the old communist guard and the opinions of other aides and experts were not fully recognised. Moreover, the division of advice into two units, the Political Cabinet and "the strategic policy think-tank" of Rydlewski, fighting for the ear of the Prime Minister, did not prove successful. Despite this, they also enriched the political tradition with positive developments. For example, there was Buzek's effort to attract the most prominent experts and academics and to create a Political Cabinet with a comprehensive scale of analyses and its preparation in a professional sub-unit. Similar efforts are demonstrated during Belka's tenure. Miller's policy towards his advisors shows appreciation of political consultation. It has to be underlined that often, the trend towards professionalising cabinets and curtailing the pool of spoils leads to resignation from forming an efficient political sub-section closely co-operating with party forming government and its parliamentary structures. Finally, the Marcinkiewicz legacy is in advancing the professionalism of the Political Cabinet with hard working, enthusiastic, young aides loyal to the Prime Minister.

#### **4. Political Cabinets of Ministers**

The experience of ministerial as opposed to Prime Ministerial cabinets differs somewhat. An important attribute in the selection of candidates for a ministerial cabinet is the trusted relationship between Minister and advisor. Two criteria of appointments overlap – Ministers often trust their old work colleagues, relatives or party comrades and work experience within the administration or work as an advisor is less important. As noted, in the post-communist context, attention should also focus on the role Political Cabinets play in shaping politico-administrative relations. It is argued that the formation of an apolitical civil service has been difficult for poli-

ticians to accept, as they are used to a spoils system and being assisted by political colleagues and acquaintances. In some important respects, the ministerial cabinets abet politicisation since political advisors can be shifted into senior administrative positions. Their competencies and informal influence is not only limited to advising but also extends to decision-making, especially in personnel policy.

In the situation of a predominance of employment of politicians in Political Cabinets, attention is also required to the partisan functions Political Cabinets perform in relation to their careers: (1.) *they are seen as a springboard for young political activists*, (2.) *they offer awards and attractive retirement benefits for 'the older guard'*, (3.) *they provide comfortable positions for political colleagues*.

Polish politics indicates that there is one more issue to be presented in relation to Political Cabinets and that is conflicts of interest and corruption charges against ministerial advisors. However, in analysing a decade of Political Cabinets of Ministers, one has to start with a very basic question: do politicians recognise that they are necessary? This argument of poor ministerial knowledge in some cases supports the analysis of the cabinets' size, especially in the early period of their existence. It is argued that the slow pace of professionalising Political Cabinets is caused by limited progress in learning the new roles by Ministers and breaking with the socialist style. In other words, the redefinition of ministerial roles towards policy formulation was a precondition for the necessity of the formation of efficient Political Cabinets.

#### 4.1 Size of Political Cabinets

Surprisingly, simple data on the size of Political Cabinets raise a fundamental question about whether the role of Political Cabinets has been recognised by Ministers. In instances, their size has fluctuated between the two extremes of over-expansion and the decision not to have advisors, or to have just one or two. The latter leads to questions about their effectiveness and provokes more fundamental questions about ministerial knowledge of how the government machinery works and what role Political Cabinets should perform within this structure. In each government, one or two Ministers had no advisors at all.<sup>7</sup>

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<sup>7</sup> However, there may be two other possible explanations for this decision by ministers. First, as there have been numerous cases of corruption, using informal political power and engaging in personnel policy by political advisors, the decision by ministers not to have Political Cabinets can be interpreted as an attempt to avoid this type of political malpractice. This interpretation may be for example applied to the ministry of the treasury, while minister Kamela-Sowińska decided not to have any advisors. The two head of Political Cabinets of her predecessors ministers of the treasury, Wąsacz and Chronowski were both accused of corruption – serving the interests of powerful business groups in state-owned companies.

Second, the salaries paid to political advisors are seen as too modest for some professionals, for example lawyers. Thus, Suchocka, minister of justice (Sept 1997 – June 2000) employed one advisor and a part-time assistant and instead requested external legal expertise (Paradowska, *Polityka*, 18 March 2000).

The expansion of Political Cabinets was often concomitant with their inefficiency. This can be illustrated by one of the largest Political Cabinets during Buzek's tenure – Biernacki's cabinet in the Ministry of Internal Affairs. There were nineteen advisors in the ministry (seven of them working for his deputies). For the first half year after the cabinet was formed, the press informed that it did not find time to meet even once. Only four out of his twelve aids had defined competencies and it is not known what areas the others advised on. Some of them were completely unknown, and were not even seen in the ministry. The explanation for this expansion of the ministerial cabinet was his weak political backing and as a result, he had advisors sent from various political interest groups (Paradowska, *Polityka* 18. March 2000). In other words their size suggests that they were collections of individuals rather than a coherent group, with a clearly defined aim of how to serve politicians. Similar expansion and duplication of function also took place during the tenure of his predecessor, Tomaszewski, as Minister of Internal Affairs and Administration. In addition to his political ministerial cabinet, he had a second Political Cabinet as simultaneously Deputy Prime Minister (Janicki, *Polityka*, 6 March 1999). Moreover, Longin Komolowski, Deputy Prime Minister and Minister of Labour and Social Policy (Oct 1999 – Oct 2001) had 19 advisors (Kudzia and Pawelczyk, *Wprost*, 28 Jan. 2001).

The Political Cabinets of Biernacki and Komolowski were the extremes, but the other cabinets were rather small, comprising between four to eight people at the beginning, in 1999 (Janicki, *Polityka*, 6 March 1999) and were a similar size or even smaller in 2000 (Paradowska, *Polityka*, 18 March 2000). Nevertheless, during the Buzek period (1997 – 2001) there was a mushrooming of top administrative positions (ministries and deputy ministries or deputy *voivodes* [regional deputy governors]). The size of the Political Cabinet of the Prime Minister is also an illustration of this tendency. After the extreme over-expansion in administration and political positions under Prime Minister Buzek, his successor, Miller, began his rule with a declaration to cut the number of political advisors (receiving relatively high salaries) and Deputy Ministers lost the right to have any advisors.

**Table 2**  
Regulations on the size of Political Cabinets

<b>Government orders</b>	<b>Deputy Prime Minister</b>	<b>Minister</b>	<b>Secretary of State</b>	<b>Deputy Secretary</b>
Jerzy Buzek	7	5	2	1
Leszek Miller	6	4	1	None

Source: Compiled according to government regulations.

In the aftermath of the election heralding Miller's success, the Deputy Ministers and *voivodes* lost the right to have their own cabinets. However, it should be

borne in mind that Miller himself had two teams of advisors. It was estimated that during Miller's tenure as a whole, more than one hundred people were employed in Political Cabinets (Bogusz and Wojtkowska, *Newsweek-Polska*, no. 03, 2001). Of note, a similar pre-election declaration was voiced by the Law and Justice Party in 2005. However, the expansion of the Prime Ministers' and Ministers' Political Cabinets seems to be a permanent feature of the Polish administration and successive Prime Ministers' Political Cabinets and ministerial advisors have breached these regulations. The difficulty of forming Political Cabinets seems also to be enhanced by the fact that there has been no regulation defining its role and competencies, apart from decisions on size (Kudzia and Pawełczyk, *Wprost*, 28 Jan. 2001).

## 4.2 Recruitment criteria

### A. *Political credentials*

The lack of a political tradition of ministerial cabinets has meant that Ministers have sometimes had a rather poor knowledge of how to form efficient Political Cabinets, and they have often tended to perform narrow partisan functions.

At the time of the formation of the first Political Cabinets, party membership was taken into serious consideration and was often the criterion on which they were recruited. Three examples illustrate this trend. Urban, the Head of the Political Cabinet of Minister Kropowincki, who was the chief of the Government Centre for Strategic Studies, was, like his leader, a party activist (ZChN). Similarly, strong political affiliation was declared by Górski, the Head of the Political Cabinet of Czarnecki, a Minister without portfolio. The one-party was a six-person cabinet of the Minister of Economy, Stainhoff (Paradowska, *Polityka* 18. March 2000).

However, contrary approaches were also becoming evident and some experts were employed, despite a difference in political affiliation to their masters – the Ministers. The Minister of Labour and Social Policy, Komołowski, representing Solidarity Electoral Action, employed the former Minister and widely recognised expert, Boni who represented the junior coalition party (UW). Boni emphasised that Ministers needed a cabinet Head with administrative qualifications and the ability to read legislative drafts. His job was to prepare policy proposals and to evaluate each option. As this former Minister stated, this cannot be done, even by the closest trustees, if they are amateurs (Janicki, *Polityka*, 6 March 1999). Moreover, this cabinet was praised for employing professionals. Likewise, Hibner, Head of the Political Cabinet of the Minister of Health, Cegielska, was the former deputy town mayor of Łódź and advisor to the Prime Minister and was also engaged in a health reform project. She was employed, despite representing the tiny Christian party that stayed outside parliament (Paradowska, *Polityka* 18. March 2000).

On the other hand, there were also examples of Political Cabinets where their political function was overlooked and politicians were completely absent. This is

illustrated by the Ministry of Justice where none of the three advisors employed by Minister Suchocka or her Deputy Minister, Niedziela, were party members. Furthermore, the Deputy Prime Minister and Minister of Finance, Balcerowicz (Oct. 1997 – June 2000), were accompanied by a group of young professionals who speculatively overshadowed Deputy Ministers. Despite an extremely high evaluation of their professional expertise, there were more general problems, such as a lack of political backing for radical reforms (tax-system) (Paradowska, *Polityka* 18. March 2000). Obviously radical reforms are usually unpopular and Buzek's government, in general, had problems with finding parliamentary discipline for his project. Nevertheless, the balance between political and meritocratic factors is crucial for the efficient performance of Political Cabinets and their Ministers. In conclusion, political credentials were crucial and other criteria have sometimes been overshadowed by it, even if partially limited.

### *B. Personal trust and positions for political colleagues*

Kulesza and Barbasiewicz suggest (2002: 41) “*Ministers’ Political Cabinets, [...] continue to perform the simplest advisory functions and from the very beginning have been a major destination for people from direct political back-up, party colleagues that failed to be elected to Parliament or, in some cases, members of the same coterie*”.

Zagórski, the Head of the Political Cabinet of the Minister of Agriculture, Balasz, indicated that in the majority of cases, Ministers, at the time of promotion, know who to employ; they have their own trustworthy people (Kudzia and Pawelczyk, *Wprost*, 28 Jan. 2001). No doubt, trust is an important criterion in the selection of advisors but it should not be the only one. The fact that somebody is a ministerial colleague or comes from the same party does not disqualify him, although the issue of their other competencies, especially experience of work in administration, should be considered. In addition, in the post-communist context, the predominance of political credentials and the important role of political trustees have to be searched carefully to determine whether it leads to distortion of politico-administrative relations, with the political sphere undermining the autonomy of the civil service.

### *C. Previous experience of work in administration and the role of other selection criteria*

Common to all governments since Political Cabinets were formed is the limited role of those who worked earlier in public administrations. Nevertheless, among them were some previous directors of administrative departments. Even more limited is the number of those who had earlier professional experience of being advisors. This is related to the fact that amongst members of Political Cabinets, politicians predominate. Some of them were former regional governors or town mayors. Sometimes prominent academics are employed although this trend is decreasing. Rather, they are replaced by younger professionals who frequently have experienced education abroad (*Wprost*, 8 Dec. 2005 and Rybak and Zagner *Polityka*, 14 Jan. 2006).

### 4.3 Political Cabinets, politico-administrative relations and shifting further careers towards public administration

Compared with other countries (for example, the case of Belgium, see Pelgrims, 2005), the Political Cabinets of Polish Ministers have only had former civil servants as a tiny proportion of their employees. The opposite argument can also be made that politicians have been searching for administrative positions appropriate to the civil service. Sometimes, the position of political advisor has become the springboard for a career in administration. One example is when a former Head of a Political Cabinet was promoted to the position of Secretary of State, as was the case of Kawecki in the Ministry of Education, (Kudzia and Pawelczyk, *Wprost*, 23 Sept 2005). The chief of the Polish civil service, Pastwa (2004: 19) states that during Buzek's government the procedure was introduced that a colleague of the minister would be employed as his advisor and after a month he would then be transferred to a position in the civil service, found especially for him. The next step was appointing him to a position of director,<sup>8</sup> enabling the Minister to establish political control over the ministry. The exception, he emphasised was Haunser, Deputy Prime Minister and Minister of Labour and Social Policy in Miller's government, who introduced the good practice code in the ministry, which regulated the manner of co-operation between the Political Cabinet and the civil service corps in the ministry.

Similarly, negative practices are noted by Paradowska (*Polityka*, 9 August 2003) who has referred to one of the Heads of Political Cabinet in the Ministry of Internal Affairs and Administration who openly declared: "we are entering administration with a Minister and taking over strategic positions". She also recalls that the main result of the activity of the Political Cabinet of the Minister of Internal Affairs and Administration under Minister Biernacki was ministerial organisational changes that led to an increase in the number of managerial positions (to be taken over). Moreover, the efficient director general, selected in a competition procedure, was dismissed and his successor was chosen by the Head of Political Cabinet. Paradowska comments that the type of activity performed by political advisors creates a climate of subordination of the administration. Members of the Political Cabinet have been seen as the closest associates of Ministers, not just advisors but also influential decision-makers. Finally, it is worth remembering that the qualifications demanded of post holders in senior positions of administration have been quite challenging, in striking contrast to political advisors, whose appointment depends mostly on personal ministerial evaluation. As a result, members of Political Cabinets have sometimes been incompetent, with knowledge neither of administration nor politics. Advisors are often seen as temporary in their posts and in search of other political pools of spoils in state-owned companies or the Foreign Service (Paradowska, *Polityka*, 21 July, 2001).

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8 He had to be appointed first as an acting director, which was a loophole, as the Civil Service Act demanded that those appointed to positions are civil servants that must have performed in a competition procedure.

Moreover, Wojtkowiak and Chudy, (*Newsweek – Polska*, 19 March, 2006) argue that large Political Cabinets also blur the division of competencies between them and Deputy Ministers or senior civil servants, as advisors engage in decision-making or are promoted into those positions. The pioneer of Political Cabinets in Poland, Kulesza and his colleague Barbasiewicz (2002: 41), conclude, similarly stating: “Often, political advisors attach too high an importance to their responsibilities and take over the competencies of their superior civil servants. Politicians still prefer to appoint their best professional collaborators to the “civil service” administration, i.e. to civil servants positions – often at the rank of directors – thereby distorting the concept of civil service and frequently undermining the professionalism of the government administration.”

#### **4.4 Partisan functions of Political Cabinets**

##### *A. The Political Cabinets – ‘political kindergartens’*

Political Cabinets have also afforded extensive employment for students who were often activists for political parties (*młodzieżówki partyjne*). The employment in cabinets of young dynamic and enthusiastic people may be regarded as a positive phenomenon. However, doubts arise about whether students have sufficient experience and knowledge to be employed in such prestigious positions. This phenomenon was intensive during Miller’s government after 2001. For example, the government spokesman had, as an assistant, a twenty-two year-old student, a member of the post-communist SLD youth organisation and a Warsaw councillor who was unsuccessful in running for a position as an MP. In the cabinet of the Minister of Internal Affairs, Janik and his deputy, three out of seven employees were students and the Minister argued that this was a position where these students could learn about administration.

This practice took place despite Buzek’s and again Miller’s governments’ order that members of Political Cabinets should have a master’s degree and two years’ work experience (Bogusz and Wojtkowska, *Newsweek-Polska*, no.13, 2002). In Marcinkiewicz’s government this phenomenon was relatively limited, although Czuba, the Head of Political Cabinet of the Minister of Culture, Kazimierz Ujazdowski, was a twenty-seven year-old who had not completed his master’s dissertation (Rybak and Zagner, *Polityka*, 14 Jan. 2006).

There is one very positive example of Political Cabinets in which young professionals and students played a crucial role and where the cabinet was very efficient. However, they were not selected by political criteria. Balcerowicz, the Deputy Prime Minister and Minister of Finance in Buzek’s government and the founder of economic transition had a Political Cabinet formed by three groups. First, he attracted a circle of renowned experts in economics who were also actively engaged in launching economic transition after the fall of communism. In addition, academics in various other fields were included. A second group was graduates of the War-

saw School of Economics, former students of Professor Balcerowicz, none of whom had previously worked in public administration. The third group, the largest – “a support group” was formed by several students who were responsible for preparing analysis and reports on the current situation. Dubno (2007: 79-81) emphasises their professionalism and hard work whereby they worked in rotation, including at weekends and often at night. Civil servants finished work at 4 p.m. but the members of Political Cabinets, who were young graduates and students, prepared analyses at short notice. They also became important actors engaged in promoting, but also often forcing institutional change in the work culture towards administrative effectiveness, overcoming a legacy of communism.

### *B. Awards and attractive retirement position for ‘older guard’*

An example of the ‘award-type’ of promotion that the press widely publicised is the case of Majcherek, who conducted a biographical book – an interview with Prime Minister Miller. The second example in the Prime Minister’s cabinet was the promotion of Walenciak, the deputy chief editor of the weekly ‘Przegląd’, who sympathised with the left. Kalinowski, the Deputy Prime Minister in the same government, employed Szymborska (who was unsuccessful in running for the position of senator) in his cabinet. However, her employment raised even more serious doubts (i.e. the breach of the Civil Service Act) as she also performed an administrative function, as a Director of the Department of Foreign Co-operation in the same ministry (Bogusz, and Wojtkowska, *Newsweek-Polska*, no.13, 2002).

It may be argued that similar patterns of promotion also apply to ministerial Political Cabinets although they are less well publicised. In Marcinkiewicz’s government, the Minister of Health, Religa (Oct 2005 – Oct 2007), appointed Lipiński, who had supported him during his earlier presidential campaign (Rybak and Zagner, *Polityka*, 14 Jan. 2006). An extreme case is the nomination of Wutzow. In February 1999, Deputy Minister of Health, Wutzow, was ‘awarded’ for his incompetence over new contracts for doctor’s salaries with a shift to a ‘safer position’ as Advisor to Minister Maksymowicz, (Sept 1997 – March 1999). The presentation of this type of appointment has to be evaluated rather negatively, being a burden obstructing the professionalisation of Political Cabinets.

Finally, the career of Marcinkiewicz, the former Head of Political Cabinet of Prime Minister Buzek, which culminated in his nomination for the position of Prime Minister, raises questions about the importance of that role. Marcinkiewicz, at the time of his appointment to the position of Prime Minister, was not a well-known politician. The fact that some former advisors, among them Heads of Political Cabinets, have been promoted to senior positions in Polish politics, indicates these positions are used as a means to employ political colleagues. It may be argued that Political Cabinets were part of the circulation of political elites, being used during more difficult periods.

#### **4.5 Political advisors, corruption and conflicts of interest**

In the description of Political Cabinets, the scale of one more phenomenon demands more detailed analysis, namely the engagement of political aides in corruption scandals. The scale of these incidents indicates the low professionalism of political advisors and suggests the negative consequence of selection based on political criteria. Due to the fact that they have been 'storerooms' for political colleagues, it would appear that these politicians were attracted by the possibility of exerting informal power but not recognising what their new roles really were. These opportunities to exercise extensive, although informal power, especially on personnel policy and sometimes their poor ethical qualifications, led to conflicts of interest between political and business activities and thus numerous corruption cases. However, corruption among political advisors is part of a wider problem of low professional standards of politicians themselves. It has been asserted that Ministers, who decided to choose their advisors from among their former colleagues, became themselves embroiled in corruption scandals.

In Buzek's government (1997 – 2001), criminal charges were made against seven ministerial advisors among them two of whom were Heads of a Political Cabinet: Brygamm, Advisor to Janiszewski, Minister of Agriculture and Farms, Advisor to Szymietiew, Deputy Minister of Defence. In the case of other advisors and Heads of Political Cabinet, criminal charges were not made. However, it does appear a conflict of interest was evident. Pawlik, the Head of the Political Cabinet of the Minister of the Treasury, Wąsacz, despite formally performing an advisory function, was actively engaged in policymaking. He focused his efforts on personnel policy in a very profitable sector – boards of trustees in state-owned companies.

It was during the next, post-communist government of Miller (2001 – 2004), however, that corruption reached an unprecedented level. In the most infamous corruption scandal in Poland since the collapse of communism, so called "Rywing-gate" in 2001, serious accusations were made against the Deputy Minister of Culture Aleksandra Jakubowska, who nevertheless was promoted to the position of Head of Political Cabinet of the Prime Minister in 2003.<sup>9</sup> Also, Lech Nikolski, her predecessor as Miller's Head of Political Cabinet was accused of participating in the affair. Although the court decided against pursuing charges against him, the parliamentary commission decided that he was guilty. The intensity of corruption in which numerous prominent post-communist politicians were allegedly engaged and the "Rywing-gate" affair raised questions about the role of the Prime Minister.

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9 'Rywing-Gate' refers to the scandal whereby a film producer, Lew Rywin, demanded a bribe from Adam Michnik, the editor in chief of *Gazeta Wyborcza*, suggesting that he was sent by an undetermined "power group" (*grupa trzymająca władzę*). Rywing suggested that he could make the government withhold draft measures which were unfavourable for newspaper publishers. The drafting of this was supervised by Jakubowska.

In June 2003, the Anti-corruption Act was modified and extended to political advisors, who were forbidden to perform both political and business functions.<sup>10</sup> This was introduced relatively late. The law of conflict of interest had already been adopted in 1992 (Rydlewski, 2000: 87). Furthermore, the Constitution of 1997 states that members of the Council of Ministers cannot perform any function which may be contradictory to their public duties. The anti-corruption press reports and NGO campaign, following amendment of the Act, began to bring forth changes. For example, two of Prime Minister Miller's Advisors (Jaśkow and Godula) were dismissed for being members of the boards of trustees in state-owned companies. Similarly, in April 2003, the Minister of Internal Affairs and Administration, Janik, dismissed the Chief of the Political Cabinet, Białoruski and his successor Ocipka, was also dismissed only four months later for breaching the Anti-corruption Act. The third case of a Head of Political Cabinet accused of corruption during Miller's rule was Daszyński, Advisor to the Minister of Health, Łapiński.

In Marcinkiewicz's government the press publicised that there were two law suits against Tomaszewski, the Head of the Political Cabinet for the Minister of Environment, Szyszko. Initially, the Minister argued that there was no problem as there was no court verdict. However, after a conversation with the Prime Minister, he changed his mind and the Advisor resigned (*Gazeta Wyborcza*, 29 Nov. 2005). This indicates that political standards gradually improved. However, the employment of the Head of Political Cabinet of the Prime Minister Marcinkiewicz, Tarnowski, can be perceived as a conflict of interest. The latter sat on two boards of trustees in state-owned companies as a result of loopholes in the regulation. After 2003 when the Anti-corruption Act was extended to political advisors, anti-corruption organisations and the press scrupulously monitored them to check whether they were abiding by the law and the number of corruption cases decreased substantially. The earlier wide-spread exposure of the numerous corruption affairs of Miller's government (and political advisors in previous governments) was also important.

## Conclusion

The development of Political Cabinets has to be investigated in the wider context of Polish politics and public administration. In relation to public administration, there have been slow but positive changes in the past decade. In general, politics are still rather unstable, disliked and somewhat disrespected by the public. Improvement in the performance of Political Cabinets demands direct progress in the political sphere, especially in strengthening the role of Ministers in policy-making. Political Cabinets should also play an important role in the coordination of the government agenda. Finally, poor knowledge about the role of Political

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<sup>10</sup> The main problem was of combining a career in administration with being a member of the boards of trustees of a company. Positions on boards of state-owned companies were treated as an attractive bonus for low-paid work in administration. In March 2002 some restriction were introduced with the top limit of remuneration that can be earned for sitting on these boards.

Cabinets is still the norm and this enhances populist proposals of administrative reforms aimed at their liquidation.

The first decade of the functioning of ministerial cabinets shows a few positive examples in their development. Despite this, the predominance of political-type appointments has been the main challenge to further professionalism. Political Cabinets have had a rather negative impact on politico-administrative relations, with cabinets further encroaching on public administration by politicians. To view positive developments, one needs to compare the Political Cabinets of Ministers with those of Prime Ministers. The latter have been much more professional. The political spoils have been substantially limited and professional expertise has been appreciated. It could even be argued, however, that this 'depoliticising' is sometimes too radical. Over time, the information policy of government has been raised as an important issue and challenge for the performance of Prime Ministers' Political Cabinets.

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# Special Advisors to the Minister in Romania: Carriers of Political and Administrative Roles

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## Abstract

Since transition to democracy in 1989 the Romanian civil service has been under the influence of political parties. Several reform initiatives have been adopted by the Romanian Parliament to reform public institutions by increasing the independence of career civil servants. In 1998, the law of minister's cabinet formally institutionalized the position of special advisors in order to clearly demarcate the boundaries between political positions and permanent civil servants. According to this law all ministers can appoint special advisors and political secretaries within a formalized cabinet structure. The members of the minister's cabinet are appointed primarily on the basis of political loyalty and they are accountable only to the minister who selected them. To date little analysis has been undertaken on the role of special advisors in the Romanian case, namely whether they are involved in the policy-making process or predominantly perform managerial tasks. This paper argues that special advisors have few policy-making responsibilities as specialists but rather the performance of managerial tasks is more common. The co-ordination undertaken by special advisors contributes toward increasing the power of their political leaders within the government and assisting ministers and departments to work together more effectively.

## 1. Introduction

In Romania the position of ministerial advisor was recently created to demarcate the boundaries between political positions and permanent civil servants within the government. The creation of the special advisor positions to the minister (organized in dignitaries' cabinets) aimed to facilitate the consolidation of the minister's authority in the policy making process. This reform was also necessary in order to reduce politicization of the civil service and complement the administrative reform process. Ongoing reforms are aimed at building a more professional public service by increasing the professional independence of national civil servants and overcoming managerial problems since the Romanian civil service remains haphazard, fragmented, and discretionary (Ionita, 2008: 166). The facts presented in this paper are based on an analysis of the legislation demarcating special advisors' roles and commentary from the academic literature. Seven interviews were also conducted in August 2007 with 3 special advisors, 2 former special advisors (different political complexion) an advisor of a secretary of state (who simultaneously holds the posi-

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tion of the director of the dignitary's cabinet), and a secretary of state. A structured interview was used in order to collect information about the internal organization of a ministerial cabinet, the roles played by a ministerial advisor, their motivation and role in the management of a ministry, recruitment procedures, terms and the accountability of ministerial advisors, relationship between advisors and the permanent senior civil service and ethical requirements.

The main findings of this analysis illustrate that ministerial advisors facilitate the interaction and the flow of information between ministers and civil servants. One of the most important roles the advisors play is to make sure that policy proposals remain 'alive' and progress through the policy process. They provide inputs to the ministry's thinking because they have access to both political and technical information. They build support for specific policy proposals inside the ministry, the government and with external actors. They also contribute ideas to extend the existing range of policy alternatives available to resolve a public policy problem. However, the number of specialists hired as ministerial advisors remains minimal; they are largely recruited on the basis of political affinities with the minister they work for. In general the activity of ministerial advisors tends to be flexible, set on a daily basis, carrying any duties that the ministers may require and being oriented toward solving problems.

## **2. Description of formal powers and patterns of executive from a politico-administrative perspective**

### **2.1 The constitutional structure of government**

According to the 1991 Constitution, Romania is a constitutional democratic state with a semi-presidential political system. The Parliament and the President are directly elected by citizens. The Parliament is the sole legislative authority of the country. The executive branch is represented by the Government. The President is elected by direct vote for a maximum of two terms. In October 2003, a constitutional referendum extended the length of the presidential term from four to five years. According to the 1991 Constitution, the President may not be a member of any political party. He designates the prime minister which must be confirmed by a vote of confidence from Parliament. The President represents the country in matters of foreign affairs and is the commander of the armed forces. He concludes international treaties negotiated by the Government.

Romania has a bicameral Parliament. The two chambers are: the House of Representatives and the Senate. Members of both chambers are elected for four year terms according to a system of proportional representation. Each law has to be passed by both chambers of Parliament. The President designates a candidate to the office of Prime Minister as a result of his consultation with the party which has obtained absolute majority in Parliament, or, if a majority does not exist, with the

parties represented in Parliament. The Prime Minister is responsible for nominating the other members of the Government (ministers). The Prime-Minister and the members of his cabinet must be confirmed by a vote of confidence from Parliament. The President cannot dismiss the Prime-Minister. The Government ensures the implementation of domestic and foreign policy of the country, and exercises the general management of public administration. The Government is politically responsible for its entire activity only to the Parliament.

## **2.2 The reform of the Romanian bureaucracy**

With the advent of transition to democracy in 1989 the entire Romanian politico-administrative system underwent major institutional changes. The legacies of the communist regime were highly damaging for the administrative system since the civil service was completely subordinated to the political structure of the communist party which almost replaced the administrative organizations of the country. The role of the administration was limited to the implementation of the policies developed by the communist party. The administrative structures developed into an excessively centralist, rigid and inefficient model, contributing to a chronic lack of efficiency within the public sector (Hintea et al, 2006).

The interference of the political sphere in the administrative system continued after the fall of the communist regime, making the reform process difficult to implement. In addition, in the early years of transition the public administration reform lack strategic vision and administrative capacity and failed to bring about sound changes in the public sector. The reform pressures with the highest impact on kick-starting the reform of public administration were those emanating from the international community, and the European Union in particular (Hintea et al, 2002).

The local public administration law adopted in 1991 set the basis for the re-organization of public administration. In addition, the 1991 Constitution instituted the fundamental principles on which the public administration should be grounded: local autonomy and deconcentration of public services. Progress in the reform process has, however, been slow whereby 'crucial policies and procedures are ignored, interpreted creatively, or openly not complied with to perpetuate old patterns of patronization and subordination of lower tiers by upper levels of government' (Ionita, 2008: 164). Nonetheless a system of local governance has been created through successive legislation whereby the local administration law was amended several times in 1995, 1997, 2001 and 2006. In 1998 a local public finance law was enacted (amended in 2006) establishing the general framework for the administration of public funds and the responsibilities of public institutions. Local authorities were given the authority to establish, control, supervise and collect local taxes and fees, to establish the level of local taxes and fees, and to contract internal and external loans. The 2006 amendment introduced a more transparent and ac-

curate equalizing process, based on the needs of the communities, thus preventing the tendency of county councils to use 'their power of equalizing budgets as a political tool for subordinating, influencing and even recruiting the local elected officials' (Dragos and Neamtu, 2007). The decentralisation process in Romania was slow and inconsistent, and it was conducted in the absence of a strategy. In most cases the transfer of competencies was made without the transfer of the means to realize them. In 2004 the Parliament adopted the framework law on decentralisation, but it was not until 2006 that the amendments to this law were clearly specified and that the transfer of competencies to local authorities made simultaneously with the transfer of financial resources and instruments. The delimitations between the competencies of central, county and local authorities became therefore set out more clearly.

It should also be noted that the reform of the civil service commenced late in comparison with other former communist countries in Central and Eastern Europe. Ionita (2008: 165) notes that the working environment makes pursuance of a civil service career difficult vis á vis Western European counterparts given insecurity of tenure and relatively low pay. It also makes it more heterogeneous (ibid). Reform is also precipitated by the necessity to comply with the criteria for accession to the EU which took place in 2007. However, Romania adopted Civil Service law as recently as 1999. The goal of the law was to create and develop a professional, stable and neutral civil service body. The same law established the National Agency for Civil Servants as the main decision making institution in the field of civil service management. The Agency drafts the legislative framework regulating civil servants and monitors its enforcement. The 2006 changes to the Law of Civil Service gave more powers to county and local public institutions in terms of civil servants' management. In 2001 the National Institute for Administration (NIA) was also established for training both elected officials and public servants. NIA collaborates with specialists from public institutions and faculties of public administration from Romania and abroad and it has organized centres in each of the 8 regions of the country for organizing and conducting continuing training of civil servants and to provide easier access to the training programs for all civil servants.

Promoting the ethical behavior of civil servants and dignitaries was another important goal of the civil service reform. For many years international organizations have criticized Romanian public administration for the high degree of corruption. Also, the results of public opinion surveys illustrated the low trust of citizens in the civil service and elected officials whereby both the capacity and motivation of these actors is questioned. Authors such as Hintea et al (2006: 44) argue that the problems associated with corruption are related to a lack of ethical values, the poor functioning of formal structures and influence of politics over administration. The political influence over public administration manifested itself in the selection of public personnel based on political criteria and in changes in the civil service body. In 2003 the Government took responsibility before parliament for the anti-corrup-

tion law. The law established measures for promoting the integrity of dignitaries and civil servants. It also modified and completed some provisions of a law adopted in 1996 which institutionalized the obligation of both dignitaries and civil servants to declare their wealth yearly. The law also clarified situations that present conflicts of interest, as well as the regime of incompatibilities of civil servants. According to this law, the civil servants are forbidden to hold leading positions within political parties or to express their political views publicly. In 2004 the codes of ethical conduct for civil servants, other public employees and elected officials were adopted.

More recently, the civil service reform focused on establishing a more clear separation between political and administrative positions within central and local public institutions. An important measure was to ensure the stability of senior civil servants. Prior to this the senior civil servants (the deputy of Government, the deputy of the ministries, and the heads of departments within ministries) were usually appointed by the Government or by the ministers based on political criteria. Therefore most of the senior civil servants were often removed and replaced by others, once the Government changed. At the local level a major political migration of the elected mayors to the party (or parties) that won the county and/or national elections has been demonstrated (Institutul pentru Politici Publice, 2004). This movement is directly related to the dependence of rural communities on financial transfers from the state budget and on the political influence in allocating the resources (Dragos and Neamtu, 2006: 637). The patterns of political behaviour have created a lack of continuity and coherence in the policy making process. Under internal and external pressures, the recent efforts of the Government are dedicated toward reforming the public administration in order to ensure a professional, impartial and stable corps of civil servants.

As noted, the anti-corruption law of 2003 changed the status of the senior civil servants and forbids them from being members of any political party. Those civil servants that pass an exam organized by an independent commission can become senior civil servants. They also have the obligation to enroll in training programs organized by the INA. Further, in order to ensure the stability of the civil service, in Law regarding the Prefect Institution was passed in 2004. Until recently the prefect was a political appointee of the central government but according to the new law the prefects form a corps of high ranking civil servants with apolitical status. A person could become a member of this corps only after passing an exam organized by an independent commission and through demonstrating their non-political status. However, despite having resigned from the party in order to be re-appointed as prefects, those currently in such positions tend to retain informal connections with their political party.

Regarding input to the policy making process, the Romanian civil service system has been criticized for its limited involvement. Traditionally, and not unlike other post-communist CEE states, their role was limited to the implementation

of the policies adopted by politicians. The *Updated Strategy for the Acceleration of Public Administration Reform* (2004) acknowledged that a better analysis of policy alternatives is needed and a better correlation between policy objectives and available financial resources. Therefore the strategy aims to improve the policy-making process by increasing the substantive contribution of the civil servants. In 2005 the Government decided to create units for formulating public policies within each ministry that would coordinate the elaboration of strategies through a detailed analysis of policy alternatives and the correlation of possible alternatives with available funds. The institutionalization and position of ministerial advisors will be discussed in section four. What is apparent from this overview is that reform has been ongoing, particularly from the late 1990s. The prospect of EU membership is likely to have expedited much of this activity to pursue better organisational performance and the development of good governance.

### **3. Impact of administrative traditions on institutions and patterns of behaviour**

An analysis of Romanian history facilitates a more comprehensive understanding of the current structure of the administrative system. The Romanian bureaucracy incorporates a mixture of influences stemming from contacts with the three neighbouring empires at different moments in time, as well as from the Western, predominantly French, influences dating from independence in 1877.

Until the middle of the 19<sup>th</sup> century the territory of the country was divided in several parts which were placed under the control of the foreign powers. Starting with the beginning of the 18<sup>th</sup> century (1711 and 1716) the Eastern and the Southern provinces of the country (Moldova and Tara Romaneasca) were placed under the control of the Turkish Empire. They were organized as separate countries that enjoyed some degree of autonomy, but the princes that ruled these countries were appointed by the Turkish Empire from a neighborhood of Istanbul called Fanar. According to historians the Fanariot regimes, which lasted over one hundred years, institutionalized a generalized system of corruption in the entire administrative system. In order to obtain the nomination for the thrones of the two countries the candidates had to pay large amounts of money. After their appointment they tried to recoup their initial “investment”. The consequence was that the entire administrative system functioned on a similar principle. The administrative positions were sold, offering and demanding bribes were common ways of solving community problems, and often the community were victims of the clerks interested in acquiring wealth.

Despite this some Fanariot princes attempted to modernize the two countries (Djuvara, 1999), but the high level of instability in these offices (estimated to two and half years in average) hindered the success of any reforming efforts. The reforms could not achieve the desired effects in such short periods of time. The 1821

revolt occurring in connection with the Greek war for independence determined the Turkish Empire to renounce the appointment of foreign princes on the thrones of the two Romanian countries. In 1822 the princes of both countries were nominated from the members of the local nobility. In all, the Fanariot period negatively influenced the development of the administrative system. It weakened the administrative capacity of the country by generalizing corruption practices at all levels of public life.

Between 1828 and 1829, the war between the Russian (victors) and the Turkish Empires placed the two countries under Russian control for several years. However, this period is important for the history of the two countries because the first documents resembling a modern constitution were enforced (in 1831 in *Tara Romaneasca* and in 1832 in *Moldova*). The leader of the Russian occupation force in these countries, General Pavel Kisseleff, issued the two documents which were called “Organic Regulations”. Although these documents can be criticized, they introduced the principle of separation of powers and the state of rule for the first time in Romania.

The war between Russia on the one side and Turkey, France, England and Italy on the other side, and the subsequent defeat of Russia created the conditions for the unification of the two Romanian countries in 1859. The French influence on the development of the administrative system of the newly created state dates from this time. In 1864 the laws regulating the functioning of public administration were adopted. Although the laws stated the principle of local autonomy, in reality the Romanian bureaucracy was highly centralised. Following the French model, the prefectural system was adopted. In 1881 the country was declared a kingdom with a king of German origin. This part of Romania is called the “Old Kingdom”.

From 1699 the northwestern part of the country, called *Transylvania*, was under Austrian occupation. There were great differences between the administrative system of *Transylvania* and the other two parts of Romania. In *Transylvania* the Austrian empire introduced the bureaucratic type of administration specific for Prussia, Austria and other European countries. The system of land registration, not existing in the “Old Kingdom”, is one of the important heritages of the German administrative system. Many specialists argue that the public administration in *Transylvania* was more efficient and effective in comparison with the other parts of the country. The French influence, however, is still evident. For example, the French *Ecole Nationale D'Administration* (ENA) was adopted as a model for the professional development of senior civil servants. The *National Institute of Administration* (INA) has sought to emulate the ENA system in order to build capacity and provide academic programmes for civil servants. The office of a county prefect is a position given effect through new civil service legislation. As in France the prefect is the appointed representative of the central government at the regional level.

After the First World War, in the context that the surrounding empires were disintegrating, Transylvania as well as the Moldavian Republic were unified with the other part of Romania. In this new context the challenges to reform the public administration system were enormous. The size of the country was now more than double and large percentages of new minorities were incorporated. At the time of unification three different administrative systems were in place in different parts of the country. In 1925 the Government issued the law for administrative unification as an attempt to create a homogenous administration throughout the entire territory of the country (Scurtu, Stanescu-Stanciu and Scurtu, 2002). The law attempted to reinforce the local autonomy and to create the conditions for an efficient public administration. The relationships between central and local levels of administration were more clearly established. However, the central government still had the authority to interfere in the functioning of the local administration. Due to the political instability that characterized almost every European country during this period, the law was amended almost every year. The numerous changes brought to the law showed the difficulties generated by the attempt to integrate the three different administrative systems. The short period of time between the unification and the Second World War was not enough to accomplish the modernization of the administrative system.

In 1938 the path to democratization of the administrative system came to an end when King Charles II took control of the country and formally forbade the existence of the political parties. Through a new law he put the entire administration under the strict control of the state and proceeded to an important reorganization of the administrative system in terms of territorial organization and the relationships between central and local authorities. Several other dictatorships followed the one established in 1938. In 1940 a military regime in close cooperation with the German government took command of the country, and consequently, the control of the state over public administration was strengthened. A short period of democracy was re-established between August 23, 1944 and March 6, 1945. The democratic regime ended when the first communist government was appointed, having the support of the Soviet army. In 1948 a new reform of the public administration started (again both territorial and organizational) in order to destroy the loyalty of the administrative system to the "bourgeoisie". During the communist regime the party structure almost replaced the administrative structure of the country (Verheijen, 2001). Although a formal separation existed in some circumstances, at the end of the 1980s the difference was insignificant. The different national strategies (most of them unrealistic) were established by the Congress of the Communist Party or by other party leading structures, but most of the time they were established by the party national leaders. Local public policies were also decided by the Communist Party, sometimes with direct instructions coming from the central level. The local authorities (often confused with the local communist party branches) still enjoyed some degree of autonomy due to the low level of control from the centre and the

lack of resources. Administrative tasks were delegated without the provision of necessary resources, therefore constraining them to manage themselves.

In conclusion, the dominant position of the central government in relationship with the local administration, as well as the high degree of politicization of administrative system is a legacy of the foreign countries that governed Romania over the centuries. The modernization of the administrative system suffered constant delays in comparison to other European countries, except for some limited periods. These were during the occupation of Transylvania by Austria. Developments occurred between 1859-1918 for the “Old Kingdom” and following this the two decades after unification). While other European countries were witnessing the development of a complex welfare system, in Romania the Communist Party refused to acknowledge the existence of unemployment. In consequence, nothing was done to develop the required administrative structures to manage complex public problems and modernization.

#### **4. Actors – Policy advice and political coordination to support the administration of the summit**

##### **4.1 Institutional settings**

In Romania, the practice of appointing special advisors commenced in 1998 when the Christian-Democrat government promulgated a governmental ordinance that institutionalized a support structure for the ministers called dignitaries’ cabinet. Each public official, who was classified as a dignitary by the ordinance, could establish a cabinet under his/her direct subordination. The number of dignitaries allowed to have a cabinet was large. This was because the ordinance included in this category not only the prime minister and the ministers, but also the secretaries of state, the sub-secretaries of state and all public officials assimilated to this position, as well as the prefects and the sub-prefects. The dignitary’s cabinet is composed of the director of the cabinet, assistants, personal advisors, secretaries and couriers. The number of the cabinet members varies based on the position that the dignitary occupies within the governmental hierarchy. The higher the position, the higher is the maximum number of advisors that the dignitary could have. Appendix 1 illustrates the maximum number of the members of the dignitary’s cabinet according to 1998 governmental ordinance.

The subsequent Romanian governments made several amendments to the law governing the dignitary’s cabinet. Between 2000 and 2004, the Social Democrat government reduced the number of public officials entitled to have personal advisors. The secretaries of state, the sub-secretaries of state, the directors of the institutions subordinated to a ministry and the sub-prefects were no longer classified as dignitaries and therefore they were not entitled to have a cabinet. Also, the same amendments reduced the maximum number of the members of the cabinet. In

2005, the coalition government formed by liberals and democrats amended once again the law of dignitary's cabinet. The public officials classified as dignitaries increased. The secretaries of state and all the positions within the ministries assimilated this position, as well as the sub-prefects who were included in the category of dignitaries. The new amendments did not modify the maximum number of the members of the cabinet. Appendix 2 illustrates the maximum number of the members of the dignitary's cabinet according to the 2005 amendments.

The law entitles all the ministers, with the exception of the Minister of Defense, to hire personal advisors. Advisors are usually recruited from outside the civil service system. The Minister of Defence is restricted from hiring personal advisors in order to reduce the number of people having access to secret information regarding national security. An analysis of the number of members of the cabinet in 2004 and 2005 showed that some ministers have fewer members of the cabinet than the maximum allowed by law, which is more a personal decision than a restriction imposed by the government or by the political parties (Institutul pentru Politici Publice, 2005).

#### **4.2 Recruitment and qualification**

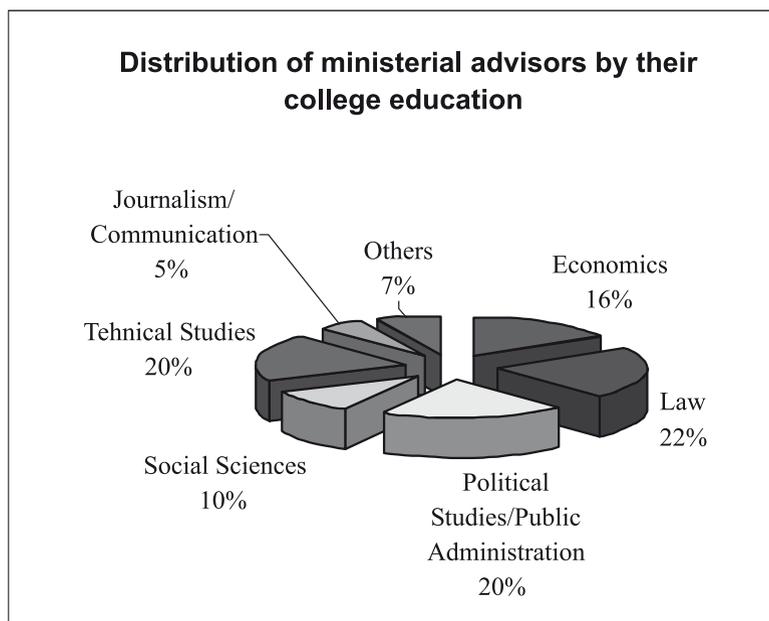
The recruitment of advisors is often an unsystematic and random process. In general, a ministerial advisor is expected to have some political affinity with the minister for whom he/she works. This does not necessarily mean that he/she must be a member of the minister's party (although usually that is the case). But the advisor must be sufficiently in tune with the minister's views to ensure that the advice provided accords with the minister's general political values (James, 2007).

Another important recruitment criterion is the minister's trust in the potential advisor (personal interview with a former minister advisor, August 20, 2007). Ministers usually select their advisors from their close collaborators, either from the work place or from the political party. The advisors can also be recommended by a person or professional organization that the minister trusts, without the minister previously knowing that person. Ministers obviously look also for competent people, although the number of experts is small among ministerial advisors. The experts usually have a strong professional background or academic specialization and they tend to focus their work on their area of expertise. In few cases, the ministers recruit their advisors from the civil servants working in a ministry. Usually these cases occur primarily in those areas that require very specialized knowledge, for example, in the case of the Ministry of Economy and Public Finance. If such cases occur, the mandate of the civil servant is suspended during their term as advisor (personal interview with a former minister advisor, August 20, 2007).

Research conducted by the Institute for Public Policy in September – December 2005 on the personal advisors of public officials (classified as dignitaries) showed that most of the advisors have a degree in law (22 %), in a technical science

(20 %) or a degree in political studies/public administration (20 %). The majority of ministerial advisors are young people for whom the job means recognition of their personal qualities or professional achievements. The position provides them with a sense of power since they have the opportunity to directly influence the public policies through the advice they provide to ministers (personal interview with a former minister advisor, August 20, 2007).

**Figure 1**  
The distribution of ministerial advisors by their college education



Source: Institutul pentru Politici Publice, Romania, 2005

### **4.3 Internal organization of a ministerial cabinet and the general role perceptions of personal advisors**

The minister has the freedom to organize his/her own cabinet, and how responsibilities are distributed among the members of the cabinet depends on the working style of the minister and his/her professional goals (personal interview with a former ministerial advisor, August 20, 2007). The law does not provide any guidelines on the roles each member of the cabinet should play, even though the responsibilities of the secretaries and the couriers are obvious. The term of the advisors usually runs concurrent with the term of the minister they work for. When the minister loses his/her office, the advisor returns to the previous job or finds a job in another branch of the government. Sometimes, an advisor may remain in the same ministry

under several successive ministers of the same party, especially if he/she has some particularly valuable expertise (James, 2007). In some cases, the advisor moves to a higher political position before the end of the term. Some advisors (especially those occupying these positions) perceive these positions as a positive stage in the vertical mobility of their political career (personal interview with a former minister advisor who currently works as secretary of state, August 19, 2007).

In general, each member of the cabinet is responsible for a specific domain of the minister's activity, while the director of the cabinet is responsible for coordinating minister's agenda, his/her overall activity and that of the other members of the cabinet. The job description document for advisors provides only general guidelines and often advisors do not perform all the duties listed. Typically, their responsibilities are ad-hoc, set on a daily basis being oriented toward solving problem (personal interview with a ministerial advisor, August 19, 2007). An analysis of the activities performed by members of a ministerial cabinet illustrated that some advisors are responsible for the communication with the citizens and the mass-media, while others act on solving specific policy issues. Most of the time, the ministerial advisors are political rather than policy advisors (personal interview with a former ministerial advisor, August 20, 2007).

The advisors' roles in the policy making process vary but are more likely to constitute managerial co-ordination functions as opposed to providing expert/specialized policy advice. In Romania ministerial advisors are not formally part of the line management of a ministry. However, the advisors do get involved in the daily management of a ministry. They act as a link between the minister and the civil servants, assisting them to work together. The ministerial advisors facilitate the interaction and the flow of information between them and they provide support for ministers, as well as for civil servants. The personal advisors play a reduced role in agenda-setting, since this is exercised mainly through the ministers. Usually advisors provide input to minister's thinking because they have access to both political and technical information (personal interview with a ministerial advisor, August 18, 2007). When required they contribute with ideas to extend the existing range of policy alternatives available to solve a public policy problem. The advisors act as a liaison with outside interest groups to assist the minister on having access to the ideas, requirements, contributions and the support of these interest groups.

The most important role of the advisors is to make sure that policy proposals stay alive and progress through the policy process. This role is critical to the success of a proposal because they keep working on ideas through building support or political will both inside and outside the government. Whenever necessary they can bring pressure to bear in order to move the proposal through the policy formulation process (personal interview with a ministerial advisor, August 18, 2007). After a policy is adopted, the advisors work toward successful implementation of policy in order to ensure that the desired outcomes or the policy objectives are achieved.

They keep the minister informed on the status of specific projects and they alert him/her of potential problems that may occur. Advisors may also be instructed to write speeches for the minister or conduct related research. They draw attention to problems and difficulties that may occur, especially on those having political implications.

#### **4.4 Relationships between advisors and the permanent senior civil service**

The dignitary's cabinet is just a support structure for the minister and it does not subvert to the activity of the permanent civil servants. There are no hierarchical relationships between ministerial advisors and the permanent civil servants and the advisors do not have the authority to give instructions to the civil servants on the minister's behalf. The role of the ministerial advisors is to smooth out problems and to facilitate coordination between the administrative and the political spheres. Ministerial advisors are expected to collaborate with the civil servants on specific policy projects, and not to take over policy functions from them (personal interview with a former minister advisor (who currently works as secretary of state), August 19, 2007). There are no formal rules regulating the working relationships between ministerial advisors and civil servants.

However, some civil servants perceive ministerial advisors as limiting their access to the ministers (personal interview with a special advisor of a secretary of state, August 19, 2007). Because the ministers do not have the time to listen to all the issues brought forward by the civil servants, they delegate this task to the directors of their cabinets. The directors are the people the ministers trust the most and they know best the ministers' values and ideas. Therefore they are responsible for solving what problems they can and only inform the minister about the problems they cannot solve. Some ministerial advisors have perceived that their appointment based on political criteria has undermined their legitimacy in the relationship with the permanent civil servants, at least at the beginning of their term. Some civil servants are reluctant to regard advisors' commitment as serving the public interest and not personal interests.

#### **4.5 Accountability and ethical requirements**

The law of dignitary's cabinet does not provide any guidelines regarding the accountability of ministerial advisors. The only document providing any information about their accountability is the job description document which offers guidelines as opposed to underpinning roles formally. It is generally accepted that the advisors are directly accountable to the minister who appointed them and, in some cases, to the director of the ministerial cabinet (personal interview with a former ministerial advisor, August 20, 2007). Thus, ministers assign advisors their duties and communicate with them on specific issues. In some cases the internal organization of

the ministerial cabinet specifies that advisors are accountable to the director of the ministerial cabinet who is responsible for coordinating activities of all the members of the cabinet.

The interviews conducted indicated that the ministers feel equally responsible for the activity of the advisors and civil servants. But due to the fact that ministers appointed their advisors they may trust them more than the civil servants, without affecting or being impartial in the relationship with the civil servants. The easier access to the ministers and regular meetings and discussions on specific policy issues facilitate the development of informal working relationships between ministers and their advisors. On the other side, the minister and the civil servants work within a hierarchical framework which has to be maintained.

The ministerial advisors are employed based on individual contracts. The contract of employment includes a job profile, specifying the duties each advisor is responsible for. Several laws and regulations include provisions regulating the ethical behaviour of ministerial advisors. The Code of Conduct of contractual employees working in public institutions adopted in 2004 (Law 477 from November 8, 2004) establishes standards of integrity and conduct to which all ministerial advisors are expected to adhere. According to this law, advisors are not allowed to disclose secret information related to their job, or to accept gifts, favours or services for their own interest. They are required to fulfill their duties with professionalism, honesty, and integrity. They must behave respectfully and kindly in relations with permanent civil servants, and to respect the rights of citizens. They must not abuse of the advantages provided by their position. Ministerial advisors, along with all dignitaries and civil servants, also have to annually declare their wealth, as well as all their revenues and financial debts. Although the Anti-corruption Law adopted in 2003 requires all dignitaries to annually disclose their interests, the law did not impose the same requirement to the ministerial advisors.

## 5. Conclusion

This paper has attempted to systematically analyze the position of the special advisors to the ministers within Romanian government, which are institutionalized in ministerial cabinets. These cabinets have been created for more efficient co-ordination of policies and politics and to help restore citizen trust in a non-political and impartial civil service. The special advisors are part of a policy making network. Some cases may arise when ministers hire experts as their advisors to draft a law or a strategy since expertise is lacking within the ministry. However, their role in the policy making process is limited to the implementation of policy decisions. Since their selection is based primarily on the fact the minister trusts them, they perform considerable co-ordination responsibilities on the minister's behalf.

The special advisors ensure co-ordination in three different areas: political co-ordination, co-ordination of day to day policy implementation and co-ordination

of policy areas inside the ministries. Given the nature of this role the advisors interact with a variety of actors: politicians, civil servants, interest group representatives and other advisors. Special advisors develop vertical contacts with the civil servants in order to obtain access to information and on informal rules and hierarchies. They have a comprehensive view of the government structure which endeavours to serve the minister and his/her communication with other actors within and outside the government. In this regard their role is more political and good negotiation skills are necessary.

The ministerial cabinets have been criticized for their large size and for ministers who appoint close relatives as their advisors (Institutul pentru Politici Publice, 2005). It has been argued that the responsibilities of special advisors are redundant vis á vis those of other members of the cabinet, such as the director of the cabinet or secretaries. Therefore the entire cabinet structure should be re-organised and downsized in order to operate more effectively and establish responsibilities efficiently through creating job description documents in order to secure accountability relationships. In this way a 'professionalisation' of the special advisors could be achieved.

However, it is preferable that the ministerial cabinet does not become a rigid structure for controlling decision making processes and for ensuring control over the civil service. Generally ministerial advisors have a flexible position in the conduct of their work within the ministry. Romania has adopted this flexible type of structure in order to achieve prompt adjustment to rapid change and a high degree of overturn in the political leadership so as to avoid further politicization of the civil service system.

## Appendix 1

### The maximum number of the members of the dignitary's cabinet according to the 1998 Law of dignitary's cabinet

Nr	Position of the dignitary in the government	Positions in the dignitary's cabinet				
		Director of the cabinet	Assistant	Personal advisor	Secretary	Courier
1	Prime-Minister	1	3	14	3	2
2	Minister of state	1	3	8	2	2
3	Minister	1	3	8	2	2
4	Delegated Minister to the Prime-Minister	1	3	8	2	2
5	Secretary of state – member of the government	1	2	4	2	2
6	Secretary of state	1	2	4	2	2
	Directors of the institutions subordinated to the central government	1	2	4	2	2
7	Sub-secretary of state	1	1	2	1	1
	Directors of the authorities subordinated to a minister	1	1	2	1	1
8	Prefect	1	2	2	1	1
9	Sub-prefect	1	1	1	1	1

Source: 1998 Government Ordinance

## Appendix 2

### The maximum number of the members of the dignitary's cabinet according to the 2005 amendments to the Law of dignitary's cabinet

Nr	Position of the dignitary in the government	Roles in the dignitary's cabinet				
		Director of the cabinet	Assistant	Personal advisor	Secretary	Courier
1	Prime-Minister	1	3	14	3	2
2	Minister of state	1	3	11	2	2
3	Minister, Delegated Minister to the Prime-Minister, the chief of the Prime-Minister Chancellery	1	3	8	2	2
4	Secretary of state and all the positions within the ministries assimilated to secretary of state position	1	1	2	1	1
5	Directors of the institutions within central government assimilated to the function of secretary of state	1	1	1	1	1
6	Prefect	1	1	1	1	1
7	Sub-prefect	1	-	1	-	-

Source: 2005 amendment to 1998 ordinance

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## Legislation

Law no. 760 from December 29, 2001 for approving the Governmental Ordinance no. 32 from January 30, 1998 regarding the organization of the dignitary's cabinet from the central government.

Law no. 161 from April 19, 2003 regarding some measures for ensuring the transparency in exercising public offices and positions and in the private environment, and preventing and sanctioning corruption published in Official Monitor nr. 279 from April 21, 2003.

Law no. 477 from November 8, 2004 regarding the Code of Conduct of Contractual Employees Working in Public Institutions, published in Official Monitor nr. 1105 from November 26, 2004.

Governmental Ordinance no. 32 from January 30, 1998 regarding the organization of the dignitary's cabinet from the central government, published in Official Monitor nr. 42 from January 30, 1998.

Governmental Ordinance no. 11 from March 24, 2004 for establishing some measures for reorganizing the central public administration, published in Official Monitor nr. 266 from March 25, 2004.

Governmental Ordinance no. 10 from February 24, 2005 for modifying the Governmental Ordinance no. 32 from January 30, 1998 regarding the organization of the dignitary's cabinet from the central government published in Official Monitor nr. 173 from February 28, 2005.

Governmental Ordinance no. 17 from March 9, 2005 for establishing some organizational measures at the level of central public administration, published in Official Monitor nr. 229 from March 18, 2005.

## **Interviews**

Personal interview with advisor, August 18, 2007.

Personal interview with advisor, August 19, 2007.

Personal interview with advisor, August 20, 2007.

Personal interview with a former advisor, August 20, 2007.

Personal interview with a former advisor (who currently works as secretary of state), August 19, 2007.

Personal interview with a special advisor of a secretary of state, August 19, 2007.

Personal interview with a secretary of state, August 18, 2007.

# Conclusions

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## 1. Administrative support at the summit of government

For all states, the forces of globalisation have impacted upon the way they organise their institutional framework to respond to expanding communication, mobility, liberalisation, deregulation, trans-national governance besides European integration and unbridled competition. Across the EU/OECD countries, new public management and programmes of modernisation were ubiquitous by the late 1990s and this reform medicine has also been administered in the CEE region. Such reforms have largely been driven by a desire for administrations to become more efficient, to have higher levels of transparency, to create a stronger customer orientation, to develop greater flexibility in operation and have much more of a focus on performance (OECD, 2005: 10). The means of achieving these convergent aims have, however, been divergent, since methods are often understood to be based upon pre-existing constitutional factors, institutional and political agendas. However, it has been evident that there is a trend towards strengthening central co-ordination capacity as executives respond and adapt to contemporary governance challenges (see Peters, Rhodes and Wright, 2000), it even sometimes results in being 'out-gunned' by ministerial departments (Goetz, 2006).

The case studies in this volume have sought to explore the roles and functions of actors, structures and co-ordination processes that shape the response of the 'summit' to the increasing complexity and pluralisation of government business. A presentation of the co-ordination mechanisms and structures, the political staffing and types of advisory arrangements recruited from outside the public service have been elaborated upon, principally in the Prime Minister's and Presidential offices. A great deal of executive work involves attempting to make government policies more coherent and in aspiring to govern in a coordinated and effective manner. These goals become all the more challenging when taking into account the problems associated with political instability, weak administrative capacity, the endurance of a spoils system and the other complex issues inherent in administrative reform of post-communist countries. Administrative performance remains critical to furthering post communist reforms, assisting the efficient functioning of a democratic state, and dealing with the ramifications of the EU decision-making process and deeper European integration. The Western European cases in this volume – Belgium, Ireland and Finland – reflect small states with a variety of institutional configurations and historical legacies. Their inclusion has contributed to the com-

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parative dimension of the research activities since administrative tradition, modernisation pressure, political developments and EU membership have also generated differing structures and processes for managing the centre of government.

Contemporary relationships between politicians and civil servants are affected by several phenomena linked to the developments noted above and reflect an increasingly top-down approach where politicians and partisan advisors set policy priorities; greater reliance on external advice; personalisation of political trust and politicisation of the civil service (see Goetz, 2006; Eichbaum and Shaw, 2007; Peters and Pierre, 2004). The growth of new actors, such as advisors, may have positive and negative effects on the traditional minister-senior bureaucrat relationship. The growth of external advice may isolate civil servants from this role. An increasing emphasis on the decision-making processes occurring within the realm of aides closely positioned and personally connected to the prime minister/minister reduces the scope for bottom up bureaucratic leadership and the development of this leadership ability/expertise. Alternatively, the clustering of more expertise and the presence of actors, such as advisors, may reduce the negative side-effects of incremental decision-making and rigid bureaucratic routines on policy making. New roles, processes and the location of units within the centre of government may provide the infrastructure for top level decision-making and enhancing the 'central mind of government' (Dror, 1986). It may also be argued that the development of cartel parties has also led to a knock-on effect in the organisational structures of public office and the significance of partisan appointments. Regarding politicisation, Peters and Pierre (2004) commented that this was increasing, but that its definition can be widely interpreted since almost all systems have some measure of political involvement in personnel decisions that is considered appropriate. Although rampant and a 'thorn in the side' of the development of professional civil service systems in CEE states in their retreat from the *nomenklatura* system, Rouban (2003) notes that civil service politicisation could be desirable in the context of Western political systems, allowing governments to overcome bureaucratic resistance. In all, understanding the roles of politicians and senior civil servants in the policymaking process and the impact of these factors is an enduring topic for research.

## **2. Background to the working group on politico-administrative relations**

The working group on politico-administrative relations was established during the annual NISPAcee conference in Prague in 1998. Tony Verheijen (World Bank) and Aleksandra Rabrenovic (Institute of Comparative Law, Serbia and Montenegro) brought together a team of researchers interested in investigating the successes and failures of public administration reforms in selected central and eastern European states. Through a diverse range of country cases and a horizontal focus on issues such as ethics and policy advice, the researchers focused on the relationships be-

tween elected officials and their appointed civil servants as the departure point for evaluating central government reform and understanding what politico-administrative relations meant in the context of CEE states. Central to the studies undertaken was the application and scrutiny of B. Guy Peters' (1987) conceptualisation of the types of roles politicians and bureaucrats play in the policymaking process. The role of the civil service in developed democracies as a bridge between state and society, and their role as agents of reform, heralded a solid rationale for concentrating the analysis on these relationships in the wake of the transition from communist style administration in the region. As Peters comments, the interactions between political executives and career civil servants are 'crucial for the capacity of government to perform its routine tasks and to make and implement the decisions required of a modern political system. Also, they are important for the functioning of an effective political democracy.' (1987: 256).

The evidence reached by this group illustrated the shortfalls inherent in attempts to incorporate the central tenets of how this relationship should ideally function. Patterns of reform and the co-relation between key government elites remained conditioned by the lasting legacies of communism, and the political instability that was a dominant feature of several of these countries during the 1990s. The lack of ability of the civil service to develop the capacity to provide policy advice led politicians to look elsewhere for policy advice and assistance in political tasks. In addition, the early introduction of civil service law, even in countries such as Hungary, did not guarantee an improvement in underpinning security for civil servants and a spoils system tended to endure. Thus, researchers acknowledged that the reform aspirations for the introduction of a neutral and professional civil service remained frustrated by rampant politicisation and lack of continuity. Verheijen and Rabrenovic (2001) noted in their conclusion to 'Who Rules?' that relationships between these actors continued to be characterised by a lack of confidence. For many of these states, however, reform remained driven by the exigencies of the EU accession requirements and the development of an adequately functioning administration to participate in the EU policymaking process and the realities of membership from 2004 and 2007 respectively.

The second publication of the working group investigated the impact of a coalition government on politico-administrative relations and employed a research framework produced by Laszlo Vass (Rector, Budapest College of Communications and Business). It was evident that coalition had become the dominant form of government for many countries in the region and that this posed further dilemmas for the development of civil service systems. Probing more deeply into the political conditions facilitated a greater understanding of the limits and factors affecting the professionalisation of civil service systems and government decision-making mechanisms. Vass (2005) identified the significance of understanding the ramifications of coalition government in CEE for both academic and practical reasons

given the limited experience of the countries with coalition, not to mention democratic government more generally.

The direction of the working group altered from 2003 since it broadened its research focus. This sought to build on the core (and typically 'top down') relationship between politicians and bureaucrats to include attention on the other actors and fora that characterise the policymaking in contemporary times. The shift from government to governance has necessitated a more diverse array of actors and discourse arenas in what is now a more complex and multifarious policymaking process. The objective was to investigate to what degree had these combinations of 'top down' and 'bottom up' approaches become evident in central and eastern European countries. This approach shifted the work of the group to address particular policy cases and move beyond the more traditional and rigid institutional features of governing. Cases therefore attempted to demonstrate the incorporation of new actors and platforms to underpin their participation, fora for dialogue, institution building and intergovernmental relations. It was argued that in the case of CEE, the development of such channels and the ability of new actors to access them are weak. This in turn led to a poor institutionalisation of public policies and capacities to govern, taking into account that traditional devices – political as well as administrative – were not working optimally in the region. Researchers used a case study method in the presentation of their papers – several of which are included in 'Politico-Administrative Dilemma – Traditional Problems and New Solutions', the working group's publication in 2006. The publication also addressed the impact of administrative traditions on the contemporary realities of governing through presenting cases of the 'new faces of traditional dilemmas' such as role perceptions, policymaking tasks, and accountability principles.

Our discussions at meetings in Ljubljana and Kyiv brought us back to focus on the centre of government. It was acknowledged that in the wake of accession in particular, further study of the politico-administrative dynamic at the core executive remained important for CEE countries for two reasons. Firstly, those that are new member states have met considerable problems in developing specific devices for channelling national policy priorities in the multi-level structures of the EU policymaking process. However, this also implied that the role of government bureaucracy had increased sufficiently, since effective politico-administrative coordination had acquired a higher priority since the findings of working group members in the initial research phase following the group's establishment. Secondly, in nations with more fragile structures of democracy, the tendency of bureaucratic capture of political roles and posts and/or in substitution can be observed. The group's research remit therefore focused on the organisation of the nexus of government and the complex structures and processes in which political and managerial roles become inter-connected in the pursuit of effective coordination. Yet again the academic contribution of Guy Peters to the field yielded insight and guidance and the working group sessions for the 15<sup>th</sup> Annual NISPAcee conference in Kyiv took

the theme of ‘administering the summit’ i.e. the leadership of executive power and the coordination mechanisms to support this. Several country cases addressed the interplay of politico-administrative roles at the core executive, namely Prime Ministerial Offices, Presidential Offices and the actors/structures that staff them – civil servants, political secretaries, ministerial cabinets and special advisors. The fruits of this labour are included in this volume, which presents country cases that did not appear in the original study by Peters, Rhodes and Wright (2000) of selected OECD states.

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