

**THE STRUCTURE AND FUNCTIONS OF THE MINISTRY OF THE PRESIDENT (OR
EQUIVALENT ORGANISATION) IN RIMPE MEMBER COUNTRIES**

by

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¹ The opinions expressed and arguments employed in this document are the sole responsibility of the author and do not reflect those of the OECD or of the governments of its member countries.

Note on the terminology and abbreviations used in this paper

Definition of terms: Serious difficulties arise in comparative work due to use of different terminology for similar organizations and activities. For the purpose of this questionnaire, we are compelled to use common terms, though this may make the response to some questions appear artificial. The following terms are used in this questionnaire:

Cabinet: This term is used to refer to the collective meeting of Ministers.

Centre of Government (CoG): This term used in OECD countries encompasses the body or group of bodies that provide direct support and advice to the Head of Government (e.g. Prime Minister, President, Chancellor) and Ministers in their collective role (e.g. as members of the Cabinet).

Ministry of the Presidency (MoP): This generic term is used in this report to refer to the administrative organ that supports the President, the Vice-President and the Cabinet.

Unit: We use this generic term to refer to Departments, Sectors, Directorates, Sections, or any other organizational segment that can be identified within the Ministry of the Presidency.

Civil servant: an employee of the state, either permanent or on a long-term contract, who would remain a state employee if the government changes.

Political adviser: A member of staff who is not a civil servant, appointed by the President or a Minister to assist them, and who would leave state employment if the government changes.

Professional staff: staff working on policy or administrative issues, as opposed to ‘support staff’ responsible for clerical tasks, logistics, etc.

Note on sources of information for this paper

This paper is based principally on a survey of RIMPE member countries carried out in mid 2005. Survey responses were returned by 15 member countries: Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Portugal, Spain and Uruguay.²

The exercise was based on a similar survey of OECD³ member countries in 2004, and a survey of Central and Eastern European countries in 2003. The instrument used for the RIMPE survey was very similar to

² The 22 member countries of RIMPE (Red Iberoamericana de Ministerios de Presidencia y Equivalentes) are Andorra, Argentina, Bolivia, Brazil, Columbia, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela. Responses to the survey do not reflect the official position of the Ministries of the Presidency (or equivalent organisation) of the RIMPE countries, and they are subject to the interpretation of the study’s authors.

³ The 30 member countries of the OECD (Organisation for Economic Co-operation and Development) are Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States, plus the European Union Commission. The 2004 survey was also extended to Brazil, Chile, and Slovenia, which are observers at the Public Governance Committee of the OECD.

that used in the earlier surveys, but was adapted to reflect the fact that most RIMPE member countries have presidential systems of government. The structure of the report is nevertheless similar to that of previous reports in order to ensure comparability. Additional information and examples used in this paper are taken from the websites of member countries.

This report inevitably has its limitations: not all RIMPE countries completed the questionnaire, not all responses answered all questions, and the term ‘Ministry of the Presidency or equivalent’ was interpreted in different ways in different countries. However, a two-thirds response rate should yield a reasonably representative sample.

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1. Introduction: why compare Ministries of the Presidency?

There is no ‘correct’ way of organizing the centre of government. The apparatus surrounding each country’s head of government has developed incrementally, and often haphazardly. While the constitution may be based on a foreign model – the presidencies of Latin America often owe much to the United States – the administrative arrangements at the centre of government are usually homegrown, influenced by domestic traditions of law, politics and administration. Often they have been caused to develop in unexpected directions by political circumstance, personality and chance.

The project took as its starting point the term ‘Ministry of the Presidency and equivalents’ from the name of the RIMPE network. This term is not without its problems. In some Iberoamerican countries, although there is an equivalent body, there are also other bodies that share its functions (e.g. Ministries, Agencies, Presidential Offices, etc.). Since all bodies are subordinate to the presidency, not all are part of what might be called (in terms of the OECD definition) the ‘centre of government’. This great degree of variation makes a study of ‘Ministries of the Presidency and equivalents’ more challenging, but it is precisely these outstanding differences that make the study worthwhile.

Allowing for this, however, there is still a great deal that governments can learn from each other about different approaches to organizing the apparatus supporting the government. Since no model fits all systems, a comparative approach permits the study of what has and has not worked in other countries, and may identify a few ideas worth transplanting. However, it must be remembered that transplantation is a delicate business. Institutional and procedural models must be adapted with great care and sensitivity to the needs and objectives of a given constitutional, political, and administrative system.

This paper presents the key findings of the survey of RIMPE member countries, gives an overview of the existing range of practice in member countries and aims to facilitate mutual learning between them. All of the members of RIMPE are presidencies, except for Portugal, which has a semi-presidential system, and Spain, which stands in the main European tradition of a Prime Minister and Council of Ministers. This paper focuses on the predominant presidential model but makes comparisons with Portugal and Spain where this is instructive. Comparisons with practice in OECD countries, based on the 2004 OECD survey, are also made where possible to provide an international context.

2. Executives in RIMPE member countries: collegiality and bilateralism

This report is a study of the MoPs of RIMPE countries, not a more general study of their executive systems. However, the role of the MoP, and consequently its structure, is to a great degree conditioned by the executive system that it supports, so some examination of this dimension is useful.

The OECD report of 2004, on which this exercise is based, identified amongst democracies three main constitutional types of executive system:

a. The collegiate model

In this model the Prime Minister, not the head of state, is the dominant figure. The Council of Ministers is a central element of the decision-making process, and is collectively responsible to the legislature, which has the power to remove the government. The great majority of executive systems in OECD countries belong to this category. However, these systems are not uniform: there is a 'spectrum of collegiality', from countries where the Prime Minister is only 'first amongst equals' to countries where the Prime Minister is sometimes accused of achieving as a quasi-presidential dominance (Spain, the United Kingdom).

b. The presidential model

The main feature of this category is the primacy of the president and the legitimacy conferred on its holder by direct election, and there is either no prime minister or that s/he is very much subordinate to the President, as are the other institutions of the executive, including the Cabinet. However, this description is probably an over-simplification – see below.

c. Semi-presidential systems

This is a variant on the collegiate model, in which a directly elected president is also an active political player, with a particular role in foreign affairs, defence, and many public appointments. The extent of the presidential role tends to depend on the relative strength of the other key actors in the system. It is not a common model, the best known examples being Finland, France and Portugal.

Because there are few presidential systems amongst OECD member countries, and only one of those took part in the 2004 survey, the OECD paper effectively excluded them from consideration. Its few remarks on presidential executives assumed that their internal dynamics were fundamentally the same as those in the United States: a system in which executive power was focused on the President; his ministers were dependent on him for their position and authority and (although they might be extremely influential) were essentially his executive assistants; Cabinet meetings were largely formal and had little influence on policy; and decision-making on key issues was dominated by the bilateral relationship between the President and his ministers. The report pointed to other presidential countries where these assumptions held true despite the presence of a Prime Minister: for example, Korea, whose response to the OECD survey described the Prime Minister as 'principal executive assistant to the President', and the republics of central Asia where there is usually a Prime Minister who is in much the same position.

The responses to the RIMPE survey, however, suggest that these assumptions do not hold true for most Iberoamerican governments. First, ministers in most RIMPE countries enjoy a reasonable measure of responsibility. Only Brazil, Columbia and Uruguay say that most decisions are taken by the President. Most countries say that decisions are taken either by the President or individual Ministers, and Honduras and Mexico report that Ministers decide most issues. It is presumably true that the president will be involved in all the main decisions, but that is true of the head of government in collegiate systems as well.

Second, the responses to the survey show a relatively high degree of collective discussion and involvement of ministers in decision-making. Almost all countries described a mixed system in which policy issues were discussed by the President and his ministers in a combination of bilateral meetings and collegiate fora: cabinet meetings, 'thematic Cabinets' and less formal gatherings. Indeed, the responses from the presidential member countries of RIMPE on this point were surprisingly similar to the responses from the responses from Portugal and Spain, which stand more in the collegial 'council of ministers' tradition of

Europe. Surprisingly, and unlike the USA, only Chile, Mexico and Panama mentioned meetings called by presidential advisers as a significant channel for policy discussion.

Third, across the countries surveyed, Cabinets clearly play a significant role in the decision-making process. In nine of the countries responding to the survey, the Cabinet meets weekly (with occasional additional meetings); in three, monthly (there is no fixed frequency in Argentina). The main exception is Brazil, where the Cabinet meets approximately every six months. The President chairs the meeting in all countries except Honduras, where that function is usually undertaken by the Minister of the Presidency.

It is equally illuminating to examine the functions carried out by the Cabinet because the relationship between the head of government and the ministers is one of mutual dependence. We can distinguish three general models:

a. The 'quasi-legislative' model

This is distinguished by a Cabinet whose primary function is to consider and approve laws and regulations (many of which may require subsequent ratification by the legislature) and to approve (usually formally) a number of other decisions (e.g. public appointments). Most European OECD countries belong to this group: the meetings are often formal in character and driven mainly by the scrutiny of legal text.

b. The 'political' model

In contrast, the Cabinet in this model acts much more as a political high command, addressing key political issues and taking decisions at a general level, rather than considering specific legal texts (which are addressed more as technical issues in other fora, such as Ministerial Committees for Legislation). The most obviously characteristic group of 'political model' Cabinets is that of the Commonwealth countries.

c. The advisory model

This model was described in the 2004 paper as characteristic of presidential systems in OECD countries. Its title is self-descriptive. In these systems collective meetings of ministers are not necessarily the most significant source of advice to the president, whose bilateral relations with them (and with his or her own personal advisers) are likely to be more important. The RIMPE survey asked more detailed questions on the functions of the Cabinet than the OECD survey. The responses reveal a more complex picture than the simple 'presidential advisory Cabinet' assumption in the 2004 paper. Table A sets out the functions of the cabinet in the 13 countries that responded to the survey.

Table A – The functions of the Cabinet meeting

	Take decisions on public policies	Give strategic direction to the government	Approve draft laws and regulations	Advise the President	Discuss issues of current political interest	Receive information on national and international affairs
RIMPE countries	93%	93%	60%	73%	100%	73%

Table A
Source: OECD.

All respondents depicted the Cabinet as having a discursive function, discussing political issues. Of the countries responding, nine said that the Cabinet also received reports on national and international affairs. But the responses also point strongly to decisive and directive functions, with 12 responses saying the Cabinet takes decisions on public policies, and gives strategic direction to the government (Chile is the exception on both counts, but has a Political Committee of the President and three senior ministers who meet weekly to decide key issues). 10 countries also depict the Cabinet as advising the President, and seven as approving draft laws and regulations.

The responses must be treated with some caution. The responses do not show the balance of functions i.e. the extent to which the emphasis may be on the advisory as opposed to the decision-making function. Nor do the responses show the relative degree of authority that the President exercises in these relationships. Indeed, the responses from Argentina and Chile both stressed that the role of the cabinet was only advisory to the President. However, the general trend of the responses suggests a greater degree of collegiality, and greater sharing of responsibility between the President and Ministers, than the common perception of presidential systems would allow.

It is important to stress a fundamental point about the relationship between the head of government and ministers that applies to presidencies and more widely to all governments. The relationship between the two is one of mutual dependence. The minister needs the president's consent, support and trust to make a success of his initiatives and his appointment, while the President needs an able, energetic minister he can trust to make a success of his portfolio, give him good advice, accommodate his wishes if possible, stand up to him if necessary, and generally do the job competently. A bad appointment will, ultimately, weaken the president. The president intervening on a particular issue is powerful, but the minister on his own ground can be strong. They need each other to be capable and reliable. It follows that there is not a simple inverse mathematical relationship between the power of a president and that of a minister. Rather, there is a symbiotic relationship between the two.

The role of the Vice-President

International perceptions of the roles of Vice-Presidents tend also to be dominated by the United States model. Holders of the post from Jefferson onwards have complained at the unsatisfactory nature of their duties: essentially, to substitute for the President when required, and to chair sessions of the Senate. The picture has changed in recent presidencies, with special assignments being given to Mr. Gore under Clinton, and a prominent role being accorded to Mr. Cheney in the current administration. However, these responsibilities are essentially transient and dependent upon specific delegation by the President.

Here the pattern in RIMPE countries is similar to the US model, in that there is no systematic assignment of executive duties to the Vice-President. Nine of the presidential members of RIMPE countries responding to the survey have a Vice-President (and Honduras is about to institute the post). Apart from the obvious function of deputizing for the President in cases of absence or incapacity, the Vice-President's functions seem to vary greatly from country to country. In Guatemala, he is involved with the president in formulating the domestic and foreign policy of the government and coordinating the work of the ministers of state, and oversees preparations for the cabinet meeting; in Paraguay, he coordinates relations between the executive and legislature; in various other countries he is simply described as taking on such duties as are assigned by the President. In Brazil, the postholder is also Minister of Defence. In aggregate, however, Vice-Presidents do not seem to take a central role in the exercise of executive power.

3. The structure and staffing of Ministries of the Presidency

Governments around the world tend to structure themselves in very similar ways. For that reason, it is useful to reproduce some of the analysis from the 2004 OECD paper which applies, *mutatis mutandis*, to the situation in RIMPE countries.

In their structures, Ministries of the Presidency vary more among countries than other, subject-based ministries. This is not surprising. The structure of the MoP must reflect constitutional and legal requirements, must be sensitive to changeable political factors, and must be highly adaptable to the needs and personality of the President of the moment. There is also variability in the division of responsibilities with the President's own staff and with other bodies, such as those responsible for planning. But while organization charts of different Ministries of the Presidency reveal large variations in their structure, there are fundamental similarities. Like Ministries of Finance, they are principally concerned with coordination of other ministries rather than regulation or service provision. And while structures vary, the functions of MoPs are often similar. These usually include:

- logistical and technical functions related to meetings of ministers;
- strategic planning and work planning;
- policy co-ordination, and resolution of disagreements between different Government ministries and agencies;
- legal functions;
- communications functions;
- some monitoring functions;
- some capacity for policy analysis and advice;
- their own internal management functions.

In much the same way, the size and structure of the President's personal staff will vary greatly, but will usually consist of:

- logistical support
- political and policy advice
- a speech writing capacity
- communications support

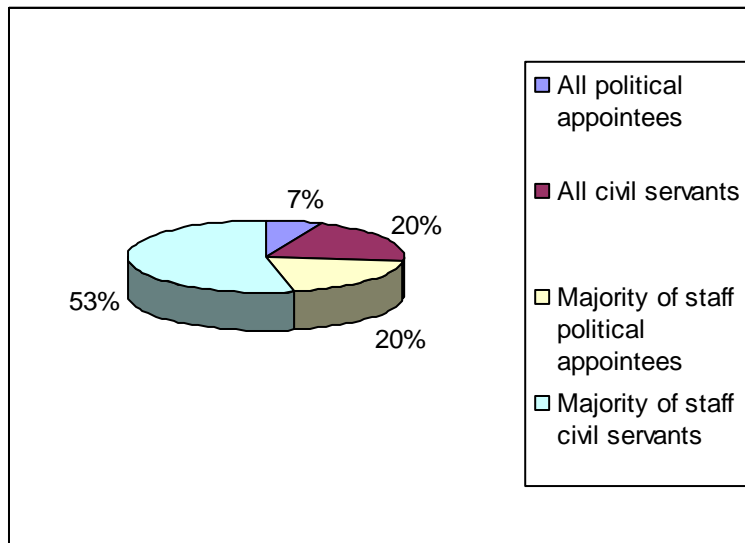
It is generally recognized that, overall, the Presidential staff/MoP nexus requires two elements:

- A permanent element, to ensure stability of structure, and continuity of procedure and policy knowledge, so that a change of government does not cause a dislocation of business and a loss of institutional memory; and

- Temporary elements, to allow for political advice sympathetic to the President’s views that can be changed with each new President.

For obvious reasons, Presidents’ personal staffs tend to be predominantly political. That points to the desirability of having a mixture of both civil servants and temporary political appointees in the MoP, to provide an element of continuity and institutional memory when the Government changes. Figure 1 below shows the pattern of staffing in MoPs.

Figure 1. Staffing in MoP: political appointees vs. civil servants.⁴



Source: OECD.

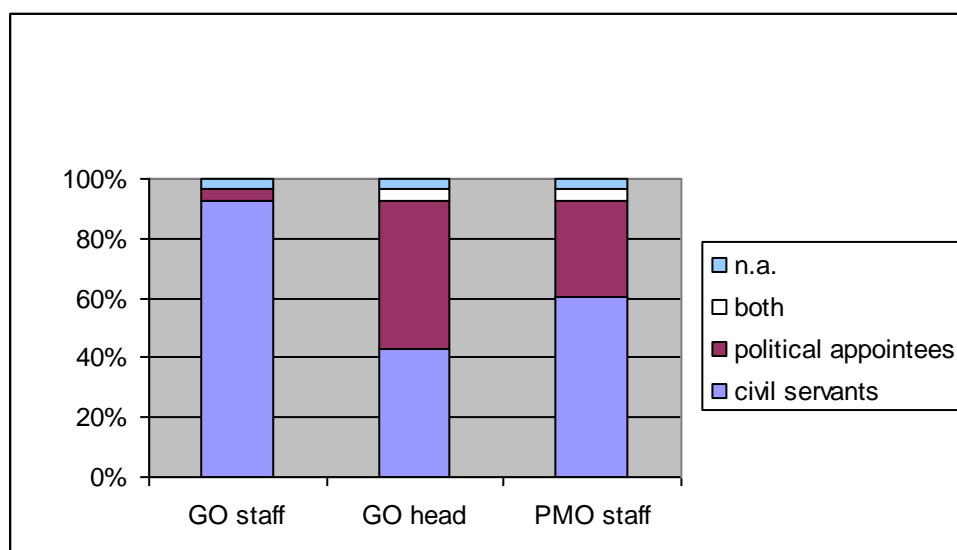
In countries where the majority of staff were civil servants, typically the top three or four levels, and usually also communications staff, were reserved for political appointees.⁵ A phrase used in a number of responses to describe these staff were posts ‘de confianza’, whom it was felt the President should be able to appoint people in whom he responses especial trust.

This pattern can be compared with the pattern in OECD countries:

⁴ Of the countries responding to the survey, only in Mexico did all heads of staff change with the appointment of a new President, and only in Guatemala and Uruguay were virtually all civil servants. In other countries, a mix was the norm. In three, the majority of staff of the MoP were appointed at the discretion of the President.

⁵ This is also the case in Portugal and Spain.

Figure 2 – Working at the Centre: civil servants or political appointees in OECD member countries?



Note: GO = Government Office, PMO = Prime Minister’s Office. Source: OECD.

Almost all of the civil service staff were permanent MoP staff.⁶ Except in Brazil and occasionally in Spain, staff are not seconded from other ministries. This practice, followed in a small minority of OECD countries, is of interest because – as it is justified in Denmark – it ensures “a continuously dynamic and changing staff which possess relevant expertise and analytical skills in different policy areas”. However, if secondments were widely used in addition to a high level of discretionary appointments, there would probably be damage to the MoP’s institutional memory.

Six countries responding to the survey had an appointed Minister of the Presidency. In four, the analogous functions were carried out by the Secretary-General or other principal official of the Presidential staff. In Mexico, the responsibilities are shared between the head of the Public Policy Office, the head of the Government Innovation Office, and the Legal Counsel to the Federal Executive. In Brazil, the responsibilities are shared between the Chief Minister of the Casa Civil, the Chief Minister of the General Secretariat, and the Chief Minister of the Ministry of Institutional Relations. Peru, since 2002, has had a President of the Council of Ministers who is the Government’s principal coordinator and Presidential spokesman, with particular responsibility for modernization issues.

The pattern of units that make up MoPs varies (not unexpectedly) from country to country. Most had a unit responsible for organizing the Cabinet meeting, and almost all had a legal unit. Five had units for relations with Congress.

Almost every MoP had units dealing with aspects of strategic planning, policy coordination and analysis, the preparation of workplans and/or the monitoring of government decisions. Often (and logically) these functions were combined in one unit, such as the Unit for Technical Support of the President’s Staff in Honduras, the Sector for Multisectoral Management in Peru, and the Office of Public Policies in Mexico.

⁶ Where functions typical of the Ministry of the Presidency, such as organising Cabinet meetings, are instead carried out by the President’s immediate staff (as happens in four countries) they are more likely to be politically appointed staff.

Most MoPs had some capacity for policy analysis and advice, to provide some expert review of proposals coming from ministries and some expert support for interministerial commissions. This tended to focus more on domestic issues. 5 MoPs had (quite small) units to advise on economic matters, and 6 on social issues: typically 10 to 16 staff, but 117 in Peru's Intersectoral Committee for Social Affairs. Uruguay is atypical in having a special unit of 10 staff to carry out policy studies on socio-economic issues.

Only two MoPs had any staff to advise on foreign and diplomatic affairs (and that was only one or two staff), and only two had units for defence: the Panamanian National Security Council, and Paraguay's 97-strong Military Cabinet. However, four MoPs had staff dealing with intelligence and security matters.

In addition there are, as might be expected, units dealing with logistics, finance, information technology and similar matters – sometimes quite heavily staffed.

4. The Ministry of the Presidency and Policy Coherence

The importance of the concept of policy coherence, advanced by the OECD a decade ago, is now widely accepted, and has considerable implications for the work of MoPs. As the 2004 OECD paper observed, modern government and administration are complex and multi-dimensional, and must deal with an almost infinite variety of subject matter. At the top political level, they are also required to balance widely varying considerations: economic, diplomatic, moral, legal and other considerations that are often irreconcilable. Fundamentally, however, the key functions of the Presidency and Government – and by extension, of the Ministry of the Presidency – are:

- Providing leadership to the nation
- Setting strategic priorities: which may be done rationally or, more often, by a rather intuitive and incremental process;
- Taking decisions on the big issues of the day: 'big' either because they are intrinsically important, or politically flammable, or both;
- Communication: putting across the Government's case to the public, media and legislature, an increasingly important feature in sophisticated democracies;
- Ensuring that government policy is coherent: that is, that the financial and staffing resources to implement proposals have been secured, and that the different interests of Ministers have been identified and conciliated.

Of these, the most complex is ensuring the coherence of policy. As noted by an OECD report on the subject, the reasons are many and varied, including the need to manage and maximize the effectiveness of limited resources; rapid and continuous change which necessitates flexibility; the interpenetration of international and domestic policy domains which require management of multiple layers of policy-making; and the information explosion that has multiplied the number of actors in the policy arena and which has fostered policy fragmentation.⁷

The OECD identified eight basic tools of coherence, with the caveat that they can only be adapted to each national system cautiously and sensitively:

⁷ OECD (1996) "Building Policy Coherence: Tools and Tensions", *Public Management Occasional Papers*, no. 12.

- Commitment by the political leadership is a necessary precondition to coherence, and a tool to enhance it.
- Establishing a strategic policy framework helps ensure that individual policies are consistent with the government's goals and priorities.
- Decision makers need advice based on a clear definition and good analysis of issues, with explicit indications of possible inconsistencies.
- The existence of a central overview and co-ordination capacity is essential to ensure horizontal consistency among policies.
- Mechanisms to anticipate, detect and resolve policy conflicts early in the process help identify inconsistencies and reduce incoherence.
- The decision-making process must be organised to achieve an effective reconciliation between policy priorities and budgetary imperatives.
- Implementation procedures and monitoring mechanisms must be designed to ensure that policies can be adjusted in the light of progress, new information, and changing circumstances.
- An administrative culture that promotes cross-sectoral co-operation and a systematic dialogue between different policy communities contributes to the strengthening of policy coherence.

This list implies a considerable task for the MoP. But there are real practical limits to the extent to which coherence can actually be increased. Moreover, greater coherence is not an absolute end: it should not lead to excessive control, or squeeze flexibility and creativity out of the policy-making system. Coordination is more effective than command and (at least in a non-presidential system) is more compatible with the underlying political dynamics.

5. A comparative study of the dimensions of coordination

The means by which cohesion is achieved is coordination. It is useful to take, as a framework for analysis, the eight coordination functions that are carried out by the centre of government in most countries:⁸

1. Co-ordination of organisational arrangements in preparation for meetings of the President, Ministers and senior advisers;
2. Co-ordination of the policy content of proposals coming forward for discussion;
3. Co-ordination of legal conformity;
4. Co-ordination of the preparation of Government programme and priorities, and their link to the budget;
5. Co-ordination of communications messages;

⁸ See Ben-Gera M. (2004) "Co-ordination at the Centre of Government: The Functions and Organisation of the Government Office. Comparative Analysis of OECD Countries, CEECs and Western Balkan Countries", SIGMA Paper No. 35. SIGMA/OECD (2004). The SIGMA Programme is jointly funded by the European Union and the OECD, and advises countries in Eastern Europe on central government reform.

6. Co-ordination of the monitoring of Government performance;
7. Co-ordination of relations with the Parliament; and
8. Co-ordination of specific horizontal strategic priorities.

5.1 *Co-ordinating organisational preparations for meetings between the President, Ministers and senior advisers*

This is one of the key tasks of MoPs. Much of it is mundane and organisational: scheduling meetings, setting deadlines, preparing agenda, circulating papers. However, competent logistics and orderly procedures are an essential precondition of good decision-making.

Surprisingly, only five of the countries surveyed had a set of rules governing the preparations of materials to be considered by governmental meetings. This contrasts markedly with OECD and other European countries, where every country has a regulation or guidance of some kind to guide ministries on the procedures to be followed. Six RIMPE countries did specify a format that countries had to follow in preparing papers for consideration, although even here guidance for ministries on the issues that needed to be included in any analysis was scant: typically they were asked to provide only background, an explanation of the reasons for the proposal, and a *nota remisoria*. The most sophisticated versions were those used in Brazil and Portugal; the list of issues that Ministries in these countries must cover when submitting a proposal to the Government is at Annex A.

5.2 *Co-coordinating the policy content of proposals*

The preparatory work for any government decision is usually undertaken by line Ministries. They may be reacting to impulses from elsewhere (an initiative by the President, the Government programme, a request for action by the Cabinet or a Government Commission) but the Ministry has to undertake the development work. Consequently, in most countries the coordinative function of the MoP is to a large extent reactive.

Even if its participation is mainly reactive, the MoP has the function of ensuring that policy has been adequately coordinated, that is:

- To ensure that sectoral and cross-sectoral issues have been considered and addressed from all aspects;
- To ensure that the analysis that underpin proposals from Ministries are of good standard. Ideally all significant likely impacts of a proposal (fiscal, economic, social, environmental, etc.) should be analysed by a Ministry before it requests action, and should be signalled to the President and other ministers when they consider the issue.
- To ensure that the proposals from Ministers are in line with the Government strategic and budget priorities;
- To ensure that disagreements between Ministries over materials submitted to the Government, are resolved or minimised prior to the Cabinet meeting or other meeting that is to discuss them; and
- To ensure that the President, and Ministers who chair meetings of ‘sectoral Cabinets’ and other interministerial commissions and meetings are briefed on issues to be discussed.

Although guidelines on content seemed to be rare, virtually all countries responding to the survey required the MoP to check that the proposals met certain requirements (in addition to any procedural requirements). Table B indicates the grounds on which the MoP may, in different countries, return a proposal to a Ministry for further work.

Table B – The grounds on which the Ministry of the Presidency may refer a proposal back to a Ministry for further work.

	The covering note is incomplete or not well-prepared	Legal drafting or legal conformity are inadequate	The substance of proposals is not reasonable	Objections from other Ministries are not addressed and/or resolved	Impacts of the proposal are not sufficiently assessed	The proposal is not in conformity with Government priorities and/or Programme
RIMPE	66%	66%	53%	66%	66%	40%

Source: OECD.

For the purposes of comparison, it should be noted that virtually all countries responding to the OECD survey required their Government Office to check that procedural requirements had been met, and especially that all ministries affected by a proposal had been consulted, and empowered them to refer the paper back to the originating Ministry if this was not so. Most also required the Government Office to check the substance of the proposal (e.g. that it makes sense, is well justified, and is in line with the Government's programme and priorities). In this area Government Offices in OECD countries have less authority than their RIMPE counterparts, for in a third of them, if the proposal from the Ministry appears defective in substance, the Government Office can only flag the omission when the paper goes to ministers, and may not refer it back to the Ministry for correction.

5.2.1 Coordination meetings

Key mechanisms used by MoP equivalents across the world are meetings at both official and Ministerial level to coordinate action between Ministries.

Two thirds of countries responding to the RIMPE survey used meetings of senior officials from Ministries for advancing work on the government's work programme and/or resolving disagreements between ministries, meeting either regularly (usually monthly) or when needed. However, they did not seem to be used systematically for reviewing and preparing for the Cabinet meeting, as happens in half of OECD countries. A notable exception is the Coordinating Committee of Vice-Ministers in Peru, convened by the Secretary-General of the Presidency of the Council of Ministers, which prepares issues for discussion by the Council of Ministers.

All RIMPE countries make use of meetings of ministers for developing policy, compared to 19 out of 24 countries responding to the OECD survey; and as in OECD countries there are many permutations of structure and membership. In several countries, such as Argentina, the process is entirely *ad hoc*; commissions are created as and when needed, and their membership, procedures and lifespan vary according to the needs of the moment. Bolivia has a network of 17 National Councils, which are the 'supreme instances of coordination, responsible for formulating and implementing policies'. Some countries have a mixture of permanent and *ad hoc* commissions. Chile, for example, has permanent commissions dealing with youth issues and the environment (over which the Minister for the Secretariat-

General of the Presidency presides) and shorter-life commissions dealing with more transient issues, chaired by the Minister with lead responsibility for the issue. Uruguay has permanent commissions dealing with such long-term issues as reform of the state, and temporary commissions dealing with such transient issues as public emergencies. Several countries have ‘thematic cabinets’: Mexico has three such bodies, meeting monthly, covering economic issues, human and social issues, and security and justice. Guatemala and Honduras have similar arrangements. However, for practical purposes, these thematic meetings seem to serve the same purposes as commissions.

5.2.2 *Effective dispute resolution mechanisms*

In every country, some mechanism is required for resolving inter-ministerial conflicts over policy issues in advance of final decision by the President or cabinet. Managing these mechanisms is one of the key functions of a MoP. The ability to bring an issue before one of these fora is one of the MoP’s most important tools for ensuring policy coherence.

A wide variety of mechanisms appear operate in the countries that responded to this question in the survey:

- In Brazil, Costa Rica and Mexico, the President decides contested issues
- In Peru, the President of the Council of Ministers brokers an agreement, sometimes by calling a meeting of Ministers
- In Bolivia, Chile, Guatemala and Honduras matters are resolved by a meeting of Ministers. They same is true in Portugal, where the Council of Ministers resolves issues.
- Panama, Paraguay and Uruguay rely on a mixed system, sometimes using meetings of Ministers, sometimes on decision by the President. (The same is true in Spain).
- In Paraguay the President’s staff also takes a significant role in resolving disagreements.

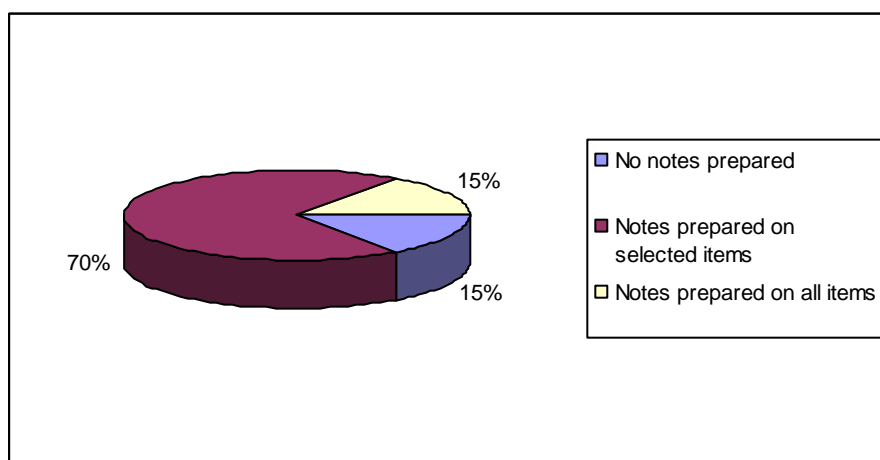
Much the same variety of mechanisms is used in OECD countries, except that a number of OECD countries also make quite extensive use of meetings of civil servants. Usually chaired by a member of the Government Office who has the advantage of not representing any one Ministry interest, the discussions and conclusions of civil service meetings are less definitive than meetings of ministers, but they often are able to reach agreement on lesser issues and, on more politically sensitive matters, at least they can define precisely the points of issue in contention, and perhaps narrow the gap between ministries to some extent.

5.2.3 *Briefing the President or Committee chair*

A very useful tool for ensuring that the MoP efforts at policy coordination influence the outcome of discussions between ministers is the preparation of a briefing note for the president or whichever minister chairs the meeting. Such notes allow the MoP to inform the Chair of outstanding issues or unresolved conflicts between Ministries that might need special attention at the session. Figure 3 shows the existing pattern of practice:

In OECD countries, 22 out of 28 responding countries prepared such notes.

Figure 3. Preparation of notes to brief the President or Committee chair.



Source: OECD.

5.3 *Verifying legal conformity*

A further dimension of coordination is the verification of legal concordance: checking proposals from ministries for conformity with the Constitution, with international obligations, with other laws and regulations and with the national legal drafting style. Such a review was undertaken by the MoP or equivalent in every country participating in the survey except Panama, where such a review is undertaken by a separate legal Council, Costa Rica and Argentina. This is very similar to the ‘quasi-legislative’ Cabinet systems of OECD countries (but not the ‘political model’ countries) where legal review is seen as one of the key duties of the Centre of Government.

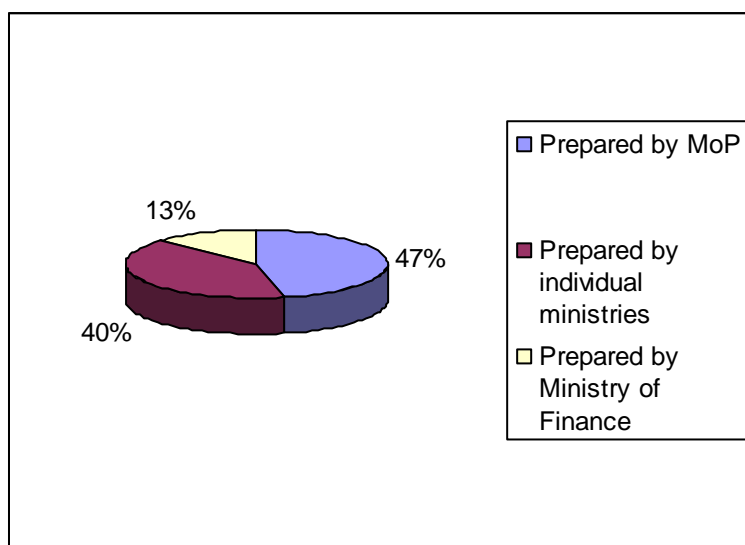
5.4 *Coordinating preparation of the Government programme and its fit with the budget*

As noted by the OECD report mentioned above, a strategic framework is a central tool for achieving policy coherence. Every country participating in the survey had a programme of government. However Government programmes are usually pitched at a general level and need to be translated into more detailed plans of action. Again, such plans existed in all countries that responded (except Argentina and Spain). Responsibility for preparing these plans varied markedly, as shown in Figure 4 below:

The corresponding figure for OECD countries is that in two-thirds of countries the work programme was coordinated from the centre of government.

All responses seemed to indicate that these plans are taken seriously by Ministries, in the sense that the deadlines specified in them were usually fulfilled. While it is true that in half of countries Ministers occasionally used their bilateral relations with the President to bypass or renegotiate the workplan, the key point is that they did not simply ignore it (as is the fate of government workplans in some countries in other parts of the world).

Figure 4. Preparation of the Government Programme and its fit with the budget



Source: OECD.

Only five of the countries responding said that they had staff specifically dedicated to strategic planning, although their number varied considerably: from 3 in Peru and 4 in Mexico (groups of staff within larger policy units), to the 131 staff of the Technical Planning Secretariat in Paraguay. (The comparative figures for OECD countries are that two-thirds of responding countries vested such responsibilities at the centre of government, mostly with ten or fewer staff working on this area. Only five OECD countries had specific strategy units; elsewhere the function was combined with other centre of government duties),

The other dimension of this work to consider is the linking of budget and strategy, to ensure that the budget preparation process takes account of, and reflects, strategic priorities. All countries responding to this part of the survey stated that this was done but that this activity, like the formulation of the budget process itself, was in the hands of the Ministry of Finance (or Hacienda, or Economy). Only five reported that process of linkage was done in collaboration with staff at the MoP; several countries also reported that other bodies were involved, such as the Ministry of Planning in Costa Rica.

5.5 Co-ordinating communications messages

It is an almost universal trend in democracies to strengthen the link between policy-making and public communication. In part, this is a reaction to a more active and omnipresent media; in part a reaction to public and political expectations. But from the point of view of policy effectiveness, governments have also realized that they have an interest in communicating certain messages in order to increase the popularity and acceptability of their policies.

While all ministers and ministries will insist on having their own communications capability, virtually all governments also place an overall responsibility for communications at the MoP and equivalents. First, the President is expected to speak for the Government, and indeed the nation, as a whole. Second, there is a need to ensure that the information provided by one Ministry is consistent with information issued by others, that initiatives are synchronized and that announcements are timed to maximize their impact.

Not surprisingly, all countries responding to the survey confirmed that such a unit existed (as in almost all OECD countries and, probably, most countries around the world). This was usually part of the MoP or equivalent but, in a few cases, was a separate unit within the presidential staff. Five countries also had a capacity to monitor trends in public opinion and to advise on the President's image. Staffing levels of units in MoPs, where given, varied considerably. Honduras and Costa Rica, for example, had less than 8 persons in their communications unit, Peru and Mexico had more than twenty, and Bolivia and Spain had a joint communications and public opinion unit, although Bolivia's was staffed with 14 personnel and Spain's with more than one hundred.

Despite the importance that the ministers and the public attach to this function, it is an under-explored area. As the 2004 analysis for the OECD pointed out, there are at least five difficult issues:

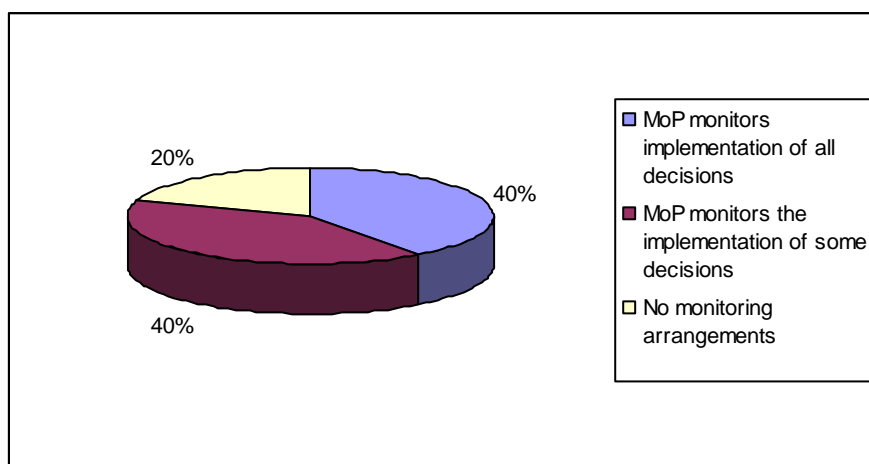
- Government communications almost always walk the fine line between information and propaganda. A complex distinction must be made between "public information" and "government communications". The former is concerned with informing the public, in the sense that the government as a democratic institution has a duty to keep the public informed about its actions. This should be broadly politically neutral. The latter is concerned frankly with influencing the public, and is politically committed: it is concerned with the government's political right to explain, to justify, and even to "sell" its policies and legislation to the public. The distinction is not always easy to maintain.
- Linked to this is the question: to what extent should the communications function of the centre of government be staffed by political appointees and to what extent by civil servants? What should the relationship, and the boundary of responsibility, be between the two?
- How large should this function be allowed to grow? Given the development of 24-hour, global media and the pressure on ministers to provide instant responses to events, the demand for media support for ministers is, potentially, vast.
- Is there a danger that issues of public communication will overshadow the substance of policy: in other words, that policy will be driven by the headlines that its announcement will create rather than by its intrinsic merits?
- How to cope with the sheer volume of correspondence – by mail and email – that many governments now receive, often addressed from citizens or organisations to the President?

5.6 *Co-ordination of the monitoring of Government performance*

The President, and in some countries the government collectively, have a responsibility for ensuring the implementation of the Government programme and government decisions.

Most MoPs have the responsibility for monitoring the implementation of decisions of the Cabinet, as shown in Figure 5:

Figure 5. Monitoring arrangements in MoP



Source: OECD.

Nine countries have a unit devoted solely or partly to this purpose – for instance, the Brazilian Assistant Direction for Co-ordination and Monitoring of the Casa Civil. Interestingly, in response to a similar question, 8 out of 25 responding OECD countries said they had no such capacity.

However, in RIMPE countries as elsewhere, there is almost certainly a great variation in the scope of different MoPs' monitoring operations. These probably vary from detailed tracing of all government decisions to a more limited check whether key items in the legislative programme have been passed. Almost certainly some MoPs focus on 'formal' implementation - was the law on pollution passed? – while others engage in checking 'real' implementation – was the law enforced effectively? The difference is considerable.

5.7 Coordination of relations with Parliament

Half of the countries surveyed had within the MoP a group of staff responsible for managing and coordinating the relationship with the Congress or Parliament, their numbers varying between 1 and 6 staff. In other countries responsibility usually lay with the President's staff, except in Paraguay, where this is a specific responsibility of the Vice-President; and in Mexico, where this responsibility lies with the Minister of the Interior. For comparative purposes it should be noted that, although OECD countries are parliamentary democracies and customarily have such units, they are usually also small: the staff of 33 in Spain is unusually large. Some OECD countries, like Portugal, appoint ministers specifically responsible for relations with Parliament.

5.8 Co-ordination of specific horizontal strategic priorities (EI, PAR)

Almost all Ministries of the Presidency include some additional functions, whereby they perform tasks that are not fundamental to their core responsibilities in managing the decision-making system on behalf of the Prime Minister and the Council of Ministers. These tend to be of two types:

a. cross-cutting issues of high strategic priority

Common examples of this are:

- Units for federal or territorial issues, which exist in four of the RIMPE member countries (Costa Rica, Mexico, Paraguay, and Peru) responding to the survey
- Public administration reform and governmental innovation: around the world, these functions appear in recent years to have become more commonly attached to the centre of government, and the presidential regimes of RIMPE are no exception: 8 of the countries responding had a unit working on this. These varied greatly in configuration and size, from a special committee reporting to the President in Uruguay to a 20 member modernisation unit in Chile and a Public Management Secretariat in Peru. Sometimes this function was part of the remit of a unit with wider responsibilities (the Technical Planning Secretariat in Paraguay, the Office for Governmental Innovation in Mexico, the Unit of Analysis in Bolivia). Other countries assign such responsibilities to ministries of planning (for administrative reform) and to ministries of science or education (innovation).

b. high-profile issues temporarily located in the MoP

Often functions that might more logically be located in ministries are located temporarily in the MoP, because the Government wants to give (or be perceived as giving) them high-level treatment. Examples include a special programme for the health of children in Honduras, the National Office for the National Accord on Governability in Peru, and a unit responsible for sport in Argentina.

RIMPE members may wish to consider an argument frequently heard at the annual meetings of OECD Government Secretaries: that it is unwise to allow too many ‘additional’ functions to accumulate at the center of government. This argument holds that, to be effective, the center of government needs to be small; as it grows, it risks losing flexibility and becoming unwieldy. Certain OECD countries (Hungary, Italy, Poland and Slovenia) have deliberately reviewed and slimmed down their centre of government operations for this reason. Whether this argument applies in a Presidential system is a debatable issue.

6. Key challenges

What key challenges emerge from this analysis?

- a) Ministry inputs to policy-making. In many countries the quality of policy-making has been improved by requiring line ministries to provide certain types of analysis when submitting proposals to the President or Cabinet for approval. Is there advantage to applying this more widely in RIMPE countries, such as requiring assessment of economic, environmental, budgetary or social impacts of proposed policies? And what are the limits to the issues assessed by MoPs? Where do they draw the line of taking too many issues that could affect their efficiency and flexibility?
- b) Strategic thinking. There is a widespread feeling that Governments need to act ‘more strategically’. But what is meant by ‘Government strategy’? How can Governments act strategically and, indeed, to what extent can they do so? How can strategy be linked effectively to resource allocation?
- c) MoP staffing and organisation. Are there optimal ways of organizing and staffing MoPs? Is there advantage to secondment of some staff from ministries to the MoP? What should be the balance between political appointees and civil servants?
- d) Communications: there is almost universal demand for better government communications. How large should this function be allowed to grow in response to demands from the media, the public and politicians themselves? Is there a tenable distinction between (apolitical) “public information” and (political) “government communications”?

- e) Implementation: As pressure grows to demonstrate the effectiveness of government actions, what is the optimal role of the MoP in monitoring and evaluating the implementation of Government decisions, without undermining the primary responsibility of line ministries for implementation?
- f) The role of MoPs: Ministries of the Presidency have very diverse roles in monitoring government performance. As the available information for the decision-making process grows, the MoPs need to be more systematic in the analysis of the vast array of data that comes to them. How can they discriminate data? What level of information should be analysed by MoPs and what level should be analysed by line Ministries?

These questions point to a continuing need to exchange good practice between countries to meet the challenges of policy-making in an ever more complex environment.

ANNEX A

Main topics required in summary notes prepared by Ministries of Presidency in :

BRAZIL

- *Synthesis of the problem or situation that claims to be taken care of ;*
- *Solutions and steps contained in the normative act or in the proposed measures ;*
- *Existing alternatives to the proposed measures ;*
- *Costs ;*
- *Justification for the urgency (to be filled only if the proposed act is a rprovisory measure or a project-decree that should be addressed as urgent procedure) ;*
- *Environmental impact (when it applies to the proposed act or measure) ;*
- *Synthesis of the feedback from the legal organ.*

PORTUGAL

- *Summary to be published at the Republic Diary (Official Gazette);*
- *Synthesis of the project contents;*
- *Need of the proposed shape for the project;*
- *Reference to the participation or audition from entities, indicating the norms that demand it and respective contents ;*
- *Current judicial framing of the project subject*
- *Reasons that recommend changes in the current juridical regime;*
- *Comparative analysis between the current juridical regime and the juridical regime to be approved;*
- *Express identification of the legislation to modify or to revoke an eventual complementary legislation;*
- *Express identification of the need for approval to rules for the consolidation and execution of the normative act and the entity to which the instruction of the regulatory process refers to;*
- *Condensed evaluation of the financial and human means involved in the execution on the short and long terms ;*
- *Project impact evaluation when gender equity analysis applies;*
- *Articulation with government programmes;*
- *Articulation with communitarian policies;*
- *Note for social communication.*

Most OECD governments specify a format that documents submitted to the CoM should take, including certain issues (financial, regulatory, legal, etc) that it must contain. For examples, see the templates to be found in the websites of Australia's Department of the Prime Minister and Cabinet, and Ireland's Department of the Taoiseach.