

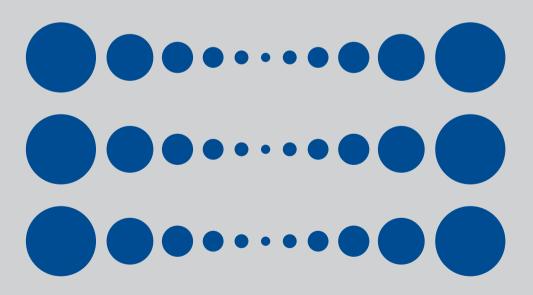








# Horizontal Policy Coordination



# HORIZONTAL POLICY COORDINATION



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### **PUBLISHER**

MINISTRY OF PUBLIC ADMINISTRATION AND LOCAL SELF-GOVERNMENT

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# Dear reader,

We are presenting you an expert publication dedicated to the horizontal policy coordination in the selected countries of the European Union, which has been prepared as part of an initiative aimed at creation of conditions for better understanding of the public administration reform in the context of the European integration of the Republic of Serbia.

This publication has for its aim to clarify the concept and importance of the horizontal policy coordination, to present the horizontal policy coordination in the selected countries of the European Union, and to, based on the presented experiences, give recommendations for establishment of a functional system of horizontal policy coordination in the Republic of Serbia.

The publication has been prepared within the project "Support to the Serbian Public Administration Reform Strategy — second phase", which is implemented by the Ministry of Public Administration and Local Self-Government, in cooperation with the United Nations Development Programme (UNDP) and financially supported by the Swedish International Development Cooperation Agency (Sida).

Sincerely yours,
Milica Dražić
Assistant Minister
Sector for European Integration, International Cooperation and Projects

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# PART

# **POLICY-MAKING AND COORDINATION**

# 1.1 POLICY AND POLICY-MAKING

Policy is a complex term, with multiple meanings. It is used to describe activities in many spheres of human existence – personal, commercial, legal, governmental and constitutional. In this paper, we use the term policy in a restricted sense, focusing on the policy that is developed and implemented by the executive branch of government. Policy-making is a core function of government, central to a country's political and economic life. It is about how governments make choices and manage resources in order to achieve their economic and social objectives.

It is important to understand that the activities of the government (and also of the legal system) at any point in time are based on the sum total of all previous policies. Policies accumulate over time. Many of them are reflected in legal acts, but some are based on other decisions, such as spending public and donors' money, or decisions to strengthen implementation and enforcement of existing legal acts. In fact, the vast majority of the day-to-day ongoing activities of Ministries and agencies concern the implementation of the accumulated policies of all the governments to date (including old and new policies, changes and repeals).

In addition, ministries and the Government are engaged in making new policies, so the total accumulated policies of governments are not a fixed quantity but are constantly subject to change through the policy decisions of successive governments. This brings us to the focus of this paper, which looks at the process through which new policy is developed and agreed, especially how the policy output of governments is coordinated. A useful working definition for the purposes of this paper is:

"New policy is a deliberate action of government (the executive branch) that in some way alters or influences the society or economy outside the government. It includes, but is not limited to, taxation, regulation, expenditures, information, statements, legal requirements, legal prohibitions, and enforcement."

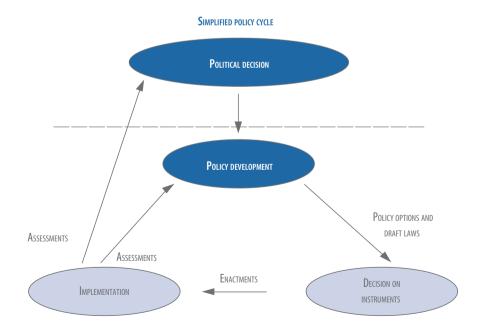
The reader should be aware that it is difficult to distinguish clearly between the terms "policy" and "strategy" as these terms are commonly used. What one government calls "an economic development strategy" another might call "an economic development policy". In this paper, we attempt to use the term "strategy" to refer to documents with broad objectives that cut across a number of ministries and have at least a medium-term horizon. In this sense, a strategy cannot be, in and of itself, directly implemented. Rather, in order for the goals of a strategy to be achieved, it requires that a number of policies and pieces of legislation be developed and passed. Thus, an economic development strategy

would have a time horizon of, say, five to ten years, and would require that a large number of ministries develop policies and legislation that, taken together, would promote the objectives of the strategy. A policy, on the other hand, can normally be directly implemented through legislation, regulation or government spending.

It is also difficult to distinguish between the terms "policy" and "politics", and many languages do not even have separate terms for these two concepts. It is useful to distinguish them by using the term politics to refer to all the activities of parties, and the considerations and activities of politicians that are directed towards their attempt to get elected or re-elected and to create personal and group alliances. Policy, on the other hand, is what politicians decide to implement. To be sure, the decision to adopt and implement a policy is often based on political considerations, but it normally remains possible to distinguish between these considerations and concrete policy outputs.

Policy is produced through the policy process, which is normally conceptualised as a cycle. There are many models of this process, and almost every writer on the subject has a different model to emphasise different aspects. The reason for this is that the policy process itself is abstract, not fully codified, and at least some of its aspects are informal. Even in the same country at the same time, it is possible for different policies to be developed by somewhat different processes. For example, for one policy there are public consultations, but for another there are none. Or, one policy originates from a coalition agreement, while another policy originates from public pressure on a specific Minister.

A very basic simplified model of the policy cycle is presented in the chart below, and much of this paper provides further elaboration of the process represented by this cycle.



PART I - POLICY-MAKING AND COORDINATION

As this model shows, the policy process is normally initiated by a political decision, usually in the form of general policy objectives. Such political decisions may originate from election promises, coalition agreements, the Government Programme, or the adoption of a strategy by the Government. This is then followed by detailed policy development (by ministries or ad hoc bodies) that produces options for more specific decisions on the specific policy instrument to be enacted (passed by government and/or parliament). Once enacted, the instrument is implemented and subsequently assessed, which in turn leads to further policy development, and possibly amendments to the instrument or even reconsideration and modification of the initial political decision. It should be understood that these steps are not always deliberate and orderly, or of high quality, but that nevertheless they always happen to one degree or another, in a conscious or unconscious way.

# 1.2 WHAT HORIZONTAL POLICY COORDINATION IS AND WHY IT IS NECESSARY

Decision-making in democratic parliamentary systems is predicated on the performance of a dual role by all members of the government. Ministers are normally assigned personal responsibility for a specific sectoral policy area (finance, health, education, agriculture, etc.). In addition, they come together regularly at the sessions of the government, where they discuss proposals from members of the government, make decisions, and are required to take collective responsibility for the government's program, and for specific decisions. The main responsibility of the Prime Minister is for the collective performance of the government, a role normally performed by chairing the sessions of the government, and ensuring orderly and coherent fulfilment of the Government Programme. The Prime Minister also has a personal responsibility to represent the country abroad, and to manage coalitions.

Horizontal policy coordination refers to the procedures and activities that are established within the policy system to create balance between the sectoral responsibilities of Ministers for policy development, and the government's collective responsibility for its overall policy output. The fundamental assumption is that both of these elements (ministerial autonomy and collective responsibility) are critical for success. The secret lies in the little word "balance", because this balance is itself subjective and dynamic, and can vary over time and for different issues. If there is no horizontal coordination, there is policy chaos and the policy system will produce contradictory policies that are difficult to implement. On the other hand, if there is too much coordination, the system becomes overly centralised, thus stifling the policy initiative of ministries and reducing responsiveness to public needs.

This is why coordination is treated here as a process, not as an outcome. We cannot usually determine if a specific policy has achieved a balance between sectoral interests and governmental interests and is thus "fully coordinated". Rather, we can ask only if a given government has established a good process to coordinate and to attempt to achieve this balance. The World Bank puts this well:

"We should continue to shift our focus from the content of public policy to the way policy is made and implemented", and "rather than focus primarily on providing policy prescriptions, the World Bank needs to focus more on helping countries develop the processes and incentives to design good policies themselves." (Reforming Public Institutions and Strengthening Governance: A World Bank Strategy. Washington DC: World Bank 2000)]

Horizontal policy coordination is necessary because modern government and administration are complex organisations with complex tasks. There is an almost infinite variety of subject matter that concerns governments: human rights, economic development, environment, transport, education, agriculture, police, and pensions. Governments have to deal with the immediate, the medium, and the long-term, with the values of individuals and the aspirations of collectivities, with local and global issues, with individual citizens, groups, regions, ethnic minorities, nations, and the international community. In the countries of central and Eastern Europe and the Balkans, governments must deal with all these issues within the context of transition (national, political, and economic), and in light of the overall objective of joining the EU and becoming effective members within it.

Government and administration are also organisationally complex, made up of a multiplicity of Ministries, themselves comprising many sectors and units and decentralised and deconcentrated bodies, as well as Agencies, Commissions, and international representations. Democratic governance combines a variable element (politicians), who are subject to periodic elections and replacement, with permanent staff (civil servants) who serve both citizens and politicians. The interaction of these elements, each with their own motivations and aspirations is often less than easy. For all these reasons, coordination is crucial to effective government, and without coordination a government is not likely to achieve its objectives or implement its programme.

"Coordination" is defined by the American Heritage Dictionary as "The regulation of diverse elements into an integrated and harmonious operation". The Cambridge Dictionary defines "to coordinate" as "to make various different things work effectively as a whole". There are a few things to note about these definitions. First, the term "coordination" tends to have positive connotations, indicated by the use of words such as "harmonious" and "effective". The second is the implied assumption that coordination does not happen all on its own, but requires management and regulation. Third, "coordination" is normally defined as a process, rather than as an outcome. Finally, coordination allows elements and actors to remain plural and different, while it aims for results that are harmonious and effective.

All large and complex organisations develop means for coordination, often at various levels within the organisation. The analogy to government is clear. In parliamentary systems, the apex of the decision-making system is the weekly session of the Government, chaired by the Prime Minister. In these systems, the Government sessions exist primarily to ensure coordination, especially in the following areas:

- Strategic: establishing the overall Government objectives, setting priorities among them, and allocating resources to these priorities;
- Communications: discussing political and communications issues facing the Government;
- Policy and legislative decisions: taking major decisions on behalf of the government, ensuring that all ministers are committed to them:
- Coherence: taking decisions that are lawful, for which financial and staffing resources have been identified, and in which the different interests of Ministers have been identified and conciliated;
   and
- Collective responsibility: ensuring that ministers take collective responsibility for the decisions of the government.

In practice, it is often not possible to determine with any certainty if a specific policy is good or not in terms of achieving its purposes until some time after it has been implemented through concrete actions. What can be done in advance is to try to maximise the chances that the agreed policy, that is "the course of action selected from among alternatives" is the optimal choice.

Nevertheless, there are basic criteria for assessing in advance if the policy proposals submitted to the Government have a good chance of being optimal. The main ones are:

- The policy or law is in line with the Government programme and other commitments made by the Government
- The policy or law is actually needed in order to address a real problem or deficiency
- The policy or law actually addresses the identified problem or deficiency
- The policy or law is cost-efficient (compared to alternatives)
- The policy or law does not create (serious) new problems
- The policy or law does not contradict other laws, or create legal and enforcement confusion
- Means for implementation of the policy or law are available (money, human resources, organization)

The objective of horizontal policy coordination is to ensure that these criteria are carefully assessed before items are proposed to the Government for decision.

# 1.3 THE POLICY SYSTEM

The "policy system" is a convenient general name for the abstract process that produces concrete policy and legislation. It is abstract because it is made of various players, processes and procedures that are not visible as concrete institutions. Yet this system as a whole, whether it is strong or weak, produces policies and legislation that affect individuals, institutions, and society as a whole.

The main players in the policy system are:

■ The government (both as a collective and as individual members)

- The ministries
- The Centre of Government (CoG), consisting primarily of the General Secretariat, and in some countries also the legislative secretariat and the body coordinating EU affairs.

Other players in the system, either regularly or from time-to-time, are NGO's, outside experts, and the media.

In terms of process and procedures, it is convenient to look at the policy system as comprising 12 steps. In general, these steps are sequential, although in practice some of the steps may be performed outside the sequence, and at times some of the steps are skipped altogether. Normally, the Rules of Procedure of the government specify how these steps are to be performed, and the institutions responsible for performing and/or supervising their performance. The 12-step policy system is shown in the table below. Seven of the 12 steps deal directly with horizontal policy coordination, and they are shown in grey for emphasis.

SUMMARY TABLE: 12 Steps of the Policy System (steps related to horizontal coordination are in grey)

Step	BODY WITH LEAD ROLE FOR THE PREPARATION AND/OR SUPPORT OF THIS STEP	OTHER CONTRIBUTING BODIES	DECISION/ APPROVAL
Definition of priorities	Parties, PM Cabinet (General Secretariat)	GENERAL SECRETARIAT, ALL MINISTRIES	GOVERNMENT, PARLIAMENT
Policy and legislative planning	GENERAL SECRETARIAT	All ministries, Legislative Secretariat	Government
Preparation of policy proposals	Sponsoring ministry	Working groups, NGOs, outside experts	Minister
4. Preparation of legal drafts	Sponsoring ministry	Working groups, NGOs, Legislative Secretariat, outside experts	Minister
5. Inter-ministerial consultations	Sponsoring ministry	Some/all other ministries, Legislative Secretariat, General Secretariat	Minister
6. Submission to General Secretariat	Sponsoring ministry		Minister
7. Review by General Secretariat	General Secretariat Legislative Secretariat	Sponsoring ministry	Secretary General
8 Review by Commissions	GENERAL SECRETARIAT	Sponsoring ministry	Commission chair, Government
9. Decision by Government	GENERAL SECRETARIAT	Sponsoring ministry	Government
10. Parliamentary process and passage	Parliamentary Office	General Secretariat, Sponsoring ministry	Parliament
11. Implementation	Sponsoring ministry	NGOs, outside experts, local government	Minister
12. Monitoring and evaluation	Sponsoring ministry, General Secretariat	Outside experts, NGOs	Minister, Government

As can be seen from this table, steps 1, 2, 5, 7, 8, 9 and 12 are specifically related to horizontal policy coordination. As can also be observed in the table, Ministers and their Ministries are responsible primarily for developing and implementing sectoral plans, strategies, policies and legislation, the collective government and the Centre of Government (General Secretariat, Legislative Secretariat) are responsible for ensuring horizontal policy coordination. The one area in which ministries play the lead role in horizontal policy coordination is step 5, inter-ministerial consultations. However, even in this step the General Secretariat should play an important supporting role.

Given the central role of the General Secretariat in horizontal policy coordination, the rest of this paper focuses primarily, though not exclusively, on this institution.

# Part II

# THE CENTRE OF GOVERNMENT

Generally, the administrative apparatus responsible for horizontal policy coordination is referred to as the Centre of Government (CoG). There is no country that actually has an institution called the "Centre of Government", so this is a conceptual name for the group of institutions that include the General Secretariat, and in certain cases one or two additional administrative bodies. The authority, structure, and capacity of the General Secretariat, and the respect it can command within the political and administrative system are the most critical aspects for designing and managing a good system of horizontal policy coordination. This is why any country that wishes to improve its policy management system must start by ensuring that the General Secretariat, the main tool of coordination, is well designed, well staffed, and has the support of the top political level, in particular the Prime Minister under whose authority it operates.

The responsibilities of CoG derive directly from the collective responsibilities of the Government and the Prime Minister. Above all, the unique purpose of CoG is to serve the Government and the Prime Minister in their responsibility to coordinate the activities of all the Ministries, with the objective of facilitating the effective and efficient performance of the Government's collective duties.

# 2.1 THE FUNCTIONS OF THE CENTRE OF GOVERNMENT (CoG)

The CoG consists of a small number of central institutions (e.g., Government Office/ General Secretariat/Chancellery, Legislative Secretariat, Office for European Integration). Countries tend to structure their CoG according to their political and administrative traditions, the current challenges, and even the personality of the Prime Minister and coalition agreements. However, extensive comparative research has shown that, as a general rule the CoG normally performs the following eight tasks, which have come to be known as the eight dimensions of horizontal coordination:

- 1. Coordinating the preparation of Government sessions;
- 2. Coordinating legal conformity;
- 3. Coordinating the drafting of Government Strategic and Work Plans (prioritization, strategic planning and adjustment to the Budget);
- 4. Coordinating the content of policy and legislative documents (quality of policies) and settling divergences;
- 5. Coordinating Government communication with mass media;

- 6. Coordinating the monitoring of Government performance;
- 7. Coordinating relations with other public authorities (Presidency, Parliament)
- 8. Coordinating certain horizontal strategic priorities (European integration, public administration reform etc.).

Here is a brief description of each of the eight functions of the CoG.

# 2.1.1 Coordinating the Preparation of Government Sessions

The most common way in which the CoG contributes to coordination is through the management of the logistics of the preparation of the sessions of the Government. This function is found in all Government Offices, in the OECD, CEEC and Balkan countries. This is essentially a technical function, and it is fundamental to the success of the Government because it concerns the management of the process of decision-making by setting the rules and by enforcing them. As a process, policy coordination is directed at creating conditions – in particular, standard procedures within the state apparatus – under which coordination can be achieved within and across different policy sectors. As will be shown later, procedural coordination is not sufficient to ensure high-quality output from the sessions of Government; but it is absolutely necessary for high-quality decision-making.

# 2.1.2 Coordinating Legal Conformity

Closely related to the preparation of Government meetings is the coordination of the legal conformity of draft legislation. In Continental Europe, and especially in central and Eastern Europe and the Balkans, the Government has an important quasi-legislative role, and legislative material brought to the Government for decision needs to be reviewed to ensure that it meets the country's legal requirements. These requirements traditionally address three dimensions: conformity with the Constitution, conformity with other laws and regulations, and conformity with legal-drafting style. For countries wishing to join the EU, conformity with the *Acquis* is now added as a forth dimension.

# 2.1.3 Coordinating the Drafting Government Strategic and Work Plans

Planning – both strategic planning and work planning – and the management of the dynamic linkages between them, are the quintessential responsibilities of the Government and the Prime Minister. A Strategic framework is a central tool for achieving policy coherence. In parliamentary democracies, setting the Government's strategic goals is a political responsibility, often reflected in the statements of the Government in Parliament. But the preparation of plans, the analysis required to sustain the plans, and the activities required to implement the plans, are the task of the administration. As Ministries prepare ideas and analyse information in their different domains, the CoG has the responsibility to coordinate the material, and to assist the Government in establishing priorities among

competing demands on fiscal and other resources. The CoG is also responsible for coordinating (with input from ministries) the preparation of the Government's annual work plan in line with its strategic priorities.

# 2.1.4 Coordinating the Content of Policy and Legislative Documents

Policy review is the central tool of the General Secretariat in serving the collective responsibility of Government to develop and implement coherent policies. Specifically, the General Secretariat needs to be able to ensure that items reaching the Government and its ministerial committees are consistent, coherent, and well coordinated.

To do this, the General Secretariat should be tasked to review all substantive proposals coming to the Government session with a view to;

- ensure that sectoral and cross-sectoral issues have been considered and addressed;
- ensure that the analysis and analytical material (fiscal, economic, social, environmental, etc.) that underpin proposals from Ministries are of an acceptable standard;
- ensure that proposals from the Ministers are in line with Government strategic and budget priorities;
- ensure that disagreements between Ministries over materials submitted to the Government, are resolved or minimised prior to sessions of CoM; and
- ensure that the Prime Minister and the Chairs of Ministerial committees are briefed on issues reaching the committees and the CoM for decision.

# 2.1.5 Coordinating Government Communication with Mass Media

Many Governments develop a collective approach to communications, normally placing with the Prime Minister the overarching responsibility for ensuring that the public is informed about the work of the Government. Ministers, on the other hand, are responsible, in consultation with the Prime Minister, for ensuring that the public is informed on developments in their own particular areas of competence. Often, the day-to-day management and coordination of the communications function is placed with the CoG, directly in the hands of the Government Spokesperson or the head of the Government/Prime Minister's press office.

The CoG then establishes mechanisms to ensure, for example, that the information provided by one Ministry is consistent with information issued by others and by the Government Spokesman, and that initiatives are synchronised and announcements are timed to maximise their impact.

# 2.1.6 Coordinating the Monitoring of Government Performance

The implementation of specific government decisions and the monitoring of the results of policies and legislation are in essence the responsibility of individual ministers. However, the government

collectively, and especially the Prime Minister personally, have a responsibility (constitutional, legal, or by convention) to ensure overall collective performance of the Government. To support the Prime Minister in this responsibility, it is customary for the CoG to compile a regular report on the programme of the government and the progress of projected policy proposals.

# 2.1.7 Coordinating Relations with Other Public Authorities (Presidency, Parliament)

The task of ensuring horizontal policy coordination often has to continue beyond the decision by the Government. Parliament must pass all primary legislation, and it may attempt to amend government legislation in the process. In addition, Parliament is also an initiator of laws, and these laws may or may not harmonise well with the Government's own priorities and policies. This issue is particularly acute in countries where Parliaments tend to initiate a large number of laws, or when there are difficult or unstable coalitions, so the Government may have difficulties controlling the policy agenda. There is, therefore, a need to coordinate relations with the Parliament, to ensure that Ministers are available to discuss and defend laws within their portfolios, and to present a common position when necessary.

Another important link for the Government is the President (and his/her office). Even in Parliamentary systems, the Head of State has, at least from time-to-time, influence on policy, and, in any case, the President normally signs bills into law, not always automatically.

For these reasons, it is quite customary for the CoG to be responsible for managing and coordinating the relationship with Parliament and the President on behalf of the Government.

# 2.1.8 Coordinating Certain Horizontal Strategic Priorities

Almost all Centres of Government include some attached functions, whereby they perform tasks that are not fundamental to their core responsibilities to manage the decision-making system on behalf of the Prime Minister and the Government.

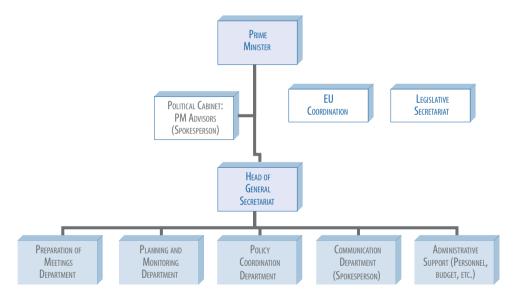
In countries in the process of preparing for accession to the EU, the process of meeting the requirement and negotiating with the EU requires major horizontal coordination. For this reason, the process established to manage European Integration must be seen as an integral part of horizontal policy coordination. The institutions set up to manage this process should be seen as a part of the CoG.

# 2.2 THE STRUCTURE OF CENTRES OF GOVERNMENT

Having looked at the functions of the Centre of Government, it is now useful to look at how the CoG is usually structured. In general, we can say that there is no one structure common to all (or even most) Centres of Government. However, despite the many variations, it is possible to conclude from reviewing a large number of such Centres, that certain basic units are almost always present, even

if their institutional positioning varies. This is hardly surprising given that the CoG performs similar functions across most governments ("the eight dimensions of horizontal coordination"). In all cases, the main body in the Centre of Government is the General Secretariat (or equivalent such as Cabinet Office, Government Office, or Chancellery)

The chart below shows the organizational units normally present in Centres of Government, although the reporting relations and overall structure vary significantly. This is not the Centre of Government of any specific country, only a schematic model based on research. For example, most Centres of Government have a legal review function, but in some countries the legislative functions are performed by a unit within the General Secretariat while in others an independent unit (as in Serbia) is responsible for this. In some countries, the EU coordination function is performed by a unit within the General Secretariat, but in other countries (especially before membership) this is usually done by a separate body within the CoG. What is important is to have the necessary units to perform the required 8 dimensions of coordination.



# 2.3 Special Note: Structures for Coordination of Activities Related to European Integration (EI)

In addition to looking at the overall structure of the CoG, it is useful to address the special organisational structures established to manage and coordinate activities related to European Integration, and to ensure horizontal policy coordination in this area. Over the last 15-20 years, countries of central and Eastern Europe and the Balkans have invested much effort in the process of European Integration, and at present 10 are already EU members, two are Candidates and others (including Serbia) have signed an SAA and are proceeding with accession-related activities. It is useful,

therefore, to pause briefly on the horizontal El coordination structures normally established in countries progressing toward EU membership.

As in the case of overall CoG organization, there are variations in the types of organizational systems established by different countries to manage and coordinate El affairs. Nevertheless, research shows important similarities in the main elements of these management structures. In general, the European Integration coordination systems found in Central and Eastern European Candidate countries (during the time of their candidacy) have normally included the following elements:

# (i) A mechanism for collective ministerial direction and strategic co-ordination

This top decision-making mechanism is typically a Standing Committee of relevant Ministers, or specifically designated monthly meetings of the Government as a whole to deal with major strategic questions related to the El process.

# (ii) A minister with lead responsibility for El matters

This is usually a member of the Government with the rank of a Deputy Prime Minister, or a Minister of European Integration. This responsible Minister normally has direct management authority over the administrative unit responsible for El coordination.

# (iii) An administrative body to manage and coordinate the European Integration process

There is always a body within the administration to coordinate EI activities throughout the administration and to support the responsible Minister. This body can be considered a part of the CoG. In some cases, this body is placed directly within the General Secretariat, and in other cases it is an independent body (a Secretariat of the Government or even a Ministry). In rare cases, the coordination body is placed in the Ministry of Foreign Affairs (but this arrangement has not tended to work well). In the usual situation, the Ministry of Foreign Affairs has an additional specialized unit to deal with external matters related to the EU.

# (iv) A designated body responsible for checking legal compliance

There is normally a body entitled to "certify" the harmonization of national legal acts with the *acquis*. This function is placed either in the administrative body responsible for coordination, or in the Legislative Secretariat.

# (v) An inter-ministerial committee of senior officials from all Ministries

There is normally an inter-ministerial working body at a senior administrative level, normally the Heads of El Units in Ministries or their superiors, who meet regularly to follow-up progress and resolve cross-ministry issues.

# (vi) A European Integration unit in every Ministry

A focal point for EI matters is normally established in each ministry. This focal point might be a special unit or a designated person in the General Department or the Legal Department. While many of

the staff in Ministries are inevitably engaged in El matters, it is often found useful to designate a contact point within the ministry as counterpart for the administrative body responsible for El coordination.

# (vii) A network of working groups

Inter-ministerial working groups of officials are established along the lines of the chapters of acquis.

# (viii) A senior member of the Government designated Chief Negotiator

When negotiations are about to begin, it is customary for the Government to appoint a Chief Negotiator supported by a negotiating team. This person may be the El Minister, the Minister of Foreign Affairs, or a specially designated person.

# 2.4 COMPARATIVE STRUCTURE OF GENERAL SECRETARIATS

It is useful to compare the structural elements of General Secretariats in a number of countries. For this purpose, three old EU members were chosen (Austria, Germany, and Ireland), and also Latvia as an example of a new Member State.

The comparison is shown in the table below, indicating that in these countries most of the functions exist in the General Secretariat. The main exception is the legal coordination, where in two of the four countries this is a function performed by another body. With respect to policy coordination, in two of the countries there is more than one unit, and these units are normally organised along sectoral lines (e.g., social policy units, economic policy unit).

	UNIT TO PREPARE MEETINGS	Policy coordination unit	PLANNING AND MONITORING UNIT	LEGAL UNIT	COMMUNICATIONS UNIT
AUSTRIA	YES	YES	No	YES	YES
GERMANY	Yes	Yes (more than one)	Yes	No (Ministry of Justice)	Yes
IRELAND	Yes	Yes (more than one)	Together with Policy unit	No (Attorney General Office)	Yes
Latvia	Yes	YES	Together with Policy unit	Yes	Yes

In order to be effective in ensuring horizontal policy coordination, the General Secretariat in these four countries has extensive authority to return items to ministries if they are not adequately prepared. What is important is the authority to return items not only on the basis of formal criteria, such as missing documents or wrong format. In order to be effective, the General Secretariat needs to be able to review the content of proposals and return items that do not meet quality standards. The grounds on which the general Secretariat can return items is shown in the table below.

GENERAL SECRETARIAT CAN RETURN ITEMS TO MINISTRIES:	Austria	GERMANY	IRELAND	Latvia
If presentation procedures are not followed	Х	Х	Х	Х
If the covering note is incomplete or not well-prepared	Х	X		Х
If legal drafting or legal conformity are inadequate	Х	Х		Х
IF THE SUBSTANCE OF PROPOSALS IS NOT REASONABLE	Х	Х	Х	Х
If objections from other Ministries are not addressed and/or resolved	Х	Х	Х	Х
If the impacts of the proposal are not sufficiently assessed	Х	Х	Х	Х
If the proposal is not in conformity with Government priorities and/or Programme	Х	Х	Х	Х

# Part III

# **TOOLS OF HORIZONTAL POLICY COORDINATION**

There are different types of tools for achieving horizontal policy coordination. In general, these tools are managed and supported by the General Secretariat. For the purpose of analysis, the tools are divided here into three main groups:

- Political tools: these are concerned with activities of members of the government;
- Administrative tools: these cover activities of institutions in the administration;
- Procedural tools: these are rules of operation, requirements and methodologies used to guide the policy system.

This section looks at each of the tools specifically as they are related to horizontal policy coordination and the activities of the General Secretariat. It is noted that each of these tools may have other functions, but these are not addressed here. For example, the members of the government also engage in activities not related to policy making, and the Rules of Procedure address many issues that are not related to policy coordination.

# 3.1 POLITICAL TOOLS

# 3.1.1 Government Meetings

The weekly meeting of the government is the apex of the policy system. From the perspective of horizontal policy coordination, what is important is that members of the government receive items that are of good quality, that they receive them in time to review them and form an opinion, and that the sessions themselves are effectively managed. Clearly, how well the government sessions are run differs over time, depending importantly on personalities and political circumstances. But some elements of the meetings depend on preparation, and, if these elements are managed and controlled, the quality of the meetings has a chance to improve. A comparison of these planning criteria is presented in the table below.

	MINISTERS GET MATERIAL IN ADVANCE	Prime Minister receives a Briefing Note from the General Secretariat	ITEMS MAY COME TO GOVERNMENT MEETING WITHOUT REVIEW
Austria	5 days	No	From тіме то тіме
GERMANY	7 days	Yes, for every item	No
IRELAND	3 days	Yes, for every item	Rarely
Latvia	4 days	Yes, for every item	Very rarely

# 3.1.2 Government Committees

The practice of using ministerial committees to filter items before they reach the government session varies among countries and over time. In developed systems, such committees are common, and they are believed to contribute greatly to horizontal coordination of Government policy decisions. Ministerial committees provide an opportunity for a group of ministers (normally specialised along policy lines such as economic policy, social policy) to spend more time on important items, and to look at them in more depth than is possible at the full Government session. They can also save time in the full meeting, time that can be directed toward the most important, or the most controversial issues on the agenda.

In the countries compared here, the use of committees is shown in the table below:

	THERE ARE MINISTERIAL COMMITTEES AS PART OF THE DECISION-MAKING SYSTEM	COMMITTEES REVIEW ITEMS PRIOR TO GOVERNMENT	COMMITTEES ARE SERVED BY THE GENERAL SECRETARIAT
Austria	YES	Yes, required for all items	Yes
GERMANY	Yes	Yes, required for all items	Yes
IRELAND	Yes	Only required for important issues	Yes
Latvia	YES	GENERALLY REQUIRED FOR ALL ITEMS	Yes

# 3.2 Administrative Tools

# 3.2.1 Inter-Ministerial Consultations

Inter-ministerial consultations are one of the most important tools of horizontal policy coordination. They are used in all systems, but the quality varies widely. In some cases, the consultations are very formal, and carried out only after the legal drafts have been prepared. In such cases, it is normally not possible for other ministries with concerns to raise important policy issues in time to have a real impact on the proposal.

What is most important in inter-ministerial consultations is open dialogue on fundamental issues. It is commonly understood that most policies and legislation affect the competencies of more than one ministry. What happens in education will affect the job market, and what happens in transport will affect the economy and environment, to state only the most obvious. Consulting with Ministries early in the preparation process can help prevent many contradictions and unintended consequences of the proposed policies and legislation.

The Rules of Procedure of governments generally specify who should be consulted, and when, and place obligations on the sponsoring ministry to consider the comments of other ministries. However, the Rules of Procedure should be seen as the minimum requirement. Informal consultations among experts, meetings to resolve issues, and open sharing of information among ministries should go beyond the minimum requirements in order to maximize the benefits of consultation.

The Rules of Procedure of the Government of Ireland provide a good example of how to structure consultations to allow sufficient time and yet avoid deadlock. Here is some of the text:

### **PRIOR CONSULTATION**

(FROM RULES OF PROCEDURE OF THE GOVERNMENT OF IRELAND)

### CONSULTATION WITH MINISTERS DIRECTLY CONCERNED

Any Minister with a functional interest in a proposal being submitted to Government must be given an opportunity to express views on it and where these are not accepted by the promoting Minister, they should be set out (in full, if requested) in the memorandum (or appended, if voluminous) with the promoting Minister's comments.

### CONSULTATION WITH MINISTRIES OF THE PRIME MINISTER AND FINANCE AND THE OFFICE OF THE ATTORNEY GENERAL

FOUR COPIES OF EVERY DRAFT MEMORANDUM FOR THE GOVERNMENT INVOLVING PROPOSALS OF A POLICY NATURE SHOULD BE FURNISHED, IN ADVANCE, TO THE SECRETARIES GENERAL OF THE MINISTRIES OF THE PRIME MINISTER AND OF FINANCE. A COPY SHOULD ALSO BE SUPPLIED TO THE OFFICE OF THE ATTORNEY GENERAL IF THE PROPOSALS INVOLVE ANY SUBSTANTIVE CONSTITUTIONAL OR LEGAL DIMENSION. COPIES OF DRAFT MEMORANDA SHOULD BE SUPPLIED TO THE OFFICES OF ALL PARTY LEADERS IN A PARTNERSHIP GOVERNMENT.

### **CIRCULATION TO OTHER MINISTERS**

If a draft memorandum is likely to be of interest to Ministers generally – apart from their purely ministerial responsibilities – copies may be circulated to all other members of the Government. There is no need, however, to delay the submission of a memorandum to Government for the views of Ministers who do not have a ministerial interest in its subject matter.

### TIME-LIMIT FOR RECEIPT OF OBSERVATIONS

Except in the case of complex issues, Ministries might reasonably be requested to provide observations on draft memoranda within two weeks (10 working days) of receipt. Ministries should not be asked to provide observations within a shorter time unless it is absolutely essential and, even then, the maximum time possible should be allowed.

# 3.2.2 Meetings of Administrative Heads of Ministries

A weekly meeting of the administrative heads of ministries (Under-Secretaries, State Secretaries) is a useful tool to coordinate policies and legislation before they reach final decision at the political level (Committees and the Government). It does not exist in all countries. In the countries covered by this report, it is used in Austria, Germany, and Latvia, but not in Ireland. Over the past few years, it has proved a popular model in Central and Eastern Europe, being adopted in, for example, Estonia, Hungary, Latvia, Lithuania, and Macedonia. One reason for this may be that in Eastern Europe, coordination between ministries is often difficult because authority is not sufficiently delegated to civil servants to reach compromises on behalf of their ministers. Consequently decisions tend to be referred upwards, so a weekly meeting of administrative heads of ministries is a useful tool for resolving interministerial concerns and for protecting the Government session from being completely overwhelmed with small disputes.

# 3.3 PROCEDURAL TOOLS

# 3.3.1 Rules of Procedure

The Rules of Procedure (RoP) of the Government vary widely in their content and level of detail. However, it is possible to list the main items that should be covered in the RoP in order to ensure that the rules are an adequate basis for horizontal policy coordination. A review of the RoP in the countries covered by this study (Germany, Austria, Ireland and Latvia) suggests that the basic items that they should include to ensure good horizontal coordination are the following:

- Rules for the preparation of the annual work plan of the Government;
- Rules for preparation of the agenda of Government sessions;
- Rules about deadlines for submission of items from ministries to the general Secretariat for scheduling;
- Rules on the roles and responsibilities of ministerial committees;
- Rules on the preparation by ministries of items for Government sessions;
- Rules about the content and format of material and explanatory memorandum to be presented to the Government;
- Rules regarding harmonisation with EU Acquis and the mode of certification;
- Rules regarding the consultations between ministries (timing, coverage, and format of response);
- Rules regarding the competencies of the General Secretariat to review, coordinate, and return items to ministries;
- Rules concerning the conduct of legal coordination;
- Rules about exceptional procedures in case of urgencies (this should not be left to individual ministers to decide);
- Rules about communication of Government decisions to the public;
- Rules about the roles and responsibilities of the weekly meeting of senior ministry officials (where these are held).

# 3.3.2 Planning System

A centrally important tool of horizontal policy coordination is the annual planning of the work of the Government. The planning system must ensure both a "bottom up" and a "top down" process. The "bottom up" element means that the planning process would start with the ministries proposing to the General Secretariat a list of items that they intend to bring forward to the Government for decision in the coming year. Ideally, this list is based on a good internal process within each ministry. Following this, the General Secretariat should perform the "top down" part of the process. Before preparing the final plan for approval by the Government, the general Secretariat should carefully review the submissions of the ministries and assess issues such as the following:

Are all the items on the list really priority? Are there agreed government priorities that are missing from the list? This should be based on comparing the lists with the Government Programme, The El Programme, other strategies adopted by the Government, and other relevant previous decisions of the Government.

- Are there items that should first be decided on in principle before the ministry expends resources on drafting legislation?
- Are there policy contradictions between what is proposed by different Ministries?
- Is there a link between the planned work and budget considerations?
- Are timetables realistic? Are items well-spaced during the year?

The General Secretariat should have the competency, the capacity, and the resources to challenge the lists provided by ministries and engage in a constructive dialogue with them. Unless this process is serious, the annual work plan becomes no better than a "wish list" that has no chance of guiding the work of the Government in an effective manner towards its policy objectives.

# Part IV

# CHECKLIST: HOW TO ASSESS THE QUALITY OF HORIZONTAL POLICY COORDINATION

The most widely used method for assessing the quality of horizontal policy coordination is the regular review by SIGMA on behalf of the European Commission. Since 1998, SIGMA has been assessing the quality of the policy coordination systems in Candidate and pre-candidate countries. (The policy system in Serbia was first reviewed in 2003, as part of Serbia & Montenegro. The last assessment in Serbia was conducted in 2008).

The assessment is carried out using a common Baseline that was developed by SIGMA and approved by the Commission. For each of 10 categories in the baseline, SIGMA provides a brief description of the state of affairs, and an assessment of the level achieved in the year of the assessment. The SIGMA Baseline provides a good checklist of the elements required in a good system of horizontal policy coordination. In addition to being used by SIGMA periodically to produce assessments for the Commission, the Baseline can be used by the General Secretariat or by authorities preparing plans for Public Administration Reform as a means of self-assessment and reform planning.

The SIGMA Baseline for Assessment of the Policy-Making and Coordination system is as follows:

### 1. COHERENCE OF THE POLICY-MAKING FRAMEWORK

The overall framework within which policy is made should be coherent, should be clearly set out in writing (usually in a set of Rules of Procedure of the Government), and should be understood and accepted by all actors in the policy-making process.

# 2. Inter-ministerial consultation on policy proposals

There should be clearly established arrangements for co-ordinating policy between ministries before proposals are submitted to the centre of government. These should ensure particularly that the budgetary, economic, European Integration and legal implications of any proposal are adequately addressed, and more generally that any Ministry with an interest has been consulted. There should be arrangements to ensure that proposals put to the Government are 'filtered' both at civil service and Ministerial level.

# 3. WORK-PLANNING

THERE SHOULD BE SYSTEMS FOR PLANNING THE GOVERNMENT S' WORK, TO COMBINE:

- THE IMMEDIATE AGENDA OF THE GOVERNMENT
- THE AGENDA OF THE GOVERNMENT AND ITS SATELLITE BODIES IN THE MEDIUM TERM (E.G., ON A QUARTERLY BASIS)
- THE GOVERNMENT'S ANNUAL LEGISLATIVE AND WORK PROGRAMME (E.G. MEASURES TO ADOPT THE ACQUIS AND MEET STRATEGIC GOALS)

### 4. DISPUTE RESOLUTION MECHANISMS

There should be effective mechanisms for resolving disagreements between ministers on policy issues, e.g. through meetings between ministers in the filtering mechanisms mentioned in section 2 above.

### 5. CENTRAL CO-ORDINATION CAPACITY

There should be an effective central administrative body (e.g. a Government Secretariat, Government Office, a department in the Prime Minister's Office) with the capacity and authority:

- TO ENSURE THAT CO-ORDINATION ARRANGEMENTS ARE ENFORCED;
- TO PROVIDE ADEQUATE LOGISTICAL SUPPORT TO THE CENTRE OF DECISION-MAKING (I.E. TO THE PRIME MINISTER, GOVERNMENT MEETINGS, MINISTERIAL COMMITTEES AND THEIR CHAIRMEN);
- TO ENSURE THE RECORDING AND CIRCULATION OF DECISIONS;
- TO MONITOR THE IMPLEMENTATION OF DECISIONS (INCLUDING THE NECESSARY SECONDARY LEGAL INSTRUMENTS).

# 6. CENTRAL CAPACITY TO ADVISE ON POLICY AND STRATEGIC MATTERS

There should be a central capacity to provide advice to the Prime Minister, the Government and ministerial committees on (a) overall strategic issues, and (b) to advise them on the substantive and strategic implications of proposals.

### 7. CO-ORDINATION OF EUROPEAN AFFAIRS

THERE SHOULD BE ARRANGEMENTS TO CO-ORDINATE EUROPEAN INTEGRATION, INCLUDING A MECHANISM FOR COLLECTIVE MINISTERIAL STRATEGIC SUPERVISION; INTER-MINISTERIAL WORKING ARRANGEMENTS WITH THE CAPACITY AND AUTHORITY TO CO-ORDINATE EU INTEGRATION WORK INTERNALLY, AND TO MONITOR PROGRESS; AN ADMINISTRATIVE UNIT OR UNITS TO SUPPORT THOSE CO-ORDINATING ARRANGEMENTS;

# 8. THE INVOLVEMENT OF THE GOVERNMENT IN RUDGET DECISIONS

THERE SHOULD BE MECHANISMS AT MINISTERIAL LEVEL TO ENSURE:

- THAT A COLLECTIVELY ACCEPTABLE LIMIT IS FIXED TO GOVERNMENT SPENDING;
- THAT DISCUSSIONS TAKE PLACE ON THE SPENDING NEEDS OF EACH MINISTRY;
- THAT DISPUTES BETWEEN MINISTERS ON BUDGETARY MATTERS CAN BE RESOLVED.

### 9. IMPACT ASSESSMENT

There should be mechanisms when preparing policy options — including strategies, programmes, secondary legislation and measures to implement the *acquis* in the local context — to assess:

- BUDGETARY COST:
- ECONOMIC IMPACT (INCLUDING THE NEED TO AVOID UNNECESSARY REGULATORY BURDENS);
- SOCIAL AND ENVIRONMENTAL IMPACT;
- EFFICIENCY AND PRACTICABILITY IN IMPLEMENTATION.

### 10. TRANSPARENCY, CONSULTATION AND COMMUNICATION WITH THE PUBLIC

IN ORDER TO SUPPORT PRINCIPLES OF INTEGRITY IN GOVERNMENT, THERE SHOULD BE:

MEANINGFUL CONSULTATION OF THE PUBLIC ON SIGNIFICANT POLICY PROPOSALS, WITH ARRANGEMENTS FOR INFORMING MINISTERS OF THE
OUTCOME OF CONSULTATIONS AS PART OF THE DECISION-MAKING PROCESS;

- INSTITUTIONAL MECHANISMS (E.G. A GOVERNMENT INFORMATION OFFICE) RESPONSIBLE FOR IMPLEMENTING SYSTEMATIC PROCEDURES FOR INFORMING THE PUBLIC REGULARLY OF THE WORK OF THE GOVERNMENT, INCLUDING ARRANGEMENTS TO ANSWER QUERIES FROM THE MEDIA AND PUBLIC;
- ARRANGEMENTS BY WHICH THE PUBLIC CAN ACCESS THE INFORMATION ON WHICH GOVERNMENT HAS BASED ITS DECISIONS, INCLUDING
   STATISTICS (E.G. AN INFORMATION PUBLICATION SCHEME, OR FREEDOM OF INFORMATION LEGISLATION);
- A MECHANISM BY WHICH LAWS AND OTHER DECISIONS AFFECTING THE PUBLIC ARE MADE PUBLICLY AVAILABLE (E.G. A STATE GAZETTE).

# Part V

# HORIZONTAL POLICY COORDINATION: LESSONS FOR REFORM

As was demonstrated by this paper, the policy system in general, and the structures and tools for horizontal policy coordination are varied and complex. One general lesson from all the research is that horizontal policy coordination will not happen if it is not centrally managed. This important management role falls to the General Secretariat. Unless it is well-structured and adequately staffed, and unless it has the required competencies (in law if necessary) and the support of the top politicians, it will not be able to perform this critical management responsibility.

There is no one unique "correct" way of organizing the General Secretariat. The administrative apparatus supporting each country's Government policy-making has developed incrementally, and often haphazardly. Arrangements have only rarely been based consciously or fully on foreign models; usually the Centre of Government is home-grown, influenced mainly by domestic traditions of law, politics and administration. Often it has been caused to develop in unexpected directions by political circumstance, personality and chance. The degree of variation is enormous. Such variation is certainly appropriate, and any attempt to create artificial uniformity is bound to fail.

For example, as noted in a World Bank study by Gord Evans and Nick Manning, there is no blueprint for determining the size or structure of General Secretariats, nor the relationship between them and the private office of the Prime Minister. These will be affected by the broader institutional configuration. The size of General Secretariats ranges from very small (less than 50 in Denmark, Ireland, and Norway), to medium (approximately 200 in the United Kingdom) to large (450 in Germany).

Nevertheless, governments can learn from general models and from each other about different approaches to organizing and staffing the General Secretariat. Since no model fits all systems, the main advantage of a comparative approach is that Government Secretaries can study 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.

Many countries in central and Eastern Europe and the Balkans, as well as countries all over the world have taken steps to reform and upgrade their horizontal policy coordination systems, and in particular their General Secretariats. There is some evidence that in central and Eastern Europe governments that reformed their General Secretariats had greater success in their overall public administration reform (PAR) efforts than countries that did not reform their General Secretariats.

While each case is unique, there are some common lessons from the efforts to reform horizontal policy coordination systems, and these are very applicable to Serbia at this time. The main lessons are:

- Reform of the policy management system needs to supported at the highest political level (initial decision by Prime Minister or Government);
- The reform of the policy system should begin by strengthening the main institution at the Centre of Government, that is, the General Secretariat;
- The reform of the General Secretariat should be led internally by a senior official, supported by an internal team and by Technical Assistance;
- Significant reform of the horizontal policy coordination system can be expected to last at least four years;
- Once a general approach to reform is agreed, the reform should proceed step-by-step, including legal changes, personnel recruitment, development of methodologies and procedures, training, etc;
- Additional Government decisions are normally required as the reform progresses;
- The Ministries should be included in the reform process at a second stage (a year or two into the reform process) to improve their policy development and planning activities. This would ensure that better horizontal coordination at the centre is matched by better prepared policy documents and legal drafts in the ministries.

Over the past few years, Serbia has been taking steps to reform its horizontal policy coordination system. To this end, Serbia established a ministerial coordinating body, chaired by the Prime Minister, and a new sector within the General Secretariat of the Government responsible for planning, monitoring, policy coordination and analysis. The plan is for this Sector to expand its monitoring functions beyond pure compliance monitoring of the annual government work programme and government decisions, to include monitoring of some of the key results indicators from the ministry strategic plans. These are welcome developments that should continue so as to develop the CoG in Serbia into a body capable of performing all eight dimensions of horizontal coordination.

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