

## **Spring demobilization of state secretaries**

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### **It Finally Happened...**

Three days before celebration of its second anniversary, state secretary institution was abolished. The May 26, 2003 presidential decree "On Some Measures for Optimization of Governance in the System of National Executive Bodies" provided for liquidation of the state secretary institution.

Under the decree, offices of state secretaries of ministries, their deputies and first deputies shall be abolished and substituted with those of vice ministers and first vice ministers. Appointment of first vice ministers and vice ministers shall be done according to presidential decision after Premier's submission. The President of Ukraine shall also determine the number of first vice ministers and vice ministers of each ministry. It is necessary to point out that respective presidential powers are not indicated in the Constitution of Ukraine. Article 106, Subsection 10, of the document reads, "On Premier's submission, the President of Ukraine shall be empowered to designate and dismiss from their offices members of the Cabinet of Ministers, chairmen of other national executive authorities and regional state administrations." Hence, under the Constitution, vice ministers are viewed as "chairmen of other national executive authorities". Article 114 of the Ukrainian Constitution clearly establishes composition of the Cabinet that shall consist of Prime Minister, First Vice Prime Minister, three Vice Prime Ministers and ministers. On Premier's submission, the President of Ukraine shall appoint personal composition of the Cabinet. The Constitution does not provide for offices of vice ministers.

In general, 100 state secretaries, their deputies and first deputies of 16 Ukrainian ministries as well as the office of state secretary of the Cabinet of Ministers shall be abolished. The number of state secretaries and their deputies differed from ministry to ministry. For instance, that number was the largest and amounted to 11 in the Ministry of Interior (state secretary, three first deputies and seven deputies), in the Ministry of Finance - 10 (state secretary, eight deputies and state secretary of the State Department of Financial Monitoring at the Ministry of Finance) and in the Ministry of Economy and European Integration - 9 (two state secretaries, two first deputies and five deputies). 5 ministries, including the Foreign Ministry, the Ministry of Fuel and Energy and the Ministry of Defense, had only two state secretaries. The Ministry of Finance had just one state secretary - state secretary of the State Department of Financial Monitoring.

On May 28, 2003, first "victims" of the presidential decree emerged - two Deputy State Secretaries of the Ministry of Ukraine of Emergencies and Affairs of Population Protection from the Consequences of Chernobyl Catastrophe Volodymyr Logynov and Valentyna Levchenko were dismissed.

### **Establishment of State Secretary Institution: Common Remarks**

The state secretary institution was established under the 29 May, 2001 presidential decree "On Regular Measures for Further Implementation of the Administrative Reform in Ukraine". Its creation had been envisaged by conception of the administrative reform that failed to become a consolidated public program geared toward reforming the system of public governance. Expediency of introduction of a new institution was explained by the need to ensure stable work of the government. Introduction of new offices was justified by the need "to release ministers from duties relating to routine administrative functions and simultaneously preserve stability and certain independence of apparatus from changes in political course or political leaders." At the same time, the document abolished offices of first vice ministers and vice ministers as well as the office of state secretary of the Cabinet of Ministers of Ukraine, his first deputy and deputies. According to the 2001 decree, the President of Ukraine should designate state secretary of the Cabinet of Ministers of Ukraine, his first deputy and deputies as well as state secretaries of ministries, their first deputies and deputies for the period of his presidency. Resignation of the government or some of its members should not entail removal of state secretaries who acquired the status of state officials, for they should ensure succession and stability of governance. The 2001 decree also introduced a term "political figure" and all members of

the Cabinet should acquire that. Meanwhile, state secretaries were vested with large powers. They headed ministerial staff, presented ministers with proposals for distribution of budget funds, coordinated activities of territorial bodies of ministries, enterprises, establishments and organizations within ministerial jurisdiction, dealt with personnel issues etc.

It should be pointed out that the above decree emerged almost simultaneously with appointment of Anatoly Kinakh as Ukrainian Prime Minister. Given that political situation, after resignation of the Yushchenko's government, different political forces within the parliamentary majority liked to exploit a thesis about the coalition government. At that time, introduction of the state secretary institution could appease to some extent party and oligarchic appetites relating to offices in the government, as ministers-politicians, who could solve nothing a priori, would not be able to perform functions of influential figures on political scene.

It is also expedient to mention rhetoric of those times that attended presentation of the decree. Former Head of the Presidential Administration Volodymyr Lytvyn said, "The need for respective decisions can be explained by permanent changes in composition of the government under the circumstances of transitional period and political restructuring, which causes the problem of disorganization of executive power." (The news agency Interfax Ukraina, May 29, 2001)

Meanwhile, practical application of the May 29, 2001 decree was rather problematic. Like nowadays, at that time, there was no law on the Cabinet of Ministers of Ukraine that should actually settle the issue of power disorganization and provide for establishment of relations between the government and the parliament. Within several years, the President of Ukraine repeatedly vetoed the above law. The opposition voiced apprehension that introduction of the state secretary institution might paralyze work of the Cabinet, as it would perform almost identical functions. There were assumptions about possibility of creation, through the state secretary institution, of a peculiar counterbalance to the Cabinet that even could become a political body. Some MPs drew a parallel between secretaries and commissars of the Workers' and Peasants' Army of 1918. As a matter of fact, state secretaries were vested with more powers than ministers who depended on the President. Later on, the situation was stabilized due to introduction of numerous changes to the 2001 decree. In July 2001, the President signed the regulation on the status of state secretaries of ministries. The document read, "State secretary of a ministry, hereinafter referred to as state secretary, shall be a state official empowered to organize and ensure work of a minister. State secretary shall be accountable to a minister." The afore-mentioned actually meant subordination of state secretary to a minister. Also, there were other changes that minimized possible risks of formation of a parallel branch of power within the system of national executive authorities.

### **The Issue of State Secretaries: between Motivations and Arguments**

Several reasons for abolition of the state secretary institution were given officially in decrees and comments to them. The major reason was that the above institution did not comply with the proposed format of the political reform. Other reasons implied a regular purge of the Cabinet and stagger among the higher echelons of executive power. The process of further job placement of some state secretaries will demonstrate to what extent the above thesis represents the facts. Even today, it is understandable that all of them could not become vice ministers. Commenting on the presidential decree, Prime Minister Victor Yanukovich stated, "Given the situation, changes in personnel are inevitable and there is no exception to this rule."

Hence, official abolition of the state secretary institution is motivated by the need "to create and ensure favorable conditions for consistent implementation of the political reform in Ukraine." According to official comments, the state secretary institution is still not included into newly proposed schemes of the political reform in the context of restructuring executive power. However, in his latest address to the Verkhovna Rada, the President of Ukraine Leonid Kuchma asserted, "Approval of political status of a minister shall be attended with consolidation of the institution of state secretaries of the government and ministries to be appointed by the Ukrainian President."

Proceeding from texts of official documents, "long protraction of the process of enactment of legal documents on procedure for organization and functioning of national executive authorities and on status of their chairmen" can serve as the other argument. In comments on the presidential decree, special attention is paid to it. Apparently, the matter in question is the law of Ukraine "On the Cabinet of Ministers of Ukraine" repeatedly vetoed by the President though the document does not provide for introduction of the office of the state secretaries. The next day, Minister

of Justice Olexandr Lavrynovych came forward sharing the opinion about inaction of the Verkhovna Rada related to legalization of the status of high state officials. He emphasized that within two years, a respective legal act regulating functioning of executive power and its division into state service and political offices was not passed. Olexandr Lavrynovych said that both the Cabinet and the President had the right of legislative initiative but none of them succeeded to legalize administrative and political novations in the system of public governance.

The above caused certain misunderstanding of some MPs. MP Mykola Tomenko vigorously reacted to institutional novations and said that the parliament beared no relation either to introduction or abolition of the state secretary institution.

By the way, in 2000, Head of the Presidential Administration of that time Volodymyr Lytvyn stressed that the decree on introduction of the state secretary institution should be the first in a series of documents providing for structural changes in the system of power. Though, the Presidential Administration did not take any further steps in that direction.

The Cabinet of Ministers became not a political but quasi-political body. Existent political practice proved that nothing radical occurred but renaming of first vice ministers into state secretaries. Given the situation, the state secretary institution failed to acquire the role of administrative body that should ensure work and activities of politicians. On the contrary, it has become a common practice when a state secretary assumed not only administrative but also political functions. Comments to the presidential decree by Deputy Speaker of the Verkhovna Rada Olexandr Zinchenko deserve attention. He said, "Abolition of the state secretary institution will give rise to search of a solution to the issue of optimization of public governance. The matter in question is not a simple change in the name but enhancement of the role of persons responsible for decision-making." Such a viewpoint demonstrates efforts of MPs to make ministers real political figures. Today, the above statement remains of declarative nature, since as a rule; state secretary more or less successfully performed "political" duties of ministers. They presented the Verkhovna Rada with drafts, came forward at parliamentary hearings, gave political assessments to and interpreted certain facts and events on behalf of ministries. Availability of respective tendencies a priori served as a reason for misunderstanding of and contradictions with ministers who de facto and de jure did not have the status of political figures.

First and foremost, such a situation can be explained by a specific logic of formation of contemporary quasi-coalition governments in the absence of stable political groups and in the presence of the situational majority formed on the basis of quasi-political principles under administrative pressure. Meanwhile, stable political formations can exist provided that a principle of proportionate parliamentary elections is realized and that the parliamentary majority bearing political responsibility for the government is formed according to the above principle. Given Ukrainian realities, talks about the coalition government are nothing but pure declarations, for there are no legally fixed principles of responsibility for actions of ministers as political figures within governmental coalitions. Today, cooperation of "coalition ministers" with associated parliamentary factions is of rather comical and inconsistent nature.

Therefore, abolition of the state secretary institution does not approach public governance in Ukraine to that in EU countries. It is understood that mechanical copying of foreign experience is impossible due to specificity of the Ukrainian governance system where every branch of power actually bears no responsibility for its activities.

"Presidential decision will make executive power stronger. We shall strengthen its vertical line that has to implement all decisions taken", pointed out Premier Victor Yanukovych commenting on the presidential decree. Analyzing the above quotation, it is possible to conclude that prior to abolition of the state secretary institution; executive power implemented not all "decisions taken". At the same time, interpretation of redistribution of powers between the Presidential Administration and the Cabinet due to liquidation of the respective institution seems rather simplified. The expected law on political reform will highlight key points in administrative context.