



# POLICY BRIEF

SLOVENIAN EUROPEAN POLICY AND A EUROPEAN STATE ADMINISTRATION  
FOR AN ACTIVE, SUCCESSFUL AND EFFICIENT EU MEMBERSHIP

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Ljubljana, 2009



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## 1. EU COUNCIL PRESIDENCY AS AN OPPORTUNITY FOR ACTIVE MEMBERSHIP

After reaching its most important foreign policy goal since recognition as a state, i.e. joining the Euro-Atlantic integration processes, and along domestic political changes in 2004 Slovenia soon started planning and implementing two large operative foreign policy projects (Presidency of the OSCE in 2005 and the EU Council in the first half of 2008). This has hampered the long-term strategic thinking on what kind of an EU member Slovenia should be, what are Slovenia's objectives in the Union and how should they be pursued in order not to stay unrecognisable in terms of its interests and simply known as the '*Musterschüler*'.

It was exactly this renown gained during the accession negotiations that contributed to being chosen as the first new member state from the 2004/2007 enlargement circle to preside over the Council of the EU. The EU Council Presidency has catapulted Slovenia to the very top of political processes in the EU as well as worldwide. It enabled the Slovenian state administration, diplomacy as well as the public and nongovernmental organisations to identify and comprehend the political process at EU level in detail, especially the insight, understanding and participation in informal formats of political decision-making and with it access to information and actors that were previously inaccessible or even unknown. Such profound knowledge of the political process and participation in it increase the possibility for an active co-shaping of policies at European level and consequently the opportunity to assert Slovenian interests in the European political space also under the terms of 'normal' membership after the Presidency period.

The Presidency gave Slovenia a new face in the EU. Its financial and other resources did not change, nor did its formal sources of influence in European politics; however, its political capital certainly grew. A return to the passive membership from before the Presidency period could for ever lavish this capital.

The experiences gained during the Presidency must not slip into oblivion. The Presidency was a special experience in which national interests have been resolved in most cases parallel to European ones or indeed gave way to EU interest and the goal of the Presidency in terms of being an '*honest broker*'. At the same time the Presidency gave Slovenia an insight into the behind-the-scenes activities of other actors, a feel for the time dynamics of a policy process at EU level and made it familiar with the positions, strategies and negotiation tactics of individual member states and EU institutions. These elements need to be retained. They need to be reflected and used in the perspective of setting-up a more proactive Slovenian

European policy. Three elements come to the fore: (i) renewed reflection on the working priorities of Slovenia in EU institutions, (ii) adjustments to the organisational structure of state administration for the needs of an active EU membership and (iii) changes to the educational and training system and human resources management that are vital for the successful implementation of set goals: an efficient and successful EU membership.

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## 2. POLITICAL LEADERSHIP, STRATEGIC DIRECTIONS AND PLANNED ACTION

Slovenia's activity in EU institutions is directed by an annual and since 2007 18-monthly Declaration on activities of the Republic of Slovenia in EU institutions. The Declaration states principles on which Slovenia's activities in the EU are based, it describes – with different precision – activities of the EU for the period of each declaration and for each field or policy it states Slovenian priorities, be it in the form of general objectives at EU level, be it in the form of efforts to be realised at Slovenian level. The diction of the declaration moves between 'to strive for', 'pay attention to' and 'to follow', from which an attentive reader can grasp the priority level of individual areas. In such a form, however, the declaration does not serve as a guiding document and does not offer possibilities for strategic activity planning of individual departments in light of working towards the set goals.

A stronger policy-guiding document is needed that will define the individual fields of priority activities with more clarity but at the same time maintain sufficient broadness in stating goals and the steps to achieve them. The strategic viewpoint of reaching these goals must be encompassed in action plans of individual ministries that need to be set up parallel to the forming of the declaration and holistically treat activities at national and at European level. This means that the drafting of the declaration can no longer be an exercise in copy-pasting the previous year or previous 18 months but rather has to be formed on the basis of political and strategic guidelines that ought to be given by Slovenia's Development Strategy and (urgently needed) Foreign Policy Strategy and in discussion with all departments concerned with (presently) the 18-months working programmes of the EU Council Presidency Trio. The basic drafting of trends within the EU by the Government Office for Development and European Affairs (GODEA) needs to be followed by active participation of individual ministries under the auspices of the new Minister without Portfolio for Development and European Affairs; and their parallel shaping of action plans that will contribute to achieving the set goals.

In this respect the Declaration offers political guidance that is indispensable for an integral and consistent activity within the EU. Lack of human resources and expert groundwork and especially lack of time to prepare and harmonise positions are problems that Slovenia was facing before and during the Presidency. Action plans provide a timeline and define the needs for expert groundwork and positions. They insert the element of strategy and planning and thus enable to transform the quantitative view of lack of human resources into the

qualitative view of a more capable state administration. The strategic element relates to the decision on preparing expert groundwork with regards to priority areas; planning relates to the decision on when and who (within a ministry or outsourced) should prepare it. In relation to the Declaration and the 18-months working programme at EU level or the six-month agenda of the Presidency, depending on the priority tasks as defined by the Declaration, they concretely enable (i) timely engagement of officials into a specific issue, (ii) commissioning of studies as circumstances require and (iii) horizontal harmonisation of individual dossiers.

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### 3. FROM THE QUANTITATIVE PROBLEM OF LACK OF HUMAN RESOURCES TO A QUALITATIVELY MORE CAPABLE STATE ADMINISTRATION

From the personnel viewpoint of Slovenia's activities in EU affairs three issues step out: (i) knowledge of the content of a considered issue, (ii) mastering of policy procedures at EU level, especially informal elements of the policy process as well as the detailed, usually unwritten codes of conduct and (iii) communication skills and functional use of a foreign language.

For an efficient drafting of a position towards a certain issue one needs to be well-acquainted with the content of the issue from the point of view of the issue itself, positions and arguments of other actors in the policy process, horizontal linkages of the issue with other areas and, nevertheless, the primary objectives, positions and arguments of Slovenia. The expert groundwork has to be the basis of both drafting as well as defending Slovenia's positions at the European level. This means they have to include a content analysis of the issue and the positions and argumentations of individual member states and other institutions as well as a cost & benefit analysis for Slovenia. These are skills that the Slovenian state administration due to limited resources in the framework of its regular activity manages to gain only in a small number of priority areas, which renders it impossible for its to get actively involved in political decision-making even in some related areas or when it comes to horizontally related topics or questions of principle. Involving experts and a bigger involvement of the diplomatic and consular network, with the aim of supplementing the information of the Permanent Representation in Brussels and the expert information, mainly from the point of view of positions, arguments and tendencies of other actors, can broaden the areas in which Slovenia acts on the basis of expert groundwork, despite unchanged resources.

Specific content knowledge and a small number of Slovenian diplomats in Brussels demands a stricter division of officials between diplomats and experts where the former, taking into account their diplomatic skills, should pertain the horizontal overview of the larger number of content related areas (i.e. structural diplomats); the experts, however, should offer them expert support when it comes to technical, highly professional areas, especially when those are among Slovenia's priority interest areas. Action plans should foresee the need for expert support and adequately plan the activity in a certain dossier.

Slovenia's EU Council Presidency exposed a deficient knowledge of the political institutions and process at EU level in the state administration and demonstrated

a discrepancy in the expectations on the possibilities and the approach between diplomats and experts at the Permanent Representation in Brussels on one hand and the employees in Ljubljana on the other. Education and training of state officials for the needs of EU membership has to be set at various levels, adjusted for specific needs (e.g. officials of the Ministry of Foreign Affairs are not to be taught about the details of procedures in the Common Agricultural Policy) and coherent with the planned career of an individual; moreover, it has to be conceived as investment in human resources and not as a work deficit of the person taking part in a training, doing a stage or being on secondment.

It is necessary that the entire state administration has a general knowledge of EU institutions and procedures. With this in mind it is necessary to pledge an obligatory education on the EU for staggers and refresher courses for more senior personnel and functionaries, depending on their previous levels of knowledge. Targeted education adapted to the level and working needs of an individual has to be carefully planned, bearing in mind the planned career of an individual and substantially divided between the needs for expertise and skills to perform specific functions (which is in accordance with the above mentioned need to differentiate between experts and structural diplomats). The former is coherent with the current educational strategy within the state administration, which, however, would need to be supplemented with obligatory education on the working of institutions and decision-making processes in the EU for all officials, including the functionaries, without making a distinction between those working on EU affairs and those who do not, as these two levels are strongly and ever more inherently intertwined. Moreover, it is possible and necessary to organise educational training within the departments. In all of them, despite many leaving, officials remain that were actively involved in the Presidency experience, both at the Permanent Representation in Brussels as well as at home in Ljubljana. Active participation in training of these and other officials that have learned how procedures function in practice, do not cause additional costs but guarantees an active participation of highly motivated experienced personnel that transfer their knowledge to others and of the participants in the training because they gain useable first-hand knowledge. A system of mentorship can serve the same purpose of transfer of knowledge and with it the creation of an institutional memory. Officials with a practical experience in Brussels need to get the chance to pass on this experience in the framework of a carefully set up (and not just formal) targeted training of staggers.

Policy procedures at EU level can be learnt to a certain extent from books and in lectures but for a successful and efficient activity of the state administration it is vital to be acquainted with informal rules and procedures and have a basic insight in the actual day-to-day functioning of the EU. Such an insight can be acquired only through a continuous participation in meetings in Brussels. Short-term stage placements at the Permanent Representation and secondments to EU institutions and other member states need to get rid of the understanding that this represents a cost and loss of a person for that period.

On the contrary, it is an investment (and therefore sending dispensable personnel to such trainings is also wrong). The Permanent Representation in Brussels offers the infrastructure and it is easier to motivate state officials for short-term (up to a month) placements in Brussels or other European capitals. Even a short period abroad increases the knowledge of procedures (i) through practice and with it a feel for them, (ii) develops informal connections that help foster communication, (iii) increases the number of officials that are highly familiar with the procedures at EU level, which in turn eases the coordination and (iv) simultaneously they gain other skills, such as functional use of a foreign language, reporting, negotiating and argumentation that are useful also in the everyday functioning in Ljubljana; at the same time a broader enlistment of officials with such knowledge and skills provides recruitment for the needs of the Permanent Representation and a higher understanding of its work.

Speaking at least one foreign language in the state administration is not the problem but rather it is the lack of its functional use. Quick argumentative responsiveness, negotiation and the ability to arrive at compromises belong to communication skills that are desirable in the broader state administration; however, mastering such skills in English and/or French is even more important in Brussels. During the Presidency a number of people gained functional knowledge and use of a foreign language thus now is the right timing to upgrade and enlarge this skill through internal trainings in the form of simulations and workshops within ministries, with the participation (or independent facilitation) of those, who gathered their experience in Brussels. A specially organised training for management personnel should take place not only for the needs of European politics but generally for everyday work in state administration, while the European dimension simply adds a foreign language. The latter is strengthened via stage placements but also through regular, once-a-month 'casual (English) Friday' use of a foreign language in the departments or smaller units where people know each other in order to bring the inhibitions of using a foreign language to a minimum. If nothing is done in this direction, the momentum of currently being used to communicating in a foreign language will be lost among a large number of people.

## 4. VERTICAL AND HORIZONTAL COOPERATION: A SURMOUNTABLE OBSTACLE OF ALL BUREAUCRACIES

In implementing a European policy the problems of vertical and horizontal cooperation in state administration, which are frequent and usual in a bureaucracy as an institution, fostered by the hierarchical nature and interdepartmental competitiveness, come to the forefront even more evidently due to its novelty and quick changes that alter the position and significance of certain departments and offices. In Slovenia the modus operandi of European affairs changed significantly through the changes of the status of the GODEA and the Ministry of Foreign Affairs during the pre-accession negotiations, the first years of membership and the changed nature of activities adapted to EU membership, in many ministries not until the time of the EU Council Presidency, which required new skills and new forms of coordination. The coordination is further aggravated by the differences in the sharing of competences between the EU and member states in certain areas.

Key elements of cooperation in the state administration are (i) flow (vertical and horizontal) and the nature of information (levels of confidentiality), (ii) line of decision-making, (iii) forms of activity and (iv) informal connections. The Slovenian state administration is characterised by a slow flow of information and information being kept at too high level of hierarchy. The line of decision-making is also centralised highly in the political hierarchy. Work is done mainly individually though it has to be stressed that working groups have been set up during the Presidency period that mostly worked project-based and were successful at it. Informal connections are a minor problem within individual ministries where people meet on a daily basis, while lack of thereof causes problems in inter-ministerial cooperation due to physical distance and with it the absence of certainly not trivial morning coffees.

The Presidency offered some good practices for the improvement of the flow of information that should be kept in the future. Short and immediate information with a structured message that were sent from the Permanent Representation in Brussels is one such case at hand. The established direct information flow, even over many hierarchical levels when it comes to content and expert related issues, is another example. Both practices are worth maintaining. Furthermore, the accessibility of information down the hierarchy needs to be evaluated from the point of view of its usability for the person working on a certain dossier as well as its political and diplomatic sensibility. Information can be divided into content briefings with a broader accessibility and a wide range of positions and argumentation

and suggestions for Slovenia, the accessibility of which depends on political and diplomatic sensitivity (with differences between the Ministry of Foreign Affairs, institutional questions, the budget, technical dossiers, etc.).

The need for swift communication during the Presidency has loosened some hierarchical streams, especially between the Permanent Representation and the Cabinet or the Minister and the so-called Brussels-based Presidency has widened the scope of mandate of Slovenian diplomats in Brussels. After the Presidency the balance needs to be restored, however not automatically towards previous centralisation in the Minister's Cabinet but by increasing the responsibility and autonomy at lower levels, which proved to be very motivating for the creativity and efficiency of work during the Presidency. This could, in connection with the above mentioned strategic activity, lead to a higher content expertise and creativity and with it to a quicker drafting of positions on the basis of known and *ad hoc* political decisions of the Minister's Cabinet.

The strategic nature and planning of activities should be aimed at the practice of keeping the work in working groups on certain *dossiers*, however these groups need to make a mental shift from project to programme (content) activities, which should follow the action plan. Informal connections between individuals are even more important in inter-ministerial relations due to lack of other coordinative mechanisms. Such connections are built up through trainings, stage placements and the circulation of personnel between ministries and other offices. That is why it is necessary - parallel to planning stage placements and secondment - to establish a system of short-term circulation also inside the state administration that should be conceived in a way that officials get to know the work from different angles: Permanent Representation, the foreign ministry, the GODEA, the ministries (with horizontal thematic connections). Inter-ministerial circulation enables comprehending the interconnectedness of working areas in horizontal (content) terms, meeting people, seeing the differences between ministries, all of which leads to a more efficient communication, coordination of work and harmonisation of positions at lower level and with it the preventing of the doubling of the work and consequently enabling a more efficient functioning at the European level.

Apart from the problem and meaning of informal connections there are some specific problems that persist in inter-ministerial harmonisation. The actual need for cooperation on a given dossier is usually indentified too late and the settling of relations (leading department) between competent departments is not always clear and many time subdued to clinging on to and/or renouncing of competences and ownership. As a result, the institutionalised forms of harmonising activities (at the GODEA) arrive at inappropriate and irregular participation of officials from different departments.

The practice established during the Presidency of the so-called Presidency Government sessions proved to be a good mechanism of inter-ministerial harmonisation at the highest political level. Such a practice should continue with the

difference being that it should take place on a weekly basis at level of state secretaries and under the auspices of the Minister without Portfolio for Development and European Affairs and once a month at ministerial level. In this way the Prime Minister is relieved of a load of duties while the concern for horizontal connections at political level is maintained, enabling liability and respect for agreements made between departments, contrary to the clinging on to and renouncing of competences and ownership.

The hierarchically uneven participation of officials from individual departments at harmonisation meetings at lower levels should not be a hindrance to achieve the goal – harmonising positions. The position of the official taking part in such meetings depends upon the internal organisation of each ministry and the placement of an issue in a certain ministry. The harmonisation should take place at the level of the official responsible for the content in question and not at the level of hierarchically equal persons.

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## 5. RECOMMENDATIONS

The process of designing a Slovenian European policy that will enable Slovenia to act in an active, efficient and successful manner within the EU needs changes in the following three vital areas: (i) political leadership and strategic and planned action in European policy, (ii) intra-ministerial cooperation and harmonisation between ministries adapted to the needs of the EU membership, and (iii) adequate strategy for educating state officials, which should guarantee a broad base of officials with fundamental knowledge, a broad incorporation of officials in the rotation system between ministries, doing a stage at the Permanent Representation in Brussels and seconding in other member states and EU institutions and other international institutions. Concretely the following measures are needed:

Declaration on activities of the Republic of Slovenia in EU institutions under the leadership of the Minister without Portfolio for Development and European Affairs should be the result of discussion with individual ministries.

Parallel to the formation of the Declaration action plans for individual ministries should be formed giving timelines, priority areas and identify needs according to expert groundwork.

In this regard, for the field of foreign policy, it is necessary to strengthen the analytical and planning service of Ministry of foreign affairs and establish a roster of institutions and experts from a given area that can, if needed, prepare studies for areas in which there are no regularly employed experts; and guarantee resources for these studies. Other ministries should follow suit.

1. Slovenia's diplomatic and consular representations should be better embedded in the European policy in all, not only foreign policy areas; the electronic system of the Foreign Ministry should be brought in line with the EU portal to the extent that enables quicker transfer of information of *Communitarian* nature over the EU portal to the diplomatic and consular network.
2. Establish a system of obligatory education on EU institutions and procedures and specific education for relevant areas as well as skill training for personnel.
3. Establish a system of mentorship and internal educational trainings and seminars in order to ensure transfer of knowledge from more experienced individuals and thus help creating the institutional memory.
4. Establish a system of short visits to the Permanent Representation in Brussels and secondments in other member states that should encompass a broad base of state officials. Parallel, a system of evaluating the stage placements and seconding should be set up.

5. To increase the level of functional use of at least one foreign language and speaking level of second one a short stage in Brussels should suffice; moreover, these short stays can additionally motivate weekly or monthly daily practice of using English as the working language in Ljubljana. Given the current high level of functional use of foreign languages there are less personal hindrances standing in the way and at the same time it can have a relaxing effect.
6. The transition to 100% e-administration in terms of communication within the state administration as well as the updating of communication systems (EU portal and the electronic system of the Ministry of Foreign Affairs).
7. Introduce a greater flow of information and decentralisation of the decision-making following the principles of responsibility and autonomy at lower levels and in line with planning and political guidelines provided for by the umbrella documents (the Declaration and action plans).
8. Establish the system of circulation of officials between sectoral ministries and the Ministry of Foreign Affairs, the Government Office for Development and European Affairs and the Permanent Representation in Brussels.
9. Establish regular weekly inter-ministerial harmonisation meetings under the auspices of the Minister without Portfolio for Development and European Affairs with the participation of state secretaries and monthly meetings at minister level.