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2.4 The Government

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1 Governmental Functions

Government and governance are ambiguous notions with numerous meanings. In both Anglo-Saxon (Campbell/Peters 1988) and Germanophone countries (Ellwein 1976), a clear conceptual distinction between these two terms is now generally accepted. The *broader term,* governance, refers to the performance of political tasks in general. This is the concept underpinning the field of comparative government, which focuses on the interplay between all political institutions.

The present chapter, however, deals instead with government in the *narrow sense* of the term, that is, with one particular institution of the political system.

While the task of governing (in the narrow sense) is by nature very demanding, in a country as diverse as Switzerland it is especially difficult. The *Federal Council,* which is in charge of this task, has been composed of only seven members ever since the foundation of the federal State in 1848. Each year, a different member acts as President of the Federation (*Bundespräsident*), although he or she enjoys no political privileges.

According to Article 174 of the Swiss Constitution, the "Federal Council is the supreme governing and executive agency of the Federation". Thus, in addition to the traditional task of implementation, it is to a large extent responsible for the political leadership of the country (see Jenny 1988). Articles 180–187 of the Constitution enumerate several of the Federal Council's duties. The Federal Council determines the aims and means of its governmental policy and informs the public of its activity fully and in good time. Furthermore, it is responsible for implementing federal laws and ordinances as well as the rulings of the Federal Supreme Court. Moreover, the Federal Council represents Switzerland abroad; it takes measures to preserve the external security, independence and neutrality of the country; and takes measures to safeguard internal security. Similarly, it has the task of safeguarding the country's internal order. The Federal Council is further responsible for the relations between the Federation and the cantons. Finally, it is in charge of managing the administration and the finances of the Federation. The government thus enjoys far-reaching powers even though its decisions are contingent on the approval of Parliament, the people and the cantons.

The 1997 Law on the Organization of Government and Administration (the *Regierungs- und Verwaltungsorganisationsgesetz,* or "RVOG") specifies the Government's tasks. Its primary duty is *to govern.* This priority, set forth in Article 6 of the RVOG, implies that the Federal Council must:

- determine the means and ends of governmental policies;
- take all the necessary measures enabling the Government to fulfil its duties at all times;
- further national unity and cohesion;
- protect federalist diversity; and
- support other state agencies in their efforts to fulfil their constitutionally mandated duties effectively and punctually.

The Federal Council's second task is to participate in the *legislative process.* Article 7 of the RVOG states that the Federal Council is responsible for "conducting the procedures prior to the legislative process, for submitting proposals for constitutional amendments, federal laws and ordinances, as well as for issuing decrees in so far as it is authorised by the constitution or the law".

The third function of the Federal Council is *to lead* the federal administration. According to Article 8 of the RVOG, the Government shall "determine and continuously adapt the organization of the federal administration" in order to improve the "federal administration's efficiency and its capacity for innovation". Finally, the Federal Council is responsible for "permanent and systematic supervision of the federal administration".

The actual task of *implementation* is only mentioned as the Federal Council's fourth function in the RVOG (Article 9). The Federal Council is in charge of "implementing the decrees and decisions of the Federal Assembly" and is responsible for administrative jurisdiction.

Finally, the Federal Council has the duty *to communicate with and inform the public.* Articles 10 and 11 of the RVOG state that the Federal Council shall "continuously and promptly provide information to the Federal Assembly, the cantons and the public on its assessments of the situation, its decisions and projects".

From a *political science perspective,* the Government's duty of exercising political leadership can be divided into four different functions:

- The Federal Council fulfils the function of *political planning* (Klöti 1986, 1990; Lanz 1977) by staying fully informed about all developments inside as well as outside the country through an adequate system of information. With the help of an extensive network of experts, the Government continuously assesses the situation, defines the goals of state action and, if necessary, adapts these to changing circumstances. Finally, it develops new measures and programmes if these appear necessary.
- *Coordination* implies the harmonization of different activities in view of a common goal (Hanf/Scharpf 1978; Klöti 1986, 1988). This concerns first and foremost *horizontal* coordination of the activities of the seven ministries and the federal departments. A particularly difficult task in a federal State is *vertical* coordination of governmental activities between the three state lev-

els (see chapter 6.3 Intergovernmental Relations and Multi-level Governance in this volume). Similarly, it is necessary to coordinate and harmonise the activities of various private actors, such as political parties, interest groups and other organizations.

- Nowadays, the Government is increasingly confronted with the task of *representation*. Domestically, representation has become more important as a consequence of the growing problems of integration within a multicultural society. In the light of deepening European integration and increasing internationalization, representation at the external level has also become a priority task of the Government (Klöti *et al.* 2005).
- Finally, the task of providing *information* has grown in significance. Given the increasing complexity of the political system, it is essential that all politically relevant actors, and especially the public, be well informed about the Government's ideas, intentions and projects.

2   The Governmental System

In Switzerland, a unique system of government has developed in order to fulfil the tasks described above. The main characteristics of this system include a particular electoral procedure and the principle of "concordance". The Government plays a central role within the political system, even though its powers are very restricted.

The electoral procedure

Article 175, paragraphs 2 and 3 of the Constitution state that "the members of the Federal Council shall be elected by the Federal Assembly for four years from among all Swiss citizens eligible for the National Council". Switzerland does not have a parliamentary system in the strict sense, since the Federal Council is elected for a period of four years and cannot be dismissed during its term by a vote of no confidence. Moreover, the seven members of the Federal Council are elected separately. Thus, despite the principle of collegiality (discussed in the following section), the Federal Council does not have collective responsibility *vis-à-vis* the Federal Assembly. As a consequence, and given the fact that the members of the Federal Council can count on being re-elected if they wish, the Swiss Government tends to be very stable.[1] Voluntary resignations, for example after electoral defeats, are the exception to this stability. Until the end of the 40-year old, so-called "magic formula" (1959–2003), there were only four premature or not entirely voluntary resignations.[2]

Article 175 of the Constitution establishes the United Federal Assembly (i.e., both houses of Parliament) as the *electoral body*. The reason for this provision is that the Parliament is in a better position to grant the different minorities, regions and groups equal representation in the Government than are voters in popular elections.[3] Finally, it should be noted that Federal Councillors are not elected jointly but individually. The order of their re-election depends on the length of their term; for new members, the term of their predecessor counts. In order to be elected, the Regulations governing the United Federal Assembly provide that a candidate must obtain an absolute majority of votes in the Federal Assembly. Several rounds of voting are often necessary. Due to this procedure, elections are often strongly personalized. The nomination of candidates can lead to fierce disputes within the parties. The parliamentary groups have the right to propose candidates, but it is far from certain that their nominees will actually be elected by the Federal Assembly. In practice, it is not uncommon for outsiders to eventually prevail over official candidates.[4]

The electoral system is increasingly criticized. Among other things, it is criticized because the election does not allow for real selection possibilities or that the separate election of individuals to the Federal Council endangers the capacity for teamwork.

The system of concordance and the magic formula

The system of "concordance" is an important feature of Swiss political culture. It is a crucial element of a *consensus democracy*, which, following the terminology of Lijphart (1984), is to be distinguished from a majoritarian democracy. Under the model of consensus democracy, conflicts are resolved not on the basis of narrow and shifting majorities, but rather through negotiations leading to a clear majority or even total consensus. While the ideal outcome would be unanimity, in most cases, a solid agreement between all important groups is reached (Papadopoulos 1997).

In principle, the achievement of such an agreement is facilitated by two different *mechanisms*:

- The first mechanism follows from the principle of proportional representation. According to this principle, political bodies should be composed of representatives from all important groups. These should be represented on the basis of their relative size within the population.
- Numerous authors also see the corporatism inherent in the role played by interest groups in the political system as an example of concordance. The main reason is that consensual solutions are also negotiated within neo-corporatist arrangements between interest groups and state agencies (especially the administration). This view is contested, however, since corporatism is a centralizing form of organization, which thus tends to

exclude marginal groups with limited political resources from negotiations and political representation (Armingeon 1997).

The dominant theories of political science explain the Swiss system of concordance mainly by reference to *institutional constraints*. Three institutional elements have contributed to the system of concordance in its present form.

- First, the institution of direct democracy has been a crucial factor. In order to prevent those groups capable of launching a referendum from voicing their concerns after a parliamentary decision has already been taken, they are gradually incorporated into the political decision-making process. Thus, these groups have the opportunity to express their opinions at an earlier stage. The general aim of this system is to further the integration of important political actors and to render policymaking more efficient (see chapter 2.2 Direct Democracy in this volume).

- The second institutional element reinforcing the system of concordance is the proportionality rule for elections. In larger cantons, it ensures that several political parties will enjoy political representation. This has given rise to a multi-party system in which it is technically impossible for a single party to achieve an absolute majority.

- Federalism is the third institutional element. Because of Switzerland's linguistic and religious diversity, mechanisms were put into place early on in order to achieve a balance between the different regions of the country. Subsequently, this institutional mechanism served as a model for conflict resolution in other areas (see chapter 2.1 Federalism in this volume).

The most important aspects of Swiss "concordance democracy" concern the *formation of government* as well as its *mode of operation*. In this respect, the system of concordance comprises three elements (Keman 1996). First, since the Government is based on a coalition, cooperative behaviour is a necessity. Secondly, minorities must be adequately represented in the Government. Finally, a rigorous application of the proportionality rule should ensure that the composition of the Government closely mirrors that of society.

The composition of the Federal Council has been the most salient aspect of the system of concordance. Not only are the most important groups granted proportional representation in the Government, but the "magic formula" (see Reber 1979 on its development) further ensured, from 1959 to 2003, that the four biggest parties were represented in the Federal Council according to their share of voters. The Social Democrats (SPS), the Radicals (FDP) and the Christian Democrats (CVP) each held two seats, while the Swiss Peoples' Party (SVP) had one seat. Nevertheless, the enduring existence of the magic formula does not mean that it was not *criticized* or questioned from various sides (Germann 1994). Authors from the left accused it for its lack of transparency and its in-

ability to produce forward-looking solutions. They also argued that the magic formula served to veil the power of the bourgeois oligarchy, or that the participation of the SPS in the Federal Council hampers the party's dynamism and prevents it from extending its electoral base (Brassel *et al.* 1984). From the other end of the political spectrum, bourgeois and business-friendly circles have deplored mainly the Federal Council's limited potential for innovation and, as a consequence, the restriction of its freedom of action (Borner *et al.* 1990: 72f.; Wittmann 1985: 160–165).

Nevertheless, the formula was not thrown out until 2003. The attempt of a section of the Zurich Radicals to abolish the magic formula clearly failed during the election of Otto Stich (APS 1995: 31–32), and Geneva's experiment with a purely bourgeois government had to be abandoned after only one term (*NZZ* of 13 October 1997, Nr. 237: 9). Encouraged by the massive wins in the 1999 election, the Swiss People's Party claimed a second seat in the Government, at the expense of, first, the Christian Democrats, and then of the Social Democrats. However, Christoph Blocher, member of the National Council, did not succeed (APS 1999: 38–39). After the wins in the 2003 election, the SVP demanded a seat from the CVP and presented Christoph Blocher as candidate. The parties reacted differently. While the FDP did not see a reason to reject the claim of the SVP, the CVP defended their two seats. The party explained that none of its representative would resign. Moreover, the CVP faction decided that the two candidates would not run against one another.

With the election of Christoph Blocher instead of Ruth Metzler in December 2003, the composition of the Federal Council changed to 2 FDP, 2 SVP, 2 SP and 1 CVP. The Federal Council thus takes into account the new composition of the Parliament, which has been increasingly polarized. The addition of the former opposition politician to the Federal Council has also led to a growing criticism of the principle of collegiality and the *Konkordanz* (see next chapter).

The system of concordance not only requires that the political parties be proportionally represented in the Federal Council, but elections to the Federal Council are also subject to various other rules and *restrictions*. The oldest and only selection criterion mentioned in the Constitution was that a candidate must have a *genuine link to a canton*. According to original cantonal clause, "not more than one member may be elected from the same canton". The new Constitution says that "the various regions and language communities must be equitably represented in the Federal Council".

Legally less binding, the new provision still has the same intent. It reinforces the informal rule that the composition of the Federal Council must be regionally balanced. The aim of this rule is to grant the large regions adequate repre-

sentation in the Federal Council. While the three largest cantons, Zurich, Bern and Vaud, have almost always been represented in the Government, there are five small cantons and half-cantons (Schwyz, Schauffhausen, Jura, Uri and Nidwalden) which have to date never had a representative in the Federal Council. Since 1848, the most under-represented cantons have been Geneva and Zurich, the latter because of its size, despite being almost permanently represented. By contrast, the cantons of Vaud and Neuchâtel have been the most over-represented cantons (Altermatt 1991).

Closely related to the criteria of cantonal and regional affiliation is that of *language*. It is an unwritten rule that at least two of the seven members of the Federal Council must be from outside the German-speaking regions. Traditionally, as well as from 1987 to the end of the 1990s, the Federal Council has been composed of four Germanophones, two Francophones and one Italian-speaking member. The native language of the Federal Councillors is also of importance in that it influences the working language within the ministries. Thus, the slight over-representation of the linguistic minorities helps to ensure a balanced representation of the different linguistic groups within the federal administration (Klöti 1972; Urio 1989).

Well into the 20th Century, *religion* was a decisive selection criterion. Until 1891, Catholics were not represented in the Federal Council. Presently, however, religion plays only a marginal role in selecting the members of the Government.

By contrast, since the introduction of female suffrage at the federal level in 1971, *gender* has become an important criterion as women advance their legitimate claim to equal representation. The first female member was elected to the Federal Council in 1984. Until 1998, however, no more than one seat was held by a woman, even though women voiced their claim to an additional mandate in every election. From 1998 to 2003, there were two women in office, but as of this writing there is again only one woman on the Federal Council.

The members of the Federal Council must meet very demanding *requirements* in terms of professional qualification, personal character, leadership qualities and social background. In a small country like Switzerland, the number of suitable candidates will thus be small, and the numerous criteria of representation further restrict the range of possible candidates. However, in order to safeguard the legitimacy and broad popular support of the Government, these criteria cannot easily be set aside. In any case, the rather complex selection procedure has, in a majority of cases, brought forth very capable personalities.

The position of the Federal Council within the political system
From a functional perspective, the Federal Council is the highest authority within the Swiss system of governance, and it is charged with the tasks of political planning, coordination and implementation. Since the Federal Council is elected for a fixed term of four years and cannot be dismissed through a vote of no confidence, it holds a strong position *vis-à-vis* the Parliament. Even though the role of the Federal Assembly has been reinforced through internal reforms, its level of power is still lagging far behind that of the Government and the administration in terms of access to information. From an institutional perspective, the Federal Council is thus a powerful actor. But what about its actual impact on the political decision-making process?

According to two textbooks on political decision-making processes at the federal level (Klöti 1984: 318–319; Linder 2005), the Federal Council clearly plays the most important role within the political system (see also chapter 6.1 The Decision-Making Process in this volume). At no point does the decision-making process bypass the Government. The Federal Council plays a crucial role from the moment when a problem is put on the political agenda, be it by initiating new decision-making processes, or by acting as a gatekeeper.

During the so-called *pre-parliamentary consultation procedure*, the Federal Council can freely appoint experts, and, at all moments, it can raise the questions it considers important. The comments collected in the course of this procedure are evaluated according to criteria established by the Federal Council. Finally, the Federal Council is responsible for drafting the proposal that is submitted to the Parliament, to which it presents its arguments in the form of a so-called "message" (*Botschaft*).

The *Parliament* may reject, amend or completely rewrite the proposals of the Federal Council (see chapter 2.3 The Parliament in this volume). This means that the Parliament has a *de facto* veto right. However, this right is not as absolute as it seems, since at least one of the Federal Councillors as well as some top administrators take part in the work of the parliamentary committees. The Federal Council can thus significantly influence the work of these bodies. Moreover, given its right to speak in front of the Federal Assembly, and given the information asymmetry between the Federal Council and the Parliament, the Government is in a good position to defend and push through its interests.

The Federal Council's sphere of influence is restricted by the instruments of *direct democracy* (see chapter 2.2 Direct Democracy in this volume). In its preparatory work, the Government must constantly keep in mind that a referendum might be launched against its proposals. This considerably limits the Federal Council's room for manoeuvre. However, it must be emphasized that even during this phase, the Federal Council has several tactical options at its disposal.

It can, for instance, freely choose the dates for popular votes, or skilfully assemble different bills into packages. Moreover, during voting campaigns, the Federal Council has the right to make its arguments known to the public in the form of a brochure, the so-called federal booklet (*Bundesbüechli*). In recent years, the members of the Federal Council have tended to participate more often and more effectively in such campaigns.[5]

In its task of *specifying legal norms*, the Federal Council has a rather free hand. It can issue regulations for implementation in the form of binding decrees. Since laws often leave controversial issues unresolved, their clarification and specification can be of considerable importance (see Report 1995).

Implementation of political programmes basically falls into the executive's sphere of responsibility (see chapter 6.2 The Implementation of Public Policies in this volume). However, in the Swiss case this must be qualified, since in most cases the cantons are responsible for implementing federal law. The Federal Council supervises the cantons in their implementation activities, but it cannot prevent federal law from being implemented differently from one canton to the next. Thus, the Federal Council's influence is restricted precisely where, according to the classical conception of this institution, that influence should be unlimited.

Overall, it can be argued that, while the Federal Council is unable to exercise unlimited control in any phase of the decision-making process, it always retains the possibility of exerting some influence. The Swiss Government should thus not be seen as the undisputed leader of a complex administrative structure; it does not exercise its power in a top-down fashion. Rather, it is more appropriate to view the Federal Council as a "forum for settling disputes" (Kriesi 1980: 675). It is an "agency" that pulls the strings at the centre of a complex web, negotiates, takes initiatives, seeks consensus and mediates between different positions. In other words, the Federal Council governs mainly by influencing processes and by mediation.

3 Internal Organization

In order to fulfil the governmental functions described above, the Federal Council has been given a unique organizational structure. Its most important principles are laid down in the Constitution (Article 177) and include the following: the principle of collegiality, the ministerial system and the principle of delegation.

The principle of collegiality

The principle of collegiality can be seen as one of the most important characteristics of the Swiss system of governance. The legal definition (see de Pretto 1988) of this principle is rather rudimentary. The Constitution (Article 177(1)) merely declares that "the Federal Council shall take its decisions as a collegial body". In the RVOG, there are only a few additional provisions. For instance, Article 12 establishes that the Federal Council is to take its decisions as a collegial body and to "represent" (*vertreten*) those decisions as a collegial body. Another reference to the principle of collegiality is contained in the provision that each member of the Federal Council has one vote, so that in principle, all members – including the President – are equal. Moreover, the President is appointed for only one year, and his or her very few prerogatives – presiding over the Government's sessions and representing the country internationally – are thus limited in time, which prevents the consolidation of a presidential political power.

From a *political* perspective, the principle of collegiality has become more complex in recent times due to certain institutional changes. For example, it is not sufficient for all members to merely take part in the decision-making process, and for individual members of the Federal Council to abstain from taking decisions on its behalf. Rather, decisions must be taken by means of joint deliberation, whereby even details are subject to negotiation between the Federal Councillors. In principle, the aim is to reach consensus or unanimity—after all positions have been taken into account. The majority principle should only be resorted to in exceptional cases in order to alleviate tensions or to break deadlock. Once a decision has been taken, it must be backed by all members of the Government, even if they were overruled within the Federal Council. A Federal Councillor who has been outvoted within the Council is usually obliged to defend the position of the majority publicly, which is especially important in those areas for which his or her ministry is responsible. It is commonly understood that the principle of collegiality also requires that internal decisions and negotiations be treated confidentially. Finally, it is worth mentioning that the Federal Council is often considered a "self-steering" agency that can fulfil its tasks without presidential leadership.

As long as the collegial system works, it has various advantages. First, it prevents the accumulation of power. It is effective in counteracting attempts by individuals or groups to achieve a dominant position. The members of the collective mutually control one another and keep each other in check. Second, in line with the ideas of pluralism and proportional representation, the collegial system ensures that the most diverse regional, cultural, party-political and group-specific interests are equally represented within the Government, a characteristic which enhances its legitimacy. Third, the quality of decisions is en-

hanced, since these are based on the knowledge, expertise and experience of several individuals. Fourth, the collegial system facilitates coordination, since all information is exchanged at the government level. Finally, collegiality guarantees the stability and continuity of the Government, which at the same time enhances its capacity for exercising effective political leadership (Message 1975: 14–16).

On the other hand, given that the Government is chronically overburdened, these advantages can easily turn into *disadvantages*. Instead of preventing the concentration of power, the collegial system might lead to mutual blockage and even deadlock. Instead of being responsive to different tendencies within society, the Government might restrict its focus to the positions of the ministries and the administration. This will reduce the quality of decisions and increase the potential for conflict. The search for good and pragmatic solutions becomes more difficult, as the actors involved refuse to take into account the interests of their interlocutors or of other political parties. Moreover, the coordination of different activities might become even more problematic if the Federal Council confines itself to negative co-ordination, that is, if each member of the Government sees as his or her primary goal the protection of his or her individual sphere of interest. As a consequence, balanced solutions cannot be achieved, since only those proposals that do not interfere with the domain of another ministry will have a chance of being adopted. This makes it difficult to adopt forward-looking policies, consolidates existing routines, enhances the influence of the administration on governmental policy, and leads to more incrementalism or even to total deadlock (see Klöti 1993).

In recent times, the personal composition of the Federal Council is again challenging the principle of collegiality. Confidential decisions and disagreements are discussed in public. The polarization of the Parliament has also led to a growing criticism of the principle of collegiality. Demands for an improved transparency of the decision-making process, especially in the European context, are growing.

The ministerial system, delegation and internal organization

The basic feature of the ministerial system is that different ministries are responsible for different issue areas. In Switzerland, the duties of the Federal Council are divided among the seven ministries. In addition, the principle of delegation makes it possible to delegate responsibility for certain tasks to individual ministries on the basis of federal laws. Because of the ministerial system and the principle of delegation, the individual ministries can deal independently with certain issues. Moreover, the ministries can further delegate tasks to the administrative departments.

As a result of the continuous expansion of the Federation's responsibilities over the last 150 years, the administration has become more *differentiated*, both horizontally and vertically (Klöti 1987). Vertically, no less than seven hierarchical levels have been created. The highest unit is the ministry (*Departement*), which is headed by a member of the Federal Council. Within some ministries, so-called groups (*Gruppen*), which are under the leadership of a secretary of state, constitute the next level (for instance, the State Secretariat for Education and Research in the Federal Department of Home Affairs). The most important unit is the federal department (*Bundesamt*), which is the third hierarchical level, and is headed by a director. Large departments (e.g., the Department of Agriculture) are composed of divisions (e.g., the Division for Plant Cultivation) and subdivisions (e.g., Exploitation). In these large organizations, the classical section (*Sektion*), led by a head of section, represents only the sixth level, while in smaller units, the section is directly subordinate to the department. In large sections, so-called services (*Dienststelle*) form the seventh level.

It is obvious that, within a seven-layer hierarchy, task delegation can span across many levels and that official channels running to the top can be very long. Moreover, this structure hardly corresponds to the "flat" hierarchy model advocated by modern management theories.

The relatively expansive hierarchy of the Swiss system of government is at least in part due to the fact that the limited number of Federal Councillors does not allow for stronger *horizontal differentiation* at the highest level. All federal tasks must be distributed among the seven ministries. The following organizational chart shows that on 1 January 2005, the federal administration comprised 50 federal offices and seven secretaries general as well as various "commandos" (*Kommandos*), supervisory committees and staff units. It is also worth mentioning—until they are fully privatized—the large public enterprises of the Federation, especially the Swiss Federal Railways (SBB), the postal service, and Swisscom (telecommunications).

Since the highest level of the hierarchy is very narrow, some ministries have to deal with a broad range of issues. Only the responsibilities of the Ministry of Finance (EFD) and the Foreign Ministry (EDA) correspond to the classical tasks of such ministries. However, the fact that the secretariat of the Federal Banking Commission (*Eidgenössische Bankenkommission*) is part of the Ministry of Finance is difficult to reconcile with the principle of the division of powers. Another peculiarity is that in Switzerland, the Ministry of Economics (EVD), instead of the Foreign Ministry, is responsible for foreign trade policy. The former is thus a very powerful ministry. Given its responsibilities in the fields of

Figure 1:   Organizational Chart of Ministries

FCh **Federal Chancellery**	FDFA **Federal Department of Foreign Affairs**	FDHA **Federal Department of Home Affairs**	FDJP **Federal Department of Justice and Police**
Federal Council Sector	General Secretariat	General Secretariat	General Secretariat
Planning and Strategy Sector	State Secretariat	Federal Office for Gender Equality	Federal Office of Justice
Information and Communication Sector	Directorate of Political Affairs	Federal Office of Culture	Federal Office of Police
Internal Service Sector	Diplomatic and Consular Missions abroad	Swiss National Library	Federal Office of Migration
Federal Data Protection Commissioner	Directorate of Corporate Management	Swiss Federal Archives	Office of the Attorney General of Switzerland
Federal Data Protection Commission	Directorate of International Law	Swiss Meteorological Institute	Federal Office of Metrology and Accreditation
	Swiss Agency for Development and Cooperation	Federal Office of Public Health	Federal Institute of Intellectual Property
		Swiss Federal Statistical Office	Swiss Asylum Appeals Commission
		Federal Social Insurance Office	Swiss Institute of Comparative Law
		State Secretariat for Education and Research	Swiss Federal Gaming Board
		Federal Institutes of Technology Group	
		Swiss Agency for Therapeutic Products	

DDPS **Federal Department of Defence, Civil Protection and Sports**	FDF **Federal Department of Finance**	FDEA **Federal Department of Economic Affairs**	DETEC **Federal Department of the Environment, Transport, Energy and Communication**
General Secretariat	General Secretariat	General Secretariat	General Secretariat
Office of the Military Attorney General	Federal Finance Administration	State Secretariat for Economic Affairs	Federal Office of Transport
Strategic Intelligence Service	Federal Office of Personnel	Federal Office for Professional Education and Technology	Federal Office of Civil Aviation
Directorate for Security Policy	Federal Tax Administration	Federal Office for Agriculture	Federal Office of Energy
Defence	Federal Customs Administration	Federal Veterinary Office	Federal Roads Office
Civil Protection	Federal Office of Information Technology, Systems and Telecommunication	Federal Office for National Economic Supply	Federal Office of Communication
Sport	Federal Office for Buildings and Logistics	Federal Housing Office	Federal Office for the Environment
armasuisse (procurement and technology centre)	Federal Office of Private Insurance	Price Supervision	Federal Office for Spatial Development
	Swiss Federal Banking Commission	Competition Commission	
	Swiss Federal Audit Office		
	Swiss Alcohol Board		
	Federal Pension Fund		

economics, labour, agriculture, housing, education and technology as well as trade-cycle and structural policies, it covers both the domestic economy and foreign economic relations. Finally, the Ministry of the Interior is, following the reform of 1999, now responsible for a broad range of issues, such as culture, education, science, the health system, social security, statistics, the Federal Archives, the MeteoSwiss (i.e., the weather service), and the two technical institutes of the Federation. Even the former Ministry of Defence (EMD) no longer deals exclusively with questions of national defence. In the context of the reform of the army, it was reorganized and merged with the Department of Civil Protection and Sports, and is now called "Ministry of Defence, Civil Protection and Sports" (VBS). Moreover, the former Ministry of Transport and Energy (EVED) has also been given new tasks. In addition to its core areas, which in most comparable countries are divided among two ministries, it is responsible for communication, the media, environmental issues, and the large public enterprises of the Federation. Its new name, "Ministry of the Environment, Traffic, Energy and Communication" (UVEK) reflects this accumulation of rather diverse tasks. Similarly, the Ministry of Justice and Police (EJPD) has expanded its sphere of responsibility beyond the judicial system and the police. It now also deals with immigration and refugee policy, the insurance system, and surveying.

This division of responsibilities can create *leadership problems within the individual ministries.* As the ministers are forced to handle too many and too diverse issues simultaneously, it is not uncommon for them to delegate some of their responsibilities to high officials within their ministries. On the other hand, the low degree of horizontal differentiation at the highest level of government has the advantage of solving coordination problems within individual ministries, which, in turn, reduces the workload of the Federal Council as a whole.

The organization of decision-making procedures

The Swiss governmental and administrative apparatus is highly complex and heterogeneous. As governmental policies are perceived as a result of bargaining processes within the administration, it is necessary to analyse the procedures through which diverging interests within the bureaucracy are merged into common strategies. Therefore, the last step of this analysis will be an examination of the complex decision-making processes within the Government and the administration.

Prior to the collective decisions of the Federal Council, proposals go through lengthy consultation procedures open to all interested actors. The more important decisions must pass through two such procedures (Ministry of Justice 1995).

First, there is a preliminary procedure within the administration consisting of *inter-ministerial consultations at the level of the federal departments.* Before a proposal is submitted to the Federal Council, the department in charge must consult with all other departments whose interests are at stake. At this stage, the Federal Chancellery, the Justice Department and the financial administration play an important role. The Federal Chancellery examines whether proposed bills are sufficiently clear, respect the technical guidelines for legislation and terminology requirements. The Justice Department focuses on substantive legal matters, and the financial administration on the financial and human resources necessary to implement each bill. Depending on the subject matter, other departments may also play an important role. This preliminary procedure usually lasts for about two months. If important details can be clarified and if compromises between conflicting interests can be reached, this is a worthwhile investment.

After the departments have been consulted, the so-called *co-reporting procedure (Mitberichtsverfahren)* is initiated. The Federal Chancellery takes the first step by submitting the proposal of the ministry in charge to all other ministries. Ministries that are particularly concerned are invited to submit a report, while other ministries may express opinions as well. Resulting reports are sent out to all ministries, and the ministry that drafted the original proposal can respond to them. The reporting ministries, in turn, can comment on the response given by the ministry in charge. This written exchange between different ministries organized by the Federal Chancellery makes it possible to eliminate, or at least to clarify, the most important differences between the ministries prior to the actual meeting of the Federal Council. The Federal Council can then concentrate on remaining differences and can come to conclusions on issues still in dispute. In most of the 3,000 decision-making processes, either the preliminary procedure or the co-reporting procedure leads to an agreement.

The decision-making process within the Federal Council can be described as efficient. In general, it results in consensual decisions enjoying broad support. However, it has two shortcomings. First, the ministries and departments that are not directly implicated tend to show little interest in proposals of responsible ministries. Consequently, the decision-making process is reduced to an exchange between the ministry in charge and the other ministries directly concerned, usually the Ministry of Finance, the Ministry of Justice and, increasingly, the Foreign Ministry. Second, the preliminary procedure and the co-reporting procedure do not allow for positive coordination. The main role is played by the ministry in charge, and the other agencies take account of its proposals only insofar as their interests are directly affected. The co-reporting procedure does not allow for centralized coordination and harmonization of the

different agencies' activities. The preparatory processes within the Government and the administration therefore often increase the "departmentalism" already plaguing the Federal Council despite the system of collegiality. In order to counteract this tendency, the Federal Council has recently installed a system of meetings and closed sessions during which current problems are discussed in a truly collegial manner prior to the actual decision-making process.

4 Reform Proposals

The limits of governmental capacity

The Swiss system of government worked *successfully* from the foundation of the federal State in 1848 until well into the second half of the 20th Century. It held together a pluralist and federalist nation; it led Switzerland safely through two World Wars; and it turned the country into one of the most prosperous in the world.

However, during the last third of the 20th Century, this system has been subject to increasing *criticism* regarding its limited potential for innovation and adaptation, as well as the lack of coherence and foresight of governmental policy. The roots of these problems are seen mainly in growing departmentalism and the increasing work overload faced by the Federal Council, which prevents the Government from effectively exercising its role of political leadership.

The *reasons* for these growing *problems* were summarized by the "Working Group on Federal Leadership Structures" (the AGFB), which also developed proposals for governmental reform (Zwischenbericht 1991).

First, the *tasks* of the government and the administration at the federal level have grown considerably in *quantitative* terms. The increase in public expenditure is indicative of this trend. Expenditures at the federal level rose from CHF 1.5 billion in 1950 to more than CHF 50 billion at the beginning of the new century. During this same period, the number of employees of the ministries (excluding customs administration and public enterprises) increased from 16,473 to more than 30,000. Even though it is difficult to quantify legislative activity, it can be noted that, in 1997, the Systematic Collection of Federal Laws (*Systematische Sammlung des Bundesrechts*) (excluding the even faster-growing treaty law) comprised roughly twice as many pages of legislative text as it did in 1948.

Second, the Government and the administration have become active in new areas and are therefore confronted with many *new and difficult* problems. Since the 1950s, entirely new responsibilities have been attributed to the Federation in fields such as policies to prevent economic fluctuations, regional planning, development policy, environmental protection, and media policy. Refugee and immigration policy has taken on new dimensions, and in the areas of labour market policy and social security there remain lingering, unresolved problems. In traditionally cantonal areas of competence, such as education and health policy, the Federation is confronted with new coordination tasks. The complexity of problems has also intensified because measures and programmes developed within one policy field increasingly have effects in other fields and thus can no longer be dealt with as though they were an isolated issue. The need for coordination and cooperation has grown significantly.

Finally, almost all of Switzerland's challenges nowadays have an *international dimension*. Foreign policy is no longer the exclusive domain of the Foreign Ministry or of the Ministry of Defence, Civil Protection and Sports (VBS). None of the ministries can effectively solve problems without international cooperation. Accordingly, the volume of inter-state contacts and multilateral negotiations has increased considerably in all areas, despite Switzerland's non-membership in the European Union. Indeed, bilateral negotiations require even greater efforts and put the Federal Council under even more pressure than would result from participation in the decision-making bodies of the EU or the European Economic Area.

In general, the strain on the Government and the administration has increased considerably. The Federal Council is overburdened and thus less capable of conducting a balanced and forward-looking policy while at the same time mastering short-term crises quickly and efficiently.

Attempts at reform

At the end of the 1980s, new attempts at reforming the Government were made in order to address the problems discussed above. The reform of the Government and the administration has always been a preoccupation of Swiss politics. The Federal Council, for its part, has always eschewed real governmental reforms (see Furrer 1986; Klöti 1990). This is also true of the reform projects of the 1960s and 1970s. At that time, following the two expert reports by Hongler (1967) and Huber (1971), the Federal Chancellery was considerably enlarged and transformed into a modern consultation body subordinate to the Federal Council. However, the other elements of these reform projects did not go beyond the administration and thus did not seriously challenge the prevailing structure of the Government.

The parliamentary motions of National Councillor Petitpierre (FDP, Geneva) and Councillor of State Rhinow (FDP, Basle-Country) triggered a more fundamental discussion. In response to these initiatives, the "Working Group on Federal Leadership Structures" was set up and instructed to "examine the federal system of government and its structure of leadership, and to elaborate

future scenarios (models)" (Zwischenbericht 1991: 2). The AGFB developed *five reform models*.

- According to model A, the ministers' tasks would be divided between two persons, a Federal Councillor, who would be responsible for political leadership, and a *ministerial director* (*Departementsdirektor*), who would head the administration and act as chief of staff.
- Model B proposes an *increase in the number* of Federal Councillors. In order to maintain coherence and ensure effective leadership of a larger collegial body, the position of the President of the Federation would be upgraded by extending the term of office, by increasing the presidential powers and by creating a presidential ministry. Moreover, an additional eight to ten specialized ministries would be set up.
- In model C, the *executive* would be divided into *two levels*. The task of governing (in the narrow sense) would be fulfilled collectively by a cabinet composed of five to seven members. This cabinet would not be divided into different ministries and would deal with political questions at the strategic level. At the second, operative-tactical level, an administrative cabinet composed of 11 to 18 ministers would report to the Federal Council.
- Model D is based on the most important features of a *parliamentary system*. The Head of State would be responsible for the general orientation of governmental policy. An unspecified number of ministers (the report here again suggests between 11 and 18) would form the cabinet. The ministers would enjoy considerable decision-making powers within their sphere of responsibility. After each parliamentary election, a new Government would be formed. It would be checked by the possibility of parliamentary opposition in the form of a vote of no confidence.
- The last model foresees a *presidential system of government* following the example of the U.S.A. The President, to be elected directly by the people for a fixed term, would be fully responsible for governing the country. The cabinet's function, size and importance would vary depending on the President's style of governing; ministers would be responsible only to the President, who could dismiss them individually at any moment. The Parliament would be strictly separated from the Government in terms of organization and personnel. Although there would be a clear division of powers between the two bodies, their spheres of action would nevertheless be intimately connected and mutually adjusted through a system of "checks and balances".

Reform processes

By the beginning of the 21st Century, none of the models developed by the AGFB have been *put into practice*. The parliamentarian and presidential models were dismissed at an early stage of the reform process (APS 1992: 33f.; 1993: 36). The RVOG, which foresaw the introduction of state secretaries, was defeated the first time around in a popular referendum in 1995. Thus, plans to move towards a two-level Government at that time could not be realized (APS 1996: 35). However, following the initial failure, the RVOG finally entered into force in March 1997, this time without being challenged by a referendum. This new law extends the organizational powers of the Federal Council and gives a green light for experiments with "New Public Management" at the federal level. It provides a good basis for modern management of the administration as well as for the reorganization of public offices.

In the framework of the constitutional reform, the Federal Council decided to submit to the Parliament another reform package: the political leadership of the State (Staatsleitungsreform). Its main aims were: to strengthen the political leadership; to gain more room for manoeuvre and to enhance professional competence; to reinforce the Government's capacities in the external action sphere; and to ensure the leadership of the Government. In 1998, two versions – the strengthening of the federal Presidency and the two-level Government – were in the consultative process. Because of the consultation's results, the federal Government decided to pursue "version 2". At the end of 2001, a dispatch to Parliament with the Government's proposal appeared. This communication recommended a Government with an "inner" and an "outer circle", each with seven members. The outer circle would consist of delegated ministers. The ministers would be elected by the Federal Council and approved by Parliament. The delegated ministers would have certain tasks and could attend the meetings of the Government but would not have the right to vote. In the first half of 2004, both chambers of Parliament send the dispatch back to the Federal Council and called on it to work out new proposals. In August 2004, the Federal Council decided to submit limited proposals covering a single subject for the reform of the administration in the future. Only the reform of the administration remained from the grand reforms advanced by the Government of the 1990s.

5 Prospects

During much of the post-war period, Switzerland was considered one of the best-governed countries in the world. The system of concordance, the "magic formula" of 1959–2003, the principle of collegiality, federalism and direct democracy were seen as important institutional factors contributing to successful government. The economy grew steadily, unemployment was at record low levels, the social welfare system expanded, and the country successfully integrated its various minorities.

The 1990s marked a decisive change. The economy stagnated, unemployment rose to unprecedented levels, Switzerland stumbled into a major fiscal crisis, and the financial viability of the social welfare system was seriously questioned. At the international level, it turned out to be extremely difficult to clarify Switzerland's policy towards the European Union, a factor that severely strained the relationship between the different linguistic groups within the country. Moreover, Switzerland suffered from growing international isolation, and its reputation on the international scene began to suffer, not least because of the criticism of Switzerland's role during the Second World War. Since the early 1990s, satisfaction with how the country is governed has declined, as has confidence in the Federal Council (Hardmeier 1997).

Under these circumstances, the need to reform the Swiss Government seems obvious. Such reforms need not take on a revolutionary character. As far as the composition of the Government is concerned, the rigid requirements for recruitment in terms of language, regional origin, gender, and political career could be relaxed without a constitutional amendment. Even the party-political proportionality rule might be modified without having to renounce the numerous advantages of the system of concordance. The political will of the Parliament and the political parties would be sufficient to achieve reforms of this kind.

However, a more fundamental reform of the Government will require greater efforts. The enlargement of the Federal Council and a stronger Presidency would be the least far-reaching modifications of the present system. The creation of a two-level Government according to model C, perhaps with additional subdivisions, would liberate the Federal Council from issues of lesser importance. However, it would also lead to a shift in political power from the Parliament to the administration. Although such a development is in line with the precepts of New Public Management (see Haldemann 1995; Schedler 1995), it is not unproblematic from a democratic perspective.

The reform of the Swiss Government, as it has been planned and advocated on numerous occasions by expert committees since the Second World War, will remain a difficult task. First, memories of the success of the traditional system will persist well into the future and dampen the impetus for reform. Second, those who profit from the current system have a strong interest in its preservation. It is also impossible to claim with certainty that new institutional structures will lead to significantly better policies. Finally, it must be emphasized that no fundamental reform of the Government will get off the ground if it is not supported by the Federal Council in office. Against the explicit will of the Government, any serious reform project is doomed to failure. The descriptions of the structures and processes of the Government and the administration provided in this chapter are therefore likely to remain valid well into the 21st Century.

Notes

1 There were only two cases in which members of the Federal Council were not re-elected in the 19th Century and none in the 20th Century. In December 2003, one member of the Federal Council was not re-elected. This election was also the end of the "magic formula" (see below). The SVP party gained one seat at the expense of the CVP.
   In the 20th century, not a single Federal Councillor soliciting another term of office failed to be re-elected.

2 The individuals in question were: Max Weber in 1953; Paul Chaudet in 1964; Roger Bonvin in 1971; Pierre Aubert in 1987; Elisabeth Kopp in 1989; and Ruth Metzler in 2003.

3 Popular elections to the Federal Council were rejected twice, in both cases by a clear majority (1900 and 1942). Parliamentary proposals failed in 1865, 1872 and 1993. In 1998, certain SVP circles in Zurich once again sought to introduce such a system, but their project was controversial even within the party itself.

4 In 1959, the moderate Hanspeter Tschudi was elected instead of Walther Bringolf. In 1973, the three newly elected Federal Councillors (Chevallaz, FDP; Hürlimann, CVP; Ritschard, SP) were given preference over the official but controversial candidates. Similarly, in 1983, the bourgeois parties refused to vote for the official candidate of the SP, Lilian Uchtenhagen, and instead gave their votes to Otto Stich. Finally, in 1993, Francis Matthey, who had also been elected against the will of his party (the SP), withdrew. Subsequently, the Federal Assembly elected the new socialist candidate, Ruth Dreifuss, while the original candidate, Christiane Brunner, dropped out of the race. With more intensive media coverage, less contested elections can also be transformed into fierce disputes between candidates, thus adding some colour to everyday political life in Bern. In 2000, Samuel Schmid was elected instead of the official SVP candidates Roland Eberle and Rita Fuhrer. In 2003, the Federal Councillor Ruth Metzler (CVP) was not re-elected. Instead, Christoph Blocher (SVP) was elected, which meant the end of the "magic formula".

5 The aim of a popular initiative from 1999 (the "Maulkorb-Initative"), which was launched by certain right-wing parties, was to restrict the impact of the Federal Councillors and the Parliament. The initiative was intended to abolish statements of opinion and voting recommendations. Secondly, the control of the Federal Council over the form and content of initiatives would have been abolished. However, the initiative was not supported by a sufficient number of signatures.

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