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Management Challenges at  
the Centre of Government:  
Coalition Situations and  
Government Transitions

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IN CENTRAL AND EASTERN EUROPEAN COUNTRIES (SIGMA)  
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COALITION SITUATIONS AND GOVERNMENT TRANSITIONS**

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## THE SIGMA PROGRAMME

SIGMA — Support for Improvement in Governance and Management in Central and Eastern European Countries — is a joint initiative of the OECD Centre for Co-operation with the Economies in Transition and the European Union's Phare Programme. The initiative supports public administration reform efforts in thirteen countries in transition, and is financed mostly by Phare.

The Organisation for Economic Co-operation and Development is an intergovernmental organisation of 29 democracies with advanced market economies. The Centre channels the Organisation's advice and assistance over a wide range of economic issues to reforming countries in Central and Eastern Europe and the former Soviet Union. Phare provides grant financing to support its partner countries in Central and Eastern Europe to the stage where they are ready to assume the obligations of membership of the European Union.

Phare and SIGMA serve the same countries: Albania, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Estonia, the Former Yugoslav Republic of Macedonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

Established in 1992, SIGMA works within the OECD's Public Management Service, which provides information and expert analysis on public management to policy-makers and facilitates contact and exchange of experience amongst public sector managers. SIGMA offers beneficiary countries access to a network of experienced public administrators, comparative information, and technical knowledge connected with the Public Management Service.

SIGMA aims to:

- assist beneficiary countries in their search for good governance to improve administrative efficiency and promote adherence of public sector staff to democratic values, ethics and respect of the rule of law;
- help build up indigenous capacities at the central governmental level to face the challenges of internationalisation and of European Union integration plans; and
- support initiatives of the European Union and other donors to assist beneficiary countries in public administration reform and contribute to co-ordination of donor activities.

Throughout its work, the initiative places a high priority on facilitating co-operation among governments. This practice includes providing logistical support to the formation of networks of public administration practitioners in Central and Eastern Europe, and between these practitioners and their counterparts in other democracies.

SIGMA works in five technical areas: Public Administration Development Strategies; Policy-making, Co-ordination and Regulation; Budgeting and Resource Allocation; Public Service Management; and Administrative Oversight, Financial Control and Audit. In addition, an Information Services Unit disseminates published and on-line materials on public management topics.

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## FOREWORD

*Management Challenges at the Centre of Government: Coalition Situations and Government Transitions* contains the papers submitted at the meeting of senior officials from centres of government, which was organised by the SIGMA Programme and was held in Warsaw on 27 and 28 February 1997.

The meeting was the second of its kind, the first having taken place in Paris on 22 and 23 February 1996. In line with what the OECD countries have been doing on a regular basis for the past twelve or so years, SIGMA organises regular exchanges of information, experience and opinions at this level between the countries of Central and Eastern Europe, with experts and practitioners from other countries also participating.

Whatever name centres of government have — chancellery, secretariat-general of the government, office of the prime minister — they play an altogether vital role in the functioning of public institutions: they act as an interface between decision-making and administration; they contribute to the continuity of the State and the implementation of government programmes; they ensure the co-ordination of government work and provide support for the Prime Minister; and they often have special responsibilities in horizontal areas such as administrative reform, the civil service or European integration.

For those charged with the delicate task of heading these structures, such meetings provide an opportunity for a free exchange of experiences and for discussion of questions of mutual interest. Also, it is in this way that networks of senior officials, capable of providing one another with information and support, come into being. Similarly, these meetings provide an opportunity to identify areas and issues for future co-operation between SIGMA and the countries of the region.

A meeting of this kind always requires substantial preparation and organisation. Our Polish hosts ensured that participants felt welcome and comfortable, and were generous in sharing their experience of recent reforms. SIGMA staff Linda Duboscq, Winnie Marshall and Joanne Stoddart made the logistical arrangements to ensure a successful meeting. The writers and presenters of the papers contained in this volume made interesting presentations, responded to questions, and along with all the participants, contributed to the ongoing discussion, both inside and outside the meeting room. Michal Ben-Gera, Judyta Fiedin and Jacques Fournier of SIGMA developed the programme for the meeting and co-chaired the sessions with our Polish hosts.

For further information, please contact Michal Ben-Gera at the address below.

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## INTRODUCTION AND SUMMARY

Nine central and eastern European countries — Albania, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic — were represented in Warsaw at the meeting of senior officials from centres of government, organised by the SIGMA Programme and held on 27 and 28 February 1997. Three European Union centres of government — Belgium, Germany, Greece — also took part in the work, as did experts from Canada, Denmark, France and Sweden.

As their French counterparts had done in Paris the previous year, the host country officials described the broad lines of their organisation and informed participants about the major changes that had been made recently. In Poland, these come under the more general heading of the reform of state economic administration and result, at centre of government level, in the strengthening of the position of the Polish Prime Minister and a clearer demarcation of political and administrative responsibilities.

Two topics had been selected for the meeting: “Policy-Making and Decision-Making in a Coalition System”, and “Managing Government Transitions”.

The two issues were not chosen by accident: actual examples are to be found in all the countries participating in the SIGMA Programme, they are of direct interest to centres of government, and the problems they raise are comparable in nature.

In the case of both topics, it is a question of reconciling the exigencies of democracy and efficiency. Democracy implies political pluralism and legitimises the principle that power can be held on an alternating basis. By the same token, however, it sows seeds of weakness or frailty in the functioning of a country’s institutions just when the process of transition requires governments to demonstrate firmness and continuity.

A coalition government can find it difficult to speak with a single voice. When teams change too often, continuity can be jeopardised. These are the risks inherent in democracy and they have of course to be accepted, but it is also the role of centres of government to seek to minimise any negative effects they can have on the proper conduct of public policies.

### **Managing Coalitions**

Coalition governments are a phenomenon common to all the central and eastern European countries deriving from the fragmentation of the political scene and from the existence of proportional representation in all the countries considered. Although parties do sometimes have to reach certain thresholds in order to have elected representatives, this type of voting system does nevertheless tend to fragment parliamentary representation — whence the need to have recourse to coalition governments.

It is true that coalition governments can exist even when one party has an absolute majority (as in the cases of Hungary and Lithuania); but, conversely, coalition governments can remain minority governments (the case of Estonia). In most cases, however, a coalition government will have a

parliamentary majority made up of the sum of the constituent partners, the number of which can vary: just two in Poland, compared with seven in Latvia (where the term used is “rainbow coalition”). The balance between the parties can itself vary, the parties sometimes finding themselves more or less on an equal footing (the case of Latvia or Romania), while sometimes there is a dominant party (the case of the Czech Republic)<sup>1</sup>.

The situation varies more widely in the countries of the European Union, some of which do not (United Kingdom) or only rarely (France, Spain) have coalition governments. That said, many countries do have experience of such governments.

The papers by Peter Egardt and Adam Wolf describe Swedish and Danish experience in this regard, while those by Dr. Grzegorz Rydlewski and Professor Zbigniew Kielminski address the case of Poland.

It is not the object of this introduction to deal in detail with the content of these papers or talk about the wealth of discussion which followed. Suffice it to mention just a few aspects of the debate, which hinge around two questions: what cements a coalition? and how does it function?

First, what is it that cements a coalition? The agreement that its members reach on drawing up the government programme is vital in this respect. Peter Egardt stressed in his paper how important it is that the agreement be properly prepared, and he described the extremely elaborate procedures that this had involved in Sweden in 1991. A number of speakers referred, with respect in particular to Hungary, Belgium and Latvia, to the existence and formulation of documents of this type, which could in some cases be periodically revised.

A coalition’s solidity also depends, however, on the momentum developed within. On the basis of a detailed analysis of Danish experience, Adam Wolf’s paper shows that centrifugal forces exist because of the coalition parties’ desire to keep their identity and influence. In order to counter these forces, several factors have an important role to play: the main one is the consistency and resilience of the joint objectives which have to be updated from time to time so as to adapt to changing circumstances; also, there is the existence of a political culture which values consensus; and, lastly, there has to be adequate machinery for averting and settling disputes within the coalition.

And so to the second question: how does a coalition function? As every speaker stressed, coalition governments make the organisation of government work that much more complex. On top of the task of co-ordinating the views expressed by various ministries, prompted by their respective responsibilities, there is the need for policy co-ordination between the positions of the various parties represented in government.

These two forms of co-ordination do not operate in the same way. Political co-ordination procedures are necessarily informal, not being regulated by any official texts such as the constitution or the government’s working rules. The said texts do not play any part in the relations between parties. They do, for example, lay down the powers of the council of ministers, but they do not say anything about the role of the coalition council which, in many countries (the Czech Republic, Belgium, Denmark, etc.), brings together under the prime minister the government leaders of the parties that make up the coalition in order to arrive at a joint position on the most important issues.

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1. Editor’s note: The details given in this publication concerning certain countries relate to the situation at 1 June 1997.



Also, the balance between the role of career civil servants and that of advisers selected on political grounds is not the same in both cases, the former having a more important role in functional co-ordination and the latter gaining the ascendancy in terms of policy co-ordination. In Sweden, for example, there is a high degree of co-ordination among the secretaries of state who assist coalition party ministers.

In this context, the role of the centre of government is essential. It is responsible for meshing the various formal and informal cogs of the machinery of government, for channelling affairs — depending on their nature and importance — towards the authorities which need to know about them, and for seeing to it that the amount of time spent on the functioning of the coalition is properly divided and efficiently used.

Apart from procedures, other very important factors include the role played by the people involved and the nature of their relations within government. The Prime Minister, who may in some cases not belong to any of the parties in the coalition (as in Latvia), should have a fundamental responsibility for achieving consensus and settling any disputes. Participants also stressed the need for team spirit within government, informal meetings between ministers and periodic retreats on longer-term policy orientations contributing usefully to this end.

### **Managing Government Transitions**

All contemporary democracies experience changes in the party in power. Even in countries where a party or a majority has remained the same for a very long time, as was the case in France from 1958 to 1981 or the United Kingdom from 1979 to 1997, a change of parties eventually always comes.

In the central and eastern European countries, there have been quite frequent changes in government since the major turning point of 1989, whether in the wake of general elections which brought in a new majority (every country has experienced this at least once), or as a result of a new balance being struck between political parties during the course of a given parliament.

As far as the functioning of the centre of government is concerned, such changes pose a twofold challenge. The new government has to be in a position to implement its policies as soon as possible, while at the same time there has to be continuity in the affairs of state despite the change that has taken place.

Canadian and French experience in this respect was described. Although the political and institutional context is very different in each case, two points in common do emerge:

- both countries have a career civil service, with public servants surviving changes in the party in power;
- both countries have a body — the Privy Council Office in Canada (PCO), the Secretariat-General of the Government in France (SGG) — which plays an essential role in what could be called passing the baton of public affairs on from the old to the new government.

In Canada, as can be seen by reading the paper by Nicholas d’Ombraïn, the transition procedure initiated in 1957 is now extremely formal. A specialised unit of the centre of government is responsible for matters relating to the machinery of government, which include the transfer of power. Some of the seminar participants were surprised at the extreme detail of the instructions regarding the contacts established with the future leaders, the preparation of a voluminous file of information, the conditions in which powers are transferred, and the choice and tasks of the new ministers.

In France, the procedure is less formal, though here too, as was emphasised by Guy Carcassone, the Secretariat-General of the Government does play a useful role in informing and advising the incoming team. Also, by virtue of the coexistence, in both the centre of government and ministries, of political advisers who change with the government (the private offices) and of services whose officials remain in place (the Secretariat-General of the Government and the central administration directorates), it is possible to reconcile the implementation of the new policy thrust with the continuity of the affairs of state.

Amongst the many questions which attracted the attention of participants at the seminar, some had to do with the deontology of public service in its relations with political power.

Is it right for example that, in order to facilitate transition, provision should be made for contacts to be established with, and information given to prospective members of the future government before the new Prime Minister has even been appointed? This is what happens in Canada, where the Cabinet Secretary and the leader of the opposition are in contact before the elections even take place, but it is a practice that the countries represented in Warsaw may have difficulty applying in their present circumstances.

Similarly, what happens to the papers and archives of the outgoing government and to what extent can they be accessed and used by the new government? How can all the information required for the conduct of the affairs of state be passed on to the newcomers, while at the same time preserving the confidentiality of the outgoing government's deliberations? Here again, under the procedures described by the authors of the papers, a great deal of responsibility falls to senior civil servants who, while government majorities change, ensure the continuity of the affairs of state.

Underlying these different questions, what is in fact at issue is the political/administrative culture of democratic regimes. In a democracy, there is competition between rival parties, but a democracy also means complying with a number of written or unwritten rules, including respect for one's opponents and a sense of the meaning of state. It is the responsibility of the authorities at the centre of government to help define and implement these rules.

## PART I: MANAGING COALITIONS

### 1. **Poland: Forming of Coalition Cabinets, 1989-1996<sup>2</sup>** *By Zbigniew Kielminski<sup>3</sup>*

According to coalition theory, each parliamentary system marked by dispersion of forces between rivalling parties should as a “normal” routine:

- form a coalition with a minimal majority in the parliament so as not to disperse unnecessarily shares in the government won by partners in the alliance (minimal winning coalitions);
- form maximally tight coalitions in which political distance between partners on wings of the alliance is as small as possible (minimal range coalitions), so as to make a programmatic consensus easier;
- divide ministerial portfolios and other cabinet posts in proportion to the parliamentary base of coalition parties;
- form alliances with parties having divergent expectations as to the most desired cabinet posts; and
- ease growing tensions between coalition parties through the so-called cabinet reshuffle (reshuffle of ministerial portfolios without violating quantitative proportions of their division); when the alliance becomes weaker, “prizes” are necessary for partners who lose interest in the alliance’s existence.

The aforementioned standards of coalition behaviour turn out not to be of much use for the description and explanation of forming of coalition cabinets in Poland. Polish experiences depart too far from what is theoretically assumed as “normal”.

#### 1.1. **Polish Conditions**

The period of eight years of ongoing political transformation and the construction of systemic foundations of the parliamentary system in Poland saw parliamentary elections three times. Three consecutive

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2. Editor’s note: This paper was written before the elections of 21 September 1997 and the change of the ruling coalition, and before the new Constitution came into force on 17 October 1997.

3. Zbigniew Kielminski is Professor, Faculty of Journalism and Political Science at the University of Warsaw.

presidents designated nine prime ministers who undertook the mission of forming a new government<sup>4</sup>. Two of these missions ended in a failure, that is the mission of Czeslaw Kiszczak in July 1989, and the mission of Waldemar Pawlak in June 1991. In the remaining cases, coalition cabinets were formed that successfully asked the parliament (*Sejm*) for investiture.

Cabinet in the parliamentary system does not have its own legitimate title for activity. It is legally vested with power by the head of the state, the parliament or both in co-operation with each other. The first coalition cabinets after general elections in 1989, that is the governments of Tadeusz Mazowiecki and Jan Krzysztof Bielecki, were granted investiture by the so-called “contract” *Sejm* (its seats were divided following a contract between political forces), resulting in frequent questioning of their legitimacy from the democratic point of view. Therefore, they searched for legitimacy outside the parliament.

The government of Tadeusz Mazowiecki was at first officially supported by all parliamentary groupings. They formed an apparently broad coalition whose form and character resembled united front alliances which were set up in various parliamentary systems during the two wars<sup>5</sup>. The government of Jan Krzysztof Bielecki (January — December 1991) was officially created by a rather unpopular at the time party of Gdansk liberals (the Liberal-Democratic Congress-KL-D) and the Centre Agreement (PC) but it did not have parliamentary support<sup>6</sup> and acted “under the wing” of Lech Walesa.

The next two cabinets were appointed by the *Sejm* of the first term which worked for almost two years (1991-93). This *Sejm* which emerged as a result of first truly free elections after several dozen years was marked by a great dispersion of political forces. Its inaugural sitting was attended by representatives of 29 various groupings, mostly little known and ephemeral. The strongest party (the Democratic Union) had 62 seats, that is only 13.5 per cent out of 460 seats in the chamber. After some hesitation, president Lech Walesa finally entrusted Jan Olszewski with the mission of forming a new cabinet. The cabinet (December 1991 — June 1992) was formed by four parties with christian and national orientation. Theoretically, they could together block no more than 33 per cent of votes in the chamber. Despite this fact, the government won the vote of confidence. The motion was voted for by 235 deputies, that is more than half of the number of deputies of the chamber.

The cabinet was recalled by the *Sejm* at the motion of president Lech Walesa on the night of 4/5 June 1992, in the atmosphere of great tension and scandal related to the famous screening affair of interior minister Antoni Macierewicz (screening cabinet officials and other political figures with regard to possible co-operation with communist security services). The next day the president designated Waldemar Pawlak as the Prime Minister and entrusted him with the mission of forming a new government. This mission, however, ended in a failure. In July 1992, Hanna Suchocka succeeded in forming a cabinet composed of representatives of seven political groupings with christian, national and liberal orientation.

This was another minority government. It could count on the support of some 200 deputies. It was granted parliamentary investiture<sup>7</sup> with the support of two groupings outside the cabinet bloc, namely deputies

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4. Editor’s note: This paper was written before 1997 parliamentary elections.
  5. It is notable that during the vote on the appointment of the cabinet of Tadeusz Mazowiecki in the *Sejm* on 12 September 1989, there was no vote against, with 402 votes for, and 13 abstentions.
  6. In May 1991, the *Sejm* rejected a motion of vote of non-confidence in the government with 188 votes for, 54 against and 30 abstentions. The second attempt at overthrowing the government in August 1991, also turned out to be unsuccessful.
  7. The result of voting was the following: 226 votes for, 124 votes against and 28 abstentions.

from the parliamentary floor groups of Solidarity and German minority. It was overthrown as a result of the adoption of the vote of non-confidence in late May 1993. After the vote, Hanna Suchocka submitted her resignation to the president, who did not accept it and dissolved the parliament, announcing elections for 19 September 1993.

Up to that date, the cabinet of Suchocka could undertake activities without parliamentary base and control. Thus, one could expect that it would routinely fulfil its administrative functions and not political ones, but that was not the case. It made political decisions, among which there was an especially controversial decision to sign a “concordat” with the Vatican.

The last three coalition cabinets, that is the governments of Waldemar Pawlak (November 1993 — March 1995), Jozef Oleksy (March 1995 — January 1996) and Włodzimierz Cimoszewicz (February 1996 — October 1997) were granted investiture by the *Sejm* of the second term in which four strongest parties have over 90 per cent of seats (the Democratic Left Alliance-SLD-37 per cent, the Polish Peasant Party-PSL-29 per cent, the Democratic Union /now the Union of Freedom/-UD-16 per cent, the Union of Labour-UP-9 per cent). Despite expectations and hopes the SLD-PSL coalition which enjoys a huge majority of votes in the chamber does not secure the stability of cabinets as well.

Subsequent political struggles and open programmatic disputes between the two parties repeat equally frequently, and perhaps even more frequently, than those which earlier took place between five or seven co-ruling groupings. Anyone who closely follows these developments is inclined to believe that there is no thing in public life that divides people more than co-ruling. A significant novelty in the cycle of changes of cabinets formed during the second term of the *Sejm* is the so-called immobility of the ruling teams. Governments go and ministers remain in their posts. No wonder because successive governments are always formed by the same coalition.

## 1.2. Procedure of Appointing and Recalling Cabinets

The procedure of appointing and recalling cabinets in Poland is precisely determined in the constitutional law of 17 October 1992, widely called the “Small Constitution”<sup>8</sup>. In tune with these regulations, the new cabinet can be appointed only after the formal acceptance by the President of the resignation of the previous cabinet or the resignation of the Prime Minister, and thereby in the precisely determined cycle of the change of the government. The government is changed in following four situations:

- after each newly elected *Sejm* is constituted<sup>9</sup>;
- as a result of the resignation of the Council of Ministers or the Prime Minister from fulfilling their functions;
- when the *Sejm* does not bring the vote of confidence to the cabinet (it has not occurred as yet); and
- when the *Sejm* brings the vote of non-confidence in the government.

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8. Editor’s note: This paper was written before the new Constitution came into force on 17 October 1997.

9. The government was changed twice after the constituting of the new *Sejm* in the discussed period 1989-1997. The government was changed after parliamentary elections in 1991 in line with provisions binding before the adoption of the Small Constitution. The outgoing Prime Minister did not submit resignation to the President then but to the *Sejm* which inaugurated its term. This was done by Jan Krzysztof Bielecki on 25 November 1991. After the *Sejm* of the second term had been constituted, Hanna Suchocka submitted resignation.

In the first three situations, the Prime Minister submits the resignation to the President, who is obliged to accept it. The resignation of the Prime Minister means the resignation of the whole cabinet<sup>10</sup>. After accepting the resignation, the President starts the multistage procedure of appointing a new government, determined in detail in Articles 57-63 of the Small Constitution. The distinctive feature of this procedure is the separation of five stages of conduct in which an initiative is taken alternately by the president and the *Sejm*. The *Sejm* is to grant investiture to the cabinet appointed by the President, and if it does not want to do it, the *Sejm* itself should elect the Prime Minister and the composition of the cabinet proposed by the latter. In the final stage, after all earlier envisaged chances of co-operation with the *Sejm* have failed, the President can appoint a government with no parliamentary confidence for a period not longer than half a year or dissolve the parliament.

In the final of the four aforementioned situations in which it is possible to change the government, the obligation of acceptance of resignation by the President depends on the form in which the *Sejm* adopted the vote of non-confidence in the cabinet in the office. If the *Sejm*, while expressing the vote of non-confidence elects the new Prime Minister, the President accepts the resignation of the overthrown cabinet and the newly elected head of the cabinet starts to form his cabinet<sup>11</sup>. If, however, the chamber overthrows the ruling cabinet in the “non-constructive” way, that is without naming the new Prime Minister, the head of state has some freedom of choice in searching for ways to get out of the existing crisis. He can accept the resignation of the cabinet or dissolve the parliament<sup>12</sup>. The role of the President elected in general elections in the process of changing cabinets is additionally strengthened by a provision included in Article 61 of the Small Constitution from which ensues the right of the President to express an opinion on motions concerning candidates for the posts of three key ministers: Foreign Affairs, Defence and Internal Affairs.

It is worth drawing attention to the fact that despite the intentions of the authors of the Small Constitution, its very rigid frames for the change of the cabinet do not at all limit, but even broaden, space for opposing interpretations, based on both the letter and the spirit of legal norms. Temptations of free and contrary interpretations are rooted precisely in too many details included in regulations to which various developments which are difficult to foresee have to conform. The most meaningful example was provided in this respect by Lech Walesa, who adopted a surprising interpretation of the aforementioned Article 61, which created grounds for introducing a practice that the President designates his candidates for the heads of three key ministries. At the end of the term in office of Lech Walesa, the odd practice of setting up a “presidential faction” within coalition governments formed by the political camp opposed to the President very clearly weakened the government’s internal political uniformity. On the other hand, the ruling SLD-PSL coalition, afraid of the only theoretical possibility of dissolving the parliament by the President, refrained from the simplest legal form of the change of its cabinets (the resignation of the Prime Minister), opting for overthrowing its own cabinet through a “constructive” vote on non-confidence with the entire accompanying ceremonial.

In addition, apart from the Small Constitution and practices introduced with its help, there exist various binding norms included in regulations which are sometimes living relics of the past. For instance, the

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10. Before the adoption of the Small Constitution, the Prime Minister submitted the resignation to the *Sejm* after consulting the President. This is how Tadeusz Mazowiecki behaved after a defeat in the first round of presidential elections in 1991. Prime Minister Jozef Oleksy behaved differently — in tune with the provisions of the Small Constitution he submitted resignation to the president on 26 January 1996.
  11. This is how the cabinet of Pawlak was changed into the cabinet of Oleksy on 1 March 1995.
  12. President Lech Walesa chose the latter after *Sejm*’s adoption the “non-constructive” vote of non-confidence in the cabinet of Hanna Suchocka late May 1993.

norm included in Article 61 para 8 of regulations of the *Sejm*. It authorises *Sejm* committees to conduct specific hearings and present opinions on candidates for ministers in each new government. While granting investiture to the government, the chamber votes separately on those ministers who were negatively evaluated by the committees. In this way it is possible to effectively and irreversibly undermine, in good faith, results of earlier coalition settlements.

Therefore, it seems that binding legislation considerably hinders and complicates forming a new cabinet by each winning coalition instead of improving this procedure.

### 1.3. Instability of Coalition Cabinets

So far, the coalition cabinets in Poland have been very unstable. The average period of coalition governments' staying in power is only about 12 months. Until now not one has survived longer than 18 months, though each had parliamentary investiture with the support of the visible majority of the chamber. Not one has had a chance to stay in power long enough to be able to consistently implement its programme.

It seems on the surface that Polish experiences with the forming of governments in the years 1989-97 may serve as an example justifying the most stereotypical images of natural instability of coalitions in multi-party parliaments.

However, to refer to stereotypes does not help us explain the problem. First, comparative studies on the stability of cabinets in various parliamentary systems and in long periods of time (for instance, L.C. Dodd, 1974) fairly unequivocally reveal that the stereotype in question is false. In general, in spite of popular views, coalition cabinets are dominant not only among the unstable governments but also among the most stable ones, working longer than 50 months.

Second, coalition cabinets formed in Poland turn out to be short-lived, irrespective of the scope of support granted to them at the moment of appointment. Not only governments lacking indispensable base in the *Sejm* fall relatively quickly (especially the governments of Jan Krzysztof Bielecki and Jan Olszewski) but also, which seems to be a paradox, those supported by the fairly well organised and disciplined bloc of absolute parliamentary majority (eg governments established by the SLD-PSL coalition).

Third, the Polish problem is that governments go but coalitions that form them stay. Coalition parties are continuously engaged in sharp public disputes on the policy of the government, and although they distance themselves from it, they do not resign from participation in the coalition. Thus, successive cabinets fall not as a result of the loss of democratic legitimacy or setting up of a new coalition able to form a new cabinet, but as a result of coincidence of various developments, even accidental ones<sup>13</sup>, in the atmosphere of a political scandal.

Causes of the instability of coalition governments in Poland are institutional. They do not ensue from human desires, character or tradition but are rooted in:

- Imperfect legal regulations determining the appointment and recalling of cabinets to which coalition initiatives must conform;

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13. Only one vote decided about the adoption by the *Sejm* of the vote of non-confidence in the cabinet of Hanna Suchocka. Meanwhile, one of ministers of her cabinet was in the vicinity of the plenary hall but did not take part in the voting because of, as he himself said, temporary digestive problems.

- The still emerging party system and related lack of proper knowledge and use of rules of competition and co-operation between parties without which loyal co-operation between partners in the government alliance is not possible; and
- Bad organisation of work of the support structures directly serving the government, and, consequently, inability to ensure political co-ordination on a properly high level without which it is difficult to keep and renew a coalition consensus. The setting up of the new Chancellery of the Prime Minister was obviously a giant stride in a proper direction, but one still has to wait for measurable effects.



## 2. Poland: Policy- and Decision-Making in a Coalition System

*By Grzegorz Rydlewski<sup>14</sup>*

The question of policy- and decision-making in a coalition system of government has ranked among the key issues in the process of Poland's socio-political transformation after 1989. Even a cursory analysis shows that this problem is also of basic significance to most other countries of Central and Eastern Europe. In this region of Europe, the creation, functioning and "decomposition" of coalition governments are determined to a greater extent by political practice, the operating style of individual political leaders and *ad hoc* conditions rather than by any conscious or well-considered choice of this model of coalition cabinet or another. Practice has outpaced theory. A simple transfer of principles functioning in the developed Western democracies does not seem possible. We also lack our own experience to which we could refer. As a result, the dominant approach has been learning by trial and error. There have been far too few solutions that could be regarded as conscious systemic choices. There have been more questions than answers which could be regarded as methodological principles beyond dispute. The more one attempts to scrutinise these problems in greater detail, the more new questions crop up. Given the situation in Poland, this issue seems to be an important one since there is much to suggest that a coalition model of government will continue to be the norm in the future. What is more, one can foresee with considerable certainty the form these multi-party coalitions will take.

Poland currently has its seventh consecutive government since 1989<sup>15</sup>. Most of the governments formed thus far have fallen largely because they had exhausted their policy-, decision-making and administrative options within a given formal or informal coalition system, or because of disagreement over the head of the government's handling of coalition policy. The Polish experience, especially after the autumn of 1993, has clearly shown that although the size of a coalition government's majority in parliament is important, it is not enough in itself to predict how stable a government will be in the future. For the coalition to be able to conduct its policies effectively, the following factors are of fundamental importance:

- the ability to establish a clear coalition agreement at the outset, which should be carefully defined, i.e. it should lay down common objectives, a timetable and options for future programmes, particularly in the sphere of economic affairs and crucial social issues; it should also address the political implications of the coalition's existence for its individual members, the mechanisms for co-operation between coalition party offices during the policy development phase and the principles for transforming these policies into legislation and government programmes; finally, it must define the rules under which the coalition parties' parliamentary factions agree to support the government's positions, principles for co-operation among these factions and the extent to which they are free to establish contacts with the other political forces in Parliament;

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15. Editor's note: This paper was written before the elections of 21 September 1997 and the change of the ruling coalition, and before the new Constitution came into force on 17 October 1997.

- the ability to devise a practical system to ensure that the common will of coalition members is taken into account in the government's deliberations and reflected in the final outcome of its work. This system should comprise a number of levels of co-operation between coalition parties and the government, i.e. meetings between leaders, and there should exist a mechanism for monitoring and seeking agreement at the working level, not for analysing the general directions and philosophy of collaboration but for agreeing on details and the procedures for implementing specific individual tasks;
- the ability to create a situation, in which what the government sends to parliament in the form of draft regulations and programmes is not only known earlier to the coalition parties' parliamentary factions but has gained their guaranteed approval. In such circumstances, the government can expect its proposals to go through the accepted legislative procedures without disruption;
- when the need arises, the ability to mould and enforce coalition behaviour in crisis situations, including non-public channels of immediate agreement, consultation and relieving tension. In such cases, the criteria of effectiveness and confidentiality should be applied with iron-clad consistency.

## 2.1. Reform of the Government's Central Agencies

One of the reasons behind the reform of the government's central agencies carried out in Poland in 1996, was an attempt to prepare an organisational structure and operating principles for the Council of Ministers which would be geared to the requirements of policy- and decision-making in a coalition-government situation. In that context, one should stress a particular significance of those legal regulations which led to:

- the clear-cut strengthening of the position of the Prime Minister as the manager of government activities;
- the clear delimitation of the rights and duties of ministers as participants in the work of government;
- the unambivalent determination of principles governing the representation of the government *vis-à-vis* other bodies in order to ensure uniform conceptual and political presentation of the government's position;
- a formal separation of the decision-makers' political advisers, responsible for policy choices and analyses, from other employees of the government administration who, after having successfully passed through recruitment procedures, will eventually become civil servants;
- the transformation of the Chancellery of the Prime Minister into an institution which is responsible for providing organisational and legislative support to the Council of Ministers and the Prime Minister, as well as programming, analysing and supervising the implementation of policies laid down by the government coalition;
- the creation of a Government Centre for Strategic Studies, an institution supervised by the Prime Minister, which assists the government in matters of strategic programming, forecasting economic and social development, as well as analysing the concordance of the content and implementation of short- and medium-term programmes with strategic plans and policies.

Principles governing the activities of the government coalition are regulated in Poland by political practice. Neither constitutional legislation nor any other legal act contains legal norms covering this area. Similarly, the nature of government coalitions is neither dealt with nor resolved through any legal channels. There may therefore exist both “programme coalitions” as well as those built on the basis of other criteria. During the coalition period between the Polish Peasant Party and the Democratic Left Alliance, which emerged after the 1993 parliamentary elections, the basic elements of co-operation have comprised: a coalition agreement, *ad hoc* meetings between both parties' leaders, and irregular meetings between leaders of both parties, hosted by the Prime Minister. In practice, these mechanisms of co-operation have been neither satisfactory nor adequate. This has been amply attested to by:

- the number and intensity of controversies between the coalition partners which, all too often, have been made public through public announcements by party leaders;
- the recurring method of dialogue between party leaders and the Prime Minister through the intermediary of journalists;
- frequent differing or even opposing actions in parliament by deputies and senators from both coalition parties and frequent instances of coalition deputies and senators not supporting government initiatives in parliament.

## **2.2. Lack of Public Support and Differences in Coalition Partner’s Programmes**

This state of affairs has not been caused by any one factor. It stems in part from the level of political awareness in Poland. Specifically, this means a lack of public support for the direct influence of political parties on the activities and decisions of the government. This is the result of a negative evaluation of the pre-1989 period, when the government was little more than the formal executor of policies shaped by the Polish United Workers’ Party, in line with the slogan: “The government governs and the party directs.” Secondly, some of the government coalition’s inability to formulate policies and take decisions stems from differences in the coalition partners’ programs. This involves such key issues as the method of Poland’s integration with the European Union, the extent of the government’s protection of agriculture amid developing free-market conditions and — a very important consideration under Polish conditions — the question of religious and world-view relationships within the state. Other factors behind the discord have been historical in nature. Moreover, on the eve of the electoral campaign, both coalition partners position themselves as to be able to participate in different alliances after the elections.

As regards the management of government reforms, Poland’s experience in policy- and decision-making within a coalition system also stresses the importance of the relationship between the composition of the cabinet and the leadership of the political parties comprising the coalition. The absence of coalition party leaders in the government may be regarded as a factor impeding the clear reflection of the coalition’s political will in the work of the Council of Ministers and hindering parliamentary support for government initiatives by coalition representatives.

### 3. Sweden: Policy- and Decision-Making in a Coalition System *By Peter Egardt*<sup>16</sup>

#### 3.1. Constitutional Differences

For obvious reasons, policy- and decision-making in coalition systems must differ quite substantially depending on the constitutional framework which the government has. In a presidential system the role of the President and the interaction between the President, the Prime Minister and the Cabinet, will be decisive for the government's freedom of action.

In Sweden, the Prime Minister has substantial powers. Most important is that the Prime Minister not only appoints, but also dismisses his Ministers. The Ministries are formally independent authorities, but as all government decisions are taken collectively and more or less all decisions are taken by the Cabinet (and not by individual Ministries or Ministers) the independence of the Ministries is of minor importance. Nevertheless, as from 1 January 1997, Swedish law states that the government is one authority, and not thirteen as it was previously. Ministers are allowed to disagree with a Cabinet decision and can have their views annexed to the Cabinet's protocol. This is in theory rather than in practice, since — as was mentioned above — the Prime Minister is free to dismiss or appoint Ministers and therefore the right to disagree is exercised with care.

The formal relations between Parliament and government are of great importance. In Sweden, the Parliament appoints the Prime Minister, who must be accepted — at least passively — by a majority of the Members of Parliament. But the forming and the organisation of the government is the responsibility of the Cabinet. When a Member of Parliament is appointed Minister, he or she is not allowed to keep his or her seat in Parliament while serving in the Cabinet. The same applies to State Secretaries. Members of Parliament can be appointed as special experts within a Ministry and still hold their seats in Parliament, but their fee will amount to one day's work per week in the Ministry.

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16. Peter Egardt is Executive Director of the Stockholm Chamber of Commerce. He served as a special expert to the Minister of Economy, who was also Party Leader of the Moderate Party, in the Swedish Government between 1979 and 1981. In this capacity, Mr. Egardt was responsible for the co-ordination of the Government's policies in a number of fields, i.e. Defence, Education, Social Welfare and Agriculture. The Government was a three-party non-socialist majority Government. Between 1981 and 1991, he served as Secretary-General of the Moderate Party Parliamentary Group. The party was in opposition during this period. Between 1991 and 1994, he was State Secretary to the Prime Minister and Chef de Cabinet of the Government. As such his chief responsibility was to co-ordinate the Government's policies. The Government was a four-party non-socialist minority Government. Between 1981 and 1991, he served as Secretary-General of the Moderate Party Parliamentary Group. The party was in opposition during this period. Between 1991 and 1994, Mr. Egardt was State Secretary to the Prime Minister and Chef de Cabinet of the Government. In this post, his chief responsibility was to co-ordinate the Government's policies. The Government was a four-party non-socialist minority Government.

### 3.2. Different Coalitions

There are many different types of coalitions. And different coalitions must work differently. In the case of a majority government, the relations with Parliament can be quite simple to handle. The most important thing is to maintain party discipline. If the government is in the minority, special measures have to be taken in order to get proposals through Parliament. For example, institutionalisation of negotiations with other parties in Parliament or other measures to secure the necessary majority in Parliament.

A coalition of two parties can probably be handled differently to a coalition of three or more parties. With three parties there is a danger of two parties constantly outvoting the third party. This is easier to handle with four parties.

Thus a minority coalition of four parties in minority must be organised and handled quite differently to a coalition with two parties in majority.

### 3.3. Preparations

In my experience, planning and preparation of a future coalition well in advance of Election Day is absolutely vital. Without careful preparations the probability that a coalition will last the full mandate period or even win the next elections will be very small.

Two or more parties will not be able to successfully co-operate in a coalition unless they have the same conception of reality. They must agree upon economic fundamentals: Are there problems with the present state and budget deficits? How big are they? What are the main reasons? What are the main solutions?

A party aspiring to lead a future coalition can prepare for coming into power by co-operating with the prospective coalition partners while still in opposition (this is assuming that the coalition will not include the present government party or parties). This can be done without formally acknowledging that such co-operation is taking place — it is usually important for the parties to maintain their profiles and differences of opinion on certain matters compared with the other parties in opposition. Some possible actions are:

1. Internal seminars with prominent representatives of each party. External lecturers give their views on a number of different questions and issues (finance policies, monetary policies, energy, housing etc.), followed by questions and answers. When the invited guest has left, the politicians discuss among themselves. No decisions are taken. It is not necessary to reach consensus. The discussion itself is the important thing.
2. Regular meetings between the parliamentary leaders of the parties concerned and between the party leaders, if these are not identical. Regular meetings between the secretaries general of the parties' parliamentary groups, if such positions exist. The goal is to discuss questions of current interest in Parliament or in party politics in general. Sometimes the meetings can be held in order to decide on common action.
3. Pre-meetings between members from the parties concerned before meetings in Parliamentary standing committees and other fora. If possible, joint actions are decided upon.
4. Joint proposals in Parliament. Joint reservations in committees and in Parliament.

It is prudent, on a continual basis, to list all the questions on which the parties agree as well as all the questions where there is disagreement and they must be solved in the future.

### 3.4. Negotiations

There are many ways of forming a government. Prospective prime ministers have been known to state "I want no papers on the table", meaning that the parties in the would-be government should start on an equal basis. Problems should be taken care of as they arise. The important thing is to distribute the ministerial posts among the participating parties and then "get down to business". In my opinion, this approach is more or less doomed to fail. However intelligent the design of the co-ordinating apparatus within the government, it will soon be evident that if there is no common political agenda to lean towards, major — or even minor — political disagreements can quite easily paralyse a government and eventually lead to its downfall.

In my experience, the better prepared you are, the greater the chance of survival. And if you are meticulous in your planning and as meticulous in negotiating as many political questions as possible before you enter into a government, the better your prospects are of achieving your political goals and keeping the government together (and winning the next election).

Below I shall briefly describe the major ingredients in the negotiating process between the four parties in Sweden (the Moderate Party, the Liberal Party, the Centre Party and the Christian Democratic Party) that was to form the government between 1991 and 1994:

1. Immediately after the general elections in 1991, the Speaker asked the leader of the biggest party, the Moderate Party (Carl Bildt), to find out whether or not it was possible to form a coalition government.
2. He turned to the Party leaders of the other three parties in order to find out whether, in general terms, they were interested or not. He received affirmative answers.
3. Three different groups with one representative from each party were appointed. One group was to discuss macroeconomic issues in order to formulate a common macroeconomic strategy for the government. The second group was to discuss taxation issues and propose a common ground for the four parties. The third group and most important was called the executive group. It consisted of the three secretaries general of the three parties already represented in Parliament and the would-be State Secretary for Co-ordination for the Christian Democrats. At that time, they were not represented in Parliament. The first two groups reported to the executive group.
4. The executive group went through all political areas of significance. Earlier common proposals and reservations in Parliament were listed. Proposals which were not yet decided upon in Parliament were listed in order to decide which proposals should be withdrawn and which should remain in Parliament for decision. But most important was the list of questions, where the concerned parties might have differences of opinions.
5. It turned out that the list of questions on possible problematic questions amounted to a total number of 147 isolated questions or entire political areas. The list included, for example: the building of a bridge between Sweden and Denmark, education, protection of undeveloped rivers, sanctions for juvenile criminals and different levels of compensation in various social security systems.
6. The executive group subsequently appointed subgroups in some areas, *inter alia*, education and housing, consisting of one representative from each party. They negotiated successfully in their areas and reported to the executive group, which, with minor alterations, accepted their solutions. Thus some of the 147 questions were solved.

7. The executive group dealt with all the other questions. Expertise was called for when needed. After negotiating for just over a week (day and night) the executive group was able to report to the Party Leaders. Some 140 questions were settled. Signed protocols with detailed annexes were at hand. The executive group had been unable to come to a full understanding on less than ten questions. These were left for the Party Leaders to solve.
8. The Party Leaders negotiated these questions. The parliamentary party groups were heard several times. They had also been consulted during the negotiations of the executive group. After a couple of days there was also an understanding between the parties about the remaining questions.
9. The prospective Prime Minister then circulated to his fellow Party Leaders a draft version of a detailed Declaration of Government, that was to be presented to Parliament once the new government had been announced. Every word was carefully studied. But as the Declaration was based on the protocol from the executive group, the negotiations were completed in a reasonably short time.
10. Up until now, the Prime Minister designate had not started real discussions with his colleagues about the distribution of ministerial posts and Ministries, based, of course, on the results of the General Elections. But the aim was also to achieve some kind of balanced combination. If a party had a very high profile in a special area it was offered the ministerial post for the Ministry concerned. If a ministry had more than one Minister both should, as a principle, come from the same party to avoid internal antagonism. There was, however, one exception to the rule: the Ministry for Finance (and to be exact also the Ministry for Foreign Affairs to the extent that the Minister responsible for foreign aid and human rights was the Christian Democratic Party Leader, whilst the two other ministers were moderates).

It was not until all these steps had been successfully taken that the Prime Minister designate told the Speaker that he was able to form a coalition government. As it was a minority government, previous contact had been made with another, smaller party in Parliament to make sure that this party would not actively oppose the coming government by joining forces with the leading opposition party, the Social Democrats.

The entire process of negotiations lasted for about two weeks. Had these negotiations not taken place, the government would have had a lot more difficulties in taking decisions and deciding upon the policies that should be adhered to. The negotiations were more or less a prerequisite for the coming successful policy- and decision-making process in the coalition.

### **3.5. Team-Building**

The real work does not begin until the government is installed. Ministers, often with no previous experience in ministerial work or from government, find themselves surrounded by civil servants who want to brief the Minister on a number of different issues.

The party organisation, the public, lobby organisations, industry, trade unions, media and others want to meet and, most often, to influence the new Minister. He or she lives in great danger of becoming a victim of his or her agenda. Little time is left for strategic thinking and planning. It is easy to quickly end up with blinkers for everything that is not within the domain of your own Ministry. Though you are a part of government, government is not really your concern.

It is thus vital, especially in a coalition government, that the Prime Minister tries to instil a "team spirit" in the government. Every minister must feel the responsibility for the government as a whole. They must all take an active part in strategic deliberations. They must be able to relate their immediate responsibilities to the overall strategy of the government.

Team-building can of course be handled in many different ways. In a coalition it is important that all ministers meet regularly. It can be devastating if only the ministers from the same party meet on a regular basis.

In my mind, it is equally important that the ministers meet, not only for Cabinet meetings and other formal meetings, but also to get to know one another and to enjoy one another's company. The Prime Minister can invite all the others for social evenings or dinners, where no decisions at all are taken. Meetings of a more serious kind, with discussion of strategic issues and external lecturers introducing a subject, can be arranged. It is important, though, that no formal decisions are taken at such meetings.

The government should meet, at least once a year, for a longer seminar (over a weekend, for example) to discuss and decide upon strategic issues. Minor questions should be avoided at Cabinet meetings, and these should be solved at lower levels in the decision-making process.

It is worth underlining, however, that unless you have been able to instil a "team spirit" in the government, the possibilities of creating a dynamic decision-making process and apparatus in the government will be much smaller.

### **3.6. Taking Command**

A government is often a self-governing body. Numerous civil servants know the routines as well as the rules and regulations. There is often "a cultural heritage within the Ministerial walls". It is thus important for a Minister to set the agenda him- or herself, from the very start. In the example of Sweden mentioned above, each Minister received a copy of the result of the negotiations in his or her fields of responsibility. It was known as *The Cover*. And it was up to the Minister to make sure that civil servants immediately started to prepare proposals for legislation according to the result of the negotiations. In this way the Minister was also able to set the agenda and showed that he or she was in command from the very start.

But even more important is that the coalition and Cabinet takes control of the entire government. And the Prime Minister and the Cabinet Office are for natural reasons the centre players in this. Taking control could imply some kind of dictatorial rule on the part of the Prime Minister. This is not advisable, especially not in a coalition. (Cf. what is said above about the importance of team-building). But — on the other hand — everyone in the Ministries must be aware of the government's strategies and goals, and act accordingly. This requires special deliberations. The constitutional framework in a country can pose restrictions for possible measures and activities. But within this framework measures should be taken to make sure that Cabinet deliberations, decisions, guidelines, goals and strategies filter through the entire governmental apparatus. Below are some examples from a Swedish perspective:

1. As mentioned above, the Swedish Prime Minister has substantial powers. The most important is his or her right to appoint and to dismiss ministers. Consequently, the Cabinet Office has a very strong position vis à vis other ministries. The Prime Minister's State Secretary was also Chef de Cabinet, as well as chairman of the board of the Government Central Services Office. As he acted on behalf of the Prime Minister, he was able to give directives to the Administration and to his fellow State Secretaries.



2. More or less all Cabinet decisions are taken collectively in Sweden. All Cabinet decisions must be properly prepared. This includes communication with other ministries and the Cabinet Office in the preparatory work. A phase of negotiations should have taken place before a question is put before Cabinet for decision. Consequently, The Cabinet Office and the Prime Minister can always control the questions under preparation and are able to intervene quite early in the process.
3. Finance policies and the state budget are central to all governments. It is thus important to establish a firm link or an axis between the Cabinet Office and the Ministry of Finance. If co-operation between these two fails, the government will fail. It can prove fruitful if the Cabinet decides on budget frames for each Ministry, before the process of preparing the proposal for the State Budget begins. These frames can preferably be prepared jointly by the Cabinet Office and the Ministry for Finance. The latter has presumably the best financial expertise and the former the political know-how about what is prudent from a political perspective and what is best in line with Cabinet's strategies and medium-term goals.
4. In order to present the public with a coherent message it is important to make sure that everyone in government has as much information as possible and that measures are explained and related to the strategies in the same way by all ministers, state secretaries, information officers and civil servants.
5. If you are a member of the European Union — or negotiating for accession — it is important to make EU-related questions an integral part of governmental work. EU should not be treated as part of foreign policy. EU questions are more or less always part of domestic policies and should be treated accordingly. At the same time, the Ministry for Foreign Affairs is always deeply involved in EU-related matters. It is thus important to establish a firm axis between the Cabinet Office and the Ministry for Foreign Affairs in these matters. The co-ordination of EU-related questions is probably best handled close to the Prime Minister and the Cabinet Office, if not within.
6. Never forget the civil servants! The civil servants are those who actually prepare all the legislation in all its detail. If they are not aware of the government's priorities, strategies and goals they will not perform as well as they otherwise would. The administration of the administration is thus vital. So is providing information to and education of all civil servants, at least those in leading positions.

### **3.7. Co-ordinating the Coalition**

Ideally, a coalition should be based on mutual trust between the parties in the coalition. All parties should be well informed about everything that is going on. It may prove devastating if one party suspects the others of withholding vital information.

But a coalition depends not only on how well the interior work functions within the government. The coalition is equally dependent upon the acceptance of their proposals by Parliament and by the coalition's respective parties and their Members of Parliament.

It is of course of great importance to the respective parties in the coalition that their party members around the country and the party organisation have an understanding of the proposals from the coalition. These are for obvious reasons most often a result of negotiations and compromises.

The aim of the co-ordinating process ought to be to:

- make sure that everyone has the correct information in time;
- make sure that the coalition parties feel confident that they participate in all major questions and activities and have the possibility to make their voices heard whenever they want to;
- make sure that Cabinet decisions will be well received in Parliament;
- make sure that decisions in the government are taken at the right level; and
- pave the way so that Cabinet can concentrate on matters of strategic and long-term importance.

There are probably many ways to fulfil the aims of the co-ordinating process. The tools to use depend upon the constitutional framework in which the coalition works. Below I will give some examples from a Swedish perspective.

1. The co-ordinating body should be located preferably within the Cabinet Office. Each coalition party having its own co-ordinating office located together with their respective Party Leaders (if they are also Ministers) is not a good idea. If this is the case, the co-ordination bodies tend to identify themselves not primarily with the government but more easily with their respective parties.
2. The co-ordinating body should be led by a high ranking politician. In Sweden between 1991 and 1994 the co-ordinating body consisted of one State Secretary for each party. They had at their disposal five co-ordination officers each. The Prime Minister's State Secretary acted as *primus inter pares*.
3. If possible, the co-ordinating State Secretaries should attend all Cabinet meetings.
4. The co-ordinating officers must be in constant contact with their party's MPs in all the matters that they deal with within the co-ordinating body. This is to get advice on how to act on various matters, to know where the limits for compromise are and so forth. But most important is to get the MPs well-informed and thus make sure that the Cabinet decision-to-be will be well received when it reaches Parliament.
5. If allowed for by the constitution or other legal provisions, it may be advisable to allow the coalition's parliamentary group leaders to attend Cabinet meetings. They will thus be able to explain to their groups the Cabinet's deliberations and create an understanding for the Cabinet's decisions in Parliament. At the same time, the parliamentary group leaders can convey to the sentiments of the groups to the Cabinet before it takes its decisions.
6. The co-ordinating officers should be able to handle most minor matters. If they disagree it should be left to the co-ordinating State Secretaries to settle the issue. If they are unable to do so, taking the matter before the entire Cabinet should still be avoided. Maybe it could be solved after a meeting between the party leaders in the coalition?
7. Cabinet meetings are restricted to taking the formal decisions and it should seldom be necessary to discuss them, as they should have been well prepared through, *inter alia*, the co-ordinating body. In Sweden between 1991 and 1994, the Cabinet decided formally on an average 300 questions each Thursday. It usually took less than 30 minutes. Afterwards Cabinet discussed strategic questions of greater importance, took decisions about guidelines for the Ministries, etc. Disagreements on minor issues between different Ministries were

never allowed to come before the Cabinet, since the Prime Minister's State Secretary was responsible for the Cabinet's agenda each week.

8. As mentioned earlier, it is of vital importance that there is a strong axis between the Cabinet Office (the co-ordinating body) and the Ministry for Finance as well as a strong axis between these and the Ministry for Foreign Affairs with regard to EU-related questions.
9. The deliberations and decisions by the Cabinet should be conveyed throughout the government as soon as possible. In Sweden the State Secretaries are second only to their respective Ministers but they are also the highest ranking civil servants in the Ministry. They are thus also responsible for the administration of their Ministry and for the civil servants employed by the Ministry. Weekly meetings between the State Secretaries are important to inform everyone on Cabinet's decisions and deliberations. The Prime Minister's State Secretary acts as *primus inter pares* at those meetings. The meetings are important for a number of reasons, not the least of which is ensuring that everybody is "speaking the same language" (understanding each other and the messages to be carried forward).
10. If you have special information offices or officers in each Ministry it is important that the people responsible for information meet regularly, to be able to relate their information on work within their own ministries to the overall strategy of the government. A Chief of Information at the Cabinet Office can act as *primus inter pares*.
11. Even if you have prepared the coalition meticulously, new questions that have not yet been negotiated or thought of will occur. And you have to prepare for the next mandate period. In order to strengthen the bonds between the coalition parties it could prove worthwhile to create a special and common "investigation unit" within the Cabinet Office. The unit can consist of one "investigator" for each party concerned. In Sweden we created such a unit directly under the Co-ordination body.

### **3.8. Agencies Outside the Government**

In Sweden, the state administration is more than the government where the central government is quite small. But a vast number of quite independent agencies under each Ministry exist. Running a coalition takes a lot of effort, but one must not forget all the agencies and all the institutions in place to implement laws and regulations. These are the bodies that the public are frequently come into contact with. The image of these institutions will also affect the image of the government.

The government is wise to make use of the agencies and other authorities to get its message across to the public, but also — most important — to make sure that the government's intentions are carried out throughout the entire state administration.

Frequent meetings with county governors, directors general of state agencies and other important officials are essential. These meetings should if possible be co-ordinated. Visible goals and clear messages should be conveyed. The Cabinet Office can play a major role.

### **3.9. Centralised or Decentralised State Administration**

This question is also of great relevance to the decision- and policy-making process in a coalition. To elaborate on this issue would be beyond the scope of this paper.

### **3.10. Credibility and Legitimacy**

After having discussed the organisation of a coalition and creation of a good environment for the policy- and decision-making process within a coalition, it is necessary to add that a coalition — regardless of whether it acts according to what is suggested above or not — will never work unless it is able to create credibility for its policies in wide circles. These policies must also be legitimate in the eyes of the public. But that is the subject of a completely different discussion.

#### 4. Denmark: Policy- and Decision-Making in a Coalition System

*By Adam Wolf<sup>17</sup>*

##### 4.1. Summary

Since 1982 Denmark has had six different coalition governments — all but one minority governments. During the years of Conservative-led government coalitions (1982-93), the number of parties in the coalitions declined gradually from four to two. So did the number of parties in the Social Democratic-led coalitions (1993-present). This may be an indication that life in coalition governments is not always easy.

The Danish experience seems to indicate that tensions between individual party profiles and coalition solidarity is a centrifugal force in most coalitions. For the leading party it means giving in to coalition partners on policy issues in order to stay in power. For minor coalition partners it means trying to protect a political identity by keeping a certain distance to the leading party. However, the Danish experience shows that a pragmatic and consensual political culture, a strong coalition project and minority status of the coalition are factors serving as the glue of coalition politics.

All governments have to deal with the functional co-ordination between different line ministries and sectors of society, but the strong emphasis on political co-ordination between coalition partners is what characterises the process of policy-making in Danish coalition governments.

The political flexibility required to manage policy-making processes in coalition and minority governments presupposes a political sensitivity on all levels of government. Ministers are expected to meet with coalition partners in Parliament on a regular basis, and they are supposed to clear new policy initiatives with coalition partners in Parliament and in Cabinet before presenting them for formal approval in Cabinet meetings.

The central institutions of political co-ordination are the “Co-ordination Committee” and the “Cabinet Committee on Economic Affairs,” both of which are composed primarily according to political criteria. Whereas the first, headed by the Prime Minister, tends to concentrate on major policy issues and strategic decisions, the latter, headed by the Minister for Finance, is where policy-making and budgetary concerns usually meet. A Foreign Policy Committee co-ordinates Cabinet positions on EU matters, but usually refers major decisions involving potential conflict between coalition partners to the Co-ordination Committee.

The Prime Minister — assisted by the Minister for Finance — plays a major role in guiding the Cabinet along the narrow path of coalition consensus. He has to keep close ties to coalition party leaders. With no state secretaries or political appointees at their disposal, the leading ministers have to rely on career civil

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servants in ensuring that the dynamics of coalition politics are present at every stage of the decision-making process.

## **4.2. Introduction**

The question of policy-making and decision-making in a coalition system can be addressed either by trying to distil generic features of coalition systems in different countries, or by focusing on the experience of one country.

This paper focuses exclusively on the last fifteen years of coalition government experience in Denmark. In doing so, the author acknowledges that the specific historic, cultural, and institutional conditions in Denmark during the 80's and 90's are inseparable from the "coalition experience" as described in the paper. So are the different "coalition projects" identifying the politically viable solutions to major policy issues on the national agenda of the day.

Even so, it seems possible to identify a certain "coalition government experience", which has characterised very different coalition governments with very different coalition projects in situations with very different political challenges and requirements. This Danish experience covers some characteristic dynamics of coalition governments as well as the evolution of institutional responses to these dynamics.

The first part of the paper gives a short introduction to some basic institutional facts and to the history of Danish coalition governments over the last fifteen years. Part 4.4. gives an account of certain dynamics of coalition governments: the centrifugal forces and the factors, which form the glue of coalitions. The basic structure of political co-ordination in Danish coalition governments, including specific institutional features such as Cabinet Committees, is described in part 4.5. Part 4.6. takes up the role of the centre of government, after which part 4.7. draws up some brief conclusions.

## **4.3. The Coalition Government Experience in Denmark**

Denmark is a constitutional monarchy with a parliamentary system of government. The Danish "*Folketing*" (Parliament) is characterised by a multitude of political parties (at present 9) with shifting coalitions backing or participating in the Cabinet. Although, according to the Constitution, national elections (based on proportional representation) are to be held every four years, in fact, they take place more frequently. In the last 25 years, Denmark has had 11 national elections and 15 different governments.

Denmark has a long tradition of minority governments, which has contributed to a consensual and pragmatic style of policy-making. With a few exceptions the post-war governments have been either one-party minority governments, (Social Democratic with one short exception), or coalition minority governments. The few majority governments were all coalition governments.

Since 1982 — after a decade of one-party governments — Denmark has had six different types of coalition governments:

- Conservative-led four-party coalition (1982-1988);
- Conservative-led three-party coalition (1988-1990);
- Conservative-led two-party coalition (1990-1993);

- Social Democratic-led four-party coalition (1993-1994);
- Social Democratic-led three-party coalition (1994-1996);
- Social Democratic-led two-party coalition (1996-present).

Most of these coalition governments were minority governments. Only the Social Democratic-led four-party coalition (1993-94) had a fragile majority of one vote in Parliament.

As indicated by the list of coalition governments in Denmark since 1982, the Conservative-led coalitions 1982-93 as well as the Social Democratic-led coalitions 1993-present seem to experience a trend towards gradually declining numbers of coalition parties. The first Conservative-led four-party coalition (1982-88) was quite strong surviving two national elections and an EU-referendum. Several minor Cabinet reshuffles were made over the six-year life of the coalition, but the coalition itself remained intact. After the 1988 elections, however, the two small centrist parties in the coalition were abandoned by the leading parties (Conservatives and Liberals) and a third centrist party was invited to replace them in the coalition. This change in the coalition structure was probably a tactical move intended to reinforce the coalition by absorbing the party, which had caused the coalition a series of parliamentary defeats in foreign policy and environmental matters. Having suffered a major loss of support in the 1990 elections, this third party decided to leave the Cabinet forcing the remaining parties to form a two-party coalition. This coalition found itself in a rather difficult situation in Parliament and furthermore had to deal with the Danish “no” in the 1992 popular referendum on the Maastricht Treaty.

After a “scandal” forced the Conservative Prime Minister of more than 10 years to resign in 1993, the Social Democratic party managed to convince all the three small centrist parties to join a new four-party coalition. After the 1994 elections one of the small parties did not manage to get the minimum number of votes (2 per cent) required to obtain seats in Parliament, and another party saw its number of seats cut by half. This defeat was probably one of the reasons it left the coalition in December 1996 forcing the remaining two parties to form the present Cabinet.

This recent experience since 1982 forms the basis for the following discussion of policy-making in coalition governments.

#### **4.4. The Dynamics of Coalition Governments**

##### ***4.4.1. Centrifugal Forces in Coalition Governments***

The Danish history of coalition governments indicates that life in a coalition is not always easy. One of the classic dynamics of coalition governments is the tension between party survival and coalition solidarity resulting in the small parties leaving the coalition and the leading party losing support. This tension seems to be the main centrifugal force in coalition governments in Denmark.

There is often a price to be paid for coalition solidarity in terms of fading party profile, fading voter support and criticism from traditional constituencies. Any party in government — even in one-party majority governments — will experience problems in balancing party ideology with the logic of economic and institutional realism circumscribing modern governance. To some extent the coalition experience can help explain the lack of ideological purity to party activists and serve as an excuse for the inevitable modifications of party positions when transformed to government policies. On the other hand, the task of

defining and defending the narrow path of coalition consensus tends to create strong tensions between the inner circle of the Cabinet on the one hand and party activists and constituencies on the other.

The leading coalition party will bear the overall responsibility for the survival of the coalition. The Prime Minister — in Denmark often supported by a strong Minister for Finance of the same party — knows that coalition survival is the key to his party being in power and sees it as his primary task to create and maintain coalition solidarity. This task involves a close contact to coalition party leaders and a deep insight into the political thinking of coalition partners. If a good negotiator should be able to understand the political landscape as seen by his counterpart, this is equally true for a coalition leader. The coalition leader should be able to identify and avoid any issues and conflicts that could undermine the long-term survival of the coalition and should have an early-warning system put in place, which allows coalition party leaders to defuse potentially explosive issues, before they find their way to the public arena.

This role of the leading coalition party and its leading Cabinet members will often undermine the party profile and has often — at least in the long run — undermined the popular support for the leading party in opinion polls and national elections. However, in Denmark, the fading support in itself is not the main threat to the coalition, as a coalition with the support or participation of the small centrist parties will often have no serious alternative even with a rather weak minority position in Parliament. The main threat to the leading party usually comes from party activists and members of Parliament who see their seats threatened and who have a hard time defending the coalition, due to the limited political-ideological results brought about by coalition leadership.

The internal threat to the leading coalition party is reinforced by the logic of coalition consensus which forces the Prime Minister and other leading Cabinet members to take major decisions in a closed forum of coalition leaders. MPs and external constituencies are only informed after the fact and are often expected to vote as told, while small coalition partners get their way on sensitive issues in the name of coalition survival. The party activists are supposed to support and defend the Prime Minister and the Cabinet even in matters where non-party positions prevail politically, whereas minor coalition partners often are given more leeway in publicly expressing their reservations to certain Cabinet policies.

As the survival of the coalition is first and foremost a question of the Prime Minister's ability to manage the delicate balance within the Cabinet, the frustration of party activists tend to explode in party debates over ideological issues, which threaten to tie the hands of the party leadership thereby limiting the flexibility needed for coalition survival.

Even when party leadership succeeds in keeping some flexibility, the mounting political-ideological pressure from party activists can provide the opposition with a helping hand in exposing the ideological weaknesses and internal divisions of the coalition.

Just as the leading coalition party has special problems explaining the benefits of coalition leadership, when, at the same time, it is forced to give up strong party positions in the name of coalition solidarity, small coalition parties often experience similar problems. The small party has to bear responsibility for a number of policies and actions, which are primarily identified with the Prime Minister or other leading politicians belonging to a different party. Even though the leading party often tries to make sure that coalition partners are given proper credit for popular Cabinet decisions, the overall performance of the Cabinet is after all to a large extent — positively and negatively — perceived as the achievement of the Prime Minister and his "team". Traditional supporters suddenly discover that even as a member of the Cabinet, the small party is not in a position to obtain the expected policy results, and as centrist supporters are usually divided in right-leaning and left-leaning centrists, half the supporters often prefer the party to



work with the opposition instead — thereby perhaps even creating the momentum for a change of governing coalition.

Further, the participation of a small party in a coalition diverts an enormous amount of resources from party work, especially in Parliament, where the remaining MPs — Cabinet Ministers are usually recruited among MPs — have to cover the whole range of issues and committees with fewer people. In addition the remaining MPs — often disappointed by not having been appointed ministers — find themselves left with less information and less influence on party policy as all major decisions are now part of the internal Cabinet decision-making process.

These conditions tend to create a mounting pressure for more party profile, and the conflict between coalition loyalty and party survival is often stressed by polls showing support for the less loyal coalition partners. In most coalitions there is a visible competition between parties — often with rank-and-file MPs playing the roles of partisan activists and Cabinet members playing the roles of loyal coalition partners.

#### **4.4.2. *The Glue of Coalition Politics***

Judging from the Danish experience several factors seem to counter-balance the centrifugal forces of coalition governments and support a sense of solidarity and loyalty among coalition partners. The main factors are the political culture of consensus and pragmatism, the minority status of most coalition governments, and the strength of the “coalition project”.

The pragmatic and consensual nature of Danish political culture is probably one of the most important factors supporting the survival of coalition governments. There have been many attempts to explain the special features of the Danish political culture as a result of history, geopolitics, religious and political traditions etc. In this context it is sufficient to note that the electoral system based upon proportional representation has prevented the two-party ideological polarisation seen in many countries. With several parties in Parliament and with no clear majority this system has often forced the Right as well as the Left to lean towards the Centre and to form alliances with centrist parties thereby modifying the classic ideological battles seen in Europe throughout the 20th century. Also, the very strong influence of popular religious and political movements as well as organised interests has led to a consensual and pragmatic political process, in which major interests are incorporated in broad agreements before major policy decisions are formalised. This tradition is perhaps most visible in the Danish decision-making process on EU-matters, which emphasises the establishment of a national consensus thereby facilitating a smooth implementation of subsequent EU-decisions.

For major political parties it is a fact of life that the key to political power lies in leaning towards the centre and forming alliances with small centrist parties. A short-lived attempt in the mid-70s to form a coalition between the Social Democrats and a major conservative party thereby short-cutting the influence of small centrist parties failed and has never been repeated. It is also a fact of life that any major political party has to obey certain “rules” of responsible government and that attempts to gain popular support by adopting populist positions are often punished by ostracism from the centrist power brokers. Finally, all major parties acknowledge the necessity of consulting with organised interests and reaching a broad national consensus on major policy issues. Although recent experience with major EU decisions has indicated that the Danish population is not always in accordance with the consensus reached within the political elite, the importance of this kind of consensual politics has not declined.

These aspects of Danish political culture help coalitions solve internal conflicts in a pragmatic manner and help constituencies accept some of the costs involved in coalition politics. They also help coalitions

survive by limiting the range of options available to opposition parties hoping to form future alliances with the centrist parties. It is not uncommon to see opposition parties severely divided between the supporters of a high-profile ideological or populist approach, on the one hand, and a pragmatic, consensual and constructive long-term strategy on the other. When the latter takes over, it helps the governing coalition in the short run by reducing the difference between government policies and the opposition alternative, whereas in the long run the opposition gains respect among the centrist party leaders thereby becoming a realistic alternative.

Adding to the general anti-centrifugal effects of Danish political culture the fact that most Danish coalition governments are also *minority governments* seems to somewhat ease the difficult task of maintaining coalition discipline. If the coalition itself is not capable of voting new legislation through Parliament a strong internal discipline of the coalition is a precondition for successfully forming a majority through negotiations with non-coalition partners. This is a factor felt not only by members of the Cabinet, but also by members of Parliament, who become active players in forming alliances on the basis of a rather flexible position arrived at in Cabinet deliberations. Even in the broader context of party activists, traditional constituencies etc. it often seems easier to explain a loss of party profile by referring to negotiations with opposition parties in Parliament, than it is to explain the lack of party influence within the coalition.

The only short-lived majority coalition in Denmark since 1982 — the Social Democratic-led four-party coalition 1993-94 — proved that discipline was rather difficult to maintain in a coalition with a parliamentary majority of only one vote. The media focused more on conflicts between coalition partners and within each party, and coalition MPs tried publicly to “blackmail” ministers, knowing that each single vote could determine the fate of the entire Cabinet. In most of the short life of this majority coalition the (small) parties competed intensely for special attention by announcing different policy positions and publicly negotiating with the Cabinet. This problem more or less disappeared after the 1994 elections, where the coalition lost one of its less loyal member parties and — most importantly — lost its majority. From focusing on the internal coalition conflicts, the public attention returned to the traditional question in Danish politics: how to establish a majority for each and every policy initiative by negotiating with non-coalition parties in Parliament.

Whether majority or minority coalition the task of finding common ground within the coalition also depends to a large extent on the strength of the *coalition project*. The first Conservative-led four-party coalition 1982-88 had a strong internal cohesiveness and a rather strong public support based primarily on its commitment to address a series of imbalances in the Danish economy and its campaign to reform the public sector. This project defined the coalition throughout its years in power and even tied the third centrist party and the small right-wing opposition firmly to the economic and fiscal policies of the coalition. As long as the Danish economy was still badly in need of “austerity policies” this project dominated the national agenda and permitted the Prime Minister to survive a series of defeats in Parliament on foreign policy and environmental questions.

In 1988 — after national elections caused by a serious foreign policy crisis — it seemed a clever tactical move by the two leading coalition parties to invite a party which supported the economic policy of the Cabinet, but was part of the foreign policy opposition, to join the coalition. But the original coalition project was weakened and never regained its vigour and popular attraction. In 1993 the three centrist parties switched to supporting the Social Democrats partly because the Conservative Prime Minister had to resign, but partly because the Social Democrats managed to formulate a new strong coalition project. This project covered a strategy for solving a major foreign policy crisis caused by the popular “no” to the Maastricht Treaty, but also laying out a detailed plan for labour market and tax reforms. This project was

almost too successful, because within a year it became reality creating a need for adding new content to the coalition project.

The Danish experience seems to indicate that serious centrifugal forces tend to split coalition governments and alienate the coalition leadership from its constituencies. The experience also indicates, however, that a pragmatic, consensual political culture, minority status and a strong coalition project are factors supporting the survival of coalition governments. Taking into consideration the dynamics of coalition governments it is time to take a look at basic structures of political co-ordination in coalition governments.

#### **4.5. The Basic Structure of Political Co-ordination in Coalition Governments**

All governments have a need for co-ordinating mechanisms. Two types of co-ordination should be distinguished: On the one hand *a functional co-ordination*, which ensures that all technical aspects and all functional interests of ministries representing different sectors of society as well as cross-cutting concerns like budgetary discipline and a consistent foreign policy are introduced into the policy process. On the other hand *a political co-ordination*, which ensures that all political interests represented in the Cabinet — and in a broader sense among members of the pro-government parties in Parliament, constituencies etc. — are reflected in the decision-making process.

The distinction between functional and political co-ordination is obviously not always identifiable in day-to-day policy-making. But the distinction helps understand the special nature of coalition governments. What makes a coalition government different from one-party governments is first and foremost the vital importance — and complicated nature — of political co-ordination.

Based on the Danish experience of coalition governments since 1982 it is possible to extract a basic structure of policy-making, which has slowly evolved to become a well-established model surviving a change of Prime Minister and leading party, which occurred in 1993. The following description emphasises the general features of this policy-making model at the level of the minister, the Cabinet, and the Cabinet committees.

##### **4.5.1. The Ministerial Level**

The Danish system of government is based on ministerial responsibility, but the Cabinet collectively approves all major policy initiatives. There are usually 20 to 24 cabinet ministers with no deputies or state secretaries. Cabinet ministers are the only politically appointed officials in the central government's executive branch.

A Danish ministry usually consists of three hierarchical layers of civil servants headed by a permanent secretary. The permanent secretary is a civil servant who is, in principle, "permanent." However, there has been a tendency toward quicker turnover among permanent secretaries in recent years. The minister usually has a small private office with one or two private secretaries, a couple of administrative assistants, and, occasionally, also a press relations officer (not a spokesman). The staff of the private office is normally recruited from the ranks of younger civil servants within the ministry.

The absence of a layer of political appointees, known from most OECD countries does not indicate a total absence of political advice to the minister. On the contrary most high level civil servants, and especially the permanent secretaries, are nowadays expected to include political considerations in their advice to the

minister. In minority and coalition governments the complexity of day-to-day political considerations makes the need for political and tactical considerations in line ministries even more obvious.

The minister is generally expected to keep a good working relationship with the corresponding parliamentary committee and with members of Parliament in general. He or she is also expected to meet on a regular basis (for instance once a week) the representatives of all coalition parties. It is not unusual that parliamentary representatives of the minister's own party are not any closer to the policy process than their coalition partners. From time to time representatives of the minister's party even feel disadvantaged because their support is often taken for granted by the minister.

All proposals for new legislation should be cleared with coalition partners in Parliament before reaching the Cabinet. A minister's negotiations with members of Parliament before presenting draft legislation to cabinet colleagues can, of course, be quite delicate. This is why cabinet colleagues — especially party leaders, the Minister for Finance and the Prime Minister — are often consulted informally on politically critical issues during preparation. In most cases the preparation includes consultations with other ministries — and thereby Cabinet colleagues in their functional capacities — on technical aspects, overlapping spheres of interest etc. Whereas this kind of consultation is often prepared by the lower levels of the Ministry, the minister — or at least the permanent secretary — is expected to be personally in charge of consultations, which are more political in nature.

In addition to ministers meeting with coalition partners represented in Parliament's specialised committees, the Prime Minister will often meet with party leaders of the coalition — usually Cabinet ministers — and/or with the chairmen (chief whips) of the coalition party organisation in Parliament. The purpose of these meetings could range from pure courtesy to important political consultations depending on the personalities and political interests of the participants as well as the issues on the political agenda.

Whereas standard legislation usually follows the bottom-up approach described above, major policy initiatives normally originate in political consultations at the centre of government, laying out the framework to be filled by line ministries. In some cases even the detailed negotiations are conducted — or at least supervised — by the Ministry of Finance and Prime Minister's Office in order to control politically sensitive issues.

#### **4.5.2. *The Cabinet Level***

The Danish Constitution does not stipulate how Cabinet should conduct its affairs. Only the formal confirmation — in the Council of State headed by the Queen — of the government's proposals for new legislation and of final laws passed by Parliament is constitutionally prescribed. Over a long period of time, however, the practice of weekly cabinet meetings, confirming new proposals for legislation and other major policy initiatives, has been established as the basic institution of the Cabinet.

Cabinet ministers are expected to prepare proposed legislation and other policy initiatives in close collaboration with coalition partners. This means that a cabinet minister will usually accompany his or her presentation of new legislation in cabinet meetings by a statement confirming the support of the proposal by representatives of all coalition partners in Parliament — or at least give a status of negotiations among coalition partners. Often — especially in the case of minority governments — the statement will also include the expected position of opposition parties indicating the chances of getting the legislation passed.

Cabinet Ministers will comment on initiatives of their colleagues either from a ministerial, i.e., functional, point of view or from a political point of view. However, as ministers are expected to have solved major

political problems within the coalition before presenting the policy initiative to the Cabinet for approval, any serious political criticism raised at this stage would often be somewhat embarrassing to the minister. Draft legislation, which is met with serious technical or political criticism in Cabinet is referred back to the minister and/or a cabinet committee. The full cabinet meeting is usually not regarded as the proper forum for major political debates.

What is important to emphasise, however, is that ministers will usually judge the proposals of their colleagues not only from a functional, but also from a political point of view. This means that even in a “pure” civil service system the staff close to the minister has to deal with questions of party politics relating to issues within the functional domain of other ministers. It is not uncommon for neighbouring areas of ministerial responsibility to be divided in a way that allows ministers of different political parties to watch and comment on initiatives of their colleagues in a qualified way. For example, the Minister for Finance and the Minister for Economic Affairs in Danish coalition governments usually belong to different political parties. In the case of a short-lived (1978-79) coalition of Social Democrats and (right-wing) Liberals, the Cabinet even applied a system of mutually controlling ministers leading — it is said — to a general atmosphere of mistrust.

Although major political debates are rarely conducted in full cabinet meetings, all coalition governments since 1982 have engaged in a tradition of biannual Cabinet retreats where long-term planning and overriding policy themes are discussed. Two of the recurring themes of these retreats have been the general budget priorities and policy themes for the Prime Minister’s Annual Opening Address to Parliament. The retreats have probably been of varying political importance, but they give the rank-and-file members of the Cabinet the possibility of contributing to the overall strategy of the government. In addition, they promote the social — and thereby political — cohesiveness of the Cabinet. From time to time other traditions like weekly lunch meetings for cabinet members have performed similar social and political cohesion functions.

#### **4.5.3. *The Cabinet Committees***

Danish political life has often been characterised as pragmatic and consensual. In this spirit problems are usually solved informally through ad hoc consultations and “preventive diplomacy” thereby reducing formal procedures to the level of simple stamps of approval. This is probably why only a few cabinet committees really matter in the process of policy-making.

Leaving aside a number of cabinet committees primarily formed in order to mark the political priority given to particular policy issues such as fighting unemployment, only a few Cabinet committees play a continuous and systematic role in the decision making process of the Cabinet. In recent years two committees have played a major role in assuring the political and budgetary co-ordination among government coalition partners, whereas a third committee has dealt with co-ordinating Danish positions in council meetings of the European Union.

The Foreign Policy Committee is actually an exception to the “rule” of pragmatic, informal policy-making in Danish government. Whereas the pragmatic spirit is certainly present in the decision making process on European matters, Denmark is known for its exceptionally formalised — but very efficient — procedure for reaching consensus among ministries and organised interests involved in the many aspects of European policy. Some 29 specialised committees, supervised by a central committee of high-level civil servants, and finally a Cabinet committee prepare — usually within a very tight schedule — the Danish government positions on all agenda items of Council meetings in the European Union. The draft positions

of the government are even presented for approval by a parliamentary committee before the minister is able to represent Denmark in the Council.

Whereas this kind of policy co-ordination is naturally of extreme importance to all present and future members of the European Union, it is usually not a process which involves a special aspect of coalition politics. Usually what is at stake is, on the one hand, a functional co-ordination: solving a number of technical issues and reaching a broad consensus among organised interests and ministries representing different sectors of Danish society. And, on the other hand, a standard political co-ordination involving coalition parties as well as opposition parties. However, when a political conflict between coalition partners arises on major European policy issues, the decision is referred to the “inner Cabinet” described below.

#### **4.5.4. “The Co-ordination Committee”: The Key to Managing Coalition Politics**

The key to understanding the policy-making process of Danish coalition governments is the Cabinet’s *Co-ordination Committee* — an *inner Cabinet* composed solely on the basis of political criteria. In all coalition governments since 1982 — whether led by a Conservative or a Social Democratic Prime Minister — the party leaders (and ranking members of the Cabinet) have been members of this committee which has come to be the primary forum for solving major political conflicts and for overall strategy formulation. The committee has a set-up which facilitates its political problem-solving capacity: there are a limited number of members (4-6); only a few high-level civil servants from Prime Minister’s Office — and usually the Permanent Secretary of the Ministry of Finance — attend the weekly meetings; proceedings are confidential and no official record of the meeting is distributed — not even to committee members. It could be said that the committee is essentially a tool for the Prime Minister — and chairman of the Committee — to exert leadership and establish cohesiveness among coalition partners.

The composition of the committee usually reflects the balance of power among coalition partners. In the Conservative-led two-party government 1990-93 each party had three members of the Co-ordination Committee, including the Prime Minister (Conservative), the Minister for Foreign Affairs (Liberal), the Minister for Finance (Conservative), and the Minister for Taxation and Economic Affairs (Liberal). In the Social Democratic-led four-party government of 1993-94, the Social Democrats held three seats on the Committee — Prime Minister, Minister for Finance and Minister for Agriculture (the latter primarily in the capacity of trusted adviser to the Prime Minister) — whereas the three small centrist coalition partners were only represented by their party leaders: Minister for Commerce and Industry, Minister for Economic Affairs, and Minister for Energy. Finally, in the three-party government (1994-96) the number of Social Democratic seats was reduced to two (Prime Minister and Minister for Finance) to reflect the new political balance within the coalition.

Ministers can be invited to take part in discussions on issues for which they are responsible, but usually they are not allowed to take part in those on other agenda items. The agenda is set by the Prime Minister who is open to proposals for agenda items from members or non-member of the committee. Generally, a minister is expected to bring issues of major political impact — and potential conflict — to the attention of the committee. And usually ministers have an interest in clearing such issues politically by having the committee discuss them. This is because of potential subsequent political problems and because some ministers see a political interest in being present at committee meetings and thereby being “visible” to the main players of the Cabinet. However, the latter is obviously not a sufficient reason for the Prime Minister to accept an issue as an agenda item.

#### 4.5.5. *The Cabinet Committee on Economic Affairs: Harmonising Budget and Policy*

Whereas the *Co-ordination Committee* was originally conceived as the overall co-ordinating body of the Cabinet, in recent years it has concentrated more and more on solving political conflicts among coalition partners leaving budget planning and economic policy issues to formal or informal bodies headed by the Minister for Finance. What was in the Conservative-led two-party government a tight, but informal co-ordination between the conservative Minister for Finance and the liberal Minister for Taxation and Economic Affairs, has since been turned into a *Cabinet Committee on Economic Affairs* (CCEA) headed by the Minister for Finance (Social Democrat) and with the Minister for Economic Affairs and the Minister for Commerce and Industry as the only members. The Permanent Secretary of the Ministry of Finance is responsible for preparing the agenda of the committee and a high-level representative of Prime Minister's Office attends the meetings.

The Cabinet Committee on Economic Affairs handles all major policy initiatives with budgetary consequences and prepares cabinet decisions on the Annual Budget. It is backed-up by a parallel committee of high-level civil servants from the three ministries involved and Prime Minister's Office; this committee is chaired by the Permanent Secretary of the Ministry of Finance. The Cabinet Committee as well as the high-level committee can invite ministers/high-level civil servants to discuss issues relating to their ministry with the committee. Issues that are not resolved in the Cabinet Committee on Economic Affairs — or which, for political reasons, are put on the agenda by the Prime Minister — will go on to the Co-ordination Committee.

The division of labour between the two cabinet committees is not sharply defined.

The CCEA cannot be said to be narrowly dedicated to economic and budgetary issues as most policy issues have some budgetary implications. Further, the Ministry of Finance frequently defines new policy issues by analysing a specific sector and proposing policy changes to reduce expenditures. But since the Prime Minister's Office is represented at the meetings of the CCEA, it is essentially up to the Prime Minister to decide where issues are to be discussed. Usually, however, the Prime Minister and the Minister for Finance (who normally belongs to the same party) will agree on using either one or the other Committee for a specific issue on the basis of tactical considerations. For instance, the CCEA is often used to implement general political deals approved by the Co-ordination Committee, and it also carries out negotiations with Parliament on the Annual Budget within a mandate approved by the Co-ordination Committee.

The CCEA is where the functional harmonisation of budgetary and policy—making processes meets with the political co-ordination of a coalition government. The option of “appealing” to the Co-ordination Committee, chaired by the Prime Minister, offers the possibility of shifting the emphasis toward predominantly political concerns. However, the difference between the two committees is not primarily one of distinct functional responsibilities, but rather one of combinations of participants and agenda items that, to a certain extent, can be managed by the centre of government.

#### 4.6. **The Role of the Centre of Government**

As indicated in previous parts of the paper, the centre of government — the Prime Minister assisted by the Minister for Finance — plays an important role in managing not only the formal flow of policy issues through various mechanisms for political co-ordination, but also in substantially defining and defending the narrow path of coalition consensus. A vital role in this political guidance is played by the “coalition project” and its subsequent interpretations and revisions for which the centre of government has a prime

responsibility. Also, the centre of government has to be the detector and arbitrator of inter-ministerial conflicts — a role which in coalition governments tend to emphasise the political aspects over the functional.

In filling these functions the centre of government has to find a balance between two different roles. One is the active, guiding centre which engages in preventive interventions by putting policy matters on the agenda of the political co-ordination committee before there are visible signs of tension and conflict. The other is the more passive role of arbiter of last resort letting tensions and small conflicts be resolved on lower levels of government and even letting some of the conflicts come to the public's attention. This latter role has the advantage of not exposing the Prime Minister too early or too often and helps retain the flexibility needed to intervene, when all aspects — including the position of opposition parties and other major players — are known. On the other hand, conflicts could get out-of-control and expose an apparent lack of authority at the centre of government.

Although the Danish experience shows examples of different styles of governing, it is obvious that the centre of government in Danish coalition governments — compared to many other countries — is characterised by a flexible and informal approach to conflict prevention emphasising close personal and political contacts between the Prime Minister and the leading coalition players. This informal co-ordination is from time to time developed to a point, where the “inner Cabinet” of coalition party leaders becomes a virtual multi-party centre of government facing party constituencies as well as rank-and-file Cabinet ministers. The informal co-ordination serves not only to prepare major policy decisions and orchestrate parliamentary tactics, but also to create common ground in a broader sense such as sharing an understanding of each party's internal constituencies and thereby outlining the combined political restrictions on coalition policies.

Although in recent years the Danish Prime Minister's Office has expanded somewhat in order to pursue a more activist agenda, it is still small (30-35 professionals) compared to international standards, and the primary goal of the expansion has been to set up a political “early-warning system” to monitor potentially explosive policy issues. The PMO, however, is not alone in filling this function. Just as all line ministers are expected to build coalition consensus before embarking publicly on a new policy initiative, so is the higher civil service expected to integrate the reality of coalition politics in their daily work. If, for instance, a coalition party leader is the Minister for Energy, the Department of Energy suddenly has to emphasise a broad political approach over sectoral and functional issues. But even departments serving rank-and-file Cabinet ministers are expected to be alert in matters raising the possibility of increased tensions within the coalition.

The political task of the higher civil service is probably made easier by the fact that Denmark — one of the very few OECD countries to do so — has retained a purely career-based civil service, where civil servants are expected to stay in their position after a change of government. With the frequency of coalition and minority governments, the civil service is used to focus on the broader picture of long-term political options — not only as seen by the current Cabinet minister, but also by coalition partners, by Parliament and by the public in general. On the other hand, parts of the “classic” civil service show a reluctance — or inability — to integrate political considerations in the professional work, and this reluctance from time to time provokes a demand for politically appointed public servants.

#### **4.7. Conclusions**

The case of Denmark — since 1982 ruled by coalition governments — shows that coalition governments tend to have certain centrifugal dynamics making life in a coalition difficult for the small partners as well



as for the leading coalition party. On the other hand factors such as a consensual political culture, minority status of the coalition, and a strong coalition project help glue the coalition together.

The institutionalised mechanisms of political co-ordination in Danish coalition governments are present at different levels: at the level of each minister, at the level of the full cabinet, and at the level of cabinet committees. In particular, two committees serve as flexible instruments for political co-ordination — one with an emphasis on economic and budgetary matters, the other with an emphasis on overall political strategy. However, the informal political consultation and co-ordination seems essential to the survival of the coalition and — if properly managed — could produce a virtual multi-party centre of government. Such a consensual relationship among coalition partners is reinforced by a pragmatic higher civil service used to looking beyond the ruling minority coalition to the long-term centre of gravity in Danish politics.

## PART II: MANAGING TRANSITIONS OF GOVERNMENT

### 5. Canada: Managing Transitions of Government *By Nicholas d’Ombraïn<sup>18</sup>*

#### 5.1. Test of Democratic Institutions

The ability to hand power from one administration to the next is an important test of the integrity, health and strength of the institutions of the democratic state. This paper describes the experience of one established democracy, Canada.

The transition of power between administrations places the spotlight on the permanent institutions of the state, particularly on the senior levels of the civil service. The leaders of the permanent civil service provide continuity between administrations. Their ability to earn and retain the trust of successive administrations is a critical factor in the smooth transition of power from one group of elected officials to another.

Transitions of government are about the handing of power from one administration to the next. Transitions occur between administrations formed by different, adversarial political parties, or they can occur within the governing party when its leader is changed and succeeds to public office as prime minister. Transition planning takes place prior to every federal election in Canada, and whenever the incumbent prime minister indicated his or her intention to leave office. Transitions themselves occur quickly, leaving little time to improvise: they usually occur within the space of about ten days, the period between the polling of the general election and the day on which the new government is sworn into office. This is a period of intense activity for the out-going government, the secretary to the cabinet and his or her staff at the centre of government (in Canada, the Privy Council Office), and above all for the prime-minister-designate. Advanced preparations are, therefore, essential. More often than not, general elections do not result in changes of government; but in the event of the re-election of the incumbent government a good deal of the work involved in transition planning is applied by a re-elected prime minister in reinvigorating the government, shuffling ministers, changing mandates and organisation, and bringing in new blood.

A successful transition will bring the new government to office smoothly, with the new prime minister supported by a cabinet and a decision-making system that reflects his or her needs while respecting the requirements of the constitution. Decisions made during a transition provide an opportunity for the prime

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minister-designate to set a personal stamp on the new administration by adjusting its organisation and issuing instructions to ministers that reflect his or her appreciation of the overall needs of the government. The intensive process of transition permits a new prime minister to get to know the secretary to the cabinet and to get a feel for the loyalty and effectiveness of the civil service as a whole.

Since this is a paper about the Canadian experience with orderly transitions of democratic government, the next section provides the political context within which transitions occur in Canada.

## **5.2. Political History and Culture**

Canada is a parliamentary democracy that operates under a single constituency, “first past the post” electoral system. In the 130 years since Canada’s existing administrative constitution was adopted, there have been 35 general elections. As a result there have been 26 majority and 9 minority governments. The electoral system has ensured that for the greatest part of its history, the federal parliament has been dominated by two political parties, Conservatives and Liberals. These two parties have exchanged power 15 times. With the exception of the second Borden administration, formed in 1917 during wartime (following a general election prior to which the opposition Liberal party split), Canada has never had a coalition government. It has, however, had a good deal of experience with minority governments, where one or the other of the dominant parties has been dependent on the day-to-day support of various minor parties that have sufficient regional importance to win seats. These periods of minority government have provided an opportunity to learn about managing government in uncertain political conditions, where a loss of confidence can result in the fall of the government or the calling of new elections at any time. In addition to the 15 transitions of government between the two dominant political parties, Canada has had 9 transitions of power occasioned by changes in party leadership, which precipitate the succession of prime ministers.

All of these changes of government have occurred peacefully and in a relatively orderly way. The credit is due to Canada’s political culture, which places high value on the rule of law and respect for duly established processes. The importance of these values is fundamental to successful transition planning, and without them would not exist. Indeed, the transition planning and processes described in this paper are of relatively recent vintage, and complement the fundamental values that have shaped Canada.

Canada’s modern experience with transitions of government began in 1957, when the Liberals, who had been in office since 1935, were replaced by the Conservatives. Prior to 1957 not much was done to support transitions of power. Prime ministers and their (then very limited) political staff appear to have done whatever was necessary. Until the late 1940s the only guidance new ministers received was a copy of an order-in-council dating from 1896 that enumerated the powers of the prime minister.

The 1957 transition was modern (to current observers) because it was the first since the creation in 1940 of written records of the agenda, submissions, deliberations and decisions of the cabinet. The existence of such papers raised questions about the confidence of the out-going government that its political secrets would not be exploited by their political adversaries about to form the new administration. Two solutions offered themselves: to destroy the papers, or to place them in the hands of the secretary to the cabinet with the explicit undertaking agreed by the in-coming prime minister that this official would provide only essential information to the new administration, and nothing that could be used for political purposes. The in-coming and out-going prime ministers were persuaded by the then secretary to the cabinet that the destruction of the records of the government would be a retrograde step that would make the in-coming administration’s task that much more difficult. Thus a deal was struck that appointed the secretary to the cabinet and his successors as the custodians of the cabinet secrets of successive administrations. This

agreement was formalised in writing between the in-coming and out-going administrations in 1957, and the exercise has been repeated with every change of prime minister since that time, including transfers from one prime minister to another within the same political party.

The agreement of 1957 provided the secretary to the cabinet, who is the senior civil servant, with a particular set of responsibilities to provide for continuity of government from one administration to the next. The position of secretary to the cabinet had not existed prior to 1940, when the modern cabinet secretariat was first established. As a practical matter, therefore, the civil service had not had a recognised senior member prior to the creation of the office. There had, therefore, been no locus of authority and leadership for planning and managing transitions. In addition, because the Liberals governed without interruption from 1935 to 1957 there had been no modern occasion requiring the civil service to prepare for the transition of power.

The role assigned to the secretary to the cabinet in 1957 became the basis of the current preparations made by the civil service prior to each federal election. These are the subject of the balance of this paper. The viability of the role depends on a political culture that requires the civil service to be non-partisan, and expects politicians to assume that civil servants will behave professionally, providing the in-coming administration with the same loyal support as given to its predecessors. The extent to which these conditions are satisfied will vary in proportion to the professionalism of the civil service, the experience of politicians and the quality of leadership of the civil service.

### **5.3. The Foundations of a Successful Transition**

There are three sets of players involved in the transition of political authority from one governing party to the next, and the transition arrangements have three reasonably distinct phases. The players are:

- The out-going administration; in particular the out-going head of government.
- The in-coming head of government and his or her key political advisers.
- The civil service, and in particular its permanent head, in Canada the secretary to the cabinet.

A successful transition depends on the ability of each of these to play an appropriate role and to do so in highly charged and generally difficult circumstances. It also requires a good deal of preparation, often requiring months of work. The phases of transitions are as follows:

- Development of briefing material about forming an administration and options for government organisation and decision-making systems and processes. This usually begins in earnest about three months before an anticipated general election.
- The management of civil service activities and transition preparations during the election campaign. Campaigns in Canada run for a minimum of 47 days (about to be reduced to 36 days).
- The transition itself; the ten days or so between polling day and the entry into office of a new administration.

The secretary to the cabinet needs a capacity to advise on the machinery of government in all its aspects, including:

- the administrative constitution, its underlying doctrine and the practical institutional relationships necessary for its proper functioning;

- options for the organisation of decision-making;
- principles of government organisation;
- the existing distribution of ministerial mandates and options for change;
- options to deal with specific organisational issues and problems;
- ethics in government;
- options for developing strategic policy: e.g., a cabinet priorities committee;
- agenda planning and management for the government and the prime minister;
- civil service management and senior appointments;
- relationships between ministers and civil servants, including the role of political advisers.

The Canadian prime minister exercises important powers that make it possible for the secretary to the cabinet to develop expertise in all these matters. The prime minister is always the head of his or her political party. He or she appoints ministers and the senior members of the civil service, who are career officials even though they are referred to as “deputy ministers”. He or she chairs and organises the work of the cabinet, appointing ministers to chair cabinet committees and determining their membership. The cabinet secretariat, present at all official meetings of ministers, answers to the prime minister and keeps him or her fully informed of everything of significance that occurs in government.

The effectiveness of transition arrangements depends in very large measure on the role played by the prime minister in the Canadian system of government, and the functions and duties that fall on the secretary to the cabinet as a consequence.

A successful transition process will be built on the development of a smooth-working relationship between the prime minister-designate, his or her chief political adviser and the secretary to the cabinet. This is not only important for the process of transition to run smoothly, but it sets the tone for the future relationship among these key participants in government.

In Canada the secretary to the cabinet acts as the deputy to the prime minister, the adviser to cabinet ministers and the head of the civil service. It is essential that he or she and the prime minister work together closely and in harmony. Their relationship can be greatly influenced by the prime minister’s political staff. The prime minister is provided with a budget to appoint a staff of political advisers. These people are partisans; they are not public servants, although they are paid from public funds and they fulfil semi-official functions. Their tasks are to provide a political overlay on the activities of government that affect the political fortunes of the party that forms the government. They are influential in the development of policy, the appointment of individuals to senior positions (except for the senior civil service) and the management of day-to-day crises. They provide political (as distinct from official) liaison with ministers and the political staff of ministers, with the caucus of government supporters in parliament and with numerous interest groups.

The head of the prime minister’s team of political advisers is usually a prominent, but non-elected, member of the government party. He or she should have the skills and experience to work with the secretary to the cabinet in providing the prime minister with co-ordinated advice, combining official and political perspective on the issues of the day. The prime minister’s political advisers work under the direction of this individual, who is normally called the principal secretary to the prime minister or the chief of staff.

### **5.3.1. Phase 1: Pre-Election Preparations**

The preparatory work requires a good deal of tact. The out-going government seldom knows, or wishes to acknowledge, that it is likely to lose an election. Even in cases of transitions of power between prime ministers of the same party, transition arrangements can be the subject of misunderstandings and tensions between the new and the old.

In the six months or so prior to an anticipated general election, the prime minister will normally authorise the secretary to the cabinet to begin the work necessary to manage a transition.

Ideally the prime minister will authorise the secretary to the cabinet to brief the leader of the principal opposition party (potentially the next prime minister) in a general way on the scope and character of work that will be undertaken to prepare for the possibility of a change of administration. The briefing will be mostly oral, although the opposition leader is sometimes given a list of the subject matters that will be covered in the transition material.

The initial contact with the leader of the opposition may be supplemented by meetings between the secretary to the cabinet and a political adviser designated by the leader of the opposition. The format of such meetings varies, but generally the practice has been for the secretary to the cabinet to be accompanied by the senior member of the cabinet secretariat whose duties include responsibility for machinery of government. The mode of such meetings is to listen in order to learn more about the matters that the leader of the opposition would expect to be briefed in the event of being faced with having to form an administration.

The secretary to the cabinet would inform the prime minister of such meetings, but he or she would not normally brief the prime minister on their content.

Fundamental to these arrangements is the principle that only the secretary to the cabinet and his or her senior staff will be involved in such contacts with the leader of the opposition and his or her staff. The permanent heads of departments and other senior civil servants are specifically told that they are not to have contact with members of the opposition or their political advisers. If there is a requirement to brief the opposition leader on a particular matter, the briefing will be arranged by the secretary to the cabinet who will normally be present when the briefing is given. It is extremely rare for such briefings to occur until after the results of the election are known.

The purpose of these arrangements is to minimise the opportunity for misunderstanding to arise. Ministers, in particular, cannot be expected to be at ease with the idea of their officials consorting with the opposition in the run up to an election. Nor should the possibility be overlooked that senior officials will try to ingratiate themselves with prospective new ministers and their political advisers. Attempts to do so undermine the relationship between the ministers and the public service, and sow doubts about the civil service's loyalty even in the minds of the opposition.

For these arrangements to work, it is essential that the prime minister be in charge of the government, that the secretary to the cabinet be seen as the senior civil servant, and that the centre of government have the capacity to manage the process of transition. This means being able to work with line ministries in developing briefing material and being in a position to present a potential new prime minister with a range of briefings, some directly within the expertise of the centre of government, others being matters that relate to the responsibilities of particular ministries but about which the prime minister needs to know enough to make decisions essential to taking office, such as the selection of ministers for particular portfolios.

The centre of government, in Canada the Privy Council Office, needs to have policy and planning as well as machinery of government skills to support successful transitions of power.

### **5.3.2. Phase 2: The Election Campaign**

When the election is called, the secretary to the cabinet will convene a meeting of all deputy ministers to review issues related to the on-going conduct of government during the campaign and preparations either for the possibility of a change of government, or for changes of ministers, mandates and organisation in the existing administration.

During an election campaign, the normal decision-making activities of government are much reduced. The cabinet may only meet once every two weeks, and even then the schedule may be very flexible. There are no formal restrictions on the sorts of issues that can be decided, but it is normal for governments to exercise a degree of restraint during electoral periods.

The secretary to the cabinet usually issues written guidance to deputy ministers concerning the use of civil service resources during election campaigns. For example, ministers may not use government aircraft for official business if any part of the journey has a partisan political purpose; ministers' political advisers must take unpaid leaves of absence if they wish to work on the election campaign; ministers may not use routine government publications to promote themselves or their political party.

The secretary to the cabinet will set out the ground rules that forbid deputy ministers and other officials from contact with members of the opposition or their political advisers in the run up to and during an election campaign without the express authorisation of the secretary to the cabinet, which is rarely given. At the same time, the secretary to the cabinet will remind deputy ministers of the importance of preparing comprehensive briefings for new ministers of either party, including any policy proposals brought forth during the election campaign. Exceptionally, he or she may ask particular deputy ministers to work with the staff of the Privy Council Office in preparing material on organisational and policy issues they may require action either by a re-elected government or by a new administration.

### **5.3.3. Phase 3: Ten Days of Briefing and Decisions**

By the time of polling day, the secretary to the cabinet will have completed a lengthy process of preparation and consultation with colleagues in line ministries that permit him or her to assemble all the advice that will be needed in the event a new government is elected.

Provided the results are clear, the prime minister will normally concede defeat as the votes are counted on election night. If the results are unclear, the cabinet secretary will immediately produce briefing and advice for the prime minister on how to proceed in deciding whether to retain office and meet the new parliament (at the earliest possible date). This is a complicated subject, but is one of the important scenarios that the cabinet secretary must be ready to advise on, if necessary on election night.

Having conceded defeat, the prime minister becomes the head of a care-taker administration. The secretary to the cabinet will have a briefing at hand on how to conduct a caretaker administration. With the prime minister's approval, ministers will be instructed by the secretary to the cabinet that they are to continue in office but not to take important decisions without first consulting the prime minister and the secretary to the cabinet. Sometimes this is done at a final meeting of the cabinet during the transition period. The prime minister remains responsible for governing of the country during the transition period.

Ministers need assistance in preparing to leave office. Much of this will come from their ministries, but key issues such as the disposition of papers need to be directed by the prime minister with advice from the secretary to the cabinet. Instructions are needed from the centre of government about the severance entitlements of political staff. The personal position of the out-going prime minister also needs attention: vacating the official residence in a dignified manner; on-going security to include the family; pension and any other special benefits as a former head of government.

The prime minister will usually meet with the prime minister-designate within a day or two of election night. The secretary to the cabinet may attend part of this meeting, and will advise on the timing of the actual transition of government. As noted, this usually is set to take place within about 10 days. The agreed date is announced by the prime minister, and the work of the prime minister-designate begins in earnest.

The prime minister-designate is likely to know the secretary to the cabinet. They may even have worked together as minister and deputy in an earlier administration. Sometimes the secretary to the cabinet has accepted his or her position on the understanding that the leader of the opposition would be prepared to work with him or her in the event of becoming prime minister. It is also the case that sometimes the leader of the opposition has had fairly negative views about the secretary to the cabinet. In the latter event Canada has precedents for the early removal of the secretary to the cabinet or for his or her removal once the transition process is fully complete (usually three to four months). Obviously the quality of the relationship, or at least its potential to develop into a fruitful relationship makes a major difference to the transition process.

The first item on the secretary to the cabinet's agenda is to meet with the prime minister-designate to discuss practical support arrangements. The prime minister-designate and his staff will need temporary office space and support services. The backgrounds of political staff will need to be checked pending full security clearances. The prime minister-designate and his chief of staff will need transportation and secure communications. The prime minister-designate and his family will require enhanced security. They may also need temporary accommodation, and the spouse will need to be briefed on the availability and amenities of the official residence provided to the prime minister.

Getting these logistics right is every bit as important as supporting the prime minister in putting together his or her administration.

The first meeting with the prime minister-designate gives the secretary to the cabinet the opportunity to establish his or her professionalism and commitment to serve the prime minister-designate as effectively as the out-going prime minister. The secretary to the cabinet can outline for the prime minister-designate the sorts of issues that will need to be addressed in the coming days, and the prime minister-designate can provide the secretary to the cabinet with any special requirements he or she may have. The chief of staff will be present and he or she can use the opportunity to establish a sound working relationship with the secretary to the cabinet.

The first meeting should also be used to establish basic ground-rules for the transition. The caretaker status of the out-going administration will be described and it will be made clear that during the transition the prime minister-designate and his or her staff are not yet governing. It is also useful at this first meeting to establish a regular schedule of meetings for the coming ten days to ensure that all the necessary decisions are made in an orderly way and on time. The prime minister-designate is normally asked to ensure that all communication between his staff and the civil service flows through the secretary to the cabinet, for the reasons described earlier.



Most opposition leaders establish one or more teams of political advisers to prepare briefing material for transition. The quality of this work has varied greatly, and while it has tended to deal with some important questions of policy and government organisation (e.g. enhancing the role of political advisers), it is not always rooted in the realities of the measures that must be taken to form a government. For some transitions, the prime minister-designate has an expert adviser, who may be asked to join the meetings with the prime minister-designate, the secretary to the cabinet and the chief of staff. Sometimes the secretary to the cabinet requests permission for one of his or her senior advisers to attend as well. This largely depends on the self-confidence of the secretary to the cabinet and the nature of his or her relationship with the prime minister-designate. There is a strong temptation for the secretary to the cabinet to go alone to these meetings as a means of establishing a comfortable, informal working relationship with the prime minister-designate. It does not always succeed, and alone the secretary to the cabinet can have difficulty in providing the sort of instant, accurate information needed in order for decisions to be made efficiently. While risky, “flying solo” has sometimes proven a good means of getting the trust of the prime minister-designate.

A round of intensive meetings follows, during which the secretary to the cabinet takes the prime minister-designate through the briefing material prepared in the months leading up to the election.

#### **5.4. Substance of Transition Decisions**

A prime minister-designate requires many different sorts of information in order to form an administration and take office. As has been made clear, the form in which this presentation is made is important, so too is the sequence in which it is presented. The prime minister-designate needs to know:

- The constitutional requirements that affect the decisions that he or she will be making. Who may be sworn to office as a minister? How many ministerial posts may be filled? How many *must* be filled? What scope is there for the creation of new positions?
- How to protect the new government from ethical and other scandals. Background and security checks are very important; so too is the political intelligence about party members known only to senior members of the party. In addition to background checks, prospective ministers need to be asked directly, preferably by the prime minister-designate personally, whether there is anything in their background that could be the cause of embarrassment to the government. Conflict of interest rules need to be reviewed and if necessary established. The prime minister also is asked to approve a confidential, pocket-sized booklet that sets out the standards by which he will judge ministers and other information useful to their understanding their functions as ministers. Once approved by the prime minister-designate, this booklet is provided to each minister when they are sworn to office.
- What other non-cabinet rank offices are at his or her disposal. This is important so that he or she can provide minor posts to faithful followers without swelling the ranks of ministers.
- What options are available for designing the decision-making process. Does the Constitution permit alternatives to the current arrangements? Can the cabinet be split into two or more tiers? Must all ministers participate in collective decision-making? Can existing cabinet committees be abolished and new ones created? Are there constraints on who chairs and sits on committees? The prime minister-designate will need to instruct the secretary to the cabinet about his preferences of the use of committees and meeting times for the cabinet.
- To decide whether (formally or informally) there is to be a deputy prime minister, and what duties he or she wishes (or may be required) to vest in the holder of such an office. In the

Canadian practice it will depend very much on the style of the prime minister designate; he or she may want a deputy prime minister to substitute for him in managing many of the day-to-day decisions of government; or he may need to appoint a deputy prime minister to satisfy political objectives, in which event the individual may have few additional responsibilities. The prime minister-designate needs to know, incidentally, whether a deputy prime minister is required to carry a regular ministerial portfolio (which is the case in Canada).

- About his relationship with the civil service. Who appoints the senior officials in ministries? The prime minister, or the minister or some other authority? Are there vacancies in the senior ranks of the civil service? Why should these not be filled with political appointees? Is there room to provide ministers and the prime minister with outside, partisan political advisers paid from public moneys?
- The options available for the number, remuneration, appointment, security clearances and role of political advisers to ministers. In the Canadian model, the prime minister has often exercised close control over the use of political staff by ministers.
- About existing problems in the organisation of the government and the extent to which he or she is free to make changes in mandates and organisation to deal with them.
- About policy and operational matters that could influence the choice of ministers. These issues need to be prepared in point form so that they can be used in discussions with prospective candidates.
- The calendar of events with which the and the government must deal during the first few weeks of office. This will include travel commitments for the prime minister, the parliamentary calendar and important national events.
- The form and procedure to be followed in putting together the administration. For example, prospective ministers need to know not to talk to the media or otherwise disclose the post they have been asked to take on. The role of the head of state in approving the recommendations of the prime minister-designate needs to be safeguarded. The prime minister-designate needs to be advised not to seek the limelight or do anything else that would appear to usurp the constitutional duties of the out-going administration. (Conversely, the out-going prime minister must ensure that the prime minister-designate is consulted on any important matter requiring decision during the transition period.)

Each of these requirements will form the basis of a briefing book for the prime minister-designate. Additional booklets are added depending on the circumstances of the transition. If, for example, the new prime minister (or a continuing one for that matter) is in a minority situation in parliament, advice will be available about the government's rights to remain in office and seek an early vote of confidence; on the role of the head of state in the selection of a prime minister in circumstances where the choice is not clear; and on how to manage the government when faced with a on-going minority situation in parliament.

Special briefing will be provided to meet any other particular need the prime minister-designate may have. For example, in Canada in 1993 the new Conservative Prime Minister (Kim Campbell) had committed herself to reduce the size of the cabinet from 35 to 23 ministers. This required a major reorganisation of the government. The Secretary to the Cabinet was ready with a full range of options and firm recommendations to improve the overall administration of government while meeting the new Prime Minister's political objective.

## 5.5. Presentation of Transition Briefings

The presentation of the briefing material is of great importance. The habits of the prime minister-designate and his chief of staff need to be understood and taken into account, as do the time constraints under which they are operating. It is important to bear in mind that important as transition is, the prime minister-designate is very busy during this period. He or she will likely have numerous meetings with senior party officials and with elected colleagues. Hours will be spent on the telephone talking to party supporters, and to winning and losing candidates. World leaders will offer congratulations. Interest groups will clamour for attention. Office-seekers of all kinds will come forward seeking preferment (promotion to office). The future prime minister's political office needs to be organised and staffed with professionals from among the party faithful. There may be briefing sessions with the out-going prime minister, including (exceptionally) consultation on important matters requiring decisions that cannot be postponed until the new government takes office. Time must be allocated for extensive discussions with prospective ministers concerning their assignments, both as ministers and as senior members of the party. So the time devoted to transition is much less than the complexity of the decisions required. This places a high premium on the quality of the oral and written brief presented by the secretary to the cabinet.

The Canadian experience in the development of carefully planned briefings for the prime minister-designate dates from the general election of 1974. It was widely believed that the Conservatives would replace the Liberals at the general election of that year. The secretary to the cabinet undertook extensive preparations, more extensive than any previous effort. The result was a thirty page organisational and machinery briefing that covered everything from cabinet-making to imminent overseas travel for the new prime minister, and another thirty-odd pages on outstanding policy and operational matters. In the event, the Liberals were returned to office and most of the briefing was filed away for the next time.

The government did change (briefly) following the 1979 general election. By that time the briefing had grown from 80 pages to a stack of books that reached waist high and beyond. The prime minister-designate, a studious man, apparently read the briefings, although he dismissed the cabinet secretary responsible for their preparation; his government only survived for nine months.

The 1984 transition (from Liberal to Conservative) was accompanied by a similar stack of detailed briefing books. The new secretary to the cabinet added an important innovation, a list of key questions that required decision. This was a useful attempt to boil down the extensive briefing to a few pages of "Yes" or "No" decisions.

By the time the preparations were undertaken for the 1988 election (when the Conservatives held on to office) and the major transitions in 1993 (first of prime minister and — following a general election — of governing party) further important changes were made in the presentation of the briefing materials. The stack of books was reduced from about 4 feet to 4 inches. Each volume was accompanied by a very short point form summary that set out the options and made a clear recommendation for decision. The material was designed to be used by the secretary to the cabinet in his oral briefings for the prime minister-designate, with the fuller versions available to be read by political staffers before meetings on the designated subject.

The importance of presentation (and content) is difficult to over-emphasise. Wordy, imprecise descriptions will not command the attention of an exhausted and busy prime minister-designate. Equally important, if the secretary to the cabinet goes in alone, the briefing must be short enough and presented in a visual format that lends itself to effective oral presentation. The prime minister-designate needs concise

explanations of what needs to be decided and why, together with clear alternatives and, whenever possible, a firm recommendation.

Nothing should be brought forward for decision that does not need to be decided in order for the government to take office. Conversely, the opportunity should not be lost of making changes that will be difficult or impossible after ministers have been appointed: especially changes in mandate and organisation, which inevitably result in losers as well as winners. At the same time it must be said that although transitions are the ideal time to introduce major changes in government organisation, the time allotted to transitions is so short and the number of decisions so many, that prime ministers-designate do not have the time to indulge in extensive tinkering with the machinery of government. So while transitions may be the perfect time to introduce radical changes, the Canadian experience is that this seldom happens for lack of time and opportunity for reflection.

The prime minister-designate needs to have informed advice about what to say to prospective ministers. The new prime minister's bargaining position will never be stronger over his colleagues. For many years the practice in Canada has been to provide each minister with written instructions concerning changes in policy and organisation that the prime minister wishes to see carried out in each ministry. Since the mid-1980s these "mandate letters" have been supplemented by providing the prime minister (or prime minister-designate) with detailed speaking notes so that he or she can set out the terms on which he is offering a particular office during discussions with the prospective minister.

## **5.6. Bringing it All Together: Transition Day**

The decisions on all of these matters will be taken continuously during the transition. The secretary to the cabinet will keep track of everything that has been decided and check periodically to make sure the prime minister-designate has not changes his or her mind in the light of events. As the briefings unfold and decisions are taken, new information will be provided as necessary. Eventually the shape of the new administration will emerge from the process. With the ministers chosen and their interviews with the prime minister-designate concluded, the list of proposed ministers is provided to the Governor General, formally for approval, in practice for information.

The prime minister-designate is asked to approve proposals for assigning ministers to chair and sit on cabinet committees. He or she is asked also to approve a list of acting ministers (each minister acts for one or two of his or her colleagues in their absence).

The secretary to the cabinet oversees the preparations for the swearing in of the new administration. Each minister takes an oath of secrecy and loyalty, and each takes a special oath related to the particular duties they will assume. The secretary to the cabinet works with the chief of staff to ensure that all new ministers know where to be and when, and what to do in order to be sworn to office. The officials of the Governor General must be consulted about the logistics for the swearing-in, and this can be quite complicated if the ceremony is to be televised.

Finally the prime minister-designate reviews, amends and eventually signs the letters of mandate that he or she will provide to each minister. These letters are provided to all ministers and cover two main subject areas. The first is general standards of conduct for the ministry, in which part of the letter makes reference to the booklet of rules and practices of conduct that are attached with the letter. The second subject area is for each minister a set of policy and programme priorities that attempt to achieve several objectives: to give direction on major problems of a given ministry that require attention; to provide a link between the

new government's political platform and the work of the particular ministry; and to provide overall guidance relevant to all ministers on the strategic objectives of the new government.

The swearing-in usually occurs in the morning. As the out-going prime minister and his or her colleagues take their leave of Canada's head of state, the new administration is literally waiting in the wings to be sworn to office as the legitimate successor government of the nation. In recent years these ceremonies have been televised, adding to the ordinary citizen's understanding of how democratic principles govern the exercise of the power of the state. A smooth transition of power is the ultimate expression of the orderly functioning of the institutions of a democratic society. It is perhaps the single greatest test of a professional civil service.

The swearing-in is followed by a luncheon with the head of state and his or her spouse. In the afternoon the prime minister presides over his first cabinet meeting. He or she is provided with speaking notes by the secretary to the cabinet, who attends the cabinet meeting with selected members of his or her staff and the chief of staff to the new prime minister. The first cabinet will usually be used by the prime minister to set the overall tone that he or she wants for the administration, and the opportunity is taken to reinforce the general messages contained in the mandate letters, which are delivered to each minister immediately after the cabinet meeting.

When the meeting breaks up, ministers disperse to their ministries where they meet their permanent officials and begin the process of being briefed in detail on their new duties. The prime minister and the secretary to the cabinet and the chief of staff move immediately from the demanding task of cabinet making to providing day-to-day direction for the new administration as a whole.

The transition itself carries on for some months, as new ministers and political advisers learn the ropes. The secretary to the cabinet continues to provide advice to the prime minister, the chief of staff and individual ministers and their senior officials as necessary. By the time the prime minister is sufficiently comfortable with the office to begin to make changes in the senior ranks of the civil service, the transition may be said to be complete, and the most important function of the secretary to the cabinet as the head of the civil service is safely discharged.

## 6. France: Managing Transitions of Government *By Guy Carcassone*<sup>19</sup>

Assuming that democracy essentially means the free, periodical and competitive appointment of governments by the governed, the implication is that when electors go to the polls a process of change occurs as power changes hands.

The change may affect the legislative or executive power, or both at the same time.

Within the legislative power or branch, the change may concern just one assembly, or two if the system is a bicameral one and the elections are held at the same time. Within the executive power, the change may be restricted just to the government, or to a part of the government, or it may go hand in hand with a change in the Head of State, who may have a considerable importance if the role that is devolved to the latter by the institutions is a key one.

In short, all the above permutations show how difficult it is to approach the management of change with the intention to cover all aspects. For that reason, this paper will focus solely on one aspect — that of managing governmental change — but will, wherever necessary, expand the discussion to include other factors which are essential to take into account.

The author apologises for illustrating his argument with examples mainly, though not exclusively, drawn from the French experience. There is a subjective reason for this, in that it naturally makes sense to describe what one knows. However, and above all, there are also objective reasons which need to be made clear at the outset.

In effect, France is the only large European nation to offer the example of a system that is both politically highly unstable and institutionally highly stable and that is what makes it a particularly interesting example for this subject.

Unlike other comparable countries, particularly European Union countries, France has not experienced the institutional instability, at least relatively, of Italy, for instance, but neither has it enjoyed the political stability of countries such as Great Britain, Germany or Spain, governed by the same party of same coalition for over a decade.

It is the only country among the large developed nations to have witnessed a disquieting phenomenon: between 1958 and 1978 it was the same majority, more or less, that was re-elected at each election. Since then, on the other hand, at all legislative elections without exception it has been the outgoing majority, whoever that has been, which has been abandoned by the electorate: the right, previously in the majority, defeated in 1981 and 1988; the left, previously in the majority, defeated in 1986 and 1993.

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However, this sequence of rapid changes has not been accompanied by any significant problems in the conduct of public affairs. The changes of people and the substantial policy modifications have occurred smoothly, with no delays or power vacuums.

Intrinsically satisfying, this situation cannot be attributed to luck or coincidence, no more than it can seriously be attributed to the national temperament.

On the other hand, analysis of the physical conditions under which all the changes have occurred (as will be shown, even more changes occur than happen on the days following legislative elections) demonstrates that the tranquillity of these changes is primarily due to the existence of appropriate procedures, machinery and institutions.

As the aim of this paper is to investigate how a change of government can be well managed, the first requirement is to establish what the criteria are for a satisfactory change of government. This can only be done very empirically, by considering as satisfactory any change which culminates in the government, on the planned date or as soon as possible, smoothly finding itself in a situation in which it can carry out its political, administrative and budgetary duties to the full.

As the simultaneous presence of these three conditions — smoothness, speed, efficiency — is therefore considered the goal to aim for, the means to achieve this can vary greatly depending on the institutional and political context within which the change occurs. The fact remains that all changes occur within a more or less common set of issues to which each country attempts, with varying degrees of success, to make an appropriate response. France's response has proved its worth and could be instructive.

The paper will therefore focus first on the issues of changes in government (Section 6.1.) and will then look at the French experience (Section 6.2.).

## **6.1. The Issues of Changes in Government**

It is impossible to list all the situations likely to occur in each of the countries in the analysis.

However, it is possible, and hence desirable, to identify the main characteristics that may exist, and in what combination, and to define the physical situation within which each change occurs.

Naturally, this exercise is only meaningful in so far as it goes beyond mere description. It must therefore lead both to identifying the relevant variables and to producing some considerations, at least summary ones, as to the effects of each.

In order to give some order to what otherwise would be excessively dense, a distinction will be drawn between variables that are *institutional* and variables that are *political*.

### **6.1.1. Institutional Variables**

Three parameters must be taken into consideration here. These concern first the structure of the government, second the change time frame and, third, the administration set-up.

*The structure of government* does not follow the same rules everywhere. There are countries where the structure is rigid, either through the law or through the respect of traditions that are sufficiently entrenched for departures from them to be either non-existent, rare or of little consequence. On the other hand, there

are as many other systems that give the appointing authorities virtually *carte blanche* to decide how the government should be structured.

In the first case, even before the events which give rise to the change have occurred, the precise list of ministerial positions to fill is known, as is their number and the duties attached to each. And if some changes are made, they will be limited in number and scope.

In the second case, on the other hand, it is not only through the publication of the composition of the government that its structure and numbers can be known as well as the responsibilities of each member of government.

In France, the structure of government is decided by the President of the Republic, on a proposal by the Prime Minister. The freedom that these two authorities are recognised to have means that they can exercise this power in what they consider to be their political interest, counterbalanced by the concern for rational management.

However, as a result of combining these two factors, for instance, the number of government members can vary from a mere 26 in 1963 to virtually double that in 1988 (48). This has also resulted in huge impractical groupings (a ministry combining labour, family, health, social security, etc.) and debatable divisions (economy, finance and budget given to three different members of the government). Some administrations also become nomadic as a result, changing the ministry they serve as the government changes.

Each system has its own merits:

- A rigid system unquestionably makes the administrative conditions of the change easier but can make the political conditions very difficult, if, for instance, there is not the flexibility necessary to satisfy all the partners of a coalition.
- On the other hand, a system of freedom allows the right balances to be struck and facilitates the objective of offering each of the political partners what they consider to be their dues. However, it can complicate the administrative change as this starts with publication of the list rather than ending with it, in so far as it is only after this stage that the ministries are organised according to the new structure that they have been given.

*The time frame of change* is a parameter which can be either institutional or political.

Normally, it is purely institutional. The event that gives rise to the change is brought about by the elections. Soon after the elections, after a period of time that can vary in length as a result of a constitutional provision or simply as a result of custom, a new government is formed that immediately takes possession of its full powers.

The system clearly has everything to gain from a brief hiatus. As the change is the result of a manifestation of the will of universal suffrage, it is good if that will is translated immediately into facts, even if it does ensure the artificial survival of an executive power that is known to be living under a death sentence deprived in that respect of any real legitimacy to act.

In France, it is the custom that the Prime Minister in office at the time of the national elections tenders the government's resignation to the President of the Republic straight after the elections. This tradition, which has never been contradicted since democracy was established, is so essential that it was not even considered necessary to write it down.



The Head of State appoints the new Prime Minister, chosen from among the parliamentary majority resulting from the elections (who can be the former prime minister if the outgoing majority wins) then forms the government on the Prime Minister's proposal.

Accordingly, and incidentally whatever the political context, only a few days separate the elections from formation of new government.

To take the most recent example, the second round of the last legislative elections took place on Sunday, 28 March 1993. On Monday 29 March, Pierre Bérégovoy tendered the government's resignation. The same day, François Mitterand appointed Edouard Balladur as Prime Minister and on Wednesday, 31 March, three days after the elections, the list of the government was published and it was then able to hold its first Council of Ministers and start work (see Annex 1 "France: Chronological Table of Main Events").

Naturally, the election results have to be clear if the change is going to be effected quickly. Irrespective of any legal aspects, it is at this point in fact that the political dimension can intervene.

If the system does not have the resources to produce unequivocal electoral decisions or if the electors have made choices from which a clear parliamentary majority does not emerge, then the time frame may be fatally extended, possibly by several weeks, by the need to find a political solution, either to enable the head of the government apparent to assemble a majority (as was the case for José-Maria Aznar after the last elections in Spain), or even to determine who would be able to form a government (as was the case for Wim Kok after the last elections in Holland).

*The administration set-up* has a potentially key role to play. Systems in which the administration is politicised are usually compared with those that profess to be neutral. In the former, any change of government is accompanied by the replacement of all the top civil servants, which makes the change even more constraining and cumbersome to manage.

However, in reality, the distinction is not as clear as it seems insofar as, even in the countries which think of the administration as neutral — there to serve the legitimate political authority whatever it might be — there is sometimes a practice which is akin to that of the spoil system.

It is true that some positions, by their nature, require more than mere loyalty to the government from the people in them. For instance, in the case of an ambassador appointed to a country, the government will be justified in expecting that he will not just confine himself to carrying out instructions but will give his personal support to the political choices to provide even greater service to the government. These situations exist, but they are, when all's said and done, fairly rare.

However, it happens fairly frequently that a new government distrusts the civil servants who have served its predecessor, who have implemented its policies, the very policies that it wants to change. Many have been tempted to behead the top civil servants in place and replace them by others that they consider to be politically safer.

The consequence of this type of fairly widespread practice is that it prolongs the periods of change: these periods do not end when the new government takes offices but only when all the ensuing appointments have been made.

The result is greater instability, both in terms of sources and time frame, often aggravated by a lack of ability and experience. Unlike the others, this difficulty is not inevitable. Whilst it is true that the new

incumbents are looking primarily for reassurance by surrounding themselves with political friends, it is none the less true that it far more rare to find disloyal top civil servants than it is ministers who do not know how to give orders.

Not rushing to make changes (which can always be made a little later if they are really essential) is a wise precaution which many countries would gain from adopting.

It is easy to understand, then, that the conditions for managing change will be very different depending on the three institutional variables just mentioned. The way they fit together can produce cumulative effects, good or bad, or, on the other hand, compensatory effects.

For instance, in a system which has an indeterminate government structure as well as an excessively long period of change and a highly politicised administration, the risks of chaotic changes will be multiplied. There would be an accumulation of negative effects. In the same way, a government structure that is virtually fixed, a short period of change and an impartial administration could accumulate the positive effects.

On the other hand, to take another example, it is easier for a system to allow itself to have an indeterminate government structure if it has a stable administration. In this case, in effect, the presence and experience of politically neutral organs reduces the risk of lasting disorder which could result from a government structure that changes a great deal. These are compensatory effects.

### **6.1.2. Political Variables**

Just as the institutional variables are occasionally tinged with politics, it can happen that institutional elements are the source of variables that are primarily political. This is the case when the event triggering the change results not just from one ballot (legislative elections) but from two (presidential and legislative elections). Strictly political, on the other hand, are the two other aspects to be considered, one relating to the content of the change, one to the composition of the government.

*The event triggering the change* is not always the same. In strictly parliamentary systems, the government is formed soon after the legislative elections by the majority and, barring accidents, the government remains in power, or at least the head of the government does, until the next legislative elections.

There is quite an appreciable difference in the case of countries which, whilst complying with the classical definition of a parliamentary system (the government is answerable to Parliament and can be removed by Parliament), elects the President of the Republic by direct universal suffrage.

Whilst this is justified by the powers vested in the President and the particular legitimacy that this method of election gives him, this fact serves to alter the issues involved in change to a quite substantial degree.

This is known to be the case in France, where the Head of State is the figure that dominates the institutions. However, it should also be borne in mind that the system operates such that the primacy of the President is strictly proportional to the parliamentary support that he has. If he has the unconditional support of Parliament, his primacy is unconditional. If he has the conditional support of Parliament, his primacy is conditional. If he loses the support of Parliament completely, he loses all primacy.

This can have two consequences for managing changes of government:

Firstly, the presidential election is normally an event that triggers change and, when this change occurs, the newly-elected President has an authority that no one disputes, so that, subject to having the support of parliament (and if he does not, he dissolves the National Assembly in the hope, always realised to date, that the French people will give him a majority to support him), he holds all the cards and is free to form the government as he wishes.

Secondly, when the event that triggers the change is legislative elections which, during a presidential mandate, sanction the majority that supported the Head of State, then the proposition is reversed: abandoned by the electorate and deprived of parliamentary support, whilst the President may remain in office, he loses his primacy. He is required to appoint a member of the new majority hostile to him as Prime Minister and it is the Head of the Government who, until the next election, holds all the cards.

Whilst this difference according to whether or not a country elects his President by direct universal suffrage is so spectacular, it should be borne in mind that the difference is to some extent neutral as far as managing change is concerned.

Indeed, direct presidential elections can multiply the opportunities for change, but they do not necessarily change the process nor the issues, they merely strongly colour developments, as was again seen very recently in Romania.

*The content of the change* refers to the observations that although all changes pose problems, not all give rise to the same difficulties. In effect, when a new government takes office there are always a number of obstacles to overcome, irrespective of the political context under which the change occurred. But these problems increase, more than truly changing nature, when the change of government follows a changeover of political power between parties.

The formation of any new government normally involves bringing in new members, by definition inexperienced, and some existing ministers changing departments, which thus means that they have to learn about their new office.

Whether these changes are minor or extensive, the newcomers who have been appointed to a ministry for the first time or have been moved to a ministry unfamiliar to them, invariably need help and possibly guidance, at least on a technical level, in fulfilling their duties.

However, obviously, these needs are even more vital when the change of government involves a changeover of political power between parties, when the majority has not been in power for years or has never governed and, in this respect, is totally inexperienced.

The existence of machinery to facilitate this type of change is even more vital in that the members of the outgoing government, for bad political reasons, cannot always resist the temptation to leave their successors without files, information, recommendations.

From being highly desirable in the first case (change of government without a changeover of political power between parties), the existence of a loyal and experienced core of government becomes absolutely vital in the second case (change of government with a changeover of political power between parties).

*The composition of the government* is also a key political variable. By composition of the government, it is meant here mainly the distinction that exists between single-party government and coalition government.

The type of government that is in power depends on the structure of the parliamentary majority, whether it is held by a single party or formed by a coalition. The outcome is therefore more a question of need rather than choice. And this variable is not neutral in terms of how the change develops.

When the conditions of change produce a single-party government, it can be formed fairly quickly with little conflict, even though this always assumes that the personality problems are solved or conflicting ambitions reconciled.

However, the relative speed of the change can make political time and government time more or less coincide.

By way of contrast, the negotiations required when a coalition government has to be formed can be very bitter, lead to deadlocks and delay the reaching of the necessary compromises.

Coalition formations looking to win do not always wait to win before starting discussions, and rightly so. Often, however, no definite decisions can be made before the actual elections which, not only have to confirm victory, but above all have to sanction the standing of each of the partners, show what their legitimate claims are capable of and record their internal power struggle. Hence the possibility of a fairly long wait between the time when the electorate vote the existing government out and the time when another one is formed to replace it.

During this period, the machinery of State must continue to operate, public order must be maintained, the Nation's interests must be served, etc. But it is not always known by whom.

Thus, the same is true for political variables as for institutional variables. They produce cumulative effects which can be positive and facilitate the change (if there is only one trigger event, does not involve a changeover of political power between parties and one party has a majority), but which can also be negative and increase all the difficulties of the exercise.

It is even possible to speak of cumulative effects squared, in that all the variables, institutional and political, can combine and can thus serve to make the change even more difficult to manage.

Whilst the continuity of the State is one of the fundamental principles of any democratic system, the special nature of periods of change means that no one is fully able to ensure continuity.

The outgoing government normally retains its legal personality until its successors take office, but no longer has political legitimacy. The government in the process of formation has political legitimacy but does not yet have a legal personality.

The result is a sort of interregnum which could, as already stated, be long. Even if it is more or less untroubled — with no serious event requiring an immediate response — this period is inherently problematic.

What is more, however, it would be illusory to think that a change ends when the new government officially takes office. There is a vital difference between taking office and mastering that office. There is necessarily a learning curve and the process of learning can be short or long, extending the phase of change accordingly, not from one government to another, but from one normally-functioning government to another normally-functioning government.

Each country needs to find the means to address the issues described above. The means employed in France have already been mentioned. Section 6.2. of this paper discusses them in more depth.

## **6.2. The French Experience**

In fifteen years, France has experienced three presidential elections (1981, 1988, 1995), four legislative elections (1981, 1986, 1988, 1993) and four and a half changeovers of political power between parties (the half being Jacques Chirac's victory in 1995 after the fratricidal fight which Edouard Balladur lost, despite being supported by most of the parliamentary majority).

The first of these events was particularly important in that the left came to power for the first time since the beginning of the Fifth Republic and so virtually everyone was totally inexperienced and the rare ones that had already held an executive office had done so under the Fourth Republic, hence a long time in the past and within a very different context.

Despite this initial inexperience, despite the hectic pace of changeovers of political power between parties, despite the appearance of unprecedented institutional situations, it is universally agreed that the changes were perfectly under control and went smoothly.

Two sets of factors contributed in different ways to this result and provide an explanation for it, first the institutional framework (6.2.1. below), and second the administrative environment (6.2.2. below).

### **6.2.1. Institutional Framework**

As stated above, the Fifth Republic created by de Gaulle in 1958 gives pre-eminence to the President of the Republic, even if the degree of pre-eminence depends on the support of Parliament.

However, precisely because the system gives the French people the means to make clear choices, it is the clarity of those choices that provides the opportunity for more frequent changes but also makes them easier to manage. This requires some explanation on the position of the President of the Republic, the role of dissolution, the effects of the election system and the conflict of majorities .

*The President of the Republic* is elected by direct universal suffrage but the most important point is that he is elected by a two-round majority vote. This has three main consequences:

- First, an absolute majority is required, either at the first round or, if no candidate achieves that (and none ever have), at the second round which is between the top two candidates only after which one of the two is bound to have an absolute majority.
- Second, the authority and legitimacy of the person who has obtained more than 50 per cent of the votes is not only considerable but also, by definition, unbeatable until the next presidential election. He thus acquires the right to preside over France, but also the right to do so for seven years, whatever might occur in that time.
- Third, the fact that only two candidates can stand at the second round means that all the political parties must support one or the other. There are therefore two distinct camps after the election, the presidential majority, which is everyone who asked people to vote for the elected candidate, and the presidential minority, which includes all the supporters of the

unsuccessful candidate as well as in some cases those that sat on the fence. These camps are fairly entrenched until the next presidential election.

It is clear that the Head of State has considerable authority but only limited constitutional powers. It is not the President that passes laws, but Parliament. It is not the President that is in charge of the government, it is the Prime Minister.

Having said that, the President's strength and pre-eminence stem from the political domination that his authority allows him to exercise over the parliamentary majority as well as over the Head of the Government. Through their support and subordination, he can ensure that they use their respective powers as he wishes, and it is in this way that he can demonstrate his primacy.

Naturally, therefore, if this primacy is to be effective the presidential majority also has to hold the parliamentary majority. If the presidential majority has the majority in the National Assembly, it will have no reason to subordinate itself to the President, to support the Prime Minister whom he has chosen and to pass the bills which he wants to become law.

These two things ultimately boil down to one: either the President takes office with a parliamentary majority that matches his presidential majority, in which case he can get down to work (as was the case for Jacques Chirac in 1995), or the newly-elected President is faced with a hostile majority in the National Assembly, in which case he can use the weapon of dissolution.

*Dissolution* of the National Assembly (the Senate cannot be dissolved but neither can it overturn the government nor put up any lasting opposition to the passing of ordinary acts) is the sole prerogative of the President, under Article 12 of the Constitution. He is free to decide on dissolution virtually whenever he wants (he is simply not allowed to dissolve it more than once every thirteen months, or during a period of exceptional circumstances), without having to justify the decision which is discretionary (he is simply required to seek three options, but is entitled to totally disregard them) and is not even countersigned by anyone.

At each of his two elections, in 1981 and in 1988, François Mitterrand had to face an Assembly dominated by the presidential minority. So both times he dissolved it and went to the country to give him a mandate to govern by giving him a presidential majority in Parliament. And, both times, the electorate gave him his majority, having perfectly understood that this was how the Fifth Republic operated.

*The election system* for parliamentary deputies is designed to obtain a clear majority through universal suffrage. France is divided into 577 constituencies each of which elects a deputy by two-round majority voting. Unlike one-round majority voting, which encourages a two-party system, or proportional representation, which encourages a multi-party system, this election system allows a multi-party system to exist but requires that the parties enter into coalitions to win seats as candidates without support outside their own party will have little chance of being elected.

These mechanisms have spawned two major alliances, one on the right (RPR/UDF) and the other on the left (PS/PC). Even though these alliances are not short of internal problems, they are nonetheless vital for all the parties and those that do not want (ecologists) or cannot (far right) enter into a coalition have virtually no chance at all of entering Parliament, however many votes they receive.

This being the case, the system is extremely bipolarised. And that bipolarisation is accentuated still further by the second round of the presidential election which, as we have seen by forcing everyone to chose a camp and remain in it, imposes a lasting structure on the political landscape.

Consequently, each time the National Assembly is re-elected, the French people have a limited choice (to vote for one of the two coalitions), but it is a choice that is directly effective as it is they who decide whether it will be the left or the right who will dominate Parliament and hence who will govern the country.

Whilst this is just the underlying process and the election system could never be sufficient to guarantee that the electorate's choice would be clear-cut, this has nonetheless always been the case since the Fifth Republic began.

Sometimes the majority has been large (1993), sometimes small (1967), sometimes it has been held by a single party (1968, 1981) or by a coalition (1962, 1973, 1978). Sometimes the majority has even only been relative (in 1988 the PS was 17 seats short of an absolute majority, but that did not prevent it from governing, without the support of the PC). However, in all cases without exception, a clear majority emerged from the ballot boxes.

Furthermore, it is relevant to state that the elections, presidential and legislative, are closely monitored by an impartial and prestigious court, the Constitutional Council, which places the results above suspicion and is a safeguard against proceedings alleging that they were unfair.

*The conflict of majorities* has been precisely the result — unintentional and occasional — of that clarity. It led to the unprecedented situation called cohabitation that occurred for the first time in 1986.

With the President of the Republic elected for seven years and deputies for five (unless the Assembly is dissolved), the Head of State normally has to face at least one set of legislative elections during his mandate. It was therefore inevitable that one day that he would lose them and at the same time lose his primacy.

Charles De Gaulle had ruled this scenario out. He considered that presidential power was necessary but that it was only legitimate if it was founded on the confidence of the majority of the people in the Head of State. Consequently, he considered that if confidence were to disappear, in whatever circumstances, then the President was unable to continue and should resign. Indeed, this is what he himself did, considering that he had lost the support of the nation after losing the referendum of 27 April 1969.

Valéry Giscard d'Estaing was the first to go against this doctrine by stating before the 1978 legislative elections that he would remain in office even if the opposition won. But the opposition did not win.

It was François Mitterand who was faced with this unprecedented situation after the defeat of the left in the 1986 legislative elections then, for a second time, after the left was defeated again in 1993. In both cases, he still had two years of his term to run. In both cases, he chose to stay in office.

Losing parliamentary support, he also lost the subordination of the Assembly and that of the government. As a result, the centre of gravity of power shifted from the Elysée Palace to Hôtel Matignon. The Head of State's role was thus diminished to the powers expressly conferred on him by the Constitution which did not allow him to continue to lead the Nation, a role which now passed into the hands of the Prime Minister.

If François Mitterand remained in office in 1986, it was in the hope of being re-elected two years later, whereas by resigning immediately after losing the legislative elections he would have been obliged to retire. As for his decision to remain in office in 1993, despite his illness, his sole reason for staying on was the desire to be the first French President to complete two seven-year terms of office.

It might have been thought that the unprecedented situation of a conflict of majorities would have complicated the process of change, but it did not at all.

In fact, not only did neither of the two camps consider that it was in their interest to risk unpopularity by triggering an institutional crisis but, above all, the clearness of the choices made by the electorate fully clarified the legitimacies: the President, defeated by universal suffrage, could only remain in office if he kept a low profile and abided by the decisions of the French people. The new majority had an unquestionable legitimacy that permitted it to choose who it wanted as Prime Minister (even though the President was still responsible for making the actual appointment, he was not in a position, politically, to do anything other than abide by the successful majority's wishes) and ensured that the Head of the Government would have all the authority that was required.

Therefore, in this system which is ultimately one of variable geometry, all the elements of the institutional framework combine or offset each other to facilitate the changes.

They combine when the right of dissolution enables the agreement of the majorities to be obtained, itself encouraged by the election system, and the domination of the President to be imposed as the architect of change.

They are offset in so far as the multiplication of elections (presidential and legislative) has as its counterpart the clarity of electoral decisions which clearly defines the terms of the change and makes the process fast and unquestionable.

But all these positive points could still not be enough if the administrative environment is not in step with this institutional framework.

### **6.2.2. *The Administrative Environment***

France has a solid administrative tradition. This is not without drawbacks (frequently exposed) related to the occasional excessive cumbersomeness of bureaucracy. But this also has very substantial advantages which can be seen in particular when changes are occurring and play a very positive role in managing them. This essentially arises from a clear concept of the role of the administration, the existence of appropriate procedures and the involvement of a specialised structured.

*The clear concept of the role of the administration*, inherited from tradition but also enshrined in the law, is based on two key principles: subordination and neutrality.

Under the principle of subordination, civil servants have a duty to obey the political authorities constitutionally empowered to rule the country. The Prime Minister is the formal head of the civil service and each member of the government has authority over the teams of civil servants in his departments.

Under the principle of neutrality, civil servants must loyally serve the policies, whatever they are, of the democratically elected authorities. They must normally refrain from taking any public stance which is either hostile to or in support of these policies and must keep their own counsel, expressing their own opinions through the ballot box.

Every minister has his own personal advisors, who come and go with him, to manage his administration and ensure that his political will is applied. They are called his cabinet. The cabinet has the degree of autonomy that the minister chooses to give it, knowing that in the final analysis it is the minister himself



who will bear sole responsibility for the political successes and failures that have been made by him or in his name.

Cabinet members are often civil servants. Serving a minister in this way may place civil servants on the fast track as far as career development is concerned. However, it can mark them politically which, when another party comes to power, may limit their chances of obtaining another interesting or prestigious job.

So, the role of the minister and his cabinet is to lead and inspire and the role of the administration is to implement policy to the best of its ability.

Precisely because they are required to obey, civil servants cannot be accountable for the government's policy. Accordingly, their jobs are very naturally guaranteed and cannot be threatened by a change. This job security — which is only lost in the event of serious misconduct — is both the extension to and the counterpart of the duties of obedience and neutrality.

There is nevertheless a relative exception to that. It concerns what is called “jobs at the government's discretion”.

Under Article 13 of the Constitution and the enabling legislation, a number of posts are filled in the Council of Ministers, under the triple signature of the President, Prime Minister and Minister concerned.

This relates to the very top civil servants, chiefly ambassadors, prefects, chief education officers and, most importantly, the directors of central authorities.

It is considered normal for the government, in order to implement its policy, to be able to fill all of the aforementioned posts with the civil servants of its choice. This is why anyone occupying one of these high-ranking posts can be changed at any time by the Council of Ministers.

The civil service rules of employment determine the grade (the civil servant's title, level and pay) and the job description (the post that he actually occupies). Thus, when a public servant ceases, for instance, to be the director of a central authority, this does not mean that he ceases to be a civil servant and the government is under an obligation to offer him another job.

The combination of these two factors — freedom of the government, job security of the civil servant — ensures the continuity of administrative action and provides the minimum flexibility that this requires.

Any new government is tempted to fill the most sensitive posts with civil servants that are politically sympathetic. This can be understandable and legitimate and it explains why a change is generally followed by a set of appointments.

However, when the extent or speed of these appointments is unusual, it is a sign of excessive politicisation of the top echelons of the civil service.

Mention should be made of the specific situation of cohabitation. The new government, indeed, cannot make any appointments without the President's agreement as he has to sign them. The President cannot politically be seen to be obstructive by refusing to sign. However, he can use his signature as a bargaining chip in negotiations with the government, to ensure that the people whose future he is particularly interested in are treated well by the government.

The fact remains, however, that many directors remain in post through changes of ruling party and changes of government, so that all new ministers taking up office are greeted by an experienced administration ready to serve them with total loyalty.

Thus, the fact that it is possible in the upper echelons of the civil service to change what might need to be changed but only that, clearly facilitates the changes. The process of change thus benefits from a constantly operational public service.

*The existence of appropriate procedures* enables the machinery of State to operate normally from the beginning to the end of the process, however long it lasts.

This presupposes the existence of a command structure that ensures this continuity. It must not be the case that the outgoing government is only legally able to exercise command as long as its successor has not taken office.

In France, as in most of the European democracies, this requirement is translated by the notion of dispatching of day-to-day matters. Without going into the legal details, which are more complex, this idea refers to the practice whereby the outgoing government, which has already resigned or is poised to do so, continues to ensure the day-to-day management of the country and to control the administration, but is forbidden from introducing any new measures.

It may sometimes happen, however, that circumstances beyond the government's control require a response from it that goes beyond the boundary of day-to-day affairs. Thus, when the changeover of power between political parties occurred in 1981 after François Mitterand was elected as President, but before he took up office and appointed Pierre Mauroy as Prime Minister, there was a strong attack on the franc at the same time as an outflow of capital. The outgoing government established information contacts with the representatives of the new majority and, with their agreement, took the necessary steps to defend the franc.

Although there were eleven days between the second round of the presidential election and the new Head of State taking up office (immediately followed by the appointment of the Prime Minister and the dissolution of the National Assembly), the country was constantly run, in a difficult period, in a way that gave rise to no criticism.

However, the procedures must also cater for all sorts of requirements, both political and practical, that may stem from a change.

On the political level, there must be a handover of power between each member of the government and the person replacing him. It is the occasion for a symbolic transmission of authority, but the prime purpose is for the outgoing minister to inform his successor about major ongoing projects or the most pressing decisions.

Beyond political disagreements, there are in all fields subjects of national interest which should be brought to the attention of the successor, as there is frequently, in some fields only, confidential information that should be passed on.

On the practical level, the needs are more down to earth but they are just as great. The members of the outgoing government and their assistants must be allowed to sort out their papers. The strictly political part, which they have the right to keep, must be able to be removed. The administrative part on ongoing matters must be able to be put in order and left for the successor. Finally, the rest must be able to be sent

to the national archives. None of these three operations can be carried out properly if it is improvised at the last moment.

However, the smooth management of changes presupposes sizing up the type of confusion which can accompany entering government office for the first time. Government office, by definition, resembles no other job. The staunchest politician, the most experienced parliamentarian or the most informed decision-maker discovers a world for which all his previous experiences are insufficient to prepare him.

This world has its own set of exacting rules. Any decision has to follow precise procedures and failure to do so is illegal. Any expenditure must be charged to a budget itself subject to other constraints. And, in addition to all this, there are practices and traditions which, albeit not binding, have often arisen out of requirements that make it beneficial to respect them.

Under these circumstances, to abandon a new government or ministers to their own devices is, at best, to make them totally dependent on the administration which they are supposed to manage, or at worse, to expose them to making many more errors and blunders than they would otherwise and getting off to a disastrous start.

These are the reasons why it is vital — not only for the main people involved but also, through them, in the Nation's interest — that a new government be accompanied at all times when it takes its first steps.

In particular, a new government needs to be informed in detail of such elementary things as, for instance, the numbers and salaries of the staff that it can recruit, the services that it can use, the secretariat that is at its disposal, but also, on a less mundane level, it requires explanations of decision-making procedures, collective government, signature delegation, etc. It is in this respect that there is everything to gain from having the support of a specialised structure for the process of change.

*The involvement of a specialised structure* has been the approach which France introduced as an experiment in the 1930s and institutionalised in 1946. This specialised structure is the General Secretariat of the Government (SGG).

The SGG has a wide range of important duties. Assisting in the change process is not explicitly mentioned as one of these. However, its skills and experience have naturally led it to play a key role on such occasions unanimously judged very positive.

At the head of this structure there is a Secretary-General. It is very important to note that the present incumbent is only the seventh since 1946, hence in over fifty years.

The first Secretary-General was in post throughout the Fifth Republic (1946-1958), which meant that he assisted twenty-one Heads of Government. The third (1964-1975) assisted three Presidents of the Republic and five Prime Ministers. When the left came to power in 1981, the incumbent did not leave the post until a year after and that was to take up other prestigious duties. It has only happened once, in 1986, that the Secretary-General was regrettably replaced by the new government when another political party came to power. His successor, however, appointed by the right, survived when the left returned to power and worked with three Socialist Prime Ministers.

Suffice to say that the holders of this key post (which requires them to attend all council of ministers meetings) carry out their duties impartially, whatever their personal beliefs might be and that they have managed to win the respect and trust of the country's senior politicians from all parties.

The SGG is a very light structure comprising a total of a hundred people, only thirty of whom are drawn from the highest of the three categories that form the French public service (“*fonctionnaires de conception*”). As is the case for the Secretary-General, their arrival or departure is independent of political elections.

The SGG is housed in the Prime Minister’s offices at the Hôtel de Matignon.

The SGG has three permanent duties, each comprising many tasks: the organisation of governmental work, judicial advisor to the government, management of all the departments under the Prime Minister.

Each of these duties is approached strictly from the technical and administrative angles. The political dimension is the responsibility of the Prime Minister and his cabinet with whom the SGG naturally co-operates on a daily basis. Conflicts or quarrels about boundaries are ruled out by a strict code of practice. If necessary, the SGG prepares a list of possible options, then addresses the lawfulness of the decisions and finally ensures that they are applied, but it never makes any comment on the substance or appropriateness of the political choices, these being the sole responsibility of the government.

However, it *is* the SGG’s occasional role when changes occur, which we will focus on here. The SGG has in fact in practice become the real guarantor of continuity of government action and, it could be said, the discrete but efficient guide for the entire team newly arrived in power.

In this respect, the SGG is required to exercise a range of skills. All will be mentioned below, but not all have the same importance or the same exemplary value, particularly when they are related to the specific features of the French system. They are addressed below in ascending order of relevance to the subject.

Once the government has been formed, regulations have to be introduced to allocate duties and delegate powers. The decrees allocating duties set down the responsibilities of the ministers responsible for ministries and of the Secretaries of State without portfolio. The decrees delegating powers set down the responsibilities of the under-ministers and the Secretaries of State attached to a minister.

All these decrees are prepared by the SGG on behalf of the Prime Minister. As they frequently cause rifts (which are incidentally often quite pathetic) between members of the government, the Head of the Government and the Head of State draw a great deal on the SGG’s experience and advice to settle the disputes.

The task of the SGG is then to assign to the new ministerial team a number of vital logistical tools. In addition to being responsible for organising monthly pay cheques for members of the government, the SGG also assigns them office space (in the case of new or changing ministers), provides them with access to the telephone networks dedicated to the executive, provides them with information on custom and practice and, for ministers that so require, provides them with a car and chauffeur.

Further, it is the SGG that informs the new arrivals how many assistants they are entitled to appoint to form their private offices and supplies them with the decision forms required to do so .

Above all, the SGG plays a real training role with new government members. It has compiled what is called a *Dossier du travail gouvernemental*, a regularly updated handbook which, in thirty or so pages and under a dozen headings, details the legal and practical aspects of the working of government. Even the most inexperienced of ministers or assistants can find a practical answer in plain language to all the questions which they may face.

The handbook even includes an organisation chart of the SGG, with the duties of each of its members and the necessary telephone numbers so that it is possible at any time to contact the right person to answer any query.

Finally, beyond all these practical or formal factors (whose importance it would be wrong to underestimate), the SGG also provides advice, guidance and, if necessary, warnings during periods of change.

As the SGG is the government's memory, it is always useful to seek its advice and the new members of the government always discover this very quickly. Whilst the actual decision-taking naturally remains entirely in their hands, the decisions will be more effective if the SGG's advice is sought beforehand on their legal environment, the existing precedents and the results that they had, etc.

In this connection, the SGG can also help to persuade the new government not to conduct a witch hunt among the top echelons of the civil service, which is always a threat.

As the SGG is the guardian of government procedures, it is the natural guide when they are being implemented for the first time. The confusion that could be caused by the inexperience, tinged with enthusiasm, of the new arrivals is thus channelled by the authority of the SGG which, by imposing compliance with formal existing procedures, quickly makes the new government bend to the custom — which generally corresponds to the needs — of the working of government.

This discipline has no effect at all on the political will of the new government but enables it to perform faster and more effectively.

Without entering into the political realm itself, the SGG is nonetheless sufficiently well-versed in the matter to be able to draw the Prime Minister's attention to such or such an aspect of his policy management without exceeding its role.

A well-known example in France is the arrival of the left in power in 1981, after twenty-one years in the opposition. The President of the Republic had announced his intention to dissolve the National Assembly. Scarcely had the new Prime Minister, Pierre Mauroy, arrived at the Hôtel de Matignon than the Secretary-General came to introduce himself, bearing two signature books. He explained that, "having understood" that there was to be a dissolution, he had taken the liberty of framing the dissolution text. However, as there were two possible election time frames, one short and one longer, under the terms of Constitution, to facilitate the requirements of electoral operations, and the choice between the two was political, the SGG had prepared two drafts so that the President and the Prime Minister could make their decision in full knowledge of the facts.

If the Head of Government's attention had not been drawn in this way spontaneously by the SGG, it would have very quickly have been too late for the short option and the new incumbents would then have been deprived of a choice which could have been important.

Generally, the SGG focuses on what could be called its technical-legal-institutional role. Through its its invariably discrete and often decisive advice, it leaves the politician free to decide what to do, but is always there to show him how to do it, under conditions that are technically adequate, legally sound and constitutionally compliant with the letter and spirit of the Constitution.

This paper has highlighted the vital, beneficial role played by the SGG in France. The intention is not to hold it up as an ideal model that is by definition better than any others. Many countries have a comparable

structure and each country is free to organise its own. However, it is impossible to overstress the importance of the features that a body such as this needs to have at all times: neutrality, stability, availability.

It is the neutrality that gives credence and stability. It is the stability that gives experience and availability. It is availability that gives efficiency. It is the combination of all that which makes a powerful contribution to pacifying, rationalising and shortening periods of change, in other words to managing change.

### Annex 1. France: Chronological Table of Main Events

4 October 1958	Constitution of the Fifth Republic promulgated
23-30 November 1958	Legislative elections, victory for the right
21 December 1958	Charles De Gaulle elected President
8 January 1959	Charles De Gaulle takes up office as President Michel Debré appointed Prime Minister
9 January 1959	Government appointed
14 April 1962	Michel Debré resigns, replaced by Georges Pompidou
9 October 1962	Dissolution of National Assembly
18-25 November 1962	Legislative elections, victory for the right
28 November 1962	Georges Pompidou re-appointed Prime Minister
7 December 1962	Government appointed
5-19 December 1965	<b>First presidential election by universal suffrage: Charles De Gaulle</b>
8 January 1966	Start of President's term of office
8 January 1966	Charles Pompidou resigns, immediately re-appointed
9 January 1966	Government appointed
4-11 March 1967	Legislative elections, victory for the right
6 April 1967	Charles Pompidou resigns, immediately re-appointed
30 May 1968	Dissolution of National Assembly
23-30 June 1968	Legislative elections, victory for the right
10 July 1968	Charles Pompidou resigns, replaced by Maurice Couve de Murville
13 July 1968	Government appointed
27 April 1969	Referendum on regionalisation not passed
28 April 1969	Charles De Gaulle resigns
1-15 June 1969	<b>Presidential election: Georges Pompidou</b>
19 June 1969	Georges Pompidou takes up office as President
20 June 1969	Maurice Couve de Murville resigns, replaced by Jacques Chaban-Delmas
23 June 1969	Government appointed
5 July 1972	Jacques Chaban-Delmas resigns, replaced by Pierre Messmer

7 July 1972	Government appointed
4-11 March 1973	Legislative elections, victory for the right
28 March 1973	Pierre Messmer resigns, re-appointed on 2 April
6 April 1974	Death of Georges Pompidou
5-19 May 1974	<b>Presidential election: Valéry Giscard d'Estaing</b>
24 May 1974	Valéry Giscard d'Estaing takes up office as President
27 May 1974	Pierre Messmer resigns, replaced by Jacques Chirac
29 May 1974	Government appointed
25 August 1976	Jacques Chirac resigns, replaced by Raymond Barre
28 August 1976	Government appointed
14-21 March 1978	Legislative elections, victory for the right
31 March 1978	Raymond Barre resigns, re-appointed on 3 April
6 April 1978	Government appointed
26 April-10 May 1981	<b>Presidential election: François Mitterand</b>
13 May 1981	Raymond Barre resigns
21 May 1981	François Mitterand takes up office as President
21 May 1981	Pierre Mauroy appointed Prime Minister
21 May 1981	Dissolution of National Assembly
23 May 1981	Government appointed
14-21 June 1981	Legislative elections, victory for the left
22 June 1981	Pierre Mauroy resigns, immediately re-appointed
24 June 1981	Government appointed
17 July 1984	Pierre Mauroy resigns, replaced by Laurent Fabius
20 July 1984	Government appointed
16 March 1986	Legislative elections, victory for the right
20 March 1986	Laurent Fabius resigns, replaced by Jacques Chirac
21 March 1986	Government appointed
24 April-8 May 1988	<b>Presidential election: François Mitterand</b>
10 May 1988	Jacques Chirac resigns, replaced by Michel Rocard
13 May 1988	Government appointed
14 May 1988	Dissolution of National Assembly
21 May 1988	Start of President's new mandate
5-12 June 1988	Legislative elections, victory for the left
23 June 1988	Michel Rocard resigns, replaced by Edith Cresson



17 May 1991	Government appointed
29 March 1992	Edith Cresson resigns, replaced by Pierre Bérégovoy
31 March 1992	Government appointed
22-28 March 1993	Legislative elections, victory for the right
29 March 1993	Pierre Bérégovoy resigns, replaced by Edouard Balladur
31 March 1993	Government appointed
23 April-7 May 1995	<b>Presidential election: Jacques Chirac</b>
11 May 1995	Resignation of Edouard Balladur
17 May 1995	Start of President's new mandate
17 May 1995	Alain Juppé appointed Prime Minister
19 May 1995	Government appointed

The next legislative elections should be held in March 1998.

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Warsaw 27-28 February 1997**

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