

COALITION GOVERNMENT  
IN BRITAIN:  
LESSONS FROM OVERSEAS

Ben Seyd

January 2002



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**ISBN: 1-9039030-8**

Published by The Constitution Unit  
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Published January 2002

## TABLE OF CONTENTS

<b>LIST OF TABLES AND FIGURES</b> .....	<b>5</b>
<b>SUMMARY OF ISSUES EXPLORED</b> .....	<b>6</b>
<b>INTRODUCTION</b> .....	<b>8</b>
The distinction between single party and coalition government .....	8
Sources of policy learning .....	15
<b>CHAPTER 1: Coalition Governments and Elections</b> .....	<b>23</b>
The decisiveness of elections .....	23
Electoral identifiability .....	28
Electoral responsiveness .....	30
When are coalitions formed? .....	31
Conclusion.....	33
<b>CHAPTER 2: Forming and Terminating Governments</b> .....	<b>34</b>
The impact of constitutional rules .....	34
Government formation and termination: Positive and negative parliamentarism .....	38
Identifying a prime minister.....	41
The dissolution of parliament .....	50
Enhancing the stability of coalitions: Constitutional options .....	53
Keeping the show on the road: The role of caretaker governments .....	59
Conclusion.....	61
<b>CHAPTER 3: Negotiating a Coalition Government</b> .....	<b>63</b>
The negotiating process.....	63
What is negotiated?.....	66
Party behaviour in bargaining situations .....	72
Limiting the duration of government formation.....	74
Conclusion.....	76
<b>CHAPTER 4: The Coalition Agreement</b> .....	<b>77</b>
The functions and use of coalition agreements.....	77
The content of coalition agreements.....	78
Ensuring compliance with the agreement .....	78
The ‘tightness’ of coalition agreements.....	83
Conclusion.....	84
<b>CHAPTER 5: Managing Coalition Governments</b> .....	<b>86</b>
Coordination via portfolio allocation.....	88
Coordination via collective structures .....	91
Coalition management in Scotland and Wales .....	94
Coalition management overseas .....	97
Assessment of coalition management models .....	112

Coalitions as unified or divided entities? .....	119
Conclusion.....	122
<b>CHAPTER 6: Running a Minority Government.....</b>	<b>124</b>
Minority governments' legislative strategy .....	126
Minority government in Denmark .....	127
Minority government in New Zealand.....	130
Conclusion.....	133
<b>CHAPTER 7: Sub-National Coalitions.....</b>	<b>134</b>
Sub-national coalitions in Germany .....	134
Sub-national coalitions in the UK .....	138
Conclusion.....	139
<b>ANNEX 1: Details of study visits and acknowledgements .....</b>	<b>141</b>
<b>BIBLIOGRAPHY .....</b>	<b>144</b>

## LIST OF TABLES AND FIGURES

Figure 1: Single party and coalition governments in Britain, 1900-2000.....	8
Box 1: Coalition government in Scotland and Wales .....	10
Table 1: The transition to coalition government: Key questions .....	14
Table 2: Governments in the four study countries, 1970-2001 .....	18
Table 3: Views on the purpose of elections, Scotland and Wales .....	27
Table 4: The role of elections in government formation in selected west European democracies .....	33
Table 5: Rules covering government formation and termination in selected western democracies .....	36
Table 6: Rules covering government formation and termination in the UK .....	37
Figure 2: 'Positive' and 'negative' parliamentary rules .....	40
Table 7: The pros and cons of different forms of coalition agreement .....	85
Table 8: Two forms of coalition government .....	87
Figure 3: Coordination relationships in coalition governments.....	92
Table 9: Features of coalition management .....	113
Table 10: Incidence of minority administrations in western Europe, 1945-99.....	125
Box 2: Britain's experience with minority government, 1977-78.....	132

## SUMMARY OF ISSUES EXPLORED

After a long period of single party government at Westminster, significant parts of the UK – Northern Ireland, Scotland and Wales – are now administered by coalition governments. There remains the possibility, too, of electoral reform at the centre which, if followed through, would increase the likelihood of coalition politics at Westminster. It is thus a propitious moment to examine the dynamics of coalition government. This is particularly the case since the introduction of power sharing administrations raises a host of practical issues for policy makers. The principal issues for consideration are:

### *The role of elections*

- If governments are only formed through inter-party bargaining, how do voters know what their ballot will mean for government formation?
- If governments comprise two or more parties sharing power, how can voters identify responsibility for government activities?

### *The constitutional rules covering government formation and termination*

- Where no one party commands a majority of seats after an election, which party should take the lead in forming a government?
- Is it necessary for an incoming government to demonstrate that it commands a minimum level of parliamentary support and, if so, what should this level be?
- Under multi-party conditions, when can a prime minister gain a dissolution of parliament?
- Under what rules should inter-party bargaining take place?
- What rules might be required to cover the operation of interim, or 'caretaker', governments?
- Overall, how adequate are the UK's existing constitutional rules on government formation and termination? Are any modifications to, or clarifications of, these rules required?

### *Negotiating a government*

- By what process do parties usually bargain with one another to form a government?
- What resources do the parties draw on in negotiating a new government?
- How long should the negotiating process take, and should it be subject to time limits to prevent delay?

### *The coalition agreement*

- How far do the written agreements made by the parties shape the subsequent activities of coalition governments?
- What kind of agreement best underpins the effective operation of a coalition government? In particular, what should be the balance between detailed commitments and flexibility?

### *Coalition management*

- What methods are used by coalitions to coordinate their activities? What is the balance between informal and formal mechanisms?
- How far do coalitions weaken the operation of collective responsibility?
- What role does the junior partner play in coalition management, and what resources does it require to fulfil its role?

### *Minority government*

- What strategies are open to, and used by, minority governments to secure their legislative programme?

### *Sub-national coalitions*

- How are the dynamics of coalition government affected by a decentralised political system?

This report examines these, and other important, issues associated with the transition from single party to coalition government. The research is based on study visits undertaken in four overseas countries: Denmark, Germany, Ireland and New Zealand. Across these locations, a total of seventy interviews were carried out with government ministers, other politicians, civil servants, political advisers and commentators.

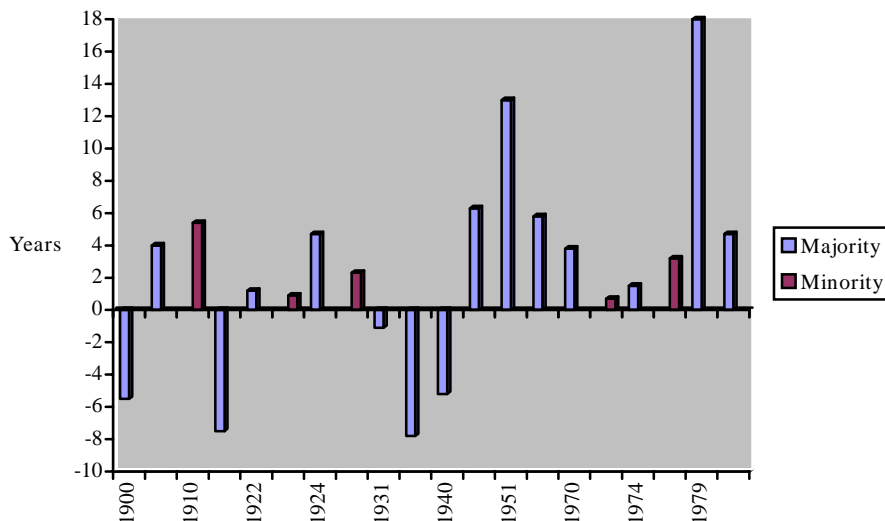
The aim of the report is to extend the awareness among policy makers in the UK of the methods by which coalitions in other countries are formed, operate and terminate. The report both describes and evaluates these arrangements, with a view to enhancing knowledge and identifying possible options for policy reform in the UK. Readers who want a brief precis of the findings and recommendations for each set of issues set out above will find them in the 'Conclusion' at the end of each chapter. A short policy briefing on the issues contained in this report is also available, from the Constitution Unit.

## INTRODUCTION

### The distinction between single party and coalition government

The United Kingdom has, for a long time, been one of the main exemplars of the 'majoritarian' system of democracy. The principal feature of this model is that executive power tends to be held by a single party and not shared between parties (Lijphart, 1999). By contrast, governments in many other countries are formed by two or more parties in coalition. It is true that, for a significant part of the twentieth century, the UK has been governed by coalition administrations (Figure 1). But this experience has always taken place in the context either of wartime or economic crisis or as a prelude to mergers between political parties (Bogdanor, 1983: 10-12). Two or more parties have never come together to share power outside these circumstances. Moreover, all the examples of coalition occurred prior to 1945.

Figure 1: Single party and coalition governments in Britain, 1900-2000



#### Notes

Positive value = single party government

Negative value = coalition government

Source: Butler, 1986: 36-7; updated by the author

As of 1999, however, government in the UK is no longer dominated by the single party model. The first elections to the Scottish Parliament were followed by the formation of a coalition between Labour and the Liberal Democrats. The Northern Ireland Assembly is also governed by a coalition, this time of four parties under a prescribed power sharing arrangement. The Welsh Assembly was initially overseen by a minority single party administration, but this lasted only a year and a half, at which point Labour formed a coalition with the Liberal Democrats to give the government a majority in the Assembly. At Westminster, too, there is the possibility of reforming the electoral system in a way that would make coalition governments a more normal feature of our politics. The report of the 'Independent Commission on the Voting System', chaired by Lord Jenkins, proposed a semi-proportional electoral system which, it argued, would entail frequent, if not permanent, coalition



administrations (Jenkins, 1998). At the time of writing, the Jenkins Report has made little progress, and the chances of electoral reform for Westminster appear slim. But coalition politics in the UK no longer depends on the possibility of electoral reform for Westminster; it can now be seen in action in Scotland, Wales (see Box 1 for a précis of coalition formation in these two areas) and Northern Ireland.

The differences between single party and coalition governments raise a host of important normative questions. These tend to contrast the identifiability, clarity and capacity to govern of single party administrations with the representativeness and fairness of coalition administrations (Powell, 2000: 3-20). It is not my purpose in this report to tackle these issues (although Chapter 2 considers various normative issues related to coalitions and elections), nor to take a view on whether coalition governments are superior or inferior to their single party counterparts. What I do address are some of the more practical consequences of moving to power sharing executives. The assumption underlying the report is that a shift to coalition administrations brings with it different forms of behaviour on the part of political parties, new methods of operating for cabinet government and, potentially, new constitutional rules covering government formation and termination. The rest of this report identifies these differences, examines their implications and, where potential problems arise, suggests appropriate remedies.

The report does not suggest that a change from single party to multi-party rule completely changes the rules of the political game and the way that political actors operate. Governments in any one country may shift between the two models with only limited adjustments to administrative and institutional structures. Differences in the way that governments operate are often the product of countries' political cultures rather than variations in government forms (Blondel and Müller-Rommel, 1993a: 10-11). And single party and coalition governments are not wholly distinct models, but rather two points on a continuum. As two comparative scholars note:

*“Governments are not only of the single party or of the coalition type: they have, in a sense more or less of a coalition character, as coalitions can be more or less extreme, more or less ideologically diverse, and composed of partners who are more or less equal”* (Nousiainen and Blondel, 1993: 306).

### Box 1: Coalition government in Scotland and Wales

#### *Scotland*

The May 1999 elections gave Labour the largest share of seats, at 43% of the total 129. Through the long campaign for the Scottish Parliament, Labour had forged good relations with the Liberal Democrats, and it was no surprise when the latter, with 13% of the seats, negotiated with Labour to form a majority ('minimum winning') coalition. The negotiations lasted for just five days, resulting in a 12 page *Programme for Government*. The day before the agreement was signed, elections for the First Minister were held in the Parliament, with Donald Dewar being supported by Labour and the Liberal Democrats and gaining 71 votes out of a possible 129. In a cabinet of eleven ministers, the Liberal Democrats gained two portfolios, justice/home affairs and agriculture, with their leader, Jim Wallace, becoming deputy First Minister. The Liberal Democrats also gained control of two of the eleven junior ministerial posts.

Following Donald Dewar's death in October 2000, the Labour party selected Henry McLeish as its leader. McLeish was subsequently elected First Minister by parliament later that month, gaining 68 votes in a four way contest. This succession did not affect the Liberal Democrats' representation in cabinet. McLeish resigned in November 2001 over a financial scandal, being replaced as First Minister by the former Education Minister, Jack McConnell, who gained 70 votes in parliament in a four way contest. Again, this transition did not affect the Liberal Democrats' representation in the coalition.

#### *Wales*

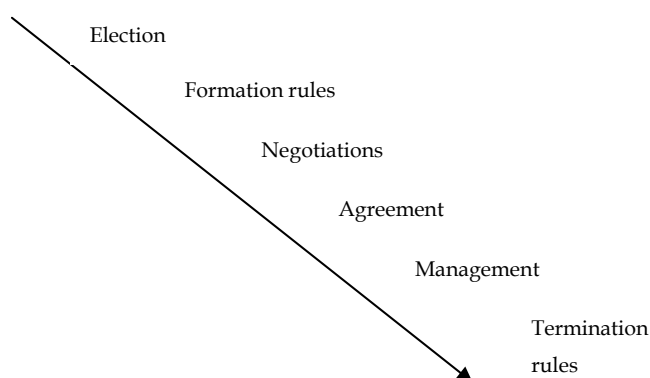
Unlike in Scotland, Labour had expected to win a majority of seats in the Welsh Assembly, and was not prepared for the results of the election in 1999. In the event, Labour gained 47% of seats, and decided to govern alone as a minority administration. However, this meant yielding power in the Assembly, first on the post of Speaker, which went to Plaid Cymru, and also on committees, with only two of the six gaining a Labour chair. The administration also had to negotiate to get its legislative programme passed, introducing compromises such as the reintroduction of free eye tests as a condition of gaining Plaid Cymru's support for its first budget. However, the executive's strategy, of forging ad hoc agreements with whichever party would support it, was criticised for being too secretive. For the executive itself, the inability to introduce a longer term legislative agenda became a source of frustration. The opposition's power was demonstrated in February 2000, when it unseated the First Secretary, Alun Michael, in a vote of no confidence.

The Labour group elected Rhodri Morgan as Michael's successor, with Morgan subsequently being elected unopposed as First Secretary. But the Labour administration was still forced to negotiate on its legislative programme, with Plaid Cymru getting some of its own policy commitments into the administration's policy programme, *A Better Wales*, in return for its support.

However, this model was not seen as allowing for effective government, and in October 2000, following two months of secret negotiations, Labour and the Liberal Democrats announced the formation of a majority ('minimum winning') coalition. Under the deal, secured by a 25 page agreement, the Liberal Democrats gained two of the nine portfolios, including the key economic development post. Their leader, Michael German, was made Deputy First Secretary. The junior partner also gained one of the five deputy secretary posts.

Source: The country chapters in Hazell (2000), as well as ongoing monitoring of devolution in Scotland and Wales, available at: <http://www.ucl.ac.uk/constitution-unit/>

Nonetheless, significant practical and normative differences do exist between single party and coalition governments. The easiest way to highlight some of these practical variations is to follow the coalition government process, beginning with the formation of an administration, continuing with its operation and ending with its termination. Within each part of the process lie key sub-areas: the role of elections, negotiating a coalition, forging an agreement, managing relations between the parties and the rules covering the ending of a government. The following section examines each sub-area briefly, raising a set of issues or ‘pressure points’ that need to be considered as part of the transition from single party to coalition rule.



### *The role of elections*

Majoritarian electoral systems encourage two party electoral competition which in turn promotes single party governments. In such conditions, it is normally clear to voters prior to the election what their vote will mean for government formation. Voters can thus use their ballot to determine the government that gets formed after the election. By contrast, under proportional electoral conditions, party competition is more fragmented and it is less likely that a single party will gain an outright majority of seats. In these conditions, governments are often formed only after post-election haggling, with voters potentially having little sense of what their ballot will mean for government formation. As described in Chapter 1, this feature of proportional electoral systems is held by some to weaken the power of voters over government formation. The two key questions that need to be considered in such a multi-party context are (a) how can voters be given a clearer role in government formation, and (b) how can voters identify responsibility for government activities when coalitions involve two or more parties sharing power?

### *Formation and termination rules*

Under Westminster’s current arrangements, the rules covering the formation and termination of governments are rarely tested. After an election, one party tends to hold a majority of legislative seats, and can thus form a government. It remains in office until it no longer commands parliament’s support, which is usually dependent on election results not on shifting allegiances within the legislature. In between elections, a government can usually gain a dissolution of parliament since this is held to be the wish of the majority in parliament. But under multi-party conditions, the ambiguities in the rules become starker. In particular, in a situation when no one party has gained a majority of seats, which party should take the lead in forming a government? What level of parliamentary support must a party command to be installed as a government? And in what circumstances can a prime minister gain a dissolution of parliament? These questions suggest that, at the very least, the application of the existing constitutional rules needs to be clarified; or it may be that a new set of rules to cover multi-party conditions is required. These issues are dealt with in Chapter 2, which also

considers the function of external agents (notably the Head of State) in the formation process and the role of 'caretaker' governments, the administrations responsible for 'holding the fort' while a new government is being formed.

Underlying these specific questions are two more general issues. The first asks whether the parties be allowed a free rein when it comes to negotiating a new government or whether some constraints on their behaviour are necessary in order to generate more optimal outcomes? Constraints may serve to limit the bargaining power of some parties – particularly small ones – and prevent them from playing off other parties to extract the maximum possible advantage. Constraints, or rules, may also help prevent deadlock in the formation process. The second issue is whether new constitutional rules are needed to underpin the stability of coalition governments, since these tend to be less durable than single party majority administrations. In covering these issues, Chapter 2 examines how far constitutional rules that are appropriate in the context of single party governments remain so in the context of coalition administrations.

#### *Negotiating a government*

When governments are formed by single parties, no delay is necessary when one administration falls and another is formed. Thus, following government defeats at Westminster elections, the removal vans are usually parked at the prime minister's residence the day after the contest to remove the incumbent and install his/her successor. But in multi-party conditions, elections may not be 'decisive' and governments may only be formed following a process of inter-party bargaining. These negotiations, along with the formal written agreement to which they usually give rise, is the most obvious visible difference between single party and coalition administrations, and is dealt with in Chapter 3.

Compared to the almost instantaneous government formation process under single party conditions, the negotiations usually necessary for multi-party governments may take weeks or even months to complete. This raises the question of whether explicit or implicit time limits should be placed on the government formation process to prevent it dragging on and putting the 'caretaker' under undue strain. On the other hand, whereas individual parties may take months or even years to draw up detailed election manifestos, which then serve as the basis for decisions in government, proto-coalitions have only a relatively short period of time in which to decide what their programme for government will look like. Far from being too long, then, the coalition formation process may be a tight squeeze, raising the question of how the bargaining process should best be conducted and what resources the parties should be able to draw on.

#### *The coalition agreement*

Under single party conditions, the government programme of the victorious party is its election manifesto. Under multi-party conditions, the winning parties must compromise on their manifestos and pool their commitments in a common programme for government, which usually takes the form of an explicit agreement. To the extent that this agreement shapes the subsequent behaviour of the coalition, the question arises of what form it should take, and at what level of detail commitments should be made. Chapter 4 examines these issues.

### *Coalition management*

Government under single party conditions involves the constant coordination, negotiation and compromise between individual ministers and between party factions. It might be thought that coalitions, which involve an additional layer of interaction *between*, rather than just *within*, parties merely increase intra-governmental activity rather than changing its nature. But, in simplified terms, the two models differ since, under single party conditions all the main actors stand or fall together, while under coalition conditions either partner may benefit by breaking the agreement and going it alone. Coalitions thus tend to be less cohesive than single party governments, all things being equal. To overcome this problem, coalitions often establish elaborate mechanisms to ensure coordination and agreement between the partners. What models can be identified, and how effective are they? How far do they really allow coalitions to function as unified governments? How far is collective responsibility, the mainstay of cabinet government under single party conditions, maintained and how far do the realities of power sharing induce weaker collective obligations? The analysis of different coordination arrangements is undertaken in Chapter 5.

### *Other issues for consideration: Minority governments and sub-national coalitions*

Under multi-party conditions, parties will often secure majority status by forming coalitions with one another. But an alternative is for one or more parties to take office with only a minority of seats and to attract support from other parties in the legislature. I don't deal in this report with the principal analytical question this throws up, of why minority governments might be formed. Chapter 6 only deals with the more practical issue of what strategies are open to, and used by, minority governments to secure their legislative programme. In examining the tactics of minority governments, the chapter touches on how far different approaches underpin stability and what implications these have for government accountability.

It should be remembered that parts of the UK are not only experiencing coalition politics, but are also doing so in the context of a decentralised political system. This means that coalition formation and management must not only factor in considerations of party behaviour and constitutional rules, but also the role of other tiers of government and party structure. In Chapter 7, I examine the impact that devolution has on coalition dynamics.

A summary of the specific issues and more general thematic issues, or 'pressure points', associated with coalition government is set out in Table 1.

**Table 1: The transition to coalition government: Key questions**

Stage of the governmental process	Specific issue	General thematic question
<i>Election</i>	<p>How do voters know when casting the ballot which post-election coalition options are likely?</p> <p>How can voters identify policy responsibility when government involves two or more parties?</p>	<p>How can prospective and retrospective accountability be provided for under coalition conditions?</p>
<i>Formation and termination</i>	<p>By what rules governments form, hold and lose office?</p> <p>Under what rules should the negotiations be conducted?</p> <p>What role does the Head of State, or other external agent, play in government formation and termination?</p> <p>What status do caretaker governments have?</p>	<p>How can the constitutional rules be fair across the parties and also allow for an effective formation process?</p> <p>Should the parties be constrained in the way they are allowed to negotiate to form a government?</p> <p>Are additional safeguards needed to ensure the stability of coalition governments?</p>
<i>Negotiations</i>	<p>What are the key features of the negotiating process?</p> <p>Should there be time constraints on government negotiations?</p>	<p>What timescales and resources are needed for parties to conduct effective policy negotiations ?</p>
<i>Agreement</i>	<p>What level of detail is usual in coalition agreements?</p> <p>To what extent does the agreement shape the subsequent activities of a coalition?</p>	<p>What kind of agreement most effectively underpins stable and effective coalitions?</p>
<i>Coalition management</i>	<p>What balance should be struck between informal and formal coordination mechanisms?</p> <p>How far can portfolios be used as a tool of coalition management?</p> <p>Within the constraints of collective responsibility, what arrangements are made for party differentiation?</p> <p>What role does the junior partner play? What resources does it require?</p>	<p>How can two or more parties sharing office coordinate their business so that they operate as a unified government?</p> <p>How far is collective responsibility maintained under coalition conditions?</p>
<i>Minority government</i>	<p>What strategies do minority administrations use to gain support in the legislature?</p>	<p>Are minority governments prone to instability? How far is the identifiability of government maintained under minority conditions?</p>
<i>Sub-national coalitions</i>		<p>What opportunities and constraints exist when coalitions operate in a decentralised political system?</p>

Thus, in answer to the question of what difference power sharing administrations would make, this report builds on the observations of one British commentator, that coalition “cannot be understood unless it is recognised as a specific type of government with its own conventions and rules, all flowing from the fundamental principle of power sharing” (Bogdanor, 1983a: 263). Another has argued that “There is no change that would have more far reaching implications for [Britain’s] political system than for hung parliaments to become the norm” (Butler, 1986: 16-17). This report examines some of these implications.

It is one thing to suggest that the transition to coalition government raises major questions for a country’s constitutional and political system. It is another to argue that these issues cannot simply be accommodated by *ad hoc* changes to the existing system. Clearly, to some extent, they can; coalitions have been introduced in Scotland and Wales with relatively little contingency planning (certainly in the latter case) and, with the exception of some hiccups, the adaptation does not appear to have thrown up too many problems. But such benign outcomes are wholly dependent on the foresight, mutual trust and restraint of the major actors, notably civil servants and politicians. In circumstances where these conditions are absent, the outcome can be far less healthy. To take one recent example, in 1996 New Zealand changed its electoral system from single member plurality to a variant of the Additional Member system (‘Mixed Member Proportional’, or MMP, in New Zealand). The old system had tended to yield single party governments, while the new system was designed in part to produce power sharing between the parties. Yet, in spite of extensive preparation, the transition was not a success. The formation of the first coalition was a drawn out affair, and produced a result that few voters expected, leading to an unpopular government. The coalition also lacked internal cohesion and suffered from poor management and personality clashes. When the government fell, just twenty months after having been formed, it represented merely the final part in a catalogue of mistakes that eroded voters’ support for the electoral system and the country’s democratic process (Karp and Bowler, 2001). It would be unwise to assume that any transition to coalition government at the UK level would necessarily avoid similar teething problems.

It is thus important that policy makers new to coalition government reflect on, and prepare for, the different conditions that power sharing administrations bring with them. What sources of information might they draw on in undertaking these tasks?

## **Sources of policy learning**

### ***Learning from within: Coalition government in the UK***

I noted above that the UK has had fairly extensive experience of coalition government in the twentieth century. However, these examples date from at least fifty or so years ago and, while they highlight some of the ambiguities latent in our constitutional rules, provide little practical guidance for how coalitions might operate in more contemporary political conditions. More useful lessons can be gleaned from the last time that a minority administration had to systematically draw on the support of another party, the Lib-Lab pact of 1977-78. We can learn from this episode that the main collective forum, cabinet, was, indeed, downgraded as decisions were taken in small meetings of the party leaders. The ‘top down’ nature of the collaboration between the parties was one of its weak points, since important actors outside the elite group, notably the parliamentary parties, were not

committed to its success and subsequently brought it down (Steel, 1980: 156; Hennessy and Masani, 1992: 8). However, the Lib-Lab pact has so far been a one-off, limiting the extent to which we can draw general lessons for power sharing situations. And it should be remembered that the pact was an example of minority government, not coalition government proper, since the Liberals were never formally brought into government. The experience thus hints at various considerations that will need to be taken into account should Westminster move to coalition government, but it hardly provides a rich source of information.

Nor can we glean much from other tiers of government. True, around one third of Britain's local authorities are currently 'hung', with no one party holding a majority of seats (Leach and Game, 2000). As a result, local councils have good experience of power sharing arrangements and minority administrations. But these arrangements tend to fall short of formal coalitions, since they usually involve the partners sharing the rewards of office (committee chairs) but not a common policy programme with structured coordination mechanisms. Formal coalitions are far rarer than power sharing arrangements, although they may be getting more common (Temple, 1999). Moreover, until recently, local authorities had no provision for executive cabinets, and therefore any power sharing was organised on a decentralised basis – through the committee system – rather than through a single central executive body. The infrequency of formal coalitions at the local tier, plus local authorities' very different institutional set-up, suggest that this level of government has only limited relevance to the national and regional tiers.

### *Learning from overseas*

An alternative approach is to look further afield at overseas countries, where the incidence of coalition administrations at the national level is greater. One source of information is the voluminous secondary literature on coalition government. One of the major branches of research and writing within political science over the last few decades has concerned itself with multi-party bargaining in coalition situations. Yet much of this research is highly theoretical, being concerned primarily to explain how different forms of coalition are formed in the first place rather than how they operate in practice. Recently, a body of work has appeared that has more relevance for policy makers, focusing as it does on the way that institutional variables influence government formation (see Strøm, Budge and Laver, 1994). Comparative research also includes a greater empirical element, since the particularities of a country's constitutional and political system are now held to be an important part of explaining coalition behaviour. Notable in this respect is a recent edited collection of case studies from thirteen west European countries, which painstakingly records how coalitions form, operate and terminate (Müller and Strøm, 2000). This volume is an extremely useful source of information and data, as will be evident from its numerous citations in this report.

But short case studies can only convey a limited amount of information, and they are essentially descriptive rather than analytical. Sometimes, the data from case studies is brought together in a more comparative focus.<sup>1</sup> But these accounts often operate at a high level of generality, and rarely attempt to pass judgements on the coalition arrangements they describe. Their focus tends to be explanatory rather than evaluative. While explanation helps us understand what impact different variables have on political behaviour and outcomes, it is less good at addressing the relative merits of the different coalition models on offer.

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<sup>1</sup> The volume of country case studies just referred to is shortly to be followed by a more analytical volume (Strøm, Müller and Bergman, forthcoming).



It is perhaps not surprising that the academic literature rarely engages in evaluation, since there is little demand for lesson learning among west European countries, which tend to have long experience of coalition government. We have to look further afield for such demand. A good example is New Zealand which, in 1996, changed its electoral system to a proportional model (MMP), and engaged in serious preparation for the transition to multi-party government. Changes that were foreseen included the need for specific mechanisms to manage and coordinate coalitions, a reduction in the power of the prime minister as a result of having to share power with one or more parties, the need to ensure balanced representation on cabinet sub-committees and an increase in the time taken to make decisions due to the requirement for greater consultation between the coalition partners. On the administrative side, civil servants would be faced with longer periods of uncertainty as new governments were formed after elections, and with the need to accommodate inter-party politics in their departmental policy role (Boston et al, 1996: 116-51). The preparations undertaken to meet these challenges included systematic planning by teams of civil servants (James, 1997), overseas visits by officials and parliamentarians (Shroff, 1994; State Services Commission, 1995) and a wave of academic research.<sup>2</sup> As part of this academic endeavour, detailed analyses were made of coalition arrangements in various European countries, leading to evaluations of the different models and their applicability to New Zealand. The most comprehensive of these lesson drawing exercises (Boston, 1998) is a thorough yet accessible volume that will repay study in the UK's context. The references to this book in my report are an indication of my debt to its author and his research.

The existence of a body of research and information in New Zealand, while helpful for policy makers in the UK, may not fully exhaust their needs. For a start, much of the literature focuses on overcoming the instability New Zealand faced after the formation of its first post-MMP coalition government, a situation not necessarily applicable in the UK. Second, while New Zealand shares many political features with the UK, it also exhibits noticeable differences. The main distinction is its unitary status, a factor of its small territorial and population size. The UK is a far larger country, with a newly decentralised political system in which coalitions at the sub-national tier must interact with a powerful tier of government at Westminster. This is an important consideration for the new coalitions in Scotland, Wales and Northern Ireland, yet is a dimension wholly missing from New Zealand.

The existing secondary literature – in its theoretical, empirical and comparative guises – represents a good source of information for policy makers in the UK, but without providing either the detail or evaluation or specific political context that is arguably required. This report draws widely on this literature, but attempts to fill the gap by building in an original programme of research in four overseas countries.

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<sup>2</sup> These preparations paid off. In spite of the widespread concerns in New Zealand that MMP would induce substantial dislocation in the operation of government, the administrative system appears to have adjusted well to the change (contrast this with the behaviour of the politicians which, as noted above, seriously damaged the standing of the new electoral system and power sharing government). This is due in part to the adaptability of the country's officials, but also reflects the extensive preparations undertaken prior to the switch (Shroff, 1998). Undoubtedly, if these preparations had not taken place, the administrative system in New Zealand would have faced the difficulties in adapting to coalition politics that the political parties did. The systematic nature of the planning process and the openness to learn from more mature coalition models in other countries is a model of how policy makers should prepare for such a major institutional transition.

### *The country case studies*

The countries examined in this report are Germany, Denmark, Ireland and New Zealand. All are 'parliamentary' systems, in which executive authority is drawn from an elected legislature rather than being the subject of a separate vote. Moreover, in each, the executive holds office only with the support of the legislature, thus being distinct from systems (eg. Switzerland) in which the legislature cannot dismiss the executive. The study countries also share reasonably similar party systems to that in the UK, since they are broadly unidimensional (oriented around a single ideological structure) rather than multidimensional (with a more complex set of 'cleavages' structuring party competition) (Budge and Laver, 1992).

Table 2 shows the patterns of government in the four study countries over the last thirty years. It can quickly be seen that the experience of coalition government varies between country. Germany has a well developed system of coalition government; more than nine in ten governments formed during the twentieth century have involved two or more parties (Müller and Strøm, 2000: 2). Both Denmark and Ireland have relatively mature coalition systems, although coalition has only become the norm in Ireland since 1989, when the dominant party, Fianna Fail, ended its moratorium on sharing power. New Zealand has a more limited experience of coalition government, dating only from the mid-1990s. This range in the maturity of coalition administrations allows the research to explore both the short term implications of a shift to power sharing governments (New Zealand) as well as assessing the arrangements in systems which have had longer to adapt to coalition conditions (Germany, Denmark, Ireland).

**Table 2: Governments in the four study countries, 1970-2001**

<u>Denmark</u>			<u>Germany</u>		
<i>Year</i>	<i>Government</i>	<i>PM</i>	<i>Year</i>	<i>Government</i>	<i>PM</i>
	SD	SD		<b>SPD-FDP</b>	SPD
1973*	Lib	Lib	1972*	<b>SPD-FDP</b>	SDP
1975*	SD	SD	1976*	<b>SPD-FDP</b>	SPD
1977*	SD	SD	1980*	<b>SPD-FDP</b>	SPD
1978	SD-Lib	SD	1982	SDP	SPD
1979*	SD	SD		<b>CDU-CSU-FDP</b>	CDU
1981*	SD	SD	1983*	<b>CDU-CSU-FDP</b>	CDU
1982	Con-Lib-CD-CPP	Con	1987*	<b>CDU-CSU-FDP</b>	CDU
1984*	Con-Lib-CD-CPP	Con	1990	<b>CDU-CSU-FDP</b>	CDU
1987*	Con-Lib-CD-CPP	Con	1991*	<b>CDU-CSU-FDP</b>	CDU
1988*	Con-Lib-RL	Con	1994*	<b>CDU-CSU-FDP</b>	CDU
1990*	Con-Lib	Con	1998*	<b>SPD-Green</b>	SPD
1993	<b>SD-CD-RL-CPP</b>	SD			
1994*	SD-CD-RL	SD			
1996	SD-RL	SD			
1998*	SD-RL	SD			
2001*	Lib-Con	Lib			

CD	Centre Democrats
Con	Conservatives
CPP	Christian People's Party
Lib	Liberals
RL	Social Liberals
SD	Social Democrats

CDU	Christian Democratic Union
CSU	Christian Social Union
FDP	Free Democrats
SPD	Social Democrats

Ireland

<i>Year</i>	<i>Government</i>	<i>PM</i>
	<b>FF</b>	FF
1973*	<b>FG-Lab</b>	FG
1977*	<b>FF</b>	FF
1981*	FG-Lab	FG
1982*	FF	FF
	<b>FG-Lab</b>	FG
1987*	FF	FF
1989*	<b>FF-PD</b>	FF
1992	<b>FF-PD</b>	FF
1993*	<b>FF-Lab</b>	FF
1994	<b>FG-Lab-DL</b>	FG
1997*	FF-PD	FF

New Zealand

<i>Year</i>	<i>Government</i>	<i>PM</i>
	<b>Nat</b>	Nat
1972*	<b>Lab</b>	Lab
1975*	<b>Nat</b>	Nat
1978*	<b>Nat</b>	Nat
1981*	<b>Nat</b>	Nat
1984*	<b>Lab</b>	Lab
1987*	<b>Lab</b>	Lab
1990*	<b>Nat</b>	Nat
1993*	<b>Nat</b>	Nat
1994	<b>Nat-RoC</b>	Nat
1995	Nat	Nat
1996	Nat-Uni	Nat
*	<b>Nat-NZF</b>	Nat
1998	Nat-Ind	Nat
1999*	Lab-All	Lab

DL	Democratic Left
FF	Fianna Fáil
FG	Fine Gael
Lab	Labour
PD	Progressive Democrats

All	Alliance
Ind	Independent
Lab	Labour
Nat	National
NZF	New Zealand First
RoC	Right of Centre
Uni	United New Zealand

\* Government formed after an election  
**Bold** Majority status

The study countries were also selected for some specific features they exhibit and that are relevant for coalitions in the UK context. The first is the experience of minority administrations, where Denmark is clearly the European leader; in the forty years since 1945, almost nine out of every ten Danish governments held only a minority of seats in the legislature (Strøm, 1990: 58). While its fellow Scandinavian countries, Sweden and Norway, also have a high proportion of minority administrations, these are more likely to comprise a single party rather than coalitions which, in recent years at least, have been the norm in Denmark. The second feature of interest to this project is the degree of centralisation within the political system. Three of my study countries – Denmark, Ireland and New Zealand – are unitary systems. Arguably, though, the dynamics of coalition formation and operation are different in a decentralised system (see Chapter 7 for the arguments). For this reason, I have

analysed coalition government in Germany's federal system, drawing on practice both at the centre and at the state level.<sup>3</sup>

But while these factors help explain why my four study countries provide a useful source of policy learning for the UK, their political systems vary in important ways, such that any lesson learning needs to be undertaken cautiously. For a start, three of the countries are far smaller than the UK, although closer in population to Scotland and Wales. This is not a trivial point in the context of the operation of coalition government. As I describe more fully in Chapter 5, the management and coordination of coalitions depends to a high degree on close personal contacts and mutual trust. The smaller the polity, the greater the likely contact between ministers and between other important political actors, and the lesser the need to resort to formal coordination mechanisms.<sup>4</sup>

A second distinction relates to the countries' political institutions and culture. The UK's democratic system is an example of the 'Westminster' or 'majoritarian' model, key features of which include the concentration of power in single party cabinets, the domination of the executive over the legislature, a majoritarian voting system and a dominant two party pattern of electoral competition (Lijphart, 1999: 9-31). The UK shared these conditions with New Zealand until the latter's switch to a proportional electoral system in 1996. Ireland exhibits a less majoritarian political system and Germany even less so. Denmark, in contrast to the UK, has a political system often described as consensual; certainly political authority is far less concentrated in the cabinet, and more dispersed to the legislature, than in the UK (Lijphart, 1999: 248).

In important ways, the, the four study countries differ from one another and from the UK. But they also share sufficient features in common that comparisons can be made between them. This raises the question of how far the UK can learn from the practice of coalition government in different contexts. We must always be careful about seeking to transfer institutions or arrangements that work well elsewhere to our very different domestic conditions. In general, the closer the political systems and conditions between the host and study countries, the easier it is to engage in policy transfer. But the efficacy of lesson learning also depends on what is being examined. In this case, the success or failure of different coalition models depends to a large extent on relationships between the key political actors. Such 'soft' or informal norms and mechanisms are *sui generis* and not transferable between countries or, indeed, within countries over time. More amenable to cross-jurisdictional lesson learning are 'hard', or formal, mechanisms such as rules and institutions (Rose, 2000: 637-8). These tend to operate 'mechanically' or 'quasi-mechanically' in that they exert a strong influence over outcomes independently of other background variables. If a particular institution produces a specific outcome in one country, it is highly likely to do the same in another. The mechanical rules of most interest in this context are those covering the formation and termination of governments. For example, one of the features often held to contribute to the relative stability of government in Germany is the constitutional rule that the opposition parties can only pass a motion of no confidence in the government if they also nominate a

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<sup>3</sup> The state, or *Land*, chosen for study is Mecklenburg-Vorpommern. The rationale for this choice is explained at the start of Chapter 7.

<sup>4</sup> A measure of this point is the size of the ministerial pool in each country. Thus, among large countries, the UK government has around 60 cabinet ministers and ministers of state and Germany around 40 ministers. Not surprisingly, smaller countries have more restricted ministerial pools: Ireland has 32 ministers, New Zealand has 23 ministers, Scotland has 22 ministers, Denmark has 21 ministers and Wales has 14 ministers.

successor at the same time. This 'constructive no confidence' provision has subsequently been extended to Spain and Belgium, and has recently been recommended for adoption by Ireland, as a means of avoiding parliamentary deadlock (Constitution Review Group, 1996).

Given this caveat about drawing lessons from overseas, what does this report aim to do? In part, it aims to extend the level of awareness among policy makers in the UK of the methods by which coalitions in other countries are formed, operate and terminate. There are a wide range of ways in which coalition governments are structured, and this report adopts a *descriptive* approach to highlight some of these. The greater the knowledge among domestic policy makers of coalition models in other jurisdictions, the wider their range of options in designing institutions for a UK setting. But the report goes beyond description to *evaluate* coalition arrangements, by comparing these arrangements in the different study countries. Given the caveat above about policy transfer, my judgements are limited to formal mechanisms – such as the constitutional rules for government formation or the arrangements adopted to ensure coalition business is coordinated – which are more amenable to cross-national lesson learning. Where evaluations are undertaken in the following chapters, it will be made clear on what criteria judgements are being made. In the main, the criteria relate to factors such as government stability, avoidance of deadlock or undue delay in the formation process, fairness between parties and ensuring a reasonable balance between the executive and legislature.<sup>5</sup>

Finally, a note about the sources on which I have drawn. My main sources are a series of seventy interviews I conducted with politicians, civil servants, political advisers, academics and other commentators in each of my study countries. The list of people interviewed is set out in Annex 1. To supplement these first hand accounts, I have also drawn on a variety of primary and secondary sources, ranging from individual coalition agreements, to country case studies, through to comparative cross-national research. The secondary literature on coalition government has been used to provide information and data that may help policy makers clarify the effect of different constitutional rules, and thus help them identify which set of rules might be appropriate in any given setting. A full bibliography is also provided at the end of this report.

This report addresses two main audiences. The first are those involved in the coalitions up and running in Scotland, Wales and, to a lesser extent, Northern Ireland.<sup>6</sup> The second are those who would be involved in the preparation for, and running of, any coalition administrations at Westminster.<sup>7</sup> This report thus tries to ride two horses more or less at the

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<sup>5</sup> The last is the most difficult to operationalise. The balance I have tried to strike in making judgements is to avoid giving greater power to the executive (since, at Westminster at least, the executive already enjoys a dominant position over the legislature) while retaining some of its powers to act and break deadlocks. Thus, I suggest in Chapter 2 that the incumbent prime minister be stripped of the automatic right to a dissolution of parliament, but be able to obtain one in situations where parliament is merely obstructing his/her government's legislation programme without granting a dissolution.

<sup>6</sup> The government of Northern Ireland is *sui generis*, in being a forced, rather than voluntary, coalition. The formation rules stipulate that cross-community agreement is needed for the appointment of the First Minister and Deputy First Minister. But these figures do not control the allocation of portfolios, as is usually the case; rather, ministries are allocated by the d'Hondt formula, again reflecting the dictates of cross-community representation (Ward, 2000: 122-4). Given the peculiarities of the Northern Ireland coalition, this report focuses its attention on the coalitions in Scotland and Wales.

<sup>7</sup> As noted above, the chances of regular coalition government at Westminster depend on reform of the electoral system, which currently appears a slim prospect.

same time. On the one hand, government formation and termination in the devolved areas is already covered by a detailed set of constitutional rules. The report briefly examines the rules in Scotland and Wales, not in the belief that – if found to be ineffective or inadequate – they could be wholly rewritten, rather that minor amendments or additions may be possible. Nonetheless, the existence of a detailed constitutional framework in Scotland and Wales means that policy makers there may find more of value in my discussion of ‘softer’ issues, such as how coalition governments operate in practice, and the dynamics of sub-national coalitions. When it comes Westminster on the other hand, there is clearly little point in discussing in detail how a potential coalition regime might operate; rather, it is far better to think through what set of constitutional rules might be appropriate should we move to a multi-party situation for the House of Commons.

## CHAPTER 1: Coalition Governments and Elections

A frequent criticism of proportional electoral systems is that they change the relationship between voters and governments, weakening accountability and responsiveness in the following ways:

- If governments are only formed after elections on the basis of horse-trading between the parties, voters may have little way of knowing before the election how their vote will translate into government outcomes.
- Multi-party governments, where responsibility for decisions is shared between two or more parties, may make it difficult for voters to attribute responsibility for policy outcomes.
- Parties that perform poorly at elections may get a 'second bite at the cherry', by negotiating successfully to enter government. Moreover, small parties tend to gain government rewards out of proportion to their electoral performance.

The primary focus of this section is on the relationship between voters, parties and governments. The questions raised are the subject of a very broad and detailed scientific literature. In this section, I do no more than summarise some of the main points from this literature, to suggest what evidence is available in thinking through some of the points just laid out.

### The decisiveness of elections

One of the main fears of those opposed to proportional electoral systems is the belief that they weaken the link between votes cast at elections and the formation of governments (Norton, 1997: 85-6). In majoritarian systems, such as that used for the House of Commons, the voter can be pretty sure how his/her vote will translate after the election. Thus, if they vote Labour and Labour wins the largest share of seats, it will be in the position to form a government by itself, and to implement those policies it promised in its manifesto. Crudely, this is the idea of the government 'mandate' or 'prospective accountability', the link between voters' preferences and the activities of governments (Budge, 1998: 6). One caveat to this view is that Westminster governments rarely command more than half the votes cast; in fact no government since 1935 has obtained a majority of votes at a UK general election. The riposte by proponents of proportional representation is that, by combining two or more parties in coalition, it is more likely that governments will command majority support.<sup>8</sup>

The electoral control of voters, via the conferment of a mandate, exists under the following conditions:

"First, the voter needs to be able to identify the prospective future governors and have some idea of what they will do if elected. Second, the outcome of the election should bring into office a coherent government committed to policies that correspond to the voters' anticipations and capable of carrying them out" (Powell, 2000: 71).

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<sup>8</sup> In technical parlance, the 'median' voter. Note, however, that the Labour-Liberal Democrat coalition in Scotland only commands a plurality of the vote (46% of the regional list vote combined across the parties), as does its counterpart in Wales (48% of the regional list vote).

Under majoritarian arrangements, so the argument goes, voters (a) know what they are voting for and can thus use their vote to register their desired outcome; because (b) elections are 'controlling' in allocating to the party with the largest share of seats a legislative majority (Budge, 1998: 6).<sup>9</sup> The question I want to explore is the first part of the argument namely, under multi-party conditions, how do voters know what they are voting for; how can governments be 'prospectively' accountable? (The second part of the argument, is a question about how decisive electoral success is for the formation of government, and is dealt with below; pages 30-1)

In multi-party systems, the link between electoral preferences and government composition is surely weaker than under majoritarian conditions, since governments are usually only formed via a process of post-election bargaining by the parties, over which voters have little control. In fact, bargaining after the election can be shaped by voters' actions under two conditions (Budge, 1998: 7). First, when the party system 'cleaves' into two distinct blocs, usually of the right and left, and when governments adhere to these blocs (avoiding cross-bloc governments containing parties of both the left and right).<sup>10</sup> The second condition is when parties make clear to voters prior to the election the likely configuration of post-election governments (Powell, 2000: 71-2). This is usually done through pre-electoral alliances, and it is these arrangements that I explore here.

### *Pre-election alliances*

What indications regarding government formation are offered by parties prior to the election? We might distinguish three pre-election scenarios:

- a. A *formal agreement* between two or more parties, including a common policy programme.
- b. An *indication* from the parties on which other party(ies) they would prefer to form a government with. Such indications may be intended to facilitate inter-party vote transfers that align with the party leaders' government preferences. (A subset of this category would be an indication of which partners a party would not form a coalition with after an election; signals can thus be negative as well as positive.)
- c. *No pre-election signals* on government preferences.

The parties will have to weigh up various trade-offs in deciding which course to take. While a formal agreement or strong indication of preferred coalition partner(s) aids accountability and also minimises the complexity of the post-election bargaining environment, they also limit the parties' flexibility in the negotiating arena. Prior to the 1992 general election in Ireland, the

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<sup>9</sup> A further link in the chain between votes cast and actions taken is that parties in governments can, indeed, introduce what they promise at elections. Critics of multi-party government contend that the requirement for coalitions means that party promises are watered down in practice. However, comparative analysis suggests that the relationship between election promises and government programmes depends in part on the nature of the party system. The relationship is found to be strongest in countries (eg. Norway) where governments tend to alternate between competing ideological blocs, and weaker in countries (eg. Germany) where a middle party 'softens' the impact of competition between opposing blocs (Budge and Laver, 1992: 421-3).

<sup>10</sup> Conversely, prospective accountability is more difficult to achieve in countries with party systems that are fragmented and not orientated around clear left or right poles. Denmark is a good case of this; it has a fragmented party system with several parties occupying the centre ground. These parties are highly 'coalitional', in the sense that they can, and do, form governments with larger parties on both the right and left. It is thus often difficult for voters to know precisely what coalition(s) is likely after an election, given the high number of realistic permutations.



Labour party was asked by Fine Gael to form a pre-election alliance with the Progressive Democrats. But this was rejected by the Labour leader, Dick Spring, since he – rightly as it turned out – expected Labour to perform well at the election, which would boost its bargaining power afterwards (Girvan, 1992). The desire to maximise post-election bargaining capacity by limiting pre-election commitments may be a particularly acute concern for small parties located in the centre of the political spectrum, who can often play a ‘pivotal’ role in government formation.<sup>11</sup> At the first PR election in New Zealand in 1996, the pivotal centre party, New Zealand First, refused to state whether it would support National or Labour in the event of holding the balance of power (Miller, 1998: 121-3). However, by virtue of the fact that the centre parties can incline both ways and are often pivotal, they are frequently placed under pressure to indicate their government preferences. The FDP in Germany falls into this position and has generally obliged, although its presence in government virtually continually between 1969 and 1998 has facilitated this strategy (parties in government being more likely than those in opposition to indicate pre-election preferences, since they usually campaign for a continuation of the government).

Another way of putting this conundrum is that, under multi-party conditions, parties tend to seek votes at elections by distinguishing themselves from one another, yet after the election, they seek office by minimising their differences. By contrast, in two party systems where no accommodation is usually necessary to gain office, a successful electoral strategy is compatible with a strategy for office (Narud, 1996).

Substantive pre-election policy agreements are virtually unknown in western Europe. Thus, the 1997 election was the first time in Ireland, for example, that allying parties – in this case, Fine Gael, Labour and the Democratic Left – agreed a common policy programme as part of their pre-election alliance.<sup>12</sup> More common is for parties to indicate their coalition preferences without specifying a programme for government. These alliances are frequent in Germany; in eight of the eleven elections between 1945 and 1990, at least some of the parties concluded pre-election alliances (Klingemann and Volkens, 1992). Parties in Ireland have also formed such alliances, sometimes explicitly (1973, 1977 and 1989) and sometimes implicitly (1981 and 1982) (Strøm, Budge and Laver, 1994: 316). Prior to 1989, these alliances were primarily a device by the other parties to challenge the dominance of Fianna Fail, which remained opposed to participation in coalitions (Laver and Higgins, 1986). In similar vein, pre-election preferences are sometimes indicated by parties in Denmark, Norway and Sweden to cement relations between bourgeois parties against strong social democratic parties (Narud, 1996a: 486). In Denmark, an indication of coalition preferences is usually limited to the parties in government who, as in 1998, campaign for a re-election of that administration. The most recent election, in November 2001, involved a dual electoral alliance, pitting the incumbent Social Democrat-Social Liberal coalition against the four bourgeois parties: the Liberals, Conservatives, Centre Democrats and Christian People’s Party.

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<sup>11</sup> Parties at the centre of the political spectrum are also more likely to have a support base with a diverse range of views, from those inclined to the left to those inclined to the right. Any pre-election indication from the party hierarchy that leans the party towards one of these poles risks alienating supporters who incline the other way.

<sup>12</sup> This election was also the first in which all the major parties competed as part of one of two alliances. Thus, the Fine Gael-Labour-Democratic Left alliance was matched by the Fianna Fail-Progressive Democrat governing alliance; in a multi-party situation under these circumstances, voter information and control is as high as under a two party majoritarian system as with Westminster elections.

But parties do not necessarily indicate their coalition preferences in order to maximise voters' information. In fact, in two of my study countries where the parties often forge pre-election alliances – Denmark and Ireland – commentators suggested to me that there was little voter pressure for them to do so. Instead, parties in countries that operate preferential (eg. Ireland) or two vote (eg. Germany, New Zealand) ballots often indicate allegiances to maximise their own electoral strength, rather than to indicate their post-election government preferences. Such strategies minimise mutually destructive competition for votes as well as helping small parties that may otherwise struggle to cross explicit or implicit voting thresholds. New Zealand's second election under proportional conditions is instructive in this regard. Whereas the first election in 1996 had been marked by little inter-party cooperation prior to the poll, by 1999 the parties realised the electoral advantages to be had by cooperation. As a result, the left of centre parties, Labour and the Alliance, cooperated with each other on electoral strategy and policy programmes while campaigning separately (Boston and Church, 2000: 232-7). In Scotland prior to the first devolution election in 1999, and despite the close working arrangements between Labour and the Liberal Democrats in planning the Scottish Parliament, the parties issued no indications as to their coalition preferences, apart from negative messages from the Liberal Democrats and the Conservatives about going into coalition with the separatist Scottish National party.<sup>13</sup> Just as New Zealand's parties changed their strategies for the second election under proportional conditions in 1999, so we might expect the parties in Scotland and, perhaps, Wales to do likewise.

Parties may use pre-election indications to send not only positive signals, but also negative ones. Such behaviour tends to occur in one of two situations. The first is when a centre party occupying a likely pivotal role clarifies its position but without boxing itself in. Thus a centre party might rule out a particular government option, without necessarily ruling anything in at the same time. This was how New Zealand First behaved in 1996 (and again in 1999); seeming to rule out a coalition with National, while at the same time refusing to indicate with whom it would go into government. The second situation is when a party on one ideological wing of the spectrum wishes to reassure voters that it will not enter a coalition with another party on the more extreme end of that wing. Thus, prior to Germany's last federal election in 1998, the SPD, keen to attract voters from the centre, ruled out a coalition with the former East German communist party, the PDS.

Commentators have argued that British parties occupying the centre of the political spectrum – and thus likely to be pivotal in any post election bargaining – should make clear prior to the election its coalition preference to aid the decisiveness of the contest (Birch, 1984: 100).<sup>14</sup> Such a strategy also seems to be popular among voters. The only available survey question that seeks the views of British voters living under proportional electoral conditions was asked as part of the Scottish Parliament/Welsh Assembly election studies. Immediately after the first devolution elections in May 1999, Scottish and Welsh voters were asked for their reactions to the statement that “All parties should have told us before polling day who they would prefer

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<sup>13</sup> The Liberal Democrats' formal pre-election position was that they would hold talks with whichever party held the most seats after the election (Finnie and McLeish, 1999: 51).

<sup>14</sup> This was a difficult proposition in the mid-1980s, when the centre party, the SDP-Liberal Alliance, was strongly critical of both Labour and the Conservatives. The current situation, however, is clearer for voters, since the third party, the Liberal Democrats, is far closer to Labour than the Conservatives; indeed, on one measure, to the left of Labour (Budge, 1999; Bara and Budge, 2001). But should the Liberal Democrats move back to the middle of the ideological spectrum, the need for clearer signals prior to elections would re-emerge.

to work with in a coalition government". In Scotland, a majority (53%) agreed with the statement, while in Wales, a plurality (41%) did so, with less than one in five disagreeing (Curtice et al: 2000: 26-7).

The importance of pre-election alliances depends somewhat on what voters believe the purpose of elections to be. If, on the one hand, they believe the role of elections is to choose a government, then information on parties' government preferences will be important. If, on the other hand, voters are happy to let the parties sort out the shape of the government through post-election bargaining, then there will be less demand for the parties to commit themselves prior to the ballot. One commentator on Irish politics argues that the increasing use of pre-election agreements in that country arises from a recognition by the parties and by voters of the likely permanence of coalition arrangements, allied with a belief that the role of elections is to decide the composition of the government, not just that of the parliament. This concern may set Ireland apart from many west European countries, in which elections are seen to be decisive only for the composition of the parliament, not directly for the executive (Coakley, 1987: 167-8). The majoritarian political tradition in Britain may – in similar fashion to Ireland – incline voters to expect that elections will continue to provide a link between ballot preferences and the formation of executives, even if we move to a proportional electoral system. We have some evidence of this in Scotland and Wales, from the same survey as mentioned above. Table 3 shows that, in response to a question seeking views on the purpose of elections (note that the election in question is not specified), one in two voters in Wales, and two out of five in Scotland, prefer to see elections as decisive for government formation, thus retaining the dominant role of the voters. The parties' pre-election behaviour might be wise to reflect this.

**Table 3: Views on the purpose of elections, Scotland and Wales**

	<i>Scotland</i>	<i>Wales</i>
“Which of these statements comes closest to your views?”		
It is more important that elections should produce a clear winner so that it is voters who decide who forms the government	41%	51%
It is more important that elections should produce a fair result even if this means it is not clear who should form the government	43%	36%
Can't choose	14%	11%
Base	1141	429

Source: Scottish Parliament Election Study 1999, Welsh Assembly Election Study, 1999 (Curtice et al, 2000).

But parties may only provide voters with information about post-election possibilities if voters are ready to use that information. This raises the question of how far, under preferential electoral systems, voters respond to party signals on coalition preferences either by following these cues or by indicating an alternative preference? There is a large literature

on preferential voting behaviour which I cannot cover here. However, some evidence casts doubt on the extent to which voters use their ballot to signal which parties they would prefer to see in government.<sup>15</sup>

In Ireland in the post war period, levels of vote transfers between Fine Gael and Labour have increased noticeably at elections in which the parties have formed alliances. In other words, voters appear to respond to their party leaders' cues and, in turn, appear to send signals approving the leaders' actions (Sinnott, 1995: 214-6). However, it may be that such transfer patterns represent less an affinity on the part of Fine Gael and Labour voters for the other, and more a desire to boost their own party against the dominant player, Fianna Fail (Laver, 2000). In New Zealand at the first proportional election in 1996, only one third of people reported being motivated to vote in the way they did by the need to find a coalition partner, although this aim was more prevalent among minor party supporters (Miller, 1998: 126-7).<sup>16</sup> Voters may also take little heed of the party leaders' coalition preferences. True, levels of coalitional voting in Germany – that is, 'splitting one's ticket' in a way congruent with the parties' announced coalition preferences – tends to increase when the parties issue clear signals prior to elections. But even though most elections are preceded by such signals, only around half of split-ticket voters respond by supporting the signalled coalition options with their first and second votes (Schoen, 1999). In Scotland at the 1999 devolution election, research has shown limited use by voters of their two votes to signal coalition preferences. Thus, among voters who supported a Labour-Liberal Democrat coalition and who voted for one of these parties on their first vote, more (14%) proceeded to vote for a different party on their second vote than voted for the other coalition partner (10%) (Curtice and Steed, 2000).

But even if voters do not use the electoral system to influence coalition outcomes, the parties need to take heed of the preferences that are manifested. The most recent cautionary tale is that of New Zealand's 1996 election where, having indicated to voters that it would oust National from government, New Zealand First then joined it in coalition after the election. In doing so, New Zealand First not only alienated supporters of other potential coalition partners, such as Labour and the Alliance, but also its own supporters and those of National, neither of whom wanted their party to strike a deal with the other. New Zealand's first coalition government was emphatically not "the people's choice" (Miller, 1998) and New Zealand First paid a high electoral price for failing to heed its supporters' preferences. Similarly, the Labour party in Ireland attracted the opprobrium of its supporters after the 1992 election when, having criticised the Fianna Fail-Progressive Democrat coalition and thus suggested it would only form an alternative administration, it finally went into government with Fianna Fail (Mair, 1999: 146-7).

### **Electoral identifiability**

The discussion above showed that prospective accountability (ie. voters' control over electoral outcomes) need not be weakened in multi-party conditions if parties make clear their post-election intentions before polling day. But if voters wish to express a judgement on the performance of the incumbent government ('retrospective accountability'), how is this to be

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<sup>15</sup> There is no reason why we should expect them to behave in such a way. Electoral behaviour is based on many factors (eg. boosting the strength of one's own party or responding to a particular candidate or set of local conditions) other than having an eye on a future government.

<sup>16</sup> Note that this low figure may be partly due to the parties' own lack of pre-election commitments to one another. If the parties do not play the coalition game before the election, there may be no reason to expect voters to do so when it comes to the ballot.

done bearing in mind the difficulty in identifying responsibility for government decisions if power is shared between parties? In situations when two or more parties share power in government, such retrospective judgements become harder to make than when a single party controls all the ministries (Narud, 1996a: 480).

There is no simple answer to this question. However, voters faced with coalition governments may be helped in two ways. The first is only a long run solution, and therefore of little help for voters in Scotland and Wales, both of which are new to power sharing arrangements. In deciding which portfolios are allocated to which coalition party, there is a clear trend for parties to select those ministries that correspond to their core policy concerns. Accordingly, socialist parties will tend to opt for ministries in charge of welfare issues, with bourgeois or conservative parties preferring the interior and defence portfolios (Budge and Keman, 1990). Thus, in Germany, between 1969 and 1998 and irrespective of the composition of the coalition, the foreign ministry remained in the control of the junior partner, the Free Democrats. In other words, over time, voters will learn which parties are responsible for which portfolios, and will thus be in a better position to assign responsibility for policy outputs.

In the short term, it may still be possible for coalition parties to convey reasonably clear lines of responsibility for decisions. This can be achieved either if parties take sole control of particular ministries, or if they identify particular decisions as being 'theirs' rather than the product of collective government. Thus, for much of the period in which the Free Democrats controlled Germany's foreign ministry, they did so alone, which aided identification of responsibility for voters. The waters were, however, muddied when the FDP's stewardship of the foreign ministry had to be shared with the senior coalition partner (either the SPD or CDU/CSU) who held a junior portfolio in the ministry (Saalfeld, 2000: 67). (I examine such 'divided' or 'pooled' patterns of portfolio allocation in more detail in Chapter 5.) Parties can also send signals to voters by 'badging' decisions, so that they are identified with a particular set of outputs; this aspect of coalition management is also examined in more detail in Chapter 5. I should point out here, though, that such behaviour is often more closely linked to a desire to maintain electoral support for the junior coalition partner than to aid the accountability of government per se. However, the prominence that the Liberal Democrats in Scotland have given to the government's freedom of information regime, achieved by virtue of their minister holding the Justice portfolio, indicates the way in which voters can be helped to assign responsibility under coalition conditions.

A final issue that can be touched on in this section is the importance that voters place on electoral identifiability. We have one piece of evidence from Scotland which suggests that, while this capacity is of some importance for voters, it is not necessarily a priority. As part of the Scottish Parliament Election Survey in 1999, voters were asked whether they believed it "better to have two or more parties in government so that more people's views are represented", or "better to have just one party in government so that it is very clear who should be blamed if things go wrong". More than half the sample (55%) backed the coalition option, with one third (33%) preferring identifiability through single party rule (Curtice et al, 2000). While the survey question is designed principally to get at views on the relative merits of coalition and single party government, and while the survey was conducted right at the beginning of the Scottish coalition's time in office, the answers suggest that clarity of party responsibility might not be an overriding concern of voters in multi-party situations.

## Electoral responsiveness

Further down the chain, the question arises of how far electoral performance shapes government formation. Do parties that have been punished at elections manage to stay in office? Do parties that have won only minor shares of the vote gain undue reward in terms of office? The first question concerns the responsiveness of elections, the second the proportionality of the rewards. If governments are formed through a process of post-election inter-party bargaining with little reference back to the election results, then executives cease to be responsive to the preferences of their citizens.

It is perfectly possible for parties that have won minor shares of the vote to gain a place in government. For example, the FDP has participated in two thirds of post-war German governments, yet has never polled more than 13% of the vote. But while small parties may participate in government, they tend only to command limited resources. The allocation of ministries across countries tends to reflect party strength, so that portfolios are distributed broadly in line with the proportion of seats each partner contributes to the coalition. The only exception to this is the slight bonus that small parties are often given; but this rarely adds up to anything more than a single additional post (Laver and Schofield, 1990: 171-3).

When it comes to forming, and participating in, a coalition, comparative analysis suggests that electoral success is an important factor in determining which party(ies) becomes the *formateur* (lead party in the formation process) and ends up in the coalition (Warwick, 1996). But electoral responsiveness varies between countries. Analysis of the Netherlands and Norway shows that, while responsiveness in the former is very low (ie. there is very little relationship between how well parties fare at elections and their chances of getting into government), it is higher in the latter, mainly due to the organisation of the parties into two opposing blocs (Narud, 1996a: 492-3). A larger dataset reveals considerable variation between countries, with the highest score attached to the UK on account of its majoritarian electoral system (Strøm, 1990: 75).<sup>17</sup>

One way of analysing the responsiveness of elections is to examine whether the largest party (measured here in terms of vote share) gets to form a government. Across a basket of west European countries, I have found that they generally do.<sup>18</sup> The exceptions are Denmark and Sweden (where the Social Democrats have sometimes been the largest party but have been outnumbered by coalitions among the 'bourgeois' parties) and Ireland and Norway (where Fianna Fail and Labour, respectively, have often refused to enter coalition).

An alternative measure is to examine whether parties that have lost ground at elections have still managed to gain a place in the resulting governments. I have examined election results for nine west European countries<sup>19</sup> in the post-war period, to see how far coalition formation is either mildly unresponsive to elections (defined as a party entering a government when its vote share – although not necessarily seat share – has slipped slightly from the previous election), or more egregiously unresponsive (defined as a party entering a government when it has suffered a 6% or more drop in vote share from the previous election). It is frequently the case that parties lose vote share at an election yet make it into government. The countries

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<sup>17</sup> Note, however, that the UK scores a less than perfect 0.94 on a scale of 0-1, since there have been occasions (eg. Feb/Oct 1974) when a party without a plurality of the vote has formed a government.

<sup>18</sup> The countries I examined are: Austria, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Portugal and Sweden

<sup>19</sup> As per the above, minus France and Portugal.

with the lowest incidence of such unresponsive outcomes are Germany and Ireland, in both of which only four out of the twelve elections I measured led to an election 'loser' making it into government. Electoral responsiveness is far lower in the other seven countries. In other words, it is quite common for elections in coalition situations to be at least partially unresponsive (the potential reasons including party system fragmentation or the dominance of one or two parties that almost always make it into government irrespective of their electoral performance). But it is far rarer for parties that have performed very poorly at elections (those suffering a 6% or more fall in vote share) to make it into government; only in Austria, Norway and Sweden has this happened during the post war period, and even here only on one or two occasions in each. Coalition government, then, might do harm to the principle of electoral responsiveness, but not egregious harm.

Generally, it appears that government formation under majoritarian electoral conditions is more responsive to election results than under proportional conditions, but that the difference is one of degree not kind (Powell, 2000: 47-50, 122-156). The crucial determinants of electoral responsiveness appear to be (a) the extent to which parties in multi-party situations form pre-election alliances and thus compete as opposing blocs, with the electoral success of one of the blocs following through into its control of government; and (b) the degree of party system fragmentation, with highly fragmented systems less likely to deliver a majority of seats to one party or an alliance of parties (Budge, 1998: 7-8). This brings us back to the discussion at the outset of this section. Alliances are certainly a device by which the parties themselves can affect the role of elections under multi-party conditions. The other dominant factor appears to be the nature of the party system and patterns of party competition, which are not amenable to such instant solutions.

### **When are coalitions formed?**

The discussion thus far has examined the role of elections in government formation. A final issue for consideration is how far governments are, indeed, formed following an election? For single party governments, elections are the main cause of government termination/formation. Across nineteen countries between 1950-83, two thirds of all terminations of single party majority administrations were triggered by elections. However, when it comes to coalitions and minority administrations, elections account for a lower proportion of government terminations, just over one third in the case of ('minimal winning') coalitions for example, across the same period (Budge and Keman, 1990: 167).

Two questions arise from this brief analysis. First, are coalitions in all countries prone to replacement in between elections (ie. without the direct support of the electorate)? Second, in multi-party conditions, how far does a withdrawal of support by parliament commit a government to call elections and hand over responsibility to voters, or does it provide the parties with the opportunity for further bargaining between themselves to form a new government?

In relation to the first question, we need to distinguish between coalitions that change by simply gaining or losing a member and coalitions that change in a more substantive manner by passing from the control of one partisan bloc (left, right or centre) to another.<sup>20</sup> One

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<sup>20</sup> Such 'substantive' shifts may not involve wholesale replacement of the coalition members. Thus, I count as a substantive shift the transition in Germany in 1982 between the SPD-FDP and CDU/CSU-FDP coalitions, and in Ireland in 1994 between the Fianna Fail-Labour and Fine Gael-Labour-Democratic Left coalitions. Both these shifts, neither of which occurred as a result of elections, switched

comparative analyst has suggested that, while coalitions may be replaced in between elections in Belgium, Denmark and Finland, there is a presumption in favour of seeking an electoral mandate in the Netherlands and Sweden (Bogdanor, 1983a: 274-5). In fact there have been three non-electoral substantive shifts of government in Denmark in the post-war period: 1950, 1982 and 1993. Other country case studies suggest an 'electoral rule' (whereby any substantive shifts in coalition membership must receive the mandate of the voters) is very strong in Austria and the Netherlands, fairly strong in Germany and Ireland, and not strong in Belgium and Norway, where there have been several coalition shifts since 1945 without recourse to elections (Müller and Strøm, 2000a: 574). This convention is also claimed to have applied to Sweden since the late 1970s (Boston, 1998: 106-7), although in 1990, the resignation of a Social Democrat administration did not lead to elections, but to a request from the Speaker of the Riksdag to the Conservative Party opposition to try and form an alternative government, an attempt which ultimately failed (Bergman, 2000: 203).

There has only been one coalition 'shift' in Germany, in 1982 when the Free Democrats left their SPD partner for the CDU/CSU. However, concern that this move might be thought illegitimate prompted the new Chancellor, Helmut Kohl, to call for fresh elections – via an engineered vote of confidence – six months later. Ireland has also only seen one substantive change of coalition without an election, in 1994, when Labour ended its coalition with Fianna Fail to join with Fine Gael and the Democratic Left. Evidently, this shift caused fewer problems, since no election to legitimate the new government was held for another two and a half years.

On the issue of what follows a successful no confidence vote, one comparative study suggests that such votes always lead to fresh elections in Ireland and usually do in Sweden.<sup>21</sup> In Italy and Denmark, successful no confidence votes are often followed by inter-party bargaining and the formation of a new government without an intervening election (Laver and Shepsle, 1996: 45-6). To this list, might be added Belgium and Norway, in both of which successful no confidence votes are often followed by inter-party bargaining rather than fresh elections (see the case studies in Müller and Strøm, 2000).

This brief discussion suggests the typology set out in Table 4, which grades selected west European countries by the degree to which elections are decisive for coalition formation (ie. the extent to which any new coalition is the product of voters' actions, and not those of the parties in parliament).

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governments from one ideological bloc to another, even though the membership of one party remained constant between the coalitions.

<sup>21</sup> In 1970, the constitutional rules governing the criteria for successful no confidence votes were changed, so that an absolute majority of all members is now required for the motion to pass. Since this reform, Sweden has experienced no successful no confidence motions.



**Table 4: The role of elections in government formation in selected west European democracies**

		Are governments usually changed by elections, or also by 'shifting' coalitions?	
		<i>Shifting coalitions</i>	<i>Elections</i>
Does the parliamentary overthrow of a government produce bargaining or elections?	<i>Bargaining</i>	A Belgium Denmark Norway	B Germany*
	<i>Elections</i>	C	D Ireland Sweden

A = Low electoral decisiveness  
 B/C = Medium electoral decisiveness  
 D = High electoral decisiveness

\* The constructive no confidence provision means the automatic replacement of one government by another following a parliamentary vote. I have placed Germany in the 'Elections' column since 'shifting' coalitions are seen by many to be illegitimate (hence Chancellor Kohl's swift resort to elections following the shift in 1982 that brought him to power).

## Conclusion

I have reviewed some of the arguments about the role of elections under multi-party conditions, and some of the research which throws light on these points. Overall, the extent to which elections are decisive for government formation depends to a large degree on the nature of the party system. Party systems which are relatively cohesive and organised into opposing ideological blocs tend to produce more decisive elections than systems which are fragmented and not organised into distinguishable blocs. But the parties themselves can shape the decisiveness of elections, by indicating prior to the ballot their coalition preferences. While parties only rarely form substantive policy coalitions prior to elections, they often provide indications of their preferred coalition partner(s) and/or rule out other potential partners. Although such behaviour is sometimes aimed more at boosting post-election bargaining power rather than aiding accountability, it can often serve the latter function. There is some indication of popular support in Scotland and Wales for parties to indicate their preferred alliances prior to the ballot, and we might expect to see the parties respond in subsequent devolution elections.

Voters may find it more difficult to identify responsibility for policy actions if governments comprise two or more parties sharing power. Even here, however, voters may be helped, in the long run by becoming accustomed to the ministries usually controlled by a particular party, and in the short run if individual coalition partners identify themselves with particular policy outputs. Overall, elections can retain their decisiveness for government formation under coalition conditions, although this requires parties steeped in majoritarian conditions to adapt their behaviour.

## CHAPTER 2: Forming and Terminating Governments

This chapter examines some of the 'pressure points' that may arise when governments form and fall, in multi-party conditions. In particular, it examines whether the constitutional rules in place under majoritarian conditions can survive the transition to a situation where coalition governments are routine.

### The impact of constitutional rules

By constitutional rules, I do not refer simply to those articles found in a country's written constitution. A quick scan of the constitutions of west European countries shows that their dictates rarely extend to the formation of governments (since they were largely drawn up prior to the growth of political parties and the introduction of proportional electoral systems which gave rise to multi-party politics; Bogdanor, 1983a). There are exceptions; Germany's Basic Law, for example, refers to the need for an alternative chancellor to be put forward in cases where the opposition parties move a no confidence vote. Such formal or 'hard' rules tend to be specific and legally enforceable. But government formation is also subject to a host of informal or 'soft' rules; stipulations that are often less specific and which are sometimes little more than conventions. Both formal and informal rules act as constraints on the process of government formation and termination, reducing the options available to the main players: the parties (their leaders, elected members and supporters), parliament and the Head of State (Strøm, Budge and Laver, 1994).

It is important to study the rules covering government formation and termination for a number of reasons. First, the mere existence of a distinct set of rules brings a certain clarity to the process. If government formation and termination is not covered by any rules, these processes must by necessity be dictated either by convention, the role of an external figure (such as the Head of State) or political expediency. But even if formal rules do exist, they may be vague or open to interpretation. The impartiality and legitimacy of the government process requires the rules themselves to be clear. This indicates the importance of the constitutional rules' *intrinsic* properties. But the rules also have *extrinsic* or *instrumental* properties which must also be taken into account. As I shall point out below, the nature of the rules affects, among others: whether minority governments may be formed, or whether majority administrations are privileged; the relative balance between the executive and the legislature and between large and small parties; and the stability of governments.

The criteria I use to evaluate the different constitutional rules in my study countries flow from these intrinsic and extrinsic properties. Thus, as far as possible, well designed rules should provide *clarity*, they should be broadly *neutral* between parties of different sizes, they should maintain the *impartiality* of the Head of State, they should minimise the chances of *deadlock* and undue *delay* in the formation process and they should maximise government *stability*.

What are the significant rules concerning the formation and termination of governments? One comparative researcher (De Winter, 1995: 123) lists the principal rules as covering:

1. The terms on which a government holds power
  - The requirement to hold an investiture vote and, if so, of what form
  - The obligation to resign if a government loses a vote of confidence

2. The means by which a government is chosen
  - The role of the Head of State
3. The authority of a government to gain a dissolution of parliament
4. The maximum time between elections.

We might add to this list the rules covering the resignation of the incumbent prime minister at elections, either once the election has been called or after the election if the result is unclear. A summary of the constitutional rules covering government formation and termination for various western democracies is set out in Table 5.

A more detailed comparison of the arrangements in Scotland, Wales, Northern Ireland and for Westminster, is set out in Table 6. This highlights the sheer variety in the rules applicable within the UK. The most interesting variations relate to the new institutions in Scotland and Wales (since, as noted above, the circumstances in Northern Ireland are unique). The legislation establishing the Scottish Parliament is far more detailed than its Welsh counterpart on government formation providing, for example, for time limits on the duration process and for the recall of the legislature after an election. No doubt the detail in the 'Scotland Act 1998' is due to its designers' anticipation of coalition governments, while those in Wales appear to have paid less attention to this possibility. The nature of the institutions also plays a role. Thus, the Scotland Act provides for a dissolution of the legislature – on a two thirds majority vote – while no such provision is made for Wales. This reflects the fact that the Welsh Assembly does not have primary legislative powers or the authority to block the government's supply (Ward, 2000: 124-5). It is also a collegiate body, lacking clearly distinct executive and legislative arms. But while these factors may, ordinarily, preclude the need for premature dissolutions, exceptional circumstances, such as deadlock in the choice of a First Minister, require that such a provision be made (see page 44).

**Table 5: Rules covering government formation and termination in selected western democracies**

	Austria	Belgium	Denmark	Finland	France	Germany	Ireland	Netherlands	New Zealand	Norway	Scotland	Sweden	Wales
Formal rules covering government formation?	Yes	Yes	Yes	No <sup>1</sup>	Yes	No	No	Yes	No	Yes	No	Yes	No
Involvement of Head of State?	Yes	Yes	No	No <sup>2</sup>	Yes	No	No	Yes	No	Yes	No	No <sup>3</sup>	No
Designated <i>formateur</i> ?	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	Yes <sup>4</sup>	No
Rules for choice of <i>formateur</i> ?	Yes <sup>5</sup>	Yes <sup>5</sup>	No	-	No	-	-	Yes <sup>5</sup>	-	No	-	No	-
Use of <i>informateurs</i> ?	No	Yes	Yes <sup>6</sup>	No	No	No	No	Yes	No	No	No	No	No
Investiture vote required?	No	Yes	No	Yes <sup>7</sup>	No	Yes <sup>7</sup>	Yes <sup>7</sup>	No	No	No	Yes <sup>7</sup>	Yes <sup>7</sup>	Yes <sup>7</sup>
Government resignation at election?	Yes	Yes	No	Yes	Yes	No	No	Yes	No	No	No	No	No
Dissolution power of PM?	Yes <sup>8</sup>	Yes <sup>8</sup>	Yes	Yes	No	No <sup>9</sup>	Yes <sup>10</sup>	Yes <sup>8</sup>	Yes	No	Yes <sup>11</sup>	Yes <sup>12</sup>	No

Notes

'Formal rules covering government formation': Defined as being a body of rules or conventions that structure/provide an order to the formation process, usually by providing for a 'first mover'.

'Involvement of Head of State?': Involvement is defined as having at least some discretion in which party leader to nominate as prime minister.

<sup>1</sup> Not since 2000.

<sup>2</sup> The President played a strong role prior to 2000, but new constitutional rules give more power to parliament.

<sup>3</sup> Since 1975, the monarch has played no part in the formation process, the role having transferred to the Speaker of the Riksdag.

<sup>4</sup> A *formateur* may be, but is not always, designated. If no *formateur* is selected, the parties simply bargain among themselves.

<sup>5</sup> The leader of the largest party is entitled to begin negotiations. This is merely a convention in most countries.

<sup>6</sup> This is the exception rather than the rule.

<sup>7</sup> The Prime Minister is chosen by parliament.

<sup>8</sup> Only with majority support in parliament.

<sup>9</sup> Dissolution only if a government loses a no confidence vote

<sup>10</sup> The President retains the discretion to refuse a dissolution request but has never done so.

<sup>11</sup> Only with two thirds support in parliament.

<sup>12</sup> Any dissolution is in addition to, and does not replace, regular three yearly elections.

Sources: Müller and Strøm (2000: 566 and country chapters); Laver and Schofield (1990: 64), de Winter (1995: 118, 132); country chapters in Bogdanor (1983); extended by the author.

**Table 6: Rules covering government formation and termination in the UK**

	Westminster	Scottish Parliament	Welsh Assembly	N Ireland Assembly
<i>Constitutionally stipulated deadline for recall of parliament after election</i>	None; convention of one month or less	Seven days	First meeting called by Secretary of State. No provision for Assembly to be reconvened thereafter.	Eight days
<i>Time limit on formation</i>	None	Twenty eight days	None	Six weeks.
<i>Investiture vote</i>	None	First Minister, ministers and junior ministers	First Minister	First Minister, Deputy First Minister
<i>Investiture threshold</i>	-	Relative majority	Relative majority	Majorities in (a) Assembly and (b) among each of nationalist/unionist members. Ministers are elected by Assembly using d'Hondt formula
<i>Role of Head of State</i>	Appoints Prime Minister	Appoints First Minister, ministers and junior ministers	No appointment role	No appointment role
<i>Size of the executive</i>	No limits (apart from a maximum limit of 95 ministers drawn from the Commons).	No limits	Maximum of nine ministers, plus as many Assembly Secretaries as there are ministers plus 2	Maximum of ten ministers
<i>Legislative terms</i>	Non-fixed 5 years	Semi-fixed 4 years. Election cancelled if dissolution <6 months before polling date.	Fixed 4 years	Non-fixed 4 years
<i>Dissolution rules</i>	Available to PM at any time.	Two thirds majority among all members; or if no First Minister within 28 days	No provision	Two thirds majority among all members; or if no FM/DFM within 6 weeks
<i>Rules on resignation of executive</i>	No confidence motion passed by simple majority. Elections follow.	No confidence motion passed by simple majority. Parliament attempts to find a new executive within 28 days.	No confidence motion passed by simple majority. Assembly must find a new executive, since no provision for a dissolution.	First Minister and Deputy First Minister can only be ousted by a two thirds vote to dissolve the legislature.

## Government formation and termination: Positive and negative parliamentarism

In 'parliamentary' political systems, a government must always retain the support of the legislature to survive. But what is a government's relationship to the legislature when it enters office; what level of support must it obtain? Across parliamentary systems, two main models have been identified: 'negative' and 'positive' parliamentarism (Bergman, 1993). Under negative conditions, a government may take office under one of two conditions: (i) if, when an investiture vote is held, there is no absolute majority in parliament against the government; or (ii) if no investiture vote is required. The conditions are more onerous under positive conditions. Here, an investiture vote is always required<sup>22</sup>, and a government must satisfy one of the following: (i) winning the vote with an absolute majority; or (ii) winning the vote with a relative majority (ie. a majority of votes cast). What this amounts to is that, under negative rules, a government must merely be *tolerated* by parliament to be formed, while under positive rules, it must gain the active *support* of parliament.

Negative rules are more likely to be found in countries with a monarchy, since their provisions reflect the role of the monarch, as opposed to parliament, in appointing the prime minister. Countries with more recent constitutions (eg. Germany and Sweden) tend to have introduced more stringent rules covering the formation and termination of governments (Strøm, 1990: 25, 111; Müller and Strøm, 2000a: 567). Countries with strong links to the Westminster model, derived from the UK's parliamentary tradition, have diverged in the extent to which they have mimicked its negative provisions on government formation. In spite of shifting from a majoritarian to a proportional electoral system, New Zealand has broadly retained the rules established under the previous political regime. But Scotland has moved away from the Westminster tradition. Its First Minister must pass a parliamentary investiture vote before attaining office and, once there, is denied the recourse to a dissolution seen as the right of Westminster prime ministers (a dissolution of the Scottish Parliament being dependent on two thirds support among MSPs).

Positive and negative parliamentary rules cover not only the formation of governments, but also their termination (de Winter, 1995: 134-9). In the main, the type of termination rule tends to mirror the formation rule. Thus, countries that oblige governments to obtain an absolute majority in parliament before taking office (eg. Germany and Spain), also stipulate that, for that government to be overthrown in parliament, a no confidence vote must obtain an absolute majority (moreover, that majority must also agree on a successor to the prime minister; the 'constructive' no confidence provision). At the opposite end of the scale, countries (eg. Britain, Denmark, New Zealand and Norway) that don't insist on an investiture vote for incoming governments, often also stipulate that no confidence motions need only secure a relative majority to be successful. In between, some countries (eg. Sweden) set relatively loose conditions for the formation of governments, but tighter ones for their termination, or vice versa (eg. the Netherlands). Others (eg. Ireland and Italy) provide a level playing field: governments taking office and oppositions overthrowing them must both achieve majorities among those taking part in the vote (ie. relative majorities).<sup>23</sup>

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<sup>22</sup> Although there is no investiture vote in the Netherlands, there is a convention that a government must command majority support within the legislature (Bergman, 2000: 202).

<sup>23</sup> The formal rules don't identify what type of issue requires a government resignation in the event of a parliamentary defeat. In most countries, a government will only resign if defeated on a specific no confidence vote or on a very major policy issue, normally the budget or finance bill. However, in Belgium, Denmark, Sweden, Ireland and Finland, a government will usually step down if defeated on a major bill or item in the budget (De Winter, 1995: 136-7). What is to count as a critical defeat for a

Figure 2 sets this out in diagrammatic form. Within this schema, Scotland and Wales exhibit a hybrid position. In both, the executive may be overthrown if a no confidence motion supported by a relative majority is passed. But to achieve office, a government must clear a 'positive' parliamentary hurdle in the form of the election by the legislature of the First Minister. This requirement, similar to that in Ireland, represents a *de facto* investiture vote, with a relative majority required for the Head to be appointed.

These rules would be of interest mainly to constitutional lawyers were it not for the fact that they have a strong influence on the type of government formed. In particular, the nature of the investiture rules shapes the likelihood of a majority or minority government being formed. Thus, comparative studies have found that, among countries with positive formation rules, minority administrations constitute one quarter (25%) of all governments formed between 1945 and 1987, a far lower level than in countries with negative formation rules, where the proportion of minority administrations is almost half (48%) (Bergman, 1993: 60-1).

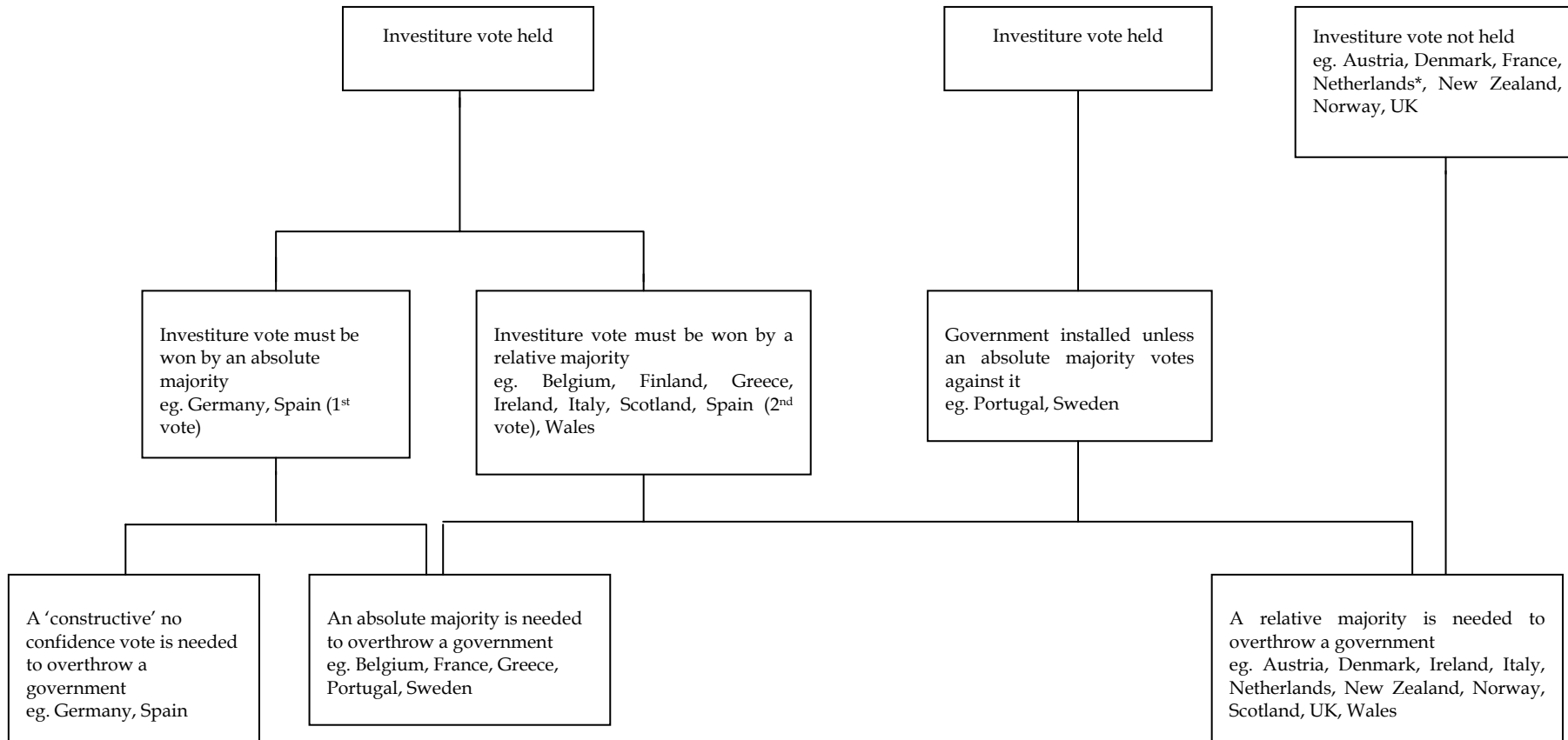
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government is often confused. For example, the convention in Ireland appears to be that a government may remain in office until suffering an explicit no confidence vote or defeat on the main Finance Bill, yet Garret Fitzgerald resigned in 1982 after being defeated only on part of his coalition's Finance Bill (Laver, 1996: 476; Ward, 1996).

Figure 2: 'Positive' and 'negative' parliamentary rules

POSITIVE PARLIAMENTARISM

NEGATIVE PARLIAMENTARISM



\* The convention is that a government must command an absolute majority in parliament.  
Sources: Bergman, 1993; de Winter, 1995; Boston, 1998; Strøm and Müller, 2000



## Identifying a prime minister

### *The ordered v unordered process*

The first step in the government formation process is to identify a potential new prime minister. After an inconclusive election in multi-party conditions, such figures are identified in one of two ways. The first involves the Head of State (usually, though not always, the monarch) selecting a party leader to start the negotiations. The second leaves the Head of State out of the start of the process, which is a matter for the parties alone. These bargain among themselves until one party, or a combination of parties in coalition, believes it has sufficient strength to operate as a government. The Head of State may, at this stage, play a purely ceremonial role in appointing the new prime minister. In other words, one set of arrangements creates order by virtue of selecting a single party leader to begin the negotiations, while the other allows the parties to bargain as they wish. In the comparative literature, the distinction is between a “freestyle” process and a rule bound one (Laver and Schofield, 1990: 206-11). In practice, the distinction may not be so straightforward. For example, a country’s formal constitutional rules may provide for an external agent to select a ‘first mover’, but in reality such a figure emerges from inter-party bargaining with the agent on hand at this point to present his/her nominee to parliament (as is the case in Sweden). Bearing in mind such caveats, we can draw a distinction between countries thus:

- Countries operating an ‘ordered’ or ‘rule bound’ process: Austria, Belgium, Denmark, France, the Netherlands, Norway and Sweden
- Countries operating an ‘unordered’ or ‘freestyle’ process: Finland (after 2000), Germany, Ireland, New Zealand, Scotland and Wales

Over the last fifty years, the process of appointing the British prime minister has been relatively straightforward. Only in February 1974 has no party gained an outright majority of seats. Only then has the question arisen about which party leader should be asked by the monarch to form a government. But what happens if the result of the February 1974 election was repeated on a regular basis? In the absence of a majority winner, under what process would a government be formed?

Britain falls into the ‘unordered bargaining’ set of countries, in that no single party leader is designated with the task of forming a government (this figure is known as the *formateur*). The convention is that this task falls first to the incumbent prime minister.<sup>24</sup> But if inconclusive elections became the norm, this convention would be called into question, since the mere fact of incumbency might not be held to confer such special advantages. Moreover, the absence of any requirement for an incoming government to test its support in the legislature facilitates minority government. It is thus perfectly possible for an incumbent government to lose its majority at an election, but to remain in office and challenge the opposition to unseat it. The minority bias of the current conventions might come under challenge from smaller parties in a genuinely multi-party situation, as they seek rules that maximise their own power in the formation process. In sum, Britain’s current constitutional conventions:

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<sup>24</sup> After virtually each election in Britain, it is clear which party leader commands majority support in parliament, and the monarch can therefore appoint a prime minister immediately. But the designation need not be immediate if there is a question mark over the support a candidate enjoys. Thus, in 1963, the monarch invited Alec Douglas-Home to form a government and to report back on progress, since some uncertainty hung over his support among the Conservative party so soon after the previous leader – Macmillan – had resigned (Brazier, 1999: 43).

“... offer an advantage to the incumbent prime minister by yielding him or her a strong tactical position in the confused aftermath of an indecisive election. Since the rules encourage the formation of single party minority governments, they strengthen the position of the major parties at the expense of the minor ones, freeing a prime minister from the need to consult with other parties or to negotiate the formation of a government which can command a majority in the House of Commons.” (Bogdanor, 1995: 163)

In countries operating an ordered process of coalition formation, the incumbent prime minister doesn't occupy a privileged position. He or she will merely be one of the players considered as a potential *formateur*. But in unordered systems, the initial advantage in government formation often accrues to the incumbent. In most countries, prime ministers are not expected to resign immediately before or after an election, but may stay in post until ejected by a replacement. Under these arrangements, a prime minister in charge of a government enjoying only minority status may thus simply remain in office if the majority opposition cannot agree to replace him/her.

The privileged position of the incumbent even extends to post-election situations in which the prime minister no longer heads the largest party. Take the February 1974 election, in which the Conservative party of the prime minister, Ted Heath, had not only come second in terms of seats in the Commons, but had also lost seats since the previous election (thus being an electoral loser in two senses). But Heath did not resign, preferring instead to seek a coalition with the Liberals. Ultimately, this attempt to retain power failed. But it illustrates the incumbent prime minister's dominant position in the post-election environment. Thus, under the UK's conventions “until a government has resigned, the question of whom to appoint as prime minister does not arise, for there is no vacancy” (Bogdanor, 1995: 151).

This matters because whoever holds the 'first mover' position commands significant powers. In positive vein, they can entice potential coalition partners by offering office and patronage benefits, while in negative vein the opposition parties may be unwilling to vote down in the legislature a government put together by the first mover, since they will be concerned at forcing fresh elections so soon after the initial contest (Bogdanor, 1983b). Incumbency might also provide a governing party with greater access to civil service resources during coalition negotiations (see Chapter 3). If the political rules also confer on a prime minister the power to gain a dissolution on request (pages 50-3), the first mover enjoys even greater advantages, since he/she may form a minority administration with a view to bolstering their position via fresh elections months later. This is exactly what happened in Britain in 1974, when inconclusive elections in February led to a minority Labour government which capitalised on favourable conditions just eight months later in October to gain a slim majority at fresh elections.

The first question facing constitutional designers, then, is whether the incumbent government should retain any privileged position following an election, or whether the parties should start on an even keel by virtue of the government being forced to resign unless it has clearly won a fresh mandate? In only a handful of countries are governments required – by convention or constitutional rule – to step down at an election: Austria, Belgium, Finland, France and the Netherlands (see Table 5). In some unordered systems (eg. Germany, and Ireland until recently), elections have tended to be fairly conclusive for government formation, thus avoiding a question mark over the status of the incumbent.

However, if governments may remain in office after an election, but lack the power to gain a dissolution of parliament, then the advantages of office decline somewhat, and a more level playing field between the parties is possible. In this situation, there is less need for a government to have to resign. But an additional appropriate safeguard requires any new government to demonstrate some level of parliamentary support, via an investiture vote (pages 47-9). In an unordered bargaining system, with no requirement for a new government to test its support in parliament, an initial sensible step might be to require the incumbent government to resign at an election to nullify any advantage it might gain in an inconclusive bargaining situation.

### *Selecting the 'first mover'*

The second question for consideration is whom should be appointed to lead inter-party bargaining? In countries where the formation process is not subject to ordering, there is no designated *formateur*, and the question for the Head of State becomes merely whether the party leader (who may or may not be the incumbent prime minister) who emerges from any bargaining and claims a mandate to govern does, indeed, command the necessary support in parliament. In countries that hold investiture votes, this decision is effectively made by the legislature. Thus, in Germany and Ireland, a party leader must obtain the support of parliament before being sworn into office by the Head of State. The same is true in Scotland.<sup>25</sup> Where the Head of State must initially make a judgement on whom to nominate to parliament – in Germany, for example – this decision is often aided by the clarity of election results.

In systems where no investiture vote is held, the nomination of the Head of State assumes greater significance, and he or she may well demand an assurance that the incoming government is at least viable, in the sense of commanding sufficient legislative support to win a confidence motion. This is the safeguard used by the Governor General in New Zealand (Boston, 1998: 26), and could also be adopted by the UK in a multi-party situation (Bogdanor, 1995: 165; Brazier, 1999: 40-44). Ideally, however, an incoming government should have to test its strength in the legislature (see pages 47-9).

So in 'unordered' systems, the responsibility for identifying a new government rests squarely with the parties. But what happens if, following an election or mid-term resignation of a government, the parties cannot agree on a successor who commands the necessary legislative support (a scenario only likely to arise when at least a relative majority is needed in an investiture vote)? How would such a deadlock be broken? One means would be to introduce some order to the formation process, for example by giving the Head of State the discretion to appoint a party leader as a *formateur*. The appointment of a *formateur* by the Head of State "provides a structure to what might otherwise be a chaotic process, thereby reducing the possibility of deadlock" (Laver, 1996: 478). But, should the *formateur* be no more successful, a lower threshold may be required to end any deadlock. Thus in Germany, the constitution (Art. 63) provides for a series of parliamentary votes on a chancellor over a fourteen day period followed, should voting have failed to produce a candidate with an absolute majority, for the President to appoint the candidate with the highest number of votes or, alternatively, to call fresh elections. Under the Finnish constitution, the parliament has two shots at electing a prime minister by a relative majority, after which the candidate who receives a simple plurality is elected.

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<sup>25</sup> In Wales, the Head of State has no role in appointing the First Minister, which is a task solely for the Assembly.

What arrangements are there in Scotland and Wales for the possibility of deadlock in the formation of a new government? In Scotland, the First Minister is elected by a relative majority of MSPs within a 28 day period. If, in the very unlikely event that no-one has been selected within this period, the Scottish Parliament can be dissolved and fresh elections held. But in Wales, there is no provision for resolving any deadlock. This omission was almost put to the test in February 2000, when a no confidence motion was passed against the incumbent First Secretary, Alun Michael. Following this vote, the suggestion was made that the Labour group could re-nominate Michael as First Secretary. Ignoring its constitutional legitimacy, such a move risked opening the prospect of an unending sequence of nominations and rebuttals in the form of no confidence votes. There is clearly a need for a mechanism to break any such deadlocks, along the lines of the Scottish provision for a dissolution, once a certain time limit has been reached.

In countries that impose an order on the formation process, a government still emerges via inter-party bargaining, but only after one party is given the lead role by the Head of State (or Speaker of the parliament in Sweden). In this model, the question is by what criterion is the first mover chosen (the 'recognition rule'; Strøm, Budge and Laver, 1994: 312-2)? A frequent convention (eg. Austria, Belgium and the Netherlands) or explicit rule (eg. Greece) is to select the leader of the largest party, on the basis that they command an electoral mandate. But while this rule brings clarity, it may fail to recognise the post election balance of power between the parties, since it will often be the case that the largest party is not the one best placed to form the largest, or potentially most durable, coalition.

Other countries have more elaborate arrangements for identifying the *formateur*. In Denmark, should an election produce an inconclusive result, the Head of State is provided with advice from the parties.<sup>26</sup> Under this 'Queen's Round', the party leaders individually convey their advice to the monarch on whom they recommend to be chosen as *formateur*. The responsibility for interpreting this advice falls to the incumbent prime minister, not the monarch. If one party leader is seen to command majority support in the legislature, he or she is appointed as *formateur*; if not, the person with the best chance of forming a viable government is given the task. If there is no obvious person to lead the negotiations, the monarch may, on the advice of the parties, appoint someone to conduct further talks among the parties to see whether a *formateur* can be identified (this person, the *informateur*, may well become the *formateur*, especially when the person appointed is the incumbent prime minister). The designation of an *informateur* was necessary in 1975 and 1988, with the Speaker of the Folketing asked to try to break the deadlock (Boston, 1998: 34-6; Damgaard, 2000: 237-43).<sup>27</sup>

It might be thought unwise to give the incumbent prime minister a role in advising the Head of State on coalition options in the event of an inconclusive election. After all, this person may

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<sup>26</sup> If the result is conclusive, there is no need to resort to the Queen's Round. Thus, in 1998, the Social Democrat led coalition simply remained in office after the election without any need for reappointment by the monarch. A single Round followed the 2001 election, after the incumbent prime minister resigned. Four parties holding a majority of seats recommended that the Liberal leader, Anders Fogh Rasmussen, be given the task of forming a government. The resulting administration included only two parties holding a minority of seats, although assured of majority support in the legislature.

<sup>27</sup> This is not to say that the Danish process is wholly constrained and formal, since a fair amount of informal bargaining continues and helps to make sure the formal process operates smoothly. For a start, the parties consult with one another immediately after the election so that their advice to the monarch is delivered with good knowledge of one another's positions. It is also common for the formal bargaining process to be paralleled by informal talks between the parties (Damgaard, 2000: 241).

well be a major player themselves, and thus have their own interests to look after. For this reason, one commentator (Bogdanor, 1995) has cast doubt on the idea that the British monarch might look to the incumbent for advice after an election. In Denmark, my interviews suggested that the role of the incumbent prime minister had not generally proved controversial, although there have been instances where some small parties have queried the interpretation of their recommendations.

The Head of State might avoid courting controversy in designating a prime minister by transferring this responsibility to an independent figure, or *informateur*, a senior political figure not engaged closely in partisan party matters. The job of the *informateur* is act on behalf of the monarch in exploring the viability of different coalitions. However, the specific role of this figure varies between countries. In Belgium, he or she may start inter-party negotiations by drawing up a list of items for discussion. In the Netherlands, the job entails discussions with the parties and the identification of the most suitable figure – the *formateur* – to lead the negotiations (de Winter, Timmermans and Dumont, 2000: 309-10; Timmermans and Andeweg, 2000: 362-3). But the use of *informateurs* has gained little support in Britain. One concern is that the selected figure might themselves behave in a partisan fashion (Butler, 1986).<sup>28</sup> A second is that the model is just not needed in Britain, since the monarch already has a circle of expert advisers (notably her Private Secretary) on whom to draw for advice (Bogdanor, 1995: 169-72).

#### *An ordered or unordered formation process?*

Government formation proceeds through one of two models. The first leaves the bargaining process to the parties, the winner being whoever can command the support of parliament. The second restricts the parties' bargaining options by giving a single party the first 'bite of the cherry'. Having outlined the main features of the two models, I now explore briefly their relative merits.

What criteria should be used in reaching judgements? I suggest the following:

- *The speed of the process*: While the formation of a government is not to be rushed, it is also undesirable for the process to become drawn out. Is there any evidence that an ordered bargaining environment is more or less prone to such an outcome than an unordered one?
- *The clarity of the process*: It is desirable that the bargaining process be clear and orderly, without the parties bargaining incessantly among themselves to maximise their own advantage.
- *The balance between the parties*: As a general rule, the chances of a party taking part in bargaining and entering government should grow as that party increases its share of seats. In other words, bargaining power should be weighted in broad proportion to a party' size. The formation rules should thus avoid undue weighting of power, either to large parties that can then ignore smaller ones, or to smaller ones to play off large parties.

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<sup>28</sup> This is also seen as a problem with an even more radical solution, the Swedish arrangement by which the Speaker of the Riksdag, not the Monarch, leads government formation. But disputes between and within the parties in the 1970s over whom to nominate as Speaker highlight the often partisan process from which the Speaker emerges (Bogdanor, 1995: 172-4). The fierce and divisive contest for the Speaker of the House of Commons in October 2000 hardly suggests that the UK looks to the Swedish arrangements for inspiration.

- *The position of the Head of State*: The balance between ensuring the impartiality of the monarch and providing for a non-partisan external ‘agent’ to help break any deadlock in the formation process is a crucial one. However, the role of the monarch opens a host of issues in its own right, and has been dealt with extensively elsewhere (eg. Bogdanor, 1995; Brazier, 1999). For this reason, I don’t pursue further these issues here.

In terms of the speed of the government formation process, there is little difference between countries with ordered or unordered arrangements. The formation of governments in Belgium may be drawn out in part because the process is highly structured (de Winter, Timmermans and Dumont, 2000: 309). But the formation of a coalition in New Zealand’s unordered system in 1996 also took a long time, at two months. If we take the duration of cabinet formation for the countries studied in a recent comparative volume, we find that the average duration among countries with an ordered bargaining process<sup>29</sup> is much longer, at 31 days than that among countries operating unordered arrangements, across which formation takes an average of 12 days (Müller and Strøm, 2000: 570). But there are large variations within these categories, as well as within countries themselves, suggesting that factors such as the extent of party system fragmentation and the desire of particular proto-coalitions to form ‘tight’ or ‘loose’ agreements may be more important than the constitutional rules (*ibid*: 571-2).

These rules may have more impact when it comes to the clarity of the formation process, since they constrain the bargaining options open to the parties. For example, following its first PR election in 1996, New Zealand’s unordered arrangement allowed a centre party, New Zealand First, to play off the parties to its left and right, Labour and National. This led to a drawn out and uncertain bargaining process, generally deemed to have been highly unsatisfactory (Boston, 1998: 5-7). By designating a single party leader as the instigator of the process, or ‘first mover’, greater order is given to the process and parallel bargaining is largely avoided. Parties are also constrained if they have to state openly their coalition preferences. The advice that the parties give to the monarch in Denmark during the ‘Queen’s Round’ is made public, and thus binds them, in theory at least, to a specific coalition option.

But any rule which limits parties’ bargaining power tends to have the most impact on parties in the centre who otherwise can play off larger parties on the right and left to maximise their office and/or policy gains. As such ‘kingmaker’ parties are usually small ones, rule bound systems thus tend, all things being equal, to weaken the power of small parties in favour of the larger ones.

It is important to stress that there is no right or wrong answer to the question of which institutional model is most appropriate for government formation in multi-party situations. In the wake of New Zealand’s long and messy government formation in 1996, commentators recommended that more stringent rules be introduced, including giving the Speaker of Parliament the task of designating a single party leader as *formateur* (Boston, 1998: 104-8). A similar concern can also be seen among Irish commentators who have noted that, since the early 1980s, government formation has taken progressively longer. Again, the solution is seen to be the introduction of order into the process by explicitly giving one party leader the task of negotiating a government (Farrell, 1990: 189; 1993: 146). The Irish experience suggests that

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<sup>29</sup> Those countries judged to have a ‘Formal procedure of government formation’ (Müller and Strøm, 2000a: 566). Sweden is not included, since the constitutional rules covering government formation were changed in 1975.

parties may take some time to adjust to a coalition environment; it was only in 1997 that the parties may be said to have adapted fully to coalition politics by forming two main pre-electoral alliances that facilitated a speedy change of government after the election (Mitchell, 1999: 243-4). On the other hand, the first coalition in Scotland was put together in 1999 quickly and with minimum fuss (although this was no doubt aided by the limited party system fragmentation, the existing close relations between the coalition partners and the existence of a 'pariah' party, the Scottish Nationalist Party).

Provided that the main actors – the political parties – behave sensibly and with an eye to the legitimacy of the political system as a whole, I see no reason to impose constraints on the bargaining process.<sup>30</sup> The role of an external agent should be limited to nominating the leader who emerges from inter-party bargaining and possibly, in the case of deadlock, to nominating a *formateur*. The latter step might be more appropriate than providing for a dissolution of parliament and fresh elections. Although this is the rule adopted in Scotland, a second election hard on the heels of the first would be unpopular with voters. On the other hand, it may be thought preferable to avoid the Head of State playing any role at all in the government formation process. If so, deadlock between the parties may be ended by reducing the investiture requirement to a simple plurality, rather than a majority (as in Finland and Germany). Making provision for the resolution of any deadlock, as well as encouraging relatively speedy government formation through a thirty day limit to the recall of parliament (see Chapter 3), seems to me to be an appropriate, if limited, set of institutional rules. Forcing the parties to state publicly at the outset of negotiations their preferences, as in Denmark, might constrain their bargaining options, but would not prevent them reneging on their public commitments if they felt the rewards of doing so were sufficiently high (Boston, 1998: 106). For this reason, and because such a step would be alien to British parties, I don't recommend this additional constraint.

### *The investiture of a new government*

Once a potential prime minister has been identified, the next question is whether or not he or she should have to submit to a formal test of strength before being sworn in. In other words, is it enough that a potential government has emerged from the bargaining process, or should it also have to receive the support of parliament before taking office? Three types of reasoning underpin this question. The first relates to the legitimacy of a government. If there is no investiture requirement, how can we be sure that a potentially stronger alternative administration does not exist? The second relates to the position of the incumbent administration, in particular whether it gains a – potentially unfair – advantage by the absence of any need to test its strength in parliament. The third relates to the issue of whether a government may command only a plurality of legislative seats (ie. a minority administration) or whether it should command majority support.<sup>31</sup>

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<sup>30</sup> The designation of a *formateur* involves the use either of an objective criterion (such as the selection of the leader of the party commanding the largest number of seats), or a more subjective process whereby the Head of State, or similar figure, takes advice from the parties themselves. Both situations strike me as being sub-optimal.

<sup>31</sup> A further issue is *what* or *who* should be the subject of parliamentary votes. Should the legislature be able to vote solely on the prime minister (Germany, Ireland, Wales), or the prime minister and ministers separately (Scotland) or the government as a whole (Belgium)? In Scotland, both ministers and junior ministers have to be supported by parliament before they can take office. The votes are for both lists en bloc; there is no voting on individuals, which avoids the problem of the parliament 'cherry picking' after the coalition partners have agreed their list of portfolio holders.

The first is not a particularly serious issue. In countries without investiture requirements, a government is likely to have to convince the Head of State that it is viable, in the sense of not being opposed by a majority in the legislature. If there is any miscalculation and a government is installed that is not viable, it should be an option for the Head of State to allow the other parties to form an alternative government, and not to give the failed incumbent the opportunity of a second chance via a dissolution of parliament and fresh elections (see next section).

The second issue asks whether an incumbent administration can, in the absence of an alternative stronger government, merely continue in office after an election? As I noted above, in only a few west European countries must a government resign at elections. In countries such as Britain, Denmark and New Zealand, no investiture vote is required and it is thus an option for a government to remain in office in the aftermath of an election. Governments in all parliamentary democracies only hold office by virtue of the support of parliament, and in this sense, even governments that face no investiture vote still face parliamentary tests each time they expose themselves to the possibility of a no confidence vote. But in a situation in which a government can hold office without a formal vote at the outset, the incentives and constraints differ from a situation in which an investiture vote is required, and in a way that favours the incumbent government. Thus, in the absence of an investiture vote, the burden of proof passes to the opposition to demonstrate the unsuitability of a government via a no confidence vote. A no confidence vote is not merely the obverse of an investiture vote, since a party may be unwilling to unseat a government that is already in office, but less reticent about voting against a potential administration at the investiture stage. The absence of an investiture vote thus privileges the incumbent government, which represents the “reversion point” in the event that the other parties fail to agree an alternative government (Strøm, Budge and Laver, 1994: 311-2).

For this reason, I think it desirable that any new government should have to demonstrate at least some support in parliament before taking office. Put simply, governments could not just ‘trundle on’ after an election; the legislature would need to actively assent to their continuation.

But what level of support should be required? The basic distinctions are between systems that require governments (or nominated prime ministers) to have the support of an absolute majority, those requiring the support of a relative majority and those that switch the burden of proof and require the opposition to show that they command the majority. The first two are features of the ‘positive’ model of parliamentarism, the third a feature of the ‘negative’ model (pages 38-41). Governments formed under positive investiture rules need not command majority support; Italy’s 1976 government under Giulio Andreotti won its investiture vote despite only being supported by 258 deputies out of 630. The crucial point is that a relative majority was sufficient because all but 44 of the remaining deputies abstained, and abstentions are effectively counted in favour of the government (Strøm, Budge and Laver, 1994: 311). Nonetheless, positive rules tend to inhibit minority governments, whereas negative parliamentarism – where there is no investiture vote or where the onus lies with the opposition to show that it holds the majority – is more conducive to minority administrations.

Constitutional designers are thus faced with the decision whether to introduce rules that favour majority administrations or to select rules that at least do not hinder minority governments. Should there be a bias in favour of governments that command majority



support in the legislature? In multi-party situations with proportional elections, this question effectively asks whether a government should command majority support among the electorate, to which the answer must, in ideal conditions, be yes. Under majoritarian electoral systems, government majorities are frequently constructed on mere pluralities of the vote, while proportional systems reduce, if not end, such 'anomalies' (Powell, 2000: 127-36). But this is not to say that a coalition government should only take office if it holds more than half the seats in the legislature (effectively the German system, where a government must win an investiture vote with an absolute majority). It does no harm to the majoritarian principle for a - minority - government to pass an investiture vote with the support of only a relative majority and to then form coalitions in the legislature with one or more of the opposition parties to gain passage for its programme. In such situations, a government may not gain the active support of an absolute majority at the start of its term or during that term as it puts legislation before parliament. But it gains the *de facto* support of parties not opposed to its existence and thus willing to tolerate the administration by abstaining on key votes. What a minority government cannot surmount, of course, is active opposition among a majority of the legislature, which is sufficient to bring down any government.

So normatively, I suggest the criterion of majority support does not incline us clearly to one form of investiture rule or another. What about a more empirical test, that of government performance. Are majority governments to be preferred to their minority counterparts on the basis that they are more stable or perform better? This is certainly a viewpoint held by many, both in majoritarian systems such as Britain (eg. Birch, 1984) and proportional ones, such as Germany where minority government is associated with instability and inefficiency (Broughton and Kirchner, 1986: 77-8). However, using a simple set of cross-national data, I suggest that these fears may be exaggerated. Minority governments are no less durable than majority administrations, and are less likely than majority coalitions to fall due to defeat in parliament or to an internal 'crisis'.

To address the issue of stability, I compare government duration in eleven countries with high and low incidence of minority governments. I define the former as those countries in which minority administrations have formed 40% or more of all governments between 1945 and 1987 - Denmark, Ireland, Italy, Norway, Spain and Sweden - with the other five countries having a lower proportion of minority governments (Strøm, 1990: 58). To assess stability, I draw on data showing mean relative government duration (duration, in days, as a proportion of the maximum possible duration<sup>32</sup>) for 16 west European countries, between 1945 and 1999 (Saalfeld, 2001: 12-13).<sup>33</sup> The difference in government duration between the two groups is not great: mean duration in countries with a high incidence of minority administrations is 62% of the possible maximum, only slightly lower than the 64% for countries dominated by majority administrations. This finding reinforces analysis based on the more conventional accounting device of mean duration, which shows that majority coalitions last little longer than minority governments (Strøm, 1990: 115-7).

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<sup>32</sup> This measure is more meaningful than simply using actual mean duration, since it takes account of the different parliamentary terms across countries (the maximum time period between elections, or 'constitutional inter-election period'). The measure also takes account of governments formed in between elections, whose possible lifespan will necessarily be shorter than for governments formed immediately after an election.

<sup>33</sup> I omit the UK from the analysis, since I am comparing countries with proportional electoral systems and multi-party systems.

What about the performance of minority governments? Since policy effectiveness is influenced by a wide range of institutional and non-institutional factors, evaluations of minority governments must draw on alternative measures. One analysis examines the mode of government terminations, on the basis that the circumstances surrounding a government's demise provide an indication as to its effectiveness. On the one hand, we have terminations due to 'defeat or crisis' (when a government is forced to resign, through a parliamentary no confidence motion, or does so under adversity), becoming more benign with 'voluntary' resignations (when a coalition is under no strong pressure to resign, but does so to change its membership) and finally - and most benign - 'technical' resignations (as when a government continues in office after an election, so that its termination is merely a function of a rule that counts elections as marking a change in government). Empirical analysis shows that, while less than half of majority single party governments terminate due to defeat or crisis, six in ten minority governments fall in the same way. But this is a lower rate than for majority coalitions, over 80% of which fall due to defeat or crisis. Minority governments are more likely than majority coalitions to terminate voluntarily. But overall, the data suggest that minority governments - which may, of course, be single party - are no less internally riven and unstable than majority coalitions (Strøm, 1990: 117-23).

There is thus little case on purely pragmatic grounds for designing an investiture vote so as to ward off the possibility of minority governments (there are, of course, normative objections, referred to briefly in Chapter 6). If an investiture vote is to be held, this implies that an incoming government must either gain the support of a majority of legislative votes actually cast (a relative majority) or must merely avoid a majority voting against it. The latter is, of course, a less onerous position for the government, and may allow it to take office without making concessions to the opposition parties. Where a government must win the support of a relative majority, it may have to compromise to gain the support - or at least avoid the hostility - of one or more of the opposition parties. A decision on which form of investiture vote is most suitable will be shaped by the importance attached to a minority government having to compromise its positions, and by the question of the desirable balance of power between the government and opposition.

But what of the recurring concern among many commentators that minority governments might be more unstable and prone to collapse than majority governments? Would it be wise to balance permissive investiture requirements with a more restrictive set of termination rules, to make it more difficult to bring down a government? This issue is dealt with on pages 55-7.

### **The dissolution of parliament**

Once in office, what powers does a government have to dissolve the legislature and trigger fresh elections? This is an important power for any government, since it allows it to call elections when its poll ratings indicate it is likely to perform well. It is also an important weapon for a government in a multi-party situation. It allows a minority administration to threaten the opposition with early elections if it acts against the government. It also allows the larger party in a coalition - which will generally hold the prime minister's post - to wield the same threat over a recalcitrant junior partner.

Very few countries allow the incumbent prime minister no rights to a dissolution of parliament (see Table 5). Norway is one such, since its parliamentary term is fixed. In Sweden, early elections may be held, but these must be in addition to, and not replace, the regular four yearly contests, thus reducing the attraction of the dissolution option (if the

Scottish Parliament is dissolved more than six months prior to a regular election date, here, too, the regular election must be held). Some countries set conditions which must be cleared before the head of state can grant a dissolution. For example, the German Constitution (Art. 68) stipulates that a chancellor may only gain a dissolution if he has called and lost (ie. by failing to gain an absolute majority) a vote of confidence in the government. An absolute majority is also required for a dissolution in Belgium, although the opposition can instigate a no confidence vote without having agreed a successor, unlike in Germany (if the opposition in Belgium does nominate a successor within three days of a successful no confidence motion, this person is sworn in by the monarch). In Austria and the Netherlands, a dissolution requires the support of a relative majority in parliament. A higher threshold is in place in Scotland, where a dissolution must attract the support of two thirds of all MSPs.<sup>34</sup> Some countries, such as the UK and Denmark, place no formal limits on the power of the prime minister to gain a dissolution.

Constitutional rules and practice in Ireland offer an illuminating example of the controversies that might face Britain if it moved to multi-party government. Under the Irish constitution (Art. 13.2.2), the President “may in his absolute discretion refuse to dissolve Dáil Éireann [parliament] on the advice of a Taoiseach who has ceased to retain the support of a majority in Dáil Éireann”. This power has never been used, although in 1994, Mary Robinson threatened to refuse any dissolution request from the prime minister, Charles Haughey who, having lost the support of his junior partner, Labour, now headed a minority administration. In the event, Haughey resigned and Fianna Fail left office, with the government switching to a Fine Gael-Labour-Democratic Left administration without any recourse to an election.

The question that arises is how far prime minister who appears to lack majority support – either because their own party or coalition partner has deserted them – can gain a dissolution? In essence, this focuses attention on the proper extent of the Head of State’s discretion. If it is thought that the only clear indication that a government has lost majority support is an explicit no confidence vote or defeat on the budget, the prime minister has *carte blanche* to gain a dissolution at all other times. This would effectively end any discretion for the Head of State to prevent fresh elections by establishing whether an alternative government can be found (Laver, 1996: 476-7). The rationale for such a step is that it limits the Head of State playing any sort of political role. If, however, it is thought undesirable for a prime minister to have a guaranteed recourse to a dissolution, then the Head of State may be given the discretion to put on hold a dissolution request until potential alternative governments have been tested. This arrangement waters down the prime minister’s power, thus avoiding too lopsided a balance between the executive and legislature (*ibid*; Ward, 1996).

At Westminster, the Prime Minister holds the right to request a dissolution, with the power to authorise or reject the request being held formally by the monarch (although such a request has not been refused for over a century). In trying to resolve the issue of what principles the monarch should follow, precedent offers only a limited guide. All of the dissolution requests made by prime ministers of minority administrations (in 1905, 1910, 1924 and 1974) did not take place against the backdrop of alternative majority administrations in the House of Commons (Bogdanor, 1995: 160).<sup>35</sup> Some commentators favour an automatic acceptance to a

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<sup>34</sup> As noted earlier, there is no provision for the dissolution of the Welsh Assembly.

<sup>35</sup> In 1924, the King made sure of this, by enquiring of the two opposition parties whether they could form an alternative government before granting a dissolution to the Labour minority government under Ramsay MacDonald (Bogdanor, 1995: 160).

dissolution request, on the basis that this is the only way to avoid the monarch being drawn into potentially controversial decisions. But those from the smaller, centre parties, argue that the monarch both retains the right to refuse a dissolution request, and ought to use this power where such a request arises soon into the life of a coalition administration, or where an alternative government might be formed from within the legislature.<sup>36</sup>

This would entail the monarch refusing a dissolution request if it was clear that an alternative government was viable. The existence of an alternative government might be verified through consultations with the party leaders (Bogdanor, 1995: 160-2), through a clear pact between the parties (Brazier, 1999: 40-44), or through a vote in parliament (Butler, 1986: 133).<sup>37</sup>

Such a step would, in effect, change the burden of proof in demonstrating the need for a dissolution. At present, under Westminster's majoritarian system, when a dissolution request is made, the onus is on the opposition to prove the existence of an alternative majority. But under proportional conditions, the onus would fall on the government to show that no alternative majority existed. As one commentator has put it:

"Instead of the Prime Minister, in effect, deciding upon when to dissolve, the Commons would decide by making it clear that it would not sustain any alternative majority".  
(Bogdanor, 1995: 165)

Although other reforms (notably a move to semi-fixed parliamentary terms; see pages 57-8 on fixing the legislative term) might help the position of the monarch, by dissuading prime ministers from seeking dissolutions, in practice these requests might often occur at the beginning of a parliamentary term, when the next fixed election is a long way off. Thus, even fixed term parliaments might fail to alleviate the likelihood of the monarch being faced with awkward decisions over whether or not to agree to requests for parliament to be dissolved. A complement would be to follow the Danish system, and introduce a moratorium on dissolutions within a set period – say six months – of any election, to try to stop minority governments engineering favourable policy conditions before attempting to boost their strength via a fresh mandate (Birch, 1984: 98-9).<sup>38</sup>

The alternative to subjecting the monarch to difficult decisions over whether or not to grant a dissolution request would be to locate this decision squarely with Parliament. This is the position in many west European countries including Scotland (see Table 5). The need to gain

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<sup>36</sup> Small parties in the centre are keen to retain the monarch's right to refuse a dissolution since this is seen to put pressure on the larger parties to form a coalition and act to secure its survival (Blackburn, 1995: 60; Brazier, 1998: 5-6).

<sup>37</sup> The political parties involved in a coalition might themselves play a role here. For example, in New Zealand in 1995-6, the junior partner in a two party coalition made clear that it would not support any request from the prime minister for an early dissolution of parliament. This stance meant that, had the prime minister gone ahead and sought a dissolution from the Governor General, the latter might well have first enquired of the opposition whether an alternative majority was available (Boston et al, 1996: 109-10). Thus the activities of the junior coalition partner helped to clarify the role of the Governor General.

<sup>38</sup> Note that the introduction of a proportional electoral system, which would be likely to give rise to hung parliaments in the first place, would make it less likely that a minority administration could hope to secure an overall majority following an early dissolution. However, as the Scottish coalition formed after the 1999 elections showed, it is still possible to form a majority administration on a mere plurality of seats. Thus, even with a move to a 'broadly' proportional system, such as AV Plus, the temptation for minority administrations to believe they may secure a majority of seats may well remain.

parliamentary approval does not end 'partisan' dissolutions (terminations of parliament purely for party electoral advantage), since governments can still force a dissolution by engineering a vote of no confidence in themselves (as happened in West Germany in 1972 and 1983: Bogdanor, 1995: 175-7).<sup>39</sup> This option is far less likely in the Scottish case, given the need to gain two thirds support in the Parliament. More substantively, withdrawing dissolution powers from the prime minister may advantage the opposition parties, who may weaken a minority government by thwarting its legislative programme without allowing it a dissolution, or agreeing a successor among themselves (Bogdanor, 1995: 175-7). This deadlocked situation could be broken, of course, by the government simply resigning. But it may not be willing to concede office in such a manner, preferring instead to force the opposition parties to vote it down. One means of preventing deadlock from becoming drawn out would be to introduce the French rule that allows government to make its legislative proposals matters of confidence; the opposition in this case can veto legislation only if it is also willing to oust the government (Lijphart, 1999: 304).

In relation to the relative advantages and disadvantages of conferring on a prime minister the authority to dissolve the legislature and force fresh elections, two commentators conclude, "The choice in constitutional design, then, is what price to pay in partisan opportunism for the flexibility and safety valve that dissolution powers represent" (Strøm and Swindle, 2000: 25). The need for a degree of flexibility suggests that constitutional designers should avoid the restrictions on premature dissolutions in Germany. Under the Basic Law, a chancellor can only request a dissolution if he has failed to secure an absolute majority in a confidence vote. This makes sense in the German context since "the inability of the Bundestag to end its own term of office is the logical corollary of the constructive vote of no confidence procedure" (Paterson and Southern, 1991: 85). The intention behind protecting governments from parliament would be frustrated if the government itself could dissolve the legislature. But this means that, if there is a mid-term change in government, the German Chancellor can only gain a dissolution to test the legitimacy of the new arrangements by engineering a no confidence vote in himself (exactly what Helmut Kohl did in 1983 after having taken the chancellorship from the SPD).<sup>40</sup> On the other hand, in a multi-party situation, it seems undesirable to allow the prime minister the absolute power to a dissolution. Rather, this should only follow a vote in the legislature supported by at least an absolute majority of members.

### **Enhancing the stability of coalitions: Constitutional options**

One of the main fears of those opposed to proportional electoral systems is that they tend to produce coalition governments which are seen as less stable than single party administrations. As I show below, coalitions tend, all other things being equal, to have a shorter life than single party governments. But duration is dependent on a host of other factors, which makes it impossible to say that a coalition government formed in propitious conditions will be any less durable than a single party government.

The most common measurement of stability is the duration of a government, defined as the period starting with the investiture of an administration and ending with whichever event

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<sup>39</sup> Although the dissolution in these two cases were not engineered for partisan reasons.

<sup>40</sup> Note that some commentators have argued that the restriction on the chancellor's dissolution powers are no longer warranted. In an era of greater political stability, some have suggested that it be made easier for governments to dissolve parliament, through a two thirds majority vote in the Bundestag (von Beyme, 1983).

comes first: an election or the formal resignation of the prime minister. Two other conditions are also commonly held to indicate the end of one government and the start of another: a change of prime minister and a change in the parties comprising a coalition (Strøm, 1990: 57-8).

From this brief discussion, it can be seen that measuring changes in government is a difficult task. Tricky questions also arise in measuring duration. One method is simply to count the months between a government taking and leaving office. On this measure, single party majority governments tend to last longer than coalitions or single party minority administrations (*ibid*: 116). But this is a generalisation across and within countries, rather than a rule for any one government. More seriously, as I noted above (fn. 32), there are considerable variations between countries in the maximum period that a government can remain in office without calling an election (and thereby terminating itself under the counting rules). Thus, while governments in New Zealand can only remain in office for three years, most west European countries allow for four years between elections, while the UK and a few others stretch this to five years. In other words, assuming that administrations always run their full course, governments in New Zealand will appear far less stable than those in the UK.

For this reason, a better measure of government stability is mean *relative* duration, that is the duration of a government as a proportion of the maximum time it could spend in office (Saalfeld, 2001: 13). I divide sixteen west European countries<sup>41</sup> into 'coalition models' (that is, those ruled by coalition governments for more than half the time between 1945-99) and 'single party models' (those ruled by single party administrations for more than half this period). The mean duration for the nine 'coalition' countries is 59% of the maximum, while that for the seven 'single party' countries is 68% of the maximum (*ibid*: 12). As I pointed out earlier (page 49), the mean relative duration of governments in countries that frequently resort to minority administrations is not appreciably lower than in countries where majority coalitions are the norm.

Mean relative duration as a measure has problems just as the simpler mean duration does. A government may decide to cut short its term by calling an early election if it feels it can capitalise on favourable opinion polls and thereby extend further its tenure in office. This is typically true of governments in Britain, which partly explains why governments here score well on mean duration, but less well on mean relative duration. Yet such behaviour may well be an indication of government strength, not weakness. By contrast, weaker governments may be forced to 'go the whole way', since no opportunities arise before regular elections for them to dissolve parliament. The broader point is that government *duration* is only a proxy for, and not a direct measure of, government *stability* (Budge and Keman, 1990: 170).

Overall, the comparative literature suggests that single party majority governments tend to last longer than coalitions and minority administrations, all other things being equal. But as I have noted, government duration varies significantly within and across countries, even when the form of government is held broadly constant. Clearly, all other things are not equal and other factors are also at work, including:

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<sup>41</sup> All the countries listed in Saalfeld (2001: 12), except Iceland.

- *Attributes of the political system:* It has been found that the greater the fragmentation of the party system, the lower the average duration of governments (Laver and Schofield, 1990: 156-8).
- *Attributes of the coalition:* Governments controlling a bare majority of seats ('minimum winning' coalitions) are more durable than those with a 'surplus' majority of seats ('oversized' coalitions) (Laver and Schofield, 1990: 150-55). Duration also increases if a coalition includes a stable 'core' or 'strong' party (Budge and Keman, 1990: 19-26; Laver and Shepsle, 1996: 69-78).
- *Attributes of the main political institutions:* For example, the degree to which a government controls the legislative agenda influences the 'costs' of forming or terminating a government and thus the incentives for parties to form or end a coalition (Mershon, 1999)
- *Attributes of the players:* Notably the degree of familiarity and trust between the actors, which may build up over time as actors view each others' actions in government and learn more about their patterns of behaviour. Thus, coalitions may endure (be 'inert') in spite of difficulties that, had they been known about at the negotiation stage, might have prevented a coalition being formed in the first place (Franklin and Mackie, 1983: 276-7).

Government durability is, then, heavily dependent on the nature of the political system and behaviour of the main actors within it. But can duration also be affected by appropriate constitutional rules? At the broad level, the empirical evidence is equivocal. I noted above (pages 38-9) the distinction between 'positive' and 'negative' rules on government formation and termination. Positive termination rules - which stipulate that a no confidence vote must gain an absolute majority to pass - impose a high barrier on opposition parties, while negative rules provide a lower hurdle for the opposition to clear in overthrowing a government. Among seventeen west European countries in the post-war period, only 8% of government resignations were caused by parliamentary no confidence votes under positive conditions, while under negative conditions, this rate more than doubled to 18% (De Winter, 1995: 139-40).<sup>42</sup> Of the four countries in which more than one quarter of all government resignations were caused by parliamentary no confidence votes - Denmark, Ireland, Italy and Portugal - three operate a negative termination rule. But while constitutional rules on government termination appear to affect the *cause* of an administration's downfall, they seem to have less effect on its *timing*. In other words, the nature of the parliamentary rules appears to have little effect on the durability of a government. Across a range of west European countries, the mean relative duration ('survival rate') of governments operating under positive parliamentary rules was little different from that of governments where negative rules were in place (De Winter, 1995: 140; Saalfeld, 2001: 12). In other words, the nature of the constitutional rules in place affects the chances of a government meeting its demise in parliament, but not its chances of surviving a full term, which is far more dependent on a range of other factors less easily addressed by appropriate constitutional rules.

In spite of this, it is worth examining what options are open to constitutional designers concerned to bolster the stability of governments. I discuss two such options: making it more difficult for the opposition to bring down a government, and reducing the incentives for terminating governments prior to constitutionally mandated elections.

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<sup>42</sup> In both cases, a far higher proportion of government resignations were caused by non-parliamentary factors such as government initiated dissolutions of parliament.

### *The no confidence vote*

The first option is to make it more difficult for governments to be brought down by the opposition. In terms of the formal rules, British governments may fairly easily be unseated; all the opposition must do is to pass a no confidence motion by a majority of those MPs voting. Relative majorities are also all that is required in Denmark, Ireland and New Zealand, among my study countries. In practice, of course, opposition parties find it far more difficult than that. Nonetheless, they face less of a struggle than their counterparts in countries such as Sweden, who can only bring down a government if a majority of all MPs vote in favour. Finally, and most restrictive of all, governments in Germany and Spain are safe unless the opposition both musters an absolute majority of MPs against the government, and also nominates a successor (the 'constructive no confidence' provision). The constructive provision was introduced first in Germany, to prevent a repeat of the instability of the Weimar regimes where governments were defeated without the legislature being able to elect a successor (Saalfeld, 2000: 36). It has two advantages. First, it reduces the possibility of deadlock, where the opposition has sufficient numbers to vote down the incumbent government, but without a consensus on whom to install in its place. Second, by making the replacement of one government by another automatic, it reduces the need to bring the Head of State into the – potentially controversial – government formation process. Insofar as it replaces the discretionary role of the Head of State with the formal role of parliament, the constructive no confidence provision "might therefore be regarded as the contemporary constitutional orthodoxy on the government formation process" (Laver, 1996: 478).<sup>43</sup>

The constructive no confidence rule has only been put to the test twice in Germany, unsuccessfully in 1972 against Willy Brandt, and successfully in 1982, when Helmut Kohl replaced Helmut Schmidt (Roberts, 2000: 118-9). It has only been a constitutional option in Belgium since 1995 and a rule in Spain since 1978, where no censure motion has so far been passed (Colomer, 1996: 191).

The disadvantage of the constructive no confidence rule is the mirror image of its claimed advantage. By making it more difficult for the opposition to bring down a government, the provision has the effect of shifting the balance of power in the direction of the office holder. It is perfectly possible for the opposition parties to be united against a poorly performing government but divided on whom they would prefer in its place. Yet the fact that an alternative government is not readily forthcoming might not be thought sufficient reason for keeping an unpopular incumbent in office.

The constructive no confidence rule has been recommended in Ireland, and suggested for consideration in New Zealand, as a means of shoring up governments (Laver, 1996; Boston, 1998). Some commentators see this rule as having contributed to government stability in Germany in the post-war period (Roberts, 2000: 118-20), although others argue that the stable party system there has really done the work (Smith, 1991: 50).

There are variants of the constructive no confidence provision which avoid making the opposition's task too onerous. One such variant is the system in Belgium and in New South Wales in Australia, in which the opposition may indicate a replacement when passing a no confidence vote – in which case this figure automatically takes office should the motion pass –

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<sup>43</sup> Although this applies only to changes of government in between elections, not after elections, where the Head of State might still have a role to play.



but does not need to. If the opposition is united against the incumbent but not in favour of any one replacement, a successful no confidence vote simply leads to fresh elections (De Winter, Timmermans and Dumont, 2000: 342; Ward, 1996).

The ability of governments to go about their business without the constant fear of being ejected from office by a parliamentary vote is a *sine qua non* of effective policy making. Without it, governments would cease to engage in long term policy planning and would undertake far more short term measures designed to win support in the legislature and thus maintain their tenure in office. Such stability becomes potentially less secure if governments command only a minority of seats in the legislature. Minority administrations are far more prone to the threat and the reality of terminal defeats by the opposition parties. Protection for such governments might be engineered by making it more difficult for the opposition to bring down an administration. On the other hand, this should not be at the expense of depriving the opposition of its powers. For this reason, rather than insisting that governments are only overthrown via a constructive no confidence vote, it seems preferable to insist on the milder rule that an absolute majority of the legislature must vote against a government for it to fall. If the opposition parties mustering an absolute majority can simultaneously nominate a successor prime minister, this 'automatic replacement' provision might be adopted to ensure there is no hiatus between administrations.

### *Fixing the legislative term*

The second way in which governments could be made more stable is by removing the power or incentive to hold early elections. For a British prime minister, the only constraint on electoral timing is the legal requirement for a new poll five years after the previous one. He or she is free to go to the country at any time during this period (although, under multi-party conditions, the prime minister's automatic 'right' to a dissolution may come under strain, as outlined above). If an early election is called, the electoral clock starts afresh, so that no new poll need be held for another five years. The electoral terms for the House of Commons are thus 'non fixed'. The same is true of other 'Westminster' democracies - Canada (maximum five year term), Australia and New Zealand (both four year terms) - as well as European ones - Austria, Belgium, Denmark, Finland, Germany<sup>44</sup> and the Netherlands (all four year terms) and France, Ireland, Italy and Luxembourg (five year terms).

In one European country - Sweden - governments may dissolve parliament in between elections, but fresh elections are in addition to, and not a replacement for, regular polls which must be held every four years. This 'semi fixed' model allows for deadlocks to be broken, but minimises the incentive for governments to capitalise on favourable polling conditions by forcing premature elections. Two European countries - Norway and Switzerland - allow no flexibility in the date of elections, which are fixed at four years.

Interestingly, the new legislatures in Scotland and Wales operate under different models. The Scottish Parliament operates on four year terms, and can be dissolved in between ordinary elections subject to a two thirds vote among MSPs. But only if the Parliament is dissolved less than six months before scheduled elections are these elections cancelled. Otherwise, ordinary elections are held as per normal. The Welsh Assembly likewise operates on four year terms, but the legislation makes no provision at all for extraordinary elections.

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<sup>44</sup> Although the German constitution allows for early dissolutions of parliament, these are seen as very much the exception rather than the rule.

Semi-fixed parliamentary terms are held to enhance government stability by making it less attractive either for the opposition to bring down a government or for the government to dissolve parliament. Government effectiveness is only really enhanced in the first case, since restricting the incentives for opposition parties to overthrow a government helps avoid the incumbent from always having to look over its shoulder. Such defensiveness is seen to take a toll on a government's ability to introduce effective and long term policy measures. By contrast, governments usually seek a parliamentary dissolution in order to capitalise on favourable electoral conditions, which are often the result of good performance in office. In other words, the ability to gain a dissolution provides a positive incentive for governments to operate effectively throughout their period in office; removing this power might encourage governments to 'back load' their policy programme; to become more active or responsive when they know an election is imminent.

It is difficult to pinpoint exactly what impact the semi-fixed nature of the Riksdag has had on the stability of Sweden's government. The country has only seen one premature election, in 1958 (Boston, 1998: 116). Early elections were discussed in the context of government crises in 1978 and 1981, but ruled out on both occasions since regular elections would need to have followed shortly afterwards (Bergman, 2000: 199). If government duration is measured as a proportion of the possible maximum time an administration can be in office, Sweden performs well; its mean relative government duration is 80%, well above the European average (Saalfeld, 2000: 12). Thus, the Swedish experience suggests - no more - that a semi-fixed parliamentary term enhances government durability, although to what degree it is impossible to tell.

A fixed or semi-fixed parliamentary term was proposed for New Zealand as a response to the instability of its governments in the run up to, and immediate aftermath of, the introduction of a proportional electoral system (Boston, 1998: 114-21). Fixed or semi-fixed terms would have wider implications for the balance of power within coalitions and between the executive and parliament, as well as for relations between voters and their elected representatives. It is for some of these reasons that many commentators in the UK have argued for fixed legislative terms, notably to reduce what is seen as an unfair advantage of the incumbent government in being able to decide the date of the poll (Blackburn, 1995: 49-65). In coalition situations, the ability of the prime minister to call snap elections is usually seen as a means of coercion over the junior partner in cases of dispute. But the power that dissolution affords the prime minister can also be helpful when the government only commands a minority of seats, and can similarly coerce parties in the legislature in order to get measures passed; my interviews suggested that this was a real weapon for minority governments in Denmark where the prime minister has an absolute right to a dissolution.

However, it is arguable that such coercive powers are less suitable in a situation of majority coalitions, a more likely scenario if the Westminster electoral system moved to PR. I have suggested above a relatively unrestricted rule for the investiture of a new government, although a higher hurdle when it comes to its termination. This combination might be sufficient to underpin government stability, although constitutional design for any multi-party situation at Westminster should evaluate what impact the semi-fixed legislative term for the Scottish Parliament has had. Ultimately, however, the arguments for and against fixed terms may be influenced more by the perceived need to limit the discretionary power of prime ministers and/or by the need to maximise accountability of governments to voters (on which see Strøm, 1997).

## Keeping the show on the road: The role of caretaker governments

Having examined the constitutional rules covering government formation and termination, I conclude this chapter by examining a less high profile, but nonetheless important, issue: what happens in the period between one government resigning and another taking up office, a period usually overseen by a 'caretaker' government.

Britain has little experience of caretaker governments. Following a government defeat at an election, the opposition leader is normally sworn into office the following day and the government fully replaced within the next 48 hours. But in countries where proportional electoral systems do not produce such clear winners, the formation of a new government may take far longer. The longest period required to form a new government in the last fifty years in a west European country is the 208 days taken in the Netherlands in 1977 (Müller and Strøm, 2000: 570). But the Netherlands is an outlier; the average across twelve west European countries excluding the Netherlands is 19 days, or just under three weeks. What happens to government during this period? In most west European countries, as noted above, incumbent governments are not forced to resign at, or after, an election; rather, they may continue in office until ejected by an alternative administration. But if they do resign – either because they have clearly lost the election or because they have failed to form a new government – they usually continue in office until a new government is sworn in, as a caretaker government. Given that caretaker administrations may be in office for several weeks, what rules cover what they may or may not do?<sup>45</sup>

In few countries is the role of caretaker governments covered by clear constitutional or cabinet rules. A survey of the constitutions in six west European countries by the New Zealand State Services Commission (1995: 81) identified only Denmark as formally setting out the rules for caretaker governments.<sup>46</sup> But most countries make up for this with informal understandings that caretaker governments avoid taking major policy decisions, for example by not introducing substantive bills to parliament, although minor bills, particularly on supply issues, continue. The exception is Ireland, where caretaker governments wield broadly undiminished powers, and have occasionally made appointments to very senior political posts (Laver and Shepsle, 1996: 47). Civil servants in Dublin appear sanguine about the role of caretakers. Caretaker administrations are formally informed of the need to avoid committing any future government to expenditure. Officials also point out the unlikelihood that major policy decisions would be taken by a caretaker administration, since such decisions would require ratification by cabinet which tends not to meet frequently either side of an election. But appointments can be made without cabinet meetings, and are thus easier for a caretaker administration to push through. The lack of self-restraint on the part of caretaker governments in Ireland has prompted one observer to call for the introduction of a 'constructive' no confidence provision – so that the fall of one government is contingent on another being ready to take up the reins of power immediately – and for an addition to the constitution stipulating that the decisions of a caretaker "be confined to those [matters] required to ensure the essential good government of the State" (Laver, 1996: 479-80).

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<sup>45</sup> In some countries (eg. Australia), governments assume full caretaker status immediately the legislature is dissolved pending elections. With the legislature not in session, there can clearly be no scrutiny of executive activity. For this reason – and for the more prosaic one that most government ministers will be out campaigning – executive activities are reduced to a minimum immediately prior to an election (Boston et al, 1998b: 644-6).

<sup>46</sup> A caretaker "... shall do only what is necessary for the purpose of the uninterrupted conduct of official business" (Section 15: 2).

There are partial exceptions to the 'caretaker' status of outgoing governments. In Norway, where the timing of elections is fixed, an outgoing government will remain in office for the three weeks or so that it takes to present the annual budget (elections are held in mid-September and the budget delivered in early October). Thus, in 2001, the Social Democrats suffered a humiliating election defeat on 10<sup>th</sup> September, remained in office while bargaining with the Christian Democrats to form a coalition and, when this failed and the bargaining switched to the parties on the right, issued a budget one month later. In instances when an election produces a change of government, it is usual, however, for the new administration to amend the budget in line with its own policies, with the outgoing government's budget presumably covering only non-controversial items (Boston, 1998: 38-9). In the Netherlands where the caretaker might be in office for months while a new government is being formed, major policy issues can be introduced to parliament, but only if there is a majority for the measures, which in turn suggests that the caretaker consults with the opposition parties before proceeding (Shroff, 1994: 17).

However, even in countries whose conventions limit the power of caretaker governments, there is still plenty of interpretation around what these conventions mean in practice. For example, the Cabinet Office in New Zealand proscribes caretaker governments from undertaking new policy initiatives or changing existing policies. The implication is that the implementation of existing policies (ie. the policies of the government prior to the election) may continue. Yet the introduction of existing policies might itself be controversial. Following the 1996 election in New Zealand, and despite attempts by the Cabinet Office to formulate clear ground rules, there was some confusion within the caretaker government as to how far it could continue with 'business as usual', and how far even pre-existing policy commitments needed to be discussed with the opposition parties (James, 1997: 32).

Also, what if an important decision needs to be taken quickly? In Germany, urgent decisions are taken by the incumbent only after consulting with his most likely successor, as Chancellor Kohl did with Gerhard Schröder in October 1998 in relation to the conflict in Bosnia. Other countries, such as New Zealand, also operate a convention that a caretaker government faced with an urgent major policy decision will consult with the incoming government, and will act on its advice even if the caretaker disagrees with this (Palmer, 1994: 244-5). If the identity of the incoming government is not clear, the cabinet rules in New Zealand stipulate that substantive issues are either (a) deferred; (b) handled in such a way as to avoid committing any future government; or (c) resolved via consultations with other political parties so that the action commands majority support in parliament.

Being in their first term, devolved institutions in Scotland and Wales have not yet experienced caretaker administrations. What procedures or contingency planning might be required prior to the second devolution elections in May 2003? In New Zealand, prior to the first election held under proportional representation in 1996, extensive preparations were made to minimise the number of significant issues falling to a post-election caretaker administration. Thus, decisions on major policy matters and political appointments were brought forward to before the election, with other potentially divisive issues being identified for deferral until a new government had taken office. On budgetary decisions that could not be deferred (eg. annual funding allocations to education institutions), final decisions were only taken following discussions with the opposition parties (Boston et al, 1998a: 68-9). The issues requiring cross-party agreement in devolved administrations will include dealings with the central or federal tier. Thus, in the German *Länd* I visited, Mecklenburg-Vorpommern, the

discussions between the outgoing and incoming government over the role of the caretaker include how the state should behave in Bundesrat votes. Apparently, tight votes in the Bundesrat have sometimes been tipped by the vote of a caretaker state government, which is seen as going beyond the bounds of its legitimate role.

The principal issue around caretaker governments is a political one, namely to what extent caretakers should be limited in the decisions they can take. However, there is also a constitutional issue which potentially might arise. This relates to the status of ministers, and the basis on which they continue in office on a caretaker basis if they have lost their seat at the election.<sup>47</sup> The Scotland Act 1998 (§47) stipulates that ministers must be drawn from the Parliament, and cease to hold office if they lose this status. The Government of Wales Act 1998 (§53) similarly requires Assembly Secretaries to be members of the Welsh Assembly. But what happens to a caretaker administration if half of their members have just lost their seats at an election? Two remedies exist. The first is to transfer to ministers that have been re-elected the functions of their non-elected counterparts. This may overburden the remaining ministers, although the principle that caretaker governments are relatively dormant should avoid this. The second is to grant an temporary exception to the rule in cases where ministers lose their seats. Thus, New Zealand's Constitution Act 1986 (§6.2(b)) allows ministers who have failed to be re-elected to remain in the executive for 28 days after the election. If the caretaker is still operating after this time, the prime minister (or presumably the most senior minister if he/she has also lost their seat) may appoint another minister to cover the portfolio (State Services Commission, 1995: 83).

A final issue relating to caretaker governments concerns the position of civil servants and their role in coalition negotiations. The question is what role civil servants should play in advising the parties, given that they still owe formal allegiance to the caretaker government which might well be a player in these negotiations. This issue is dealt with in the following chapter (pages 68-70), as part of the discussion on negotiating a coalition.

## **Conclusion**

This chapter has suggested a framework of rules for the formation and termination of governments. It builds on the UK's political tradition (eg. the role of the parties in the formation process) while also identifying areas where past practices and conventions may be less appropriate in a multi-party setting.

I have argued that the identification of a new government should rest with the parties in a relatively unfettered bargaining process. As in Scotland and Wales, there need be no initial role for the Head of State or other external agent in designating a single party head to lead the bargaining process. However, should the parties abuse such lack of constraint by trying to play off one another to maximise their own positions, and thereby elongating the formation process, a more formal process may be required. But one reform that might be worth considering in an unordered, or 'freestyle' bargaining environment is for any incumbent administration to resign at an election. This move would preclude the government in office from gaining any – undue – advantage following an inconclusive election.

An alternative would be for any new government to have to gain the approval of parliament before taking office, via an investiture vote. The nature of the investiture vote (either

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<sup>47</sup> The problem does not arise, of course, if a caretaker administration is created following the resignation of a government mid-term, without recourse to an election.

'positive' or 'negative') affects the type of government likely to be formed, specifically whether a majority is stipulated or minority administrations are also possible. If governments that command only a minority of legislative seats are deemed undesirable, a positive investiture vote will be introduced. If, however, minority governments are not deemed undesirable, a negative vote might be sufficient. Within the 'negative' form of investiture votes, minority administrations are most likely when the onus rests with the opposition to prove that an alternative majority exists; the system in Scotland and Wales places the onus with the government-elect, although only to demonstrate a majority among those voting ('relative majority'). For Westminster, the latter might be the most realistic of the negative investiture options.

Under an unordered bargaining process with no designated *formateur*, it is possible that the parties will not be able to agree on a new prime minister. One means of avoiding such deadlock would be to introduce an ordered element to the formation process, by allowing the Head of State or other external agent to designate a *formateur* in the hopes that this will kick start the process. An alternative, as in Scotland, is to set a time limit for the formation of a new government, following which fresh elections are held. In Wales, the Head of State plays no role at all in government formation, and thus clearly cannot play a role in designating a *formateur* in any cases of deadlock. For Westminster governments, it would be possible for the Head of State to designate a *formateur* to try and break the deadlock. But there is no guarantee that this device would work. It might be a better option to lower the threshold an incoming government needs to meet by reducing the investiture requirement from a relative majority to a simple plurality.

Once in office, a balanced distribution of power between the executive and legislature suggests that an incumbent prime minister be denied the right to an automatic dissolution of parliament. On the other hand, the resort to a dissolution represents an important potential means of resolving a deadlock in parliament. If constitutional designers wish to limit the use of the dissolution as a partisan device, they might adopt the Scottish rule, whereby the legislature can only be dissolved if two thirds of its members vote in favour. But for the dissolution to remain a viable means by which a prime minister can resolve any deadlock, it may be better to adopt the practice in many west European countries, whereby the support of a simple majority in parliament will suffice.

A concern to maintain a balance between the executive and legislature, allied with an eye to enhancing government stability, means that the opposition parties should be able to defeat a government by passing a no confidence motion with an absolute majority (majority of all members), and not have to simultaneously nominate a successor (the 'constructive no confidence' provision). This relatively mild package of measures should be enough to underpin government stability without resorting to additional devices such as fixed legislative terms. Such devices may be appropriate, but on grounds of fairness between parties rather than on the stability that they are seen to bring to government.

Thought should be given to the role of interim, or 'caretaker', administrations given the potential of such bodies to generate controversy. While prior preparation will include the role of civil servants, the most important role is played by the parties themselves; there is no part of the coalition process that demands more consensus between parties than the point at which power is transferred from one regime to another.

## CHAPTER 3: Negotiating a Coalition Government

Perhaps the most noticeable difference between single party and coalition conditions is that power sharing governments are usually only formed following a bargaining process between parties, whereas no such negotiations are required for single party administrations. An indication of this point is that government formation in multi-party conditions often, though not always, takes longer than under majoritarian conditions.

In this section, I examine how governments are formed through inter-party bargaining. I focus on the duration and nature of the process, the main actors, the support arrangements and the substance of the negotiations. My analytical focus is on two questions. First, is there a risk that the bargaining process in multi-party conditions might become drawn out, and might institutional constraints on this process be desirable? Second, what features of the bargaining environment lend themselves to effective and productive negotiations? What aspects of the process are conducive to providing a firm platform for the subsequent operation of the coalition? Inter-party bargaining may take the form of a 'two shot game', since a first round of negotiations may be necessary to put together a coalition, with a second round required if the coalition commands only a minority of seats, to pull in sufficient legislative support. I deal only with the first round here; issues connected with the behaviour of minority administrations are discussed further in Chapter 6.

### The negotiating process

#### *The duration of negotiations*

In Britain during the post-war period, only four days have been needed on average to form a government (de Winter, 1995: 122). Other west European countries also boast formation periods comparable to Britain's: Denmark, France, Norway and Sweden. In Ireland and Germany, formation typically takes between two and three weeks. But the average in Austria is over five weeks, and in the Netherlands, ten weeks (Müller and Strøm, 2000: 570). There is no reason why a move to coalition government should produce a more protracted period of government formation. In New Zealand, for example, while a coalition took two months to form after the first PR election in 1996, the second in 1999 saw a coalition government installed after only 10 days, comparable to the average formation period under the previous electoral regime (Boston and Church, 2000a: 5). And in Scotland in 1999, only eight days were needed between the first devolved election and the formation of the Labour-Liberal Democrat coalition.<sup>48</sup>

Why is there such variation between countries in the average length of time taken to form a government? Two variables are the number of parties involved in negotiations, along with the degree of detail sought in the agreement (Müller and Strøm, 2000: 572). Institutional factors also play a role. Thus, the degree of detail is itself influenced by the extent to which the executive controls the legislature. In a political system in which the legislative agenda is

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<sup>48</sup> The endpoint being used here is the signing of the coalition agreement. The First Minister, Donald Dewar, had been sworn in the day before the agreement was signed. In systems where the prime minister is elected by parliament, some accounts treat the end date for coalition formation as the parliamentary vote, on the basis that a vote for a particular person is effectively a vote for a coalition (Diermeier and van Roozendaal, 1998: 618). Note that in Germany, where the Chancellor is similarly elected by a vote in parliament, this election can sometimes take place before the coalition negotiations have been completed, for example before the allocation of portfolios has been finalised.

controlled by the executive, there is little point in negotiating a 'tight' agreement, since issues can be dealt with on a day by day basis. But where the legislature enjoys greater powers, a proto-coalition has greater incentives to agree at the outset how to handle potential problems (De Winter, 1995: 143-4). And countries that, by virtue of 'positive' parliamentary rules (see previous chapter) encourage the parties to form majority status coalitions typically exhibit longer formation periods than those whose parliamentary rules are 'negative' and thus permit minority administrations (*ibid*: 136). Variations in duration may also be caused by highly specific factors. It tends to be relatively easy to negotiate a coalition if a country's economic conditions are good, since fewer boosting measures need to be agreed between the partners and healthy government revenues may allow for more of the partners' demands to be met. During economic downturns, however, the size of the government cake may be smaller, producing more intense haggling over the budget.

In the following sections, I examine the players and processes involved in negotiating a coalition, returning at the end to the issue of timescales, in particular to address what measures might be needed to speed up government formation in multi-party situations.

### *Who negotiates?*

The negotiation of coalition governments is typically undertaken by a small group of senior figures from the bargaining parties. As I note later (pages 66-7), much of what is agreed between the parties concerns policy matters. It is thus very rare for the negotiations to be conducted solely by the party leaders, since these figures lack all the information required to agree a full policy programme. On the other hand, negotiating teams are rarely large, since this would extend the potential for disagreement and for compromising secrecy.

Thus, in Ireland after the 1997 election, the coalition negotiations between Fianna Fail and the Progressive Democrats were conducted by eight people: two senior TDs from each party, each group aided by two senior party advisers. The party leaders, Bertie Ahern and Mary Harney, were not involved directly in the negotiations, but determined their broad parameters at the outset (Mitchell, 1999a: 254). It is not unusual for the party leaders to remain aside from the negotiations, offering a final tier for resolving disputes. In 1992, the Fianna Fail-Labour negotiations involved small teams of three negotiators from each party with the party leaders again not involved (Farrell, 1993). In Denmark, the party leaders normally lead the negotiations, although again they bring with them small teams comprising prospective or past ministers and/or the party spokespeople in parliament. The negotiating teams in Germany tend to be of a similar size; bargaining between the SPD and Greens in 1998 involved two teams of four permanent members with other spokespeople brought in to negotiate on specific policy issues (although the negotiating teams under Kohl's chancellorship were usually 15-20 strong; Saalfeld, 2000: 47). The three parties involved in negotiating a coalition in New Zealand following the 1996 election adopted a flexible approach to their teams; Labour and New Zealand First chose only a handful of people to represent them, while National selected a larger team of nine. But each party brought in additional figures at various points during the negotiations (Boston and McLeay, 1997: 222-3). The negotiations between Labour and the Alliance in 1999 were conducted primarily before, not after, the election. The necessity for secrecy limited the negotiating teams to just four or five members (Boston and Church, 2000: 233-4).



Judged against these examples, the negotiating teams used by Labour and the Liberal Democrats in Scotland were broadly in line with practice elsewhere; the Liberal Democrats used a team of eight figures, with Labour drawing on five people (Finnie and McLeish, 1999).

But while small teams around the party leaders may aid swift, trusting and leak-free negotiations, they are likely to increase the concern among the parties' elected members and supporters that their interests will be compromised. What mechanisms are put in place to ensure that the leaders do not 'sell out'? How is the wider party involved in coalition negotiations? A desire to maintain tight control over the leaders' activities is usually strongest among 'policy oriented' parties, that is parties whose supporters and elected members have a strong concern with maintaining a set of policy stances rather than simply with attaining office. An example is the Labour party in Ireland. Following a coalition with Fine Gael between 1973 and 1977, ending in the loss of office to Fianna Fail, party members placed limits on the delegation of authority to the party leaders by insisting that any subsequent coalition agreement be put to a special conference of party delegates for approval (Farrell, 1987: 138-9; Laver and Higgins, 1986: 174-7).

Comparative research suggests that parliamentary party groups are often involved in the negotiation and ratification of coalition agreements. Thus, among fourteen west European countries, in only six are parliamentary actors not involved in formation talks. And in just two - Belgium and Italy - are the party groups not consulted on the talks. When it comes to ratifying the agreement, it is rare for party members - as with the Labour party in Ireland - to have a formal veto; more common is for the agreement to go for approval to either the party executive and/or parliamentary party. This process does not normally involve major changes being made to the agreement, except in the Netherlands and here only in relation to a particular party (De Winter, 1995: 128-34; Timmermans and Andeweg, 2000: 366).

Danish parties maintain a strong control over their leaders when it comes to government formation. For example, the parliamentary group of the Social Liberal party - the junior coalition partner to the Social Democrats in the previous government - would meet prior to coalition negotiations to decide what their leaders' bargaining strategy should be. When the Conservative-Liberal coalition fell in 1993, the Social Democrat leader sought his party's permission before starting negotiations to form an alternative coalition. The party groups of both the Social Liberals and the Social Democrats also have a formal role in ratifying any coalition agreement. The parties in Germany are involved in coalition bargaining via their caucus leaders who usually form part of the negotiating teams. In addition, agreements are sometimes put before special party conferences, as with the SPD and Greens in 1998 (Saalfeld, 2000: 47-8). The policy oriented Free Democrats (FDP) also ratify any coalition agreement through its parliamentary group (De Winter, 1995: 134). In New Zealand, the agreements reached after the 1996 and 1999 elections have both been subject to approval either by the parties' parliamentary groups or by a special delegates' conference. In fact, it was the caucus of New Zealand First that, officially at least, had the responsibility in 1996 for deciding whether to form a coalition with National or Labour (Boston and McLeay, 1997: 231; Boston, 2000: 247-8).

The varying practices of parties in different countries and within them is reflected in the ratification processes deployed in Scotland and Wales. The Welsh coalition agreement was completed in October 2000 and, while the policy oriented Liberal Democrats held a delegates' conference to affirm what had been decided, Labour restricted ratification to its party executive (Osmond, 2000). In Scotland, however, the coalition agreement was ratified for the

Liberal Democrats by its parliamentary group and party executive, with Scottish Labour putting the agreement before its parliamentary group for ratification. While the Liberal Democrat negotiators in Scotland kept the party caucus informed of progress in the negotiations, there was no formal consultation with the MSPs (although the decision to negotiate a coalition had been agreed by the parliamentary group as well as by the party's executive). While many MSPs pushed for a more inclusive bargaining process, the negotiations were driven by the close relations between the two party leaders, Donald Dewar for Labour and Jim Wallace for the Liberal Democrats. The Liberal Democrat backbenchers have subsequently made life hard for the coalition; however, my interviews in Edinburgh did not suggest that matters would have been made easier if the party groups had been more closely consulted during the negotiating process. The party leaders were keen to form a government quickly, leaving little scope for drawn out discussions within the parties. The concern that an executive should be formed soon after the election may be relaxed in subsequent elections now that the devolved institutions are well established.

Party leaders have to weigh up competing pressures in deciding what role the wider party should play in approving coalition negotiations. On the one hand, leaders will value the flexibility and power that comes from their being able to negotiate a coalition without having to seek the approval of their parties. On the other, the involvement of the wider party can help build trust in, and commitment to, the coalition among elected members, who play a key role in maintaining the stability of coalition administrations through support in the legislature. The failure to bind Labour MPs to the 1977-78 pact with the Liberals was one reason given by a key actor for the pact's demise (Steel, 1980: 156). A second benefit for party leaders in formally committing themselves to seek their party's approval for bargaining outcomes is that it can strengthen their negotiating hand. A leader has more credibility in sticking to a position if their negotiating partner knows that any deviation from this position will be opposed by the wider party. Analysis of the coalition agreement forged in 1981-2 between Labour and Fine Gael in Ireland shows that, compared with the two parties' pre-election manifestos, Labour got far more from the agreement than its partner. In part this may be due to Labour's stronger bargaining position as a result of its commitment to gain party delegates' approval prior to signing the agreement (Laver, 1992: 51).

### **What is negotiated?**

Coalition negotiations virtually always cover two issues: the areas of policy that can be agreed between the parties, and the allocation of portfolios (ministries). Sometimes, a third issue is addressed, namely the procedures by which the coalition will operate. Again in virtually all cases, policy issues are discussed and agreed before the division of ministerial spoils (De Winter, 1995: 128-9).

### ***Policy issues***

Discussions on policy issues serve two purposes. The first is to reach agreement so that a programme for government can be highlighted. The second is to identify areas of disagreement; these can either be put aside, temporarily or permanently, so as not to jeopardise relations between the parties, or receive special treatment, for example detailed discussion in a dedicated working group. Areas of agreement are flagged up in the coalition agreement (see Chapter 4), while disagreements remain a matter for the parties. The degree of policy detail involved in the negotiations will depend on how far the parties wish to highlight a full programme in the agreement. It also depends on what level of trust exists between the

parties; the lower the trust, the greater the incentives for the parties to commit one another to specific policies at the outset.

Bearing in mind that coalition negotiations often last only for a week or two, how can agreements be reached on potentially complex policy matters? What kind of arrangements are used to ensure that the coalition agreement reflects a considered and thorough treatment of such matters and can thus stand as a realistic indication of the government's forward work programme?

I noted above that coalition negotiating teams typically comprise a handful of senior party figures. These people tend to meet with each other regularly, lead the discussion on major policy issues and resolve disputes between the parties. It is also common, however, for many substantive policy discussions to be conducted through a wider network of senior figures, parliamentary spokespeople and advisers.

Thus, while negotiations between the SPD and Greens after Germany's 1998 federal election centred on the eight strong central team, other people were brought in on particular policy issues. For example, if discussions needed to be held on transport, the party spokespeople for that portfolio along with specialist advisers would be brought in to draw up an agreed set of policies. Thus, the core team was complemented by various ad hoc working groups each addressing a more specific set of policy issues. A similar process was adopted by the three parties who negotiated in New Zealand in 1996. The negotiations were begun by the main negotiating teams, but it quickly became clear that these small groups would not be able to put together a detailed and costed policy programme of the kind that New Zealand First insisted on. So Labour, National and New Zealand First – the last bargaining simultaneously with the two larger parties – brought in various backbenchers and advisers to form working groups around the core negotiating teams (see Boston and McLeay, 1997: 224). Such a 'hub and spokes' arrangement is appropriate when the goal is a comprehensive policy agreement. It is noticeable that the coalition agreements produced in Germany in 1998 and New Zealand in 1996 were long by international standards, at 17,000 words each (Saalfeld, 2000: 56; Boston, 2000: 256). By contrast, if the parties wish to eschew detailed policy negotiations, it is much easier to limit the players to the core team. This is exactly what happened in New Zealand in 1999, when only a handful of Labour and Alliance party figures were involved in pre- and post-election consultations (Boston and Church, 2000: 233-4).

The negotiations to form a coalition in Scotland involved a core team along with small working groups, even though the final agreement is not a particularly comprehensive policy document (perhaps reflecting the tight timescale). The groups worked quickly, identifying from the pre-election manifestos areas of commonality and divergence. The latter were then dealt with by the core negotiating teams, while the working groups produced concrete proposals on areas of agreement.

Negotiating parties need to identify swiftly the policy areas on which they agree and disagree. This is most important if there are ideological differences between the parties or they have no previous experience of working together. Thus, the negotiations in Ireland between Fianna Fail and Labour in 1992-3 were helped by the prior preparation by Fianna Fail of a twenty page document outlining the areas of policy agreement. This enabled the negotiations to focus on resolving areas where the parties were not in accord (Farrell, 1993). It is quite usual for areas of disagreement between the negotiating parties to be put off until later, as the

parties in Scotland did on the issue of student finance, for example. This approach avoids causing friction at the outset of a government, and aids speedy resolution of the negotiations.

### *Use of advisers*

As I suggested above, there are various situations in which parties bargaining to form a coalition may not wish to spend long around the table. If the executive enjoys a high degree of control over the legislature, if the parties trust one another and/or if there is little public demand for a detailed agreement, there are few incentives for a drawn out negotiating process. Rather, areas of disagreement can be resolved later, on an ongoing basis. However, if these conditions do not exist, the parties may well wish to hold fuller policy discussions. Parties in this situation clearly need to have a good grasp of the main policy issues if they are to reach realistic and informed agreements quickly.

This rarely poses problems to a party that is already in government, since it will already appreciate the opportunities and constraints on the policy agenda. The picture may not be so rosy for parties negotiating to form a wholly new government, however, and the prospect may be still more daunting for small parties without the resources available to their larger counterparts. For instance, in Ireland in 1997, the Progressive Democrats negotiated to form a government with Fianna Fail. Despite having been in office with the same partner just four years previously, the junior partner found conducting detailed policy negotiations a strain. It had just a couple of advisers, while Fianna Fail – which, in addition, is far more used to political office and thus the wider policy agenda – had access to a far larger resource pool. The junior partner did have access to civil servants from the Finance Department for help in costing any policy commitments. And more liberal information regimes plus the posting of economic data on the web means important material is often readily available. Nonetheless, some Progressive Democrats involved in the negotiations would have liked additional resources, in the shape of 2-3 civil servants, to advise the party on its policies, in particular on their ‘downstream’ implications. This plea was echoed in Ireland by Labour figures involved in the negotiations with Fianna Fail in 1992-3, and in Germany by members of the Green party who negotiated a coalition with the SPD in 1998. Following the 1996 election in New Zealand, the negotiating parties were allocated around £150,000 to employ external advisers. Maybe not surprisingly, only the newest and smallest party, New Zealand First, drew upon this fund (Boston and McLeay, 1997: 228).

Civil servants in Ireland appear to be becoming more involved in providing advice to coalition negotiations. This may be because the country has only been in a system of coalition politics for twelve years, since Fianna Fail ended its refusal to enter power sharing administrations. The issues on which the parties typically seek civil service advice are the costing of programmes, the state of the social partnerships (agreements between government, employers and the unions), matters that require discussion within the European Union and the internal structure of government. There are no formal arrangements in Ireland covering the provision of such advice. Requests made by the parties are sent to the relevant department, not via the Government Secretariat. These unregulated arrangements seem to work well; I encountered no concern either within the civil service or among the parties about access or equity issues, and no calls for more formal rules.

Coalition bargaining in Denmark is not informed by civil servants, who play no role in advising the parties on financial matters or policy implementation. In part this is because coalition agreements rarely contain this level of detail, since Denmark’s governments tend to

hold only minority status and thus engage in a continuous process of bargaining and compromise (Damgaard, 2000: 244-6). It may also be explained by the ready accessibility of information in Denmark, with opposition politicians regularly using civil servants to provide official information and data.

The German situation is unusual in the British context since many senior civil servants are partisan figures, appointed by 'their' party when it forms a government. When there is wholesale change in a coalition – an event limited in the post-war period to 1982 and 1998 – the partisan nature of the top officials makes it difficult for the incoming government to gain advice. This is less of a problem for the two large parties, the CDU and SPD, since they can usually count on some supporters among the civil service's senior tiers. But it is a concern for small parties or parties that have not previously been involved in government, such as the Greens in 1998.

New Zealand has probably done more than any other country to develop conventions covering relations between civil servants and political parties during coalition negotiations. The civil service in New Zealand is, like that in Britain but unlike that in Germany, wholly non-partisan, and the advent of multi-party conditions following the country's switch to PR elections in 1996 led to fears that civil service neutrality might be jeopardised (Boston et al, 1998a: 70). The parties already enjoy a good base for negotiations, since the country's liberal information regime means even opposition parties can gain access to official material and data. This reduces the need for parties to have access to civil servants as part of government forming negotiations. As noted above, the demand for official information and advice depends largely on the level of detail in the policy discussions. There was little demand on civil servants in 1999, when discussions between Labour and the Alliance were brief and concentrated on procedural, not policy, matters. By contrast, there was high demand in 1996, although New Zealand First, which was keen to negotiate a detailed policy agreement, channelled its requests through the incumbent government, National. The bulk of these requests were for help in costing policy proposals (Boston and McLeay, 1997: 227-8; Shaw, 1999: 42).

What rules have been introduced in New Zealand to protect the neutrality of civil servants while allowing parties access to the information necessary for an effective policy programme? The bare bones of the arrangements drawn up prior to the 1996 election were:

- Civil servants could only provide information to the parties when requested, and when authorised by the prime minister (who was not to be shown the response to any request, except when it was from his/her own party)
- All requests for information and any resulting written briefings were to be channelled through a committee of senior officials, including the Cabinet Secretary
- If ministers wanted information to use in the negotiations, they should request this via the prime minister and not approach their own department directly
- Civil servants were limited to commenting on the practical implications of any policy proposal, not its merits
- No civil service input would be provided to the drawing up of the coalition agreement, which was deemed a matter solely for the parties.

These arrangements appear to have worked well, with two concerns. One was that the laborious process for filtering requests and responses slowed down the process when the parties wanted information to – often complex – questions within 3-4 days. This placed a

burden on civil servants in providing useful responses as well as holding up the negotiations. The second was that the concern to protect civil servants by screening their responses sometimes led to anodyne briefings that were of only marginal help to the parties. A subsequent review of the arrangements suggested that more flexibility might be beneficial, and that direct contact between the negotiating parties and civil servants might help reduce some of the misunderstandings and confusion that inevitably creep in when correspondence is limited to written form (Boston et al, 1998a: 70-2; James, 1997: 38-44; Shaw, 1999: 50-2).

The guidelines produced prior to the 1999 election differed little from the previous rules, except in allowing for face to face meetings of officials and party negotiators once it was clear that the parties concerned were likely to form a government ('preferred partner stage'). Direct meetings could only be held prior to this stage when a written request for information was unclear; any meeting to resolve the issue would be attended by the relevant department's chief executive (permanent secretary) and officials from the Department of the Prime Minister and Cabinet and the State Services Commission, to ensure the impartiality of civil servants was maintained.

What is the role of civil servants if one of the bargaining parties is part of the incumbent government? Is the incumbent allowed to draw on the civil service for help, and does that give it an information advantage? The short answer is that the incumbent does normally have this right, since few countries require their governments to resign at an election (see Chapter 2). Thus, following Ireland's election in 1992, Labour ended up negotiating with Fianna Fail which, at the time, was in office with the Progressive Democrats. Those on the Labour side I spoke to in Dublin said that policy proposals they put to the negotiations were given by Fianna Fail to civil servants for comment; they would be returned to Labour a day later in the form of detailed twenty page memos! There were also questions raised in New Zealand after the 1996 election, where the National incumbent took part in coalition bargaining, in spite of efforts to prevent ministers gaining an unfair advantage (Boston et al, 1998a: 72-3). Given that governments tend to continue in office after an election, it is difficult to devise a regime that allows civil servants to continue their proper relationship with ministers, but prevents advice being given in the context of government negotiations. I suggested in the previous chapter that thought be given to a constitutional rule stipulating the resignation of governments at elections. This might help prevent instances of incumbent ministers using their officials in the course of coalition negotiations, since the administration would hold only caretaker status and might have less hold over civil servants as a result.

The negotiating parties in Scotland in 1999 enjoyed access to civil servants, who were allowed to provide factual briefings. But there was little advance preparation of the exact role of officials faced with coalition negotiations - no clear guidelines were issued, for example - and some concerns were raised subsequently that information provided to one party was also shown to the other (Labour was *de facto* the incumbent government, since the civil servants servicing the new Scottish Executive transferred across from the Scottish Office, controlled by the Labour government in London).

### ***Portfolio allocation***

We know from gossipy newspaper accounts that 'who gets what' from coalition negotiations is a key issue for politicians and their parties. This is reinforced by the theoretical literature, which suggests that inter-party bargaining over portfolio allocations should be among the most important parts of the negotiating process. This is because, given high ministerial

autonomy, it is only individual heads of departments that have the power to enforce agreements (Laver and Shepsle, 1996). Thus, parties will seek particular portfolios since control over these posts is more important for the implementation of policies than mere presence around the cabinet table. In the words of two commentators, ministries are “units of power” (Budge and Keman, 1990: 27).

The issue of portfolios divides into two: the allocation of ministries between the coalition partners, and the choice of particular figures to serve in those ministries.<sup>49</sup> It is fairly usual for the allocation of ministries to be agreed by the full negotiating teams, with the issue of whom to place in senior and junior ministerial posts discussed by the party leaders. However, the selection of specific figures to fill portfolios is, in most European countries, the preserve of the individual parties. Coalition parties in Germany operate the most formal veto powers on ministerial nominations (Saalfeld, 2000: 47-8, 58, 65-6), although my study visit also suggested that nominations were the subject of inter-party agreement in Denmark (see also Damgaard, 2000: 248). Such behaviour is also reported in Ireland, where in 1991 the junior partner vetoed a ministerial nomination put forward by the leader of Fianna Fail (Chubb, 1992: 172-3).

The general principle that collective agreement does not extend to the allocation of posts to particular individuals is slightly puzzling. Political parties are, of course, autonomous organisations and might be expected fiercely to reserve the right to appoint whomever they wish to a portfolio. Moreover, the dominant tradition in comparative and theoretical research treats parties as ‘unitary actors’, so that “politicians from the same party [are] forecast to behave in more or less the same ways when placed in the same situations” (Laver and Shepsle, 1996: 25). Yet clearly this is not the case in practice (*ibid*: 246-60). To give one domestic example, secret talks in Britain between the Labour and Liberal Democrat leaders after the 1997 general election on possible power sharing arrangements included discussion of which figures might hold specific portfolios. The Liberal Democrats are reported to have refused to participate in such a government if a particular minister retained his portfolio.<sup>50</sup> The direction of a coalition depends, then, not only on which party gets what offices, but also which person is assigned which portfolio. One might have expected this to be reflected in greater collective discussion between the party leaders when it came to the negotiation of portfolios.

The allocation of ministries between parties in west European countries has been found to conform well to the ‘proportionality rule’, whereby portfolios are distributed to the parties in direct proportion to their respective strengths, measured in terms of their legislative seats within the coalition (Browne and Franklin, 1973; Laver and Schofield, 1990). The main exception to this rule is the overcompensation to the junior partner that is often made. In order that the junior partner maintains their standing within the coalition and thus avoids losing public support, it is often rewarded with a higher proportion of cabinet seats than its strength merits, or with a high profile ministry.

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<sup>49</sup> An additional stage sometimes resorted to is agreement over senior posts outside the cabinet, such as European portfolios and headships of government agencies. Like ministerial posts, these agreements are not normally made public. The 1998 coalition agreement between the SPD and Greens in Germany was unusual in highlighting the agreed appointment of a European Commissioner (a Green nominee) and the German Presidency (an SPD nominee).

<sup>50</sup> *Financial Times*, 26<sup>th</sup> October 2001. The figure in question was Jack Straw, and the portfolio the Home Office. Straw is notoriously hostile to the Liberal Democrats and to their policy goal of proportional representation. He is also lukewarm on freedom of information, another Liberal Democrat policy goal which falls within the jurisdiction of the Home Secretary.

In Scotland, the junior partner, the Liberal Democrats, gained only two out of the eleven portfolios up for grabs (18%), a slightly lower total than might have been expected from their seat share within the coalition (23%). Nor were they compensated by a larger share of junior posts or by senior ministries (although the Liberal Democrat leader, Jim Wallace, took the Justice Portfolio which allowed him to bring forward freedom of information legislation, an important policy goal for his party). In Wales, the share of portfolios allocated to the junior partner (22%), again the Liberal Democrats, was broadly in line with their seat share (18%), and they were also given the important policy post covering economic development. The position enjoyed by the Liberal Democrats in Wales may simply reflect the small size of the ministerial 'cake' in Cardiff; it is easier to produce a proportional allocation of ministries the more portfolios are on offer. But it may also reflect the greater need that Labour in Wales had for a coalition partner, and consequently the weaker its bargaining position.

It is not unusual for coalition partners to squabble about the number of portfolios each is to be allocated. How are these disputes resolved? In systems where the size of the ministerial cake is not fixed (among my study countries, Denmark, Germany and New Zealand), it is possible to accommodate parties' demands by increasing the number of portfolios available. Such a strategy has sometimes been resorted to in Germany, but this is exceptional and not frequent (Norpoth, 1982: 22). This would also be possible for the Scottish Executive and at Westminster, where there are no restrictions on the size of the cabinet. But in Wales<sup>51</sup>, along with Ireland, the number of cabinet posts is fixed. Disputes among coalition partners in Ireland have sometimes been resolved by creating a 'super' junior minister, with the right to attend cabinet meetings although not to cast a vote, or by increasing the number of ministers of state (Garry, 1995: 198). Allocation of posts also extends beyond ministerial portfolios to include other agency and political offices (Mitchell, 2000: 143-5).

### **Party behaviour in bargaining situations**

Bargaining between parties to form a coalition can proceed in one of two ways. The first is for a lead party or group of parties to emerge and to begin negotiations. These continue until it is clear that a government can or cannot be formed. The other parties remain aside from the negotiations until the lead parties' bargaining collapses, in which case they may enter the ring. Under this model, bargaining follows an order and is thus *sequential*. The alternative is for one party - usually the pivotal centre party - to negotiate with more than one other party simultaneously, a process of *parallel* bargaining.<sup>52</sup> There are no intrinsic reasons to favour one model over the other. There is insufficient comparative data to show whether parallel bargaining processes tend to be more drawn out than sequential ones (although the experience of New Zealand in 1996 is one example where parallel bargaining strategies almost certainly stretched the time taken to form a government; Boston and Church, 2000). The key distinction between them is that the parallel model allows pivotal parties (those able to form a viable coalition with more than one partner) to play off their potential partners against each other, thereby maximising their bargaining capacity. This was the strategy of New Zealand First in 1996, when it held discussions at the same time with the larger National and Labour parties. Are there any conventions on whether bargaining should be sequential or parallel?

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<sup>51</sup> Under Standing Order 2.5, the maximum number of Assembly Secretaries is fixed at nine.

<sup>52</sup> Where there are formal constraints on the bargaining process - by the designation of a lead negotiator or *formateur* - the parties are forced to operate sequentially. Thus it is only in 'unordered' systems (see Chapter 2) in which parties have the option of bargaining in parallel.



In Ireland, no parallel bargaining was possible until 1989, when Fianna Fail lifted its self-imposed moratorium on participation in coalition administrations. In 1992, Labour emerged from the election as the 'winner', having made the highest gain in vote share among the parties. Although in terms of seats, it was only the third largest party, Labour thus had the momentum to initiate negotiations itself, starting with Democratic Left and opening up to Fine Gael shortly thereafter. These parallel negotiations did not prove fruitful, and Labour resorted to negotiations with Fianna Fail, despite having been critical of the Fianna Fail-Progressive Democrat coalition that governed between 1989 and 1992 (Farrell, 1993; Mair, 1999: 146-7).

In Germany, the clear division of the parties into opposing blocs means parallel bargaining has never been resorted to at the federal level. But at the state level, there have been instances when a party faced with two potential coalition partners has held simultaneous talks with both. After the 1994 and 1998 elections in Mecklenburg-Vorpommern, for example, the SPD held talks with the PDS (the former East German communist party) at the same time as the CDU.<sup>53</sup>

So parallel bargaining, while not common, is not unheard of either. The distinction with the New Zealand case is that such bargaining is usually undertaken fairly quickly to test each partner's demands. It is not usual for parties to adopt New Zealand First's strategy of bargaining simultaneously over a long period of time - akin to "holding the country to ransom" (Boston and Church, 2000: 5) - a tactic that would not be deemed legitimate in European countries (Boston, 1998: 48).

Bargaining is normally conducted in secret, which often limits the extent to which the wider party groups and executive can be consulted. If the negotiations turn out to be protracted, it may be that the parties need to provide the media with some information on areas of progress. The total news blackout in New Zealand in 1996 was counter-productive; while it prevented unease on the stock market, it created negative impressions among the public and media.

It is in the bargaining parties' interests to keep the negotiations a private matter, since this allows them to make the compromises and trade offs that might otherwise upset their members and supporters. But parties sometimes adopt slightly different tactics in order to strengthen their position. To assuage concerned supporters, Fine Gael and Labour negotiators in Ireland after the 1982 election leaked news stories of how difficult the bargaining was proving to be, even if in reality the negotiations were proceeding relatively amicably (Farrell, 1987: 141). If they want to strengthen their bargaining position against their partner, parties will occasionally make public their policy demands. This tactic makes it more difficult for them to renege on their demands, a fact of which their bargaining partners will be well aware. Such behaviour was used by both the SPD and the Greens in forming their first coalition in Germany in 1998 (Lees, 2000: 103).

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<sup>53</sup> Note that part of the reason why the SPD wanted to discuss coalition options with the CDU was to avoid the criticism of having gone directly to the PDS, which is still something of a 'pariah' party (the SPD at the federal level refuses to enter a coalition with the PDS, although this stance is gradually weakening). Another reason for the SPD's parallel bargaining was the more familiar one of maximising its negotiating strength.

## Limiting the duration of government formation

How long should a coalition take to negotiate, and are there any reasons for placing limits on this process?

First, what is the typical duration of coalition negotiations elsewhere? I showed at the start of this chapter that the average duration varies significantly between countries. Taking these averages across the eight west European countries surveyed recently (Müller and Strøm (2000: 570) in which more than half of the post-WWII period has been overseen by coalition governments<sup>54</sup>, the mean government formation period is 23 days. This is one benchmark.

A second is to ask how long *should* it take to form a coalition? The last elections in Germany in 1998 saw bargaining between the SPD and Greens, a combination previously untried at the federal level (although piloted at state level) with, in addition, the Greens lacking any experience of federal government. In spite of the junior partner's lack of resources to evaluate policy issues, the negotiations were completed in 30 days. Senior figures from the Green party who were involved in the negotiations did not think this was too short a period. The same is true in Ireland, whose most recent negotiations, in 1997, brought together a Fianna Fail-Progressive Democrat coalition to replace a left of centre coalition. Although negotiators from the junior party felt under pressure from voters for a quick bargaining process, none thought the three week period too short. This lack of concern may be due to the fact that the leaders of the two coalition partners had held discussions prior to the election to minimise their policy differences during the campaign (Mitchell, 1999: 249-51). There had thus been some contact between the parties, paving the way for rapid agreement after the election. In general, the closer the relations between parties prior to elections, the quicker the formation process afterwards.

In spite of the good personal relations between the Labour and Liberal Democrat party leaders in Scotland, the formation of the coalition in 1999, in only eight days (with the actual negotiations lasting only five), was admitted to me by one of the senior negotiators to be too short. The speed was in large part induced by the parties themselves – although reinforced by the media and civil servants – since there was a fear that a longer formation process would be viewed unfavourably by voters, accustomed to swift government replacement (Ashdown, 2001: 440). The speed of government formation was also exacerbated by the investiture rules. Under the terms of the Scotland Act 1998, the Scottish Parliament must be recalled seven days after the election. Having met, the Parliament can do little until an executive has been formed so, naturally, one of its first tasks is to seek to elect a First Minister.<sup>55</sup> The knowledge that this was likely to happen put great pressure on the coalition negotiations, since it was thought necessary to announce a government very shortly after the First Minister had been chosen. In the event, the coalition agreement was signed the day after Donald Dewar was chosen by the Parliament. It is undesirable that negotiations should be so rushed, and it would thus be prudent for the Parliament to be recalled at a later date, perhaps after thirty days. This would be in line with international norms, although even this more relaxed approach might force the pace for coalition negotiations. The recall limit for the German parliament is often breached,

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<sup>54</sup> I do not include the Netherlands, which has by far the longest average government duration (71 days) and is thus an outlier.

<sup>55</sup> Under its Standing Orders, the initial vote on the First Minister must take place no more than 14 days after the election.

resulting in the Chancellor being elected before coalition negotiations are fully completed (see footnote 48.)

Is there any evidence to suggest that coalitions are taking longer to form? Might such a trend hint at the need for external constraints on the process? In fact there is little evidence that government formation in west European countries has either increased or decreased recently. To take the study countries examined in this report, neither Denmark nor Germany shows any real variation in formation periods over the past decade; only in Ireland has the period since 1989 brought a slightly extended process (the Irish case perhaps being explained by Fianna Fail ending its moratorium on coalition participation, thus increasing the bargaining options). A set of competing pressures may help explain the inertia in formation timescales. On the one hand, the bargaining process tends to stretch out the more parties there are in parliament, since there tend to be more government permutations following inconclusive elections. Thus the partisan dealignment and party system fragmentation that many west European countries have experienced since the 1970s should have increased the timescale for government formation. Yet this factor might be counter-balanced by the growing familiarity of party actors with one another, leading to a better understanding of each others' policy positions and likely performance in government. This trend might be expected to reduce the time needed to negotiate a coalition.

As the next chapter shows in more detail, there is a growing use of coalition agreements across west European countries (Strøm and Müller, 1998: 265-6). In other words, coalition partners appear keener than before to agree a clear policy programme, yet they seem to be taking no longer to achieve this. The best that can be said is that parties appear to be taking the business of coalition more seriously, yet appear also to be getting more adept at forming such administrations.

Normally, then, coalition formation is not a drawn out process. But there are exceptions. New Zealand's coalition government in 1996 was only put together after two months, with a hiatus of seven weeks in between governments in Ireland in 1992-3. Such delays can put a serious strain on caretaker governments or alternatively lead to a decision making vacuum if the caretaker takes a hands-off approach to its role. These difficulties would become particularly acute if a political or economic crisis emerged, which required effective decision making capacity. For this reason, some commentators have suggested that more formal constraints be placed on the formation process.

One institutional constraint on the government formation process is the time limit imposed for the recall of parliament after an election. In both Germany and Ireland for example, the legislatures must be reconvened no later than thirty days after an election. The limit in Scotland, as pointed out above is much shorter, at seven days. There is no limit at all for the recall of the Welsh Assembly, which reconvened following the first election on a date specified by the Secretary of State for Wales. In a multi-party situation where coalition bargaining may be necessary, this should be remedied to give the parties an incentive to conclude their discussions. Similar thought should be given to the situation at Westminster. Although parliament is, in practice, always recalled less than one month after an election (Blackburn, 1995: 23), this is entirely due to the single party nature of the executive being

formed. Should inter-party bargaining be necessary to form a government, there are no time limits to help constrain this process.<sup>56</sup>

If it is difficult to assess how far time limits for the recall of parliament act as a *de facto* constraint on duration of coalition negotiations. Of the 17 coalitions in Germany in the post-war period that took more than a single day to form, ten took longer than the 30 day recall deadline, although six of these extended the deadline by no more than one week. Both of the last two coalitions, in 1994 and 1998, were formed in exactly 30 days, suggesting that the recall of parliament may have played a role in the bargaining parties' behaviour (Saalfeld, 2000: 49). There is evidence, too, from New Zealand's bargaining process in 1996 that the parties worked towards the deadline for recall of parliament – eight weeks – suggesting that the process might have been swifter if a shorter deadline had been in place (Boston, 1998: 102-4).

## Conclusion

Different parties forming coalitions in different countries at different times will adopt different approaches to the negotiating process. As with many of the issues in this report, there is no right or wrong way to proceed. However, a few points can be identified, either because they represent accepted practice in countries with mature systems of coalition government, or because they are seen to work well in specific instances.

Although the parties' negotiating teams will usually be small, to develop mutual trust and avoid leaks, it is quite usual for a wider network of party experts and spokespeople to be involved, in order that the parties agree a properly thought through programme. But it is less common for civil servants to play an advisory role to the negotiations, even though their knowledge is potentially invaluable for parties new to government. The difficulties involved in allowing the negotiating parties access to civil servants, while maintaining the neutrality and even-handedness of officials, are numerous and need to be properly prepared for.

Negotiating a coalition takes time, and probably requires longer than the five days taken by the parties in Scotland in 1999. The average across west European countries is over three weeks. On the other hand, the negotiations should not drag on much beyond this time; setting a thirty day deadline for the recall of parliament is a sensible means of putting pressure on the parties to complete their bargaining within this timescale.

When it comes to ratifying a coalition agreement, it is common for parties to involve their parliamentary groups or executive committees, which sometimes hold a formal vote on the agreement. It is particularly important to involve the parliamentary groups, since coalition government tends to increase the need for party discipline in the legislature.

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<sup>56</sup> Unless one counts the 1694 *Meeting of Parliament Act*, which stipulates that Parliament must reconvene no later than three years after a dissolution!

## CHAPTER 4: The Coalition Agreement

This chapter examines the outcome of the negotiating process described in the previous chapter: the coalition agreement. The principal question driving my analysis is what kind of agreement is most conducive to an effectively managed coalition? Clearly, there is no ideal blueprint that can be identified and transferred across countries. But are there specific features of coalition agreements that appear to play an important role across time and space in underpinning healthy inter-party relations?

### The functions and use of coalition agreements

Agreements are often used by the junior partner as a way of binding in the larger party. The larger party has significantly greater power as a result of its size. It is not usual for disputes to be resolved by votes, where the larger party could get its way by virtue of controlling more cabinet seats. Nonetheless, the larger party will control more portfolios and, in the person of the prime minister, sometimes has the means to end the coalition by calling for a dissolution of parliament. Comparative studies have shown that written coalition agreements are more likely in situations where the prime minister holds the power to terminate the government in this way; they are a means by which the junior partner can restrict the prime minister's power by preventing him/her from using this authority unilaterally (Strøm and Müller, 2001: 16).

Agreements can be thus used to reassure or inform a governing partner or members of a party ('internal' function) or to do the same for voters ('external' function). Alternatively, their function can be seen in relation to party members and voters ('vertical' role) and to a coalition partner ('horizontal' role) (Strøm and Müller, 1999, 2001).

To assess the use of coalition agreements, I draw on a recent comprehensive comparative study of these documents, analysing cabinets in 15 west European countries between 1945-99. The study found that almost two thirds (65%) of cabinets were found to rest on formal written agreements. Moreover, there is more frequent use of agreements. Thus, during the 1940s, less than half of all coalition governments were based on a written agreement, while by the 1990s, this figure had risen to 70%. One reason given for the greater use of formal agreements is the increase in competition between political parties and the mutual distrust to which this may give rise (Strøm and Müller, 1999: 269; 2001: 5).

There is substantial variation between countries, however, in the use of formal agreements. Among my study countries, coalition agreements are widely used in Ireland (four out of every five cabinets on average), but less so in Denmark and Germany<sup>57</sup> (only one in every two cabinets). One reason for this variation relates to the precariousness of the governments being formed. In countries such as Denmark, where agreements are produced only half the time, and Italy, where they are hardly ever resorted to, the minority status of governments makes it less worthwhile for the coalition partners to agree at the outset a clear legislative programme. Not all minority governments, however, feel it redundant to agree a detailed agreement. The right of centre three party coalition in Norway in 1997, for example, struck a fairly long policy agreement in spite of holding only one quarter of the seats in the Storting.

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<sup>57</sup> Although the use of agreements has become the norm in Germany since the 1980s (Saalfeld, 2000: 55-7).

The majority (67%) of coalition agreements analysed were struck after elections, with a fifth (21%) concluded during the election period. Only 7% of agreements were made prior to the election period, so that the partners campaigned as a proto-coalition. A few coalitions (5%) were the subject of both pre- and post-election agreements. In line with the 'vertical' function of coalition agreements, the bulk of those analysed – eight out of ten across the seventeen countries studied – were made public. Patterns of openness vary between countries: only in Luxembourg are agreements always kept secret, while in Denmark and Germany, around one third of agreements remain hidden from public gaze (Strøm and Müller, 2001: 5).

### **The content of coalition agreements**

The comparative study of coalition agreements reveals the size of these documents to vary greatly between countries, and within them over time. The mean size among the twelve European countries for which agreements are publicly available ranges from 1,163 (Finland) to 14,166 words (Belgium). In this company, the coalition agreements in Scotland and Wales, at 4,200 and 6,900 words respectively, fall towards the shorter end of the scale. Maybe this is to be expected given the novelty of coalition administrations in these two countries.

Coalition agreements may cover one or more of the following: policy, portfolio allocation, and procedural matters relating to the conduct of the government. Very few of the coalition agreements analysed in the comparative study cover the allocation of portfolios; as one would expect, policy concerns predominate. Thus, among the agreements analysed for Norway, Sweden, France, Germany and Belgium, more than 90% of the average agreement relates to policy issues. Only in Austria is more than half of the typical agreement concerned with issues of procedure or office. Across the twelve countries analysed, procedural rules account for an average of 7% of the coalition agreement. The coalition agreement negotiated in Scotland contains a slightly higher level of procedural matters (11%), while the Welsh agreement has a less comprehensive procedural section, accounting for 3%. Again, it is understandable that new coalition partners – like Labour and the Liberal Democrats in Scotland – wish to introduce clear procedural rules before taking office together. However, coalition agreements in west European countries are tending to get longer rather than shorter, suggesting that parties' experience of working together in coalitions may tend to reduce, rather than enhance, levels of mutual trust (Strøm and Müller, 1999: 269). Given this, we should expect new coalitions to require relatively modest agreements which, in Scotland and Wales, is exactly what we find.

One might also expect that, in complex bargaining situations (brought on by a fragmented party system, for example), coalition agreements would be more comprehensive, since the greater number of partners involved in the coalition would multiply the policy demands being made (Nousiainen, 1993: 264). Yet, the comparative study has shown that the relationship is not a tight one, so that countries with complex bargaining environments exhibit both detailed coalition agreements (in the case of Belgium) and relatively sparse agreements (Denmark) (Strøm and Müller, 1999: 269). I look further at the distinction between 'tight' and 'loose' agreements in the following sections.

### **Ensuring compliance with the agreement**

If the coalition agreement is treated as a contract between the governing parties, thereby committing each to an agreed course of action, what is to stop one party from breaking its commitment if this will bring it greater benefit? After all, potential coalition partners negotiate with one another with little knowledge of what the future will bring. The problem

identified in the theoretical literature is that coalition agreements are not subject to any third party enforcement except, indirectly, through electoral sanctions. In response to the question of how to 'lock in' the coalition partners ('endogenous compliance'), one lesson is to spread the advantages that each party derives from the coalition (its 'payoffs') across the lifetime of the government. Each party should, in other words, avoid 'lumping' the advantages accruing to the other at the early stages of the coalition's life, otherwise that party will have little incentive to keep the agreement once it has gained what it wants. Insofar as they can, therefore, contracting parties should take care to ensure the "alignment of incentives" (Strøm and Müller, 1999: 271-2).

One way in which parties maintain a balance between their interests is to renegotiate agreements should the original document have been largely implemented or if underlying political or economic conditions change. The current two party coalition in Dublin is instructive in this regard. Not only is the original 1997 coalition agreement reviewed annually to assess progress, but a new set of agreed commitments were issued in a 53-page paper in 1999. These reviews and extensions of the agreement are, of course, designed partly for public consumption, to encourage visibility and a sense of government activity. But they also represent ways in which the coalition partners can assess how far the agreement's terms are being adhered to and ensure that incentives remain aligned. In this respect, it is important that the coalition partners monitor progress in meeting the agreement's commitments (discussed in more detail below).

Another way in which parties can ensure continued mutual cooperation is through the blunter device of procedural rules and constraints. These constraints might include promises to vote together on legislation before parliament and prohibitions on taking initiatives without obtaining the consent of the other partner. The methods used by coalition partners to coordinate their activities in government is the subject of the following chapter. Here, I merely note that, while procedural rules are normally agreed between the partners but kept from public view, this is not always the case. Thus, the new coalition formed in Germany in 1998 between the SPD and Greens included – largely at the behest of the junior partner – many explicit procedural agreements, such as the commitment to vote together on all matters before the Bundestag (Saalfeld, 2000: 59-60). The Scottish coalition agreement focuses on internal consultation, requiring that all executive business – decisions, legislation, appointments and spending plans – is subject to prior discussion between ministers.

This discussion of certain theoretical considerations, and the earlier empirical evidence, suggests that written agreements are an important element in coalition politics. Yet agreements represent 'incomplete contracts', in being unable to anticipate all the significant events likely to face a government over its lifetime. And even detailed agreements may not prevent disputes between the partners because of the distance between setting policy commitments and actually implementing them (Mitchell, 1999). Therefore, to enable the partners to deal with such issues, a range of governance institutions are usually provided as a supplement to the agreement. These include: legislative discipline, collective cabinet responsibility, special coalition committees and joint working arrangements, oversight roles of the prime minister and deputy prime minister and 'pooled' patterns of portfolio allocation. These structures are all considered in more detail in Chapter 6. The point of mentioning them here is because of their relevance to the question of why, as I noted above, coalition agreements tend to vary so much in size and degree of policy commitment.

Coalition agreements can serve to bind in the governing parties in two ways: first by stipulating the government's future policy course in detail, and second by stipulating procedures by which all government decisions must be made. Governance arrangements that bind the coalition partners to each other closely are styled 'tight', while those in which the parties enjoy only weaker bonds are 'loose' arrangements (Strøm and Müller, 2001). In the main, comprehensive policy agreements impose tight constraints on the parties; but it is not always the case that limited policy agreements impose only weak constraints, since it may be that the procedural rules limit the parties' freedom of manoeuvre. Given, then, that the tightness of a coalition is a function of governance institutions as well as the level of policy commitment in the agreement, what factors explain why parties resort in some situations to tight agreements and in some cases to loose contracts?

From the comparative literature, the key factor appears to be the level of uncertainty faced by the parties about to enter coalition. Uncertainty may arise from a number of different sources. First, if a minority administration feels that its legislative proposals will require negotiation and compromise to get through parliament, it is unlikely to set out a detailed set of policy aims at the outset (Strøm and Müller, 2001: 15-16). Second, if the legislative strength of the coalition parties is uneven, the smaller partner(s) may wish to push for a detailed agreement up front, to prevent the larger partner using its size to get its way later on. The greater the powers enjoyed by the senior partner – for example, the prime minister's authority to gain a dissolution of parliament – the keener the junior partner will be to rein it in. Generally, the greater the trust felt by the coalition parties for each other, the lesser the need to resort to detailed policy agreements. Yet the size and nature of coalition agreements is not simply a product of how far the parties trust one another; it also depends on their own particular strategies. Thus, while detailed agreements are usually the means by which the junior party constrains its larger partner, they are also used by larger parties to signal to their own supporters that their concerns are being addressed, and that the government 'dog' is not being 'wagged by its tail'. The senior partner in the previous government in Denmark, the Social Democrats, saw the detailed coalition agreement as providing it with precisely this benefit.

These features provide British parties in coalition situations with some, admittedly highly general, indications of the factors that might shape their decision to agree tight or loose agreements. It is not surprising that, faced with a coalition in Scotland, the Liberal Democrats – the junior partner – prepared for, and demanded, a more detailed policy agreement than Labour, which would have preferred a shorter document setting out general principles.

The behaviour of parties seeking a detailed coalition agreement is based on the belief that decisions struck at the outset of a government shape the subsequent conduct of an administration. What evidence is there that coalition agreements do, in fact, affect what governments get up to once in office? Comparative studies suggest that the importance of agreements varies both between countries and across time; in the Netherlands, for example, coalition agreements have grown in importance and now assume virtually lawlike status (Mitchell, 1999: 274-5).

In Germany, coalition agreements are often seen as highly important documents. They are detailed, to the extent sometimes of listing draft legislative bills, with policy commitments systematically monitored to ensure compliance (Müller-Rommel, 1994). However, my interviews with politicians suggested that, once signed, agreements tend to be used only in cases of inter-party disputes; day to day coalition management appears to proceed with little reference back to the original terms of the agreement.



Coalition agreements in Ireland play a highly significant role for government. Not only are they seen by each coalition partner as means of 'insurance' against a policy priority being rejected later by the other, they also set the government's programme, so that any major policy not flagged in the agreement has little chance of getting on the agenda later on (Mitchell, 2000: 141-2). The importance of agreements reflects the continued strength of collective cabinet responsibility in the Irish political system (Laver, 1992). Agreements tend to stress broad policy objectives, but without identifying targets or specifying how objectives are to be implemented. Thus, one of the key economic priorities for the current Fianna Fail-Progressive Democrat coalition is set out only in general terms:

"The further encouragement of a home-based industrial/manufacturing sector with export potential, and balanced regional development". (*An Action Plan for the Millennium, 1997*)

Changes in Irish governments tend not to produce large ideological swings from one side to the other. This is in part due to policy convergence between the parties, the country's economic health - and thus the ability of governments in recent years to avoid hard decisions - and the continuity induced by its strong social partnership. Such policy stability might normally produce more limited coalition agreements. But this trend might be outweighed by the relative novelty of coalition arrangements (Fianna Fail, the largest party, having ended its moratorium on power sharing only in 1989) and the combination in office of parties with very different electoral strengths. The junior partner in the current coalition, the Progressive Democrats, thus uses the coalition agreement to bind in the larger partner and to ensure its policy voice is heard. By far Ireland's largest agreement - a 23,500 word document produced in 1993 - was the result of Labour going into coalition with a previously untried partner, Fianna Fail, scarred by its previous experience of coalition with Fine Gael a decade before, and all against the backdrop of a very successful election in which it had doubled its number of seats. The outcome was that Labour pushed for a detailed agreement, both to protect itself from a new and larger partner, and also to ensure its electoral triumph translated into policy gains in government (Farrell, 1993).

Given the preponderance of minority governments in Denmark, one might have expected coalition agreements to be relatively unimportant documents, and this is often how they are treated by governments (Damgaard, 2000: 244-6). But in spite of this, coalition agreements appear to be becoming more significant. In part this was explained to me as a result of media demands for greater openness and accountability. A focus on agreements also reflects the experience of poorly managed coalitions in the 1980s. Thus, the Social Liberals insisted on a written agreement before joining a left of centre coalition in 1993 after having participated in a right of centre coalition between 1988-90, where the lack of a formal agreement was seen as contributing to inter-party strife. The agreement between the partners in the last coalition - the Social Democrats and Social Liberals - was seen by both parties as very important. It represented a public statement of how each party's core policies were being followed, aiding the larger party against charges of watering down its programme as much as the smaller party against concerns over losing its identity. The policy agreement was couched in general terms, around agreed values and principles rather than specific commitments. Nonetheless, the agreement was described to me as a "working tool", indicating that the lack of policy detail need not prevent an agreement serving to guide a coalition's programme.

New Zealand has only had two coalitions since its new electoral system was first used in 1996. The first of these, a coalition between National and New Zealand First, was based on a highly

detailed agreement which encouraged both parties to take an almost legalistic approach in ensuring that 'their' policy commitments were met. However, even very long agreements cannot determine in advance the government's actions in office. Civil servants I spoke to in New Zealand suggested that, while the 1996 agreement played a role for the initial 12-18 months of the coalition's life in signalling its policy direction, thereafter it became a less important guide to what needed to be done. In fact, it became an encumbrance, since the parties often stuck to their original commitments even when circumstances demanded a different policy course.

The coalition agreements in Scotland and Wales are, as noted above, relatively modest in size. Yet both make up for this by including a high degree of policy specificity. The Scottish agreement is organised into eleven policy sections, the Welsh into nine. Each contains an initial set of 'Principles' followed by specific 'Initiatives'. In the Education section, for example, thirteen (Scotland) or fourteen (Wales) initiatives are set out, some of which are couched in very general terms, while others make clear pledges. The lists of initiatives are longer than the equivalent section in New Zealand's 1996 coalition agreement between National and New Zealand First, generally seen to be too prescriptive on policy matters (Boston, 2000: 255-7). They are also more specific than the education section in the agreement of the current Fianna Fail-Progressive Democrat coalition in Ireland. For example, the commitment of the Irish coalition to pre-school education runs merely to the provision of a specific budget, while the agreements in Scotland and Wales guarantee to provide a nursery place for every three and four year old, in Scotland's case by a set date. The extent to which coalition agreements set out specific policy commitments depends, of course, on factors such as the perceived importance of the policy in question, its level of development (targets for delivery can only be made if the budget and infrastructure are already in place) and the political style of the administration (the setting of measurable targets is a particular feature of contemporary British governance). Yet, in comparative perspective, what the Scottish and Welsh coalition agreements lack in size, they make up for in the specificity of their policy commitments. It will be interesting to see whether, next time around, the coalition agreements become rather more general, in line with practice in countries such as Denmark, Ireland and New Zealand.<sup>58</sup>

Finally, coalition agreements only serve as contracts (with other parties, party supporters or voters) if they are systematically monitored. This is difficult for groups outside the coalition, such as party supporters and voters, although the ultimate sanction at their disposal – voting out of office a government that fails to meet its commitments – is severe. But what about the coalition partners themselves: how is the agreement that they sign monitored for compliance? I have only a couple of observations to make here. The first is that monitoring does not seem to be a major preoccupation for coalition governments. It is reported that coalition agreements in Germany are systematically monitored by civil servants in the relevant ministries as well as in the Chancellor's office (Müller-Rommel, 1994: 165). The role of bureaucrats in the German system may be explained by the fact that senior civil servants are often political appointees for whom monitoring of the coalition agreement would be an appropriate role. I was told on my study visit to Berlin that the current SPD-Green coalition

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<sup>58</sup> It will also be interesting to see whether any subsequent power sharing arrangements are referred to as *coalitions* or, as is the case in Scotland and Wales at present, as *partnerships* for fear that coalition might create negative impressions. Power sharing governments in Ireland also prefer to call themselves 'partnerships' rather than 'coalitions'; evidently, it is not only "England [that] does not love coalitions", in Disraeli's famous aphorism.

agreement is not monitored by the civil servants in the Chancellery, but by the parties (this may reflect the fact that some in the coalition find it difficult to trust civil servants on account of the long period of right wing government prior to 1998). Even this monitoring of the agreement has decreased as the coalition has worn on, suggesting either that the parties have grown more trusting of one another or, more likely, that many of the important commitments have already been met.

In systems without dedicated resources, it may be difficult to monitor detailed coalition agreements. New Zealand First, the junior coalition partner in the 1996-98 administration, and lacking the necessary personnel, found it too time consuming to monitor the very detailed agreement it had signed. In Ireland, the detailed coalition agreements signed between Fianna Fail and Labour in 1992, and Fine Gael, Labour and the Democratic Left in 1994, were monitored by dedicated political advisers, Programme Managers (whose role is described in the next chapter). Monitoring of coalition agreements outside Germany appears, then, to be an ad hoc exercise, largely dependent on the necessary resources being available.

### **The 'tightness' of coalition agreements**

As I explained above, there are strong incentives for parties, especially small ones, to push for detailed coalition agreements that bind in their partners. Against this, coalition agreements are contracts signed with imperfect information, since the parties can never know what lies around the corner. What balance, then, should be struck between detail and flexibility?

The agreement forged between the SPD and Greens in 1998 is the longest Germany has seen. The Greens had pushed for a tight agreement concerned, as coalition 'novices', to rein in their larger partner at the outset and to make sure that their priorities did, in fact, get delivered. But while, unsurprisingly, political advisers attached to the SPD bemoaned the constraints imposed by the agreement, such sentiments were also shared by Green politicians, who thought the agreement too specific and inflexible. The concern of the junior partner had led, unusually in Germany, to the inclusion in the agreement of various procedural rules (Saalfeld, 2000: 56). However, these rules, unlike the policy commitments, were not highly specific (for example, in setting out how often the main coalition coordinating committee should meet). My interviews with Green party figures suggested that, with hindsight, the party might have been better off insisting on more specific consultation mechanisms than on stipulating a detailed policy agreement.

New Zealand's second coalition under PR conditions, the Labour-Alliance partnership formed in 1999, explicitly took the view that inter-party cooperation was better served by effective procedures than by detailed policy agreements. The 65 page agreement reached by the previous coalition partners, National and New Zealand First, was in part the product of the junior partner trying to ensure that its policy demands were met in government. It also reflected distrust within National of New Zealand First, particularly since the junior party's leader, Winston Peters, had negotiated tenure of the key post of Treasurer with control over public spending. Some of New Zealand First's members still support its approach to the agreement - pointing out that it helped prevent backsliding by National once in office - although most commentators see the agreement as excessively detailed and rigid, leading to difficulties when circumstances changed (Boston, 2000: 255-7). It also provided the opposition parties and the media with sticks to beat the coalition when promised initiatives didn't materialise. While the first agreement was, at around 17,000 words, long in comparative perspective, the second, at only 500 words, was extremely short. The brevity of the agreement

was helped by the personal relations between the parties' leaders and advisers, by the high level of knowledge each had of the other's policies and by the relative congruence of the parties' programmes. These factors appear to have offset the concern that elected members might have been expected to have in the absence of a clear indication of where their leaders were heading (ie. a situation of potential 'agency loss').<sup>59</sup> The drawback of such a minimal agreement is the need for more ongoing consultation between the parties than might have been the case if issues had been agreed upfront. Agreements light on policy commitments also make it difficult for the junior coalition partner – in this case the Alliance – to demonstrate clearly to its supporters what it is getting out of the coalition. For this reason, some figures involved in the current coalition suggested that they would prefer to see rather more policy commitment in any future agreement, although there was no support for the kind of detailed agreement reached in 1996.

Although very limited coalition agreements might need to be offset by greater ongoing consultation between the parties, my interviews didn't suggest a clear trade-off between the level of policy commitment in the coalition agreement and the frequency of internal coalition coordination. It might be, for example, that parties having negotiated a detailed agreement would then be happy for internal consultation arrangements to remain limited, safe in the knowledge that the path ahead had already been mapped out. Yet in Denmark, the previous coalition was built on both a reasonably full agreement and also close consultation arrangements. More pertinently, the very detailed agreement between National and New Zealand First in 1996 did not replace ongoing discussion between the parties, since important matters of implementation still required consultation between ministers. And it is a common tactic for parties going into coalition together to leave until later any knotty issues likely to arouse disagreement. Thus, it is not the case that coalition management can be determined by a detailed agreement up front, although very limited agreements appear to occur a premium in the form of greater consultation between the parties later on.

Interestingly, my interviews unearthed greatest opposition to detailed coalition agreements among civil servants. Although civil servants as a group are often held to value politicians setting a clear direction, it may be that they prefer looser policy agreements either because this allows them greater latitude ('bureau shaping' behaviour) or because, being at the coalface, they appreciate more than politicians the limits of deciding policy actions well in advance. While specific policy commitments are a tool by which parties signal to their supporters that their concerns are being met in government, such detail may make policy making in government more difficult and less flexible. In this sense, the tightness of coalition agreements represents a trade-off between the demands of different constituencies, and may change as the power of these constituencies shifts from one post-election bargaining situation to another.

## **Conclusion**

The use of formal written agreements to underpin coalition governments has become more prevalent across west European countries in the last couple of decades. But these agreements vary considerably in length and content between and within countries, suggesting that tradition and the predilection of political actors play an important role in shaping the nature of agreements. However, the greater the uncertainty the contracting parties feel about the

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<sup>59</sup> A policy 'blind' agreement does not mean there is no public declaration of a coalition's policy programme. Much can be gleaned from the executive's announcement of its programme to the legislature; in New Zealand's case, the Speech from the Throne.

future, and the greater their mutual mistrust, the more likely they are to form ‘tight’ agreements that bind each other through policy commitments and/or procedural rules. While there is no ‘ideal’ coalition agreement, the parties should weigh up the pros and cons of a tight or loose set of commitments. The agreement should not be so detailed that it prevents flexibility and compromise between the partners on a day to day basis. But while the senior coalition partner may prefer a very short agreement, this may be less optimal for the junior partner. Indeed, a certain level of detail is useful for both parties, since each can point to concrete commitments to assuage the fears of party supporters. Some of the considerations parties will face in deciding on the form of the agreement are listed in Table 7.

**Table 7: The pros and cons of different forms of coalition agreement**

	<i>Pros</i>	<i>Cons</i>
<i>Tight policy agreement</i> (ie. extensive list of policy commitments)	<ul style="list-style-type: none"> <li>❑ Reduces extent of (time consuming) consultation later on</li> <li>❑ Enhances the visibility of the junior partner. Evens up the bargaining power of partners on a day to day basis</li> <li>❑ Greater accountability to voters and parties</li> </ul>	<ul style="list-style-type: none"> <li>❑ May take a long time to negotiate after an election</li> <li>❑ Encourages parties to think of government as maximising ‘their’ policies, rather than forging a genuine partnership</li> <li>❑ Provides a stick with which the coalition can be beaten if it fails to honour promises</li> </ul>
<i>Loose policy agreement</i> (ie. minimal list of policy commitments)	<ul style="list-style-type: none"> <li>❑ Greater flexibility should the political environment change</li> </ul>	<ul style="list-style-type: none"> <li>❑ Reduces the bargaining power of the junior partner, unless sufficient consultation and decision making procedures are also built into the coalition</li> </ul>

## CHAPTER 5: Managing Coalition Governments

This chapter analyses one of the inherent difficulties with power sharing executives. How, with two or more parties sharing power, are decisions made that reflect the will of the government as a single entity? Given the organisation of modern governments into more or less distinct departments or ministries, how are policy decisions made genuinely collective? In what follows, I examine the *political* coordination of government business, that is to say, the coordination of issues between coalition partners. This is to be distinguished from *functional* coordination, which involves policy issues that cut across departments. While in practice the two forms of coordination may not be wholly distinct, I separate them out to distinguish the kind of coordination that is largely unique to power sharing executives, as opposed to single party, ones.

The first question to answer is why coalitions should be more difficult to coordinate than single party governments? After all, parties consist of factions; single party governments can thus be internally riven and prone to conflict. But party discipline is easier in a single party government since parties have their own internal rules and governance structures, while a common electoral label reinforces the sense of a mutual dependence. In other words, members of any given party have a strong collective interest in its electoral fate, but the same binding conditions do not exist to the same extent between coalition partners. Coalitions typically get round this problem by establishing governance institutions to patrol and enforce discipline (Strøm and Müller, 2001: 4). One institution I have already analysed is the coalition agreement. But while such written 'contracts' can be an important method by which coalition partners bind themselves together, the tightness of this relationship need not depend wholly on the agreement. Other devices, both formal – such as coalition management committees – and informal – such as strong discipline within the parliamentary party groups – can also play a role. I spend little time on informal devices, mainly because they are often products of a country's political culture, and thus less susceptible to cross-jurisdictional transfer. However, I do try to note such features as I go, simply to stress that coalition management depends on a host of factors other than formal institutions and structures.

The second question to address is how far coalition governments do, in fact, behave in ways akin to single party administrations. That is to say, are power sharing governments based on the collective principle – so that decisions of the executive represent the government as a whole, not that of the individual party or minister – or is this principle compromised in favour of a looser association in which the partners operate more to their own individual agendas? The short answer is that all west European governments operate on the basis of the collective principle, but to different degrees, in part reflecting variations in political culture. Thus, comparative studies have shown ministerial autonomy to be high in Germany (although departmentalism is counter-balanced to an extent by the power of the Chancellor) and the Netherlands, but low in Britain and Ireland, which have stronger traditions of collective cabinet government (Thiebault, 1993). But the status of government – whether single party or multi party – also plays a role. As I explore further below (pages 119-22), coalition administrations are more likely to breach collective principles in order to accommodate the demands and electoral needs of their component parties. Some of the main features of the two archetypes of government – the collective or 'blended' model and the distinct or 'accommodatory' model are set out in Table 8.

**Table 8: Two forms of coalition government**

	<i>Coalition as 'blended' government</i>	<i>Coalition as 'accommodation' government</i>
<i>Cabinet decision making</i>	<ul style="list-style-type: none"> <li>❑ Collective cabinet responsibility</li> </ul>	<ul style="list-style-type: none"> <li>❑ Policy opt outs for (junior) partner; 'agree to disagree' clauses in coalition agreement</li> </ul>
<i>Policy responsibility</i>	<ul style="list-style-type: none"> <li>❑ Policies attributed to government</li> </ul>	<ul style="list-style-type: none"> <li>❑ Policy 'wins' for individual partner</li> </ul>
<i>Legislative discipline</i>	<ul style="list-style-type: none"> <li>❑ Strict legislative discipline (eg. extending to all legislative matters or to all matters unless specifically exempted in the agreement)</li> </ul>	<ul style="list-style-type: none"> <li>❑ Partial legislative discipline (eg. extending only to voting on government bills or on areas specifically highlighted in the agreement)</li> </ul>
<i>Termination discipline</i>	<ul style="list-style-type: none"> <li>❑ Election rule</li> </ul>	<ul style="list-style-type: none"> <li>❑ No election rule</li> </ul>
<i>Election behaviour</i>	<ul style="list-style-type: none"> <li>❑ Coalition parties fight election as an alliance</li> </ul>	<ul style="list-style-type: none"> <li>❑ Coalition parties fight election with no indication of post-contest alliance</li> </ul>

Notes

'Election rule': The parties entering government agree to stand or fall together, so that if one party leaves the coalition, this triggers the resignation of the government and fresh elections. Such a rule, which binds together the parties in death as well as in life, is only used in Austria, France and the Netherlands among west European countries (Müller and Strøm, 2000a: 576).

There are many factors that shape the extent to which a coalition involves the parties blending with, or merely accommodating, each other, such as the degree of trust between the party leaders and the diversity of policy positions between the parties. External factors, too might play a role. For example, if the members of one coalition party view a potential partner with suspicion, the leadership of that party may be forced to adopt structures commensurate with the 'accommodation' model. Similarly, if public scrutiny of a coalition (for example, media coverage) focuses on which outputs can be attributed to which partner (who has 'got' what from the arrangement) this, too, encourages the parties to fight their own corner (Mitchell, 1999: 273-4).

Two comparative scholars suggest that, in contrast to the adversarial nature of party behaviour under majoritarian conditions, coalitions are "better described as a board of management entrusted for a period by its 'godfather' [the parties forming the coalition] with the mission of conducting jointly the affairs of the state" (Blondel and Müller-Rommel, 1993a: 7). The following sections examine the strategies and institutions adopted by coalition partners to help them in this task. I begin by looking at what role different models of portfolio allocation can have on coordinating decision making within coalitions, before moving on to consider different mechanisms that might underpin collective policy making in power sharing conditions.

## Coordination via portfolio allocation

A coalition partners' attempts to ensure close coordination of their work in government begins during their negotiations. At this stage, they will decide how portfolios are to be allocated, and what procedures will underpin the operation of the government. These matters are crucially important, yet are rarely included in the final public agreement. Only in one of twelve west European countries recently surveyed (Austria) is more than 10% of the typical coalition agreement taken up with the distribution of offices. Internal coalition procedures are more in evidence in coalition agreements; across the same twelve countries, just over 10% of all agreements is concerned with such procedural rules (Müller and Strøm, 2000a: 576-8). I examine below in more detail the main variants of these coordination arrangements.

What I analyse in this section is the way that the allocation of ministries is used to achieve a coordination function. In particular, I look at the role of junior ministers from one party who co-exist within a department headed by a senior minister from another party. I term such allocation patterns 'pooled' ministries, while ministries that contain senior and junior ministers only from one party I term 'segregated' ministries, since the immediate responsibility for decision making rests with one party only (although, as we shall see, control of a ministry does not entail full control over decision making even if ministries are segregated). Most west European countries have the potential to use portfolios as a coordination tool, since only in Denmark and Finland do junior ministerial posts not exist (Müller and Strøm, 2000a: 582). The executives in Scotland and Wales both contain junior posts; each Scottish ministry is allocated a single Deputy Minister, while in Wales, there are fewer Deputy Ministers (five) than cabinet posts (nine), with one junior minister covering a number of departments.<sup>60</sup>

Comparative studies show that it is extremely common – and, indeed, becoming more prevalent over time – for coalitions in west European countries to use pooled ministries (Strøm and Müller, 2001: 12). The allocation of junior ministries helps serve a 'governance function' in two ways. The first is essentially defensive: to keep each partner in touch with what the other is doing and to make sure that the coalition agreement is adhered to (the junior post as monitor or watchdog). The second is more proactive: to bring the perspectives of all the coalition partners to bear on decision making on a day to day basis, recognising that leaving such coordination to higher level bodies (eg. the cabinet or coalition committee) may be ineffective or slow down decision making (the junior post as coordinator) (Müller and Strøm, 2000a: 582-3).

But pooled ministries may only play a full coordination function if the duties of the senior and junior ministers are shared. If duties are divided (ie. a segregated pattern within a pooled ministry), there will be fewer opportunities for the ministers to agree a common programme of work. So my first question is how far pooling ministerial posts really represents a tool of coalition management?

In Germany, pooled ministries are a frequent occurrence, although their role in coalition management is often limited. During the Schmidt and Kohl-led coalitions of the 1980s and early 1990s, junior ministers from the senior party were often placed in ministries controlled

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<sup>60</sup> Junior ministers in Wales can play only a restricted role in relation to coalition management, since they are clearly subordinate to cabinet ministers; for example, they are not allowed to see policy advice from civil servants, unless this is authorised by the senior minister.



by the Free Democrats (notably foreign affairs and justice) as 'watchdogs' (Saalfeld, 2000: 71). My interviews in Berlin suggested that junior ministers often have a specific role in helping the senior minister liaise with parliament. This is an important function for any government (especially minority administrations; see Chapter 7), although not one directly designed to facilitate coalition coordination. The current SPD-Green coalition has made use of pooled ministries in three departments: an SPD junior minister in Foreign Affairs, a Green junior in Economic Cooperation and, since earlier this year, a Green senior/SPD junior minister in Agriculture. Again, the presence of the SPD in the foreign ministry and the Greens in economic cooperation is designed to give this party a voice and watchdog role in an important policy field.

Pooled portfolio allocations have also become more prevalent in Ireland, with the key ministries (eg. finance, industry/enterprise and foreign affairs) now being routinely split between the coalition partners (Mitchell, 2000: 143-7). The current junior partner, the Progressive Democrats, decided against pushing for more than one senior minister or outright control of one ministry, in favour of having a presence - via junior ministerships - in important departments (foreign affairs and the environment/local government). Recently, pooled departments have tended to be segregated internally, so that the senior and junior minister take charge of different policy areas. Thus, the Fianna Fail minister at foreign affairs covers relations with other states in general, while the Progressive Democrat junior takes control of overseas development aid and human rights. Such specialisation helps boost the collective capacity of government, although it does little to improve the coordination of coalition business.

Unlike in Germany or Ireland, junior (or 'associate') ministers in New Zealand are not allocated to a single ministry, but usually cover a range of departments. It is also possible for cabinet ministers to perform associate ministerial functions, although most associate posts are allocated to ministers outside the cabinet. The two coalition governments since 1996 have both used associate ministers to create 'pooled' ministries, usually where an associate minister from the junior partner sits within a ministry headed by the senior partner. This gives the junior partner a voice in portfolios they don't control, and this function is helped by the practice of giving associates clear areas of responsibility within the department. Thus, in the current coalition, the Alliance cabinet member responsible for women's and youth affairs, Laila Harre, is also associate minister for commerce, in which role she takes particular responsibility for intellectual property issues. The use of pooled ministries appears to have more to do with giving the junior coalition partner a voice in important issues where it does not control the portfolio, than with coordinating coalition decision making within departments.

Within the Scottish Executive, ministerial allocation has also followed a pooled pattern. Thus, the Justice and Agriculture departments, controlled by the Liberal Democrats, have Labour juniors, while the opposite pattern is the case at Education. The coalition partners also share responsibility for parliamentary liaison. Within pooled ministries, functions tend to be segregated, so that the junior ministers in the Justice and Agriculture departments, for example, have distinct areas of policy responsibility. The Welsh administration has also used pooled ministries, so that the Liberal Democrat-controlled economic development and culture portfolios have Labour juniors, while the Labour-controlled local government portfolio includes a Liberal Democrat junior. The role of junior ministers appears to have more to do with lightening the load of senior ministers (by carrying out second tier policy work and attending events) than with coalition management.

Given the often limited purposes for which pooled ministries are used, what contribution do they make to coalition governance? In Ireland, pooled ministries appear to work successfully as devices for giving parties a voice in departments they don't control, as well as allowing small coalition parties to take responsibility for high profile issues or areas of importance to their supporters. The strong collective ethos of Irish government means there is less need for portfolio allocation to contribute towards coalition coordination, a role it does not appear to play.

A broadly similar picture emerges from New Zealand's more limited experience of coalition management. Here, however, the success of pooled ministries has been less even, with some ministries being undermined as the senior and associate minister fought for control of decision making (a good example is the health ministry during the 1996-98 coalition, where the New Zealand First associate minister eventually had to be sacked by his party leader after repeatedly clashing with his National senior). Some associate ministers from New Zealand First had taken their role to involve vetoing departmental initiatives they didn't like, leading in some cases to conflict between the parties. Learning from these pitfalls, the Alliance party was careful in 1999 to select associate status in Labour controlled ministries only on areas of key concern to its supporters, such as labour issues and overseas development (for which the party takes responsibility within the Foreign Affairs portfolio, just like the Progressive Democrats in Ireland). The junior coalition partner has also ensured its voice is heard in departments controlled by Labour by insisting that some of its associate ministers are given 'Joint Ministerial Status', giving them full input into policy making and a veto on final decisions. Thus, Laila Harre, as associate minister for commerce, takes delegated responsibility for some areas (eg. intellectual property), but has ministerial status on issues of particular concern for the Alliance party (eg. competition policy).

Pooled ministries play a similar role in Germany, but are seen as less successful. In large part, this is to do with the strong principle of ministerial autonomy, which constrains the ability of junior ministers to make their voices heard (Müller-Rommel, 1994). Indeed, I was told that it was a recognition of the impotence of junior ministers that persuaded the CDU/CSU under Helmut Kohl to relinquish its junior foreign affairs minister in the mid-1980s.<sup>61</sup>

A second point is that pooled ministries can sometimes work against junior coalition partners, especially if they are new to government as the Green party is in Germany. Ministers from such parties will often place a high premium on political colleagues and officials who support them and whom they can trust. This may be less likely if the minister has to share power in his/her department with a member from the coalition partner. The decision for small parties of which government portfolios to seek is likely to be an acute one. On the one hand, full control of a ministry allows the party to surround itself with people it trusts, as well as taking full responsibility for outputs that it can use to highlight its impact in government.<sup>62</sup> Thus, the

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<sup>61</sup> One commentator suggests an alternative reason for the loss, namely the increased bargaining power of the junior coalition partner, the FDP, which controlled the foreign ministry (Saalfeld, 2000: 71).

<sup>62</sup> Segregated ministries, by virtue of allowing parties to make clearer to the electorate that particular policy outputs are 'theirs', facilitate - retrospective - accountability of government. Pooled ministries make it harder for voters to ascribe responsibility to particular parties, thus hindering accountability (Chapter 1, pages 28-29). This is mirrored by the difficulty that civil servants might face in knowing which minister they serve. In Scotland's case, this is not a problem, since pooled ministries tend to be internally segregated - thus, at the agriculture ministry, the junior minister takes a specific

junior coalition partner in New Zealand, the Alliance party, which opted for some cross-cutting junior posts rather than over-stretching itself by taking senior portfolios is currently rethinking its strategy. Holding only one high profile ministry, it has found it difficult to highlight its achievements to voters. In future, to strengthen its electoral identifiability, it may insist on the allocation of more control over spending ministries (which it would also be in a better position to run having had experience of government; after the downfall of New Zealand First in the previous coalition, the Alliance was wary of placing inexperienced MPs in high profile departments). On the other hand, small parties may typically be restricted in the posts they are allocated to one or two senior ministries along with a couple of junior posts. Their influence may be maximised by spreading their allocation of offices across ministries, rather than concentrating them in one or two. Ultimately, the decision may reflect the nature of the political system rather than strategic considerations. In systems where the autonomy of senior office holders is high, such as in Germany, junior ministers may wield limited influence and thus be of little value for a coalition partner. In systems where ministerial power is weaker, such as Ireland, junior ministers may be able to play a fuller role viz a viz senior ministers.

These examples cast doubt on the degree to which pooled ministries are useful devices for going beyond an information function and helping in the coordination and management of coalition governments. These functions may be better served by the creation of specialist advisers, working groups and other inter-party structures (see below). But coalition coordination is not only influenced, at the portfolio allocation stage, by directly planting figures from different parties in the same ministry. This function can also be achieved by giving different parties control of 'neighbouring' ministries, or departments that work closely with one another. Thus, in coalitions in Germany, where the junior partner, the Free Democrats, has controlled the Foreign Ministry, the senior partner, either the CDU/CSU or SPD, will tend to control the Ministry of Economic Cooperation (development aid). Responsibility for other neighbouring ministries, such as Finance/Economic Affairs and Interior/Justice is normally divided between the coalition partners. These allocation patterns help foster close coordination between related departments, and sometimes the joint production of legislative proposals (Saalfeld, 2000: 70).

A similar strategy is often pursued by coalition partners in Denmark, particularly in relation to the all-important Finance and Economic Affairs ministries (Wolf, 1998: 36).<sup>63</sup> An alternative strategy is for the junior partner in a coalition to take control of ministries whose remit cuts across a number of other departments. For instance, in New Zealand the Women's Affairs portfolio is a relatively minor one, but has been chosen by the current junior coalition partner, the Alliance, in part because its concerns feature in many other departments' workloads, thus giving its minister a say in decisions taken by ministries not controlled by her party.

### **Coordination via collective structures**

In this section, I examine the ways that coalition business is managed in my four study countries. I begin by making a simple set of distinctions, before going on to describe and

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responsibility for fisheries policy – thus delineating more clearly civil servants' responsibilities and reporting lines.

<sup>63</sup> The cabinet ministers for Foreign Affairs and Development Cooperation, usually held by different parties, also work closely together. But these ministers are based in the same department, the foreign ministry. So Denmark does operate one 'pooled' ministry, although the two ministers both have cabinet rank.

analyse arrangements in each study country, plus Scotland and Wales. Following these case studies, I conclude by assessing the effectiveness of the various models on offer.

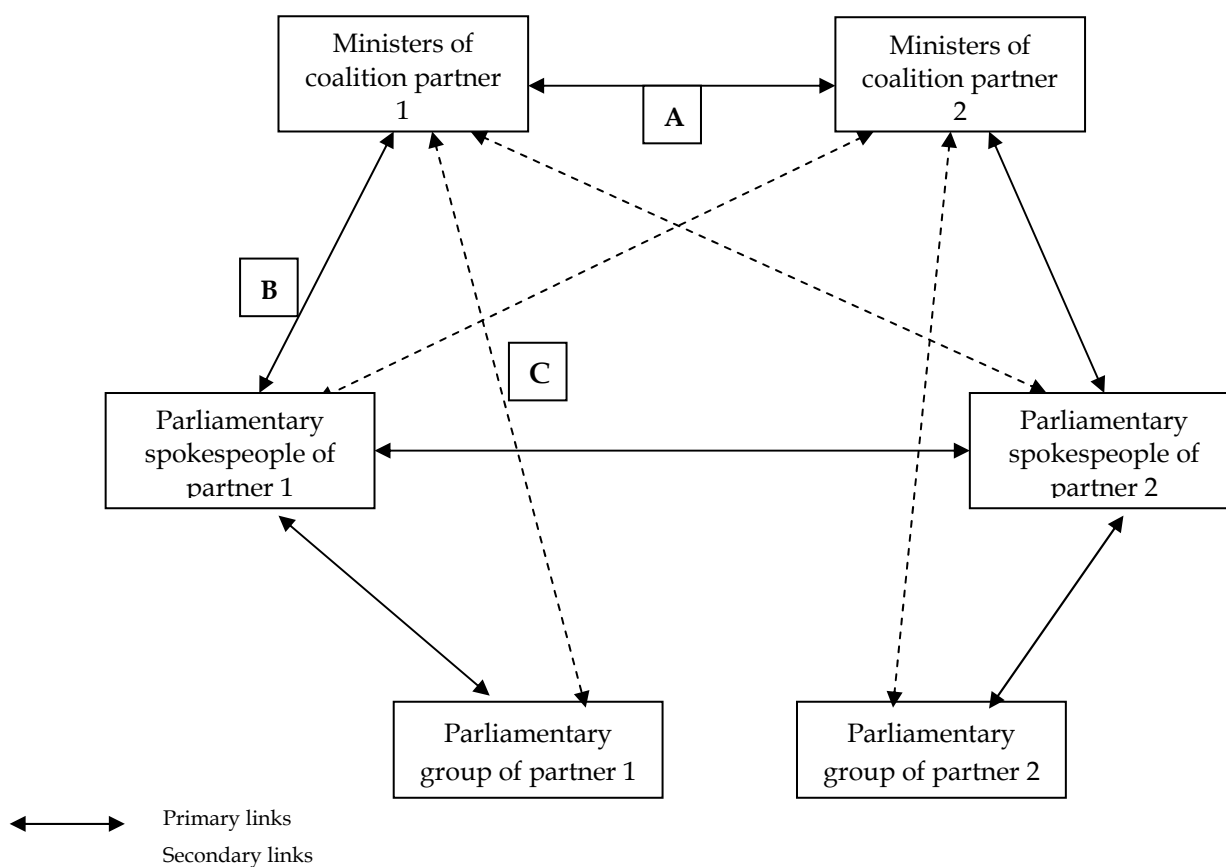
**Distinctions and classifications**

Across my four study countries, let alone across west European countries more generally, there are a wide variety of structures and processes by which coalitions are managed.<sup>64</sup> At the outset, then, it is helpful to make some distinctions between different forms and levels of management and coordination. I use these distinctions in the later sections when analysing coalition management arrangements in Scotland, Wales and overseas.

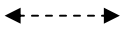
1. Arenas for coordination

I deal with two arenas in which the day to day business of coalition governments is usually subject to some form of coordination. The first is within the executive itself, with ministers from the parties managing their relations with one another. The second arena is between the parties in the executive and the parties in parliament; these links can be both intra-party (relations between ministers and the parliamentary group within the same party) and inter-party (relations between ministers of one party and the caucus of their partner party). Coordination is thus a mixture of horizontal and vertical relationships (see Figure 3). If a coalition enjoys a parliamentary majority, the main focus of coordination relationships will be at the executive level (A); if a coalition enjoys only minority status, far more attention will be paid to executive-legislative links (B and C).

**Figure 3: Coordination relationships in coalition governments**



<sup>64</sup> These arrangements are described in the country sections in Müller and Strøm, 2000.



I don't deal extensively with relations between actors in the executive and those in the legislature. But these links are extremely important for the effective management of coalitions. Members of the executive will have concerns that, since coalitions often command only a slim majority in the executive or no majority at all, the defection of only a few MPs may be fatal to its chances of survival. Members of the parliamentary parties will be concerned that ministers (their 'agents') will compromise their party's policies in reaching agreements with the coalition partner. A case study of coalitions in Ireland during the 1980s found that *intra*-party conflicts generated almost as much government instability as *inter*-party conflicts (Mitchell, 1999: 279). This may be an extreme case, but it shows what is at stake. In response, coalition governments will often commit their members to disciplined behaviour in the legislature. The severity of this discipline ranges from total coverage (ie. all parliamentary matters), to full coverage (all matters other than those specifically exempted), partial coverage (only those matters explicitly specified) and no coverage (no discipline imposed). Among my study countries, Denmark, Germany and Ireland are deemed to insist on very strong legislative discipline (Strøm and Müller, 2001: 13); New Zealand can also be added to this list. In return, the parliamentary groups often demand more frequent contacts with ministers (to ensure non-deviation from core policies) and a greater input to policy making. I was told in New Zealand that the parliamentary groups there had begun to play a more active role with the transition to a proportional electoral system in 1996. Whether this is due to new types of MPs, different assumptions about their behaviour or specifically the shift to coalition government, is difficult to untangle.

## 2. Tiers of coordination

There are a number of different levels at which coalition management can take place. At the lowest level, structures or conventions can be developed to keep each partner informed of what the other is doing, through *exchanging information*. The next tier involves simple discussions between the departments involved in a particular policy decision: *ministerial bilaterals*. At the next level, a range of *collective bodies* exist which usually involve ministers not immediately involved in any one policy decision. Finally, there will sometimes be facilities for *dispute resolution*, in cases where inter-party disagreements have failed to be resolved at one of the lower tiers.

## 3. Actors involved in coordination

In each arena and tier at which coalition business is managed, a variety of actors may be involved. At the apex is the *prime minister*, with the *deputy prime minister* existing slightly beneath (although in coalition situations, the deputy often enjoys specific rights and has particular responsibilities not accorded to their counterparts in single party conditions). Next may come *senior cabinet ministers*, who enjoy an elevated position either due to their personal seniority and experience, or the importance of their portfolio (eg. the finance minister). Following them come *non-senior cabinet ministers* and then *junior ministers*, the latter not usually taking part in collective coordination bodies. Within the executive, ministers draw on *civil servants* and *advisers*, both of whom play a greater or lesser role in coalition management according to specific circumstances and countries' political traditions. The actors in parliament comprise *party leaders/spokespeople* and ordinary MPs.

## Coalition management in Scotland and Wales<sup>65</sup>

The coalition agreement between Labour and the Liberal Democrats in Scotland, signed in May 1999, binds the parties to collective decision making while respecting each other's identity. There is a strong commitment to collective responsibility, so that all ministers must have knowledge of each policy decision, spending commitment, piece of legislation and public appointment, and must support any decision taken in cabinet. The fulcrum of the coalition is the relationship between the First Minister and Deputy First Minister<sup>66</sup>, with all decisions concerning portfolio allocation, the modus operandi of the executive and dispute resolution – in addition to those items subject to collective responsibility – being decided jointly by the two party leaders. The approval of both figures is also required for items to be included on the cabinet's agenda. To help the Deputy First Minister, he, along with the First Minister, must be copied all papers relating to significant policy issues or appointments, and is given additional support to help him carry out his coalition role. The agreement does not specify party discipline within the Parliament beyond a commitment on the part of two party caucuses to “operate in support” of the executive, with each party using its own internal procedures to ensure such support.

The flow of information between departments is subject to clear guidance<sup>67</sup>; the main recognition of the government's coalition status is the stipulation that important material be copied to both the First Minister and Deputy First Minister. The same concern is also reflected in the requirement to copy to the Executive Secretariat any civil service advice to departmental ministers as well as the minutes of any formal meeting between ministers.

The First Minister and Deputy First Minister do not take part in any routine decision making outside their own particular areas of policy responsibility. Where any problem or disagreement arises, ad hoc meetings of one or both figures – and maybe the Finance Minister and/or Minister for Parliament – along with the relevant minister(s) can be held, serviced by civil servants from the Executive Secretariat. The principle of collectivity does not mean that all decisions need to be taken at the weekly cabinet meetings. Indeed, the executive's internal guidelines encourage issues to be dealt with prior to cabinet or, where an issue is controversial, for the points of disagreement to be clarified, and for attempts to resolve the issue to be exhausted, before cabinet. Nonetheless, cabinet meetings tend to involve fuller discussion of issues than is the case in Whitehall, and thus function as an important cog in the collective machinery. Where the interests of two or more departments overlap on a major policy issue, a ministerial committee or working group may be established (no formal cabinet committees exist). Representation of the two partners on such bodies tends to be more equally balanced than the proportional norm used for the allocation of cabinet seats. Thus, on the committee set up to discuss the divisive issue of student tuition fees, each party was represented by three people. Papers for such bodies are available to all ministers, and a minister outside the principal departments concerned may attend meetings subject to the

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<sup>65</sup> This section draws on various primary and secondary sources, as well as on interviews with key personnel conducted during study visits. These visits were undertaken in July 2000 (Scotland) and January 2001 (Wales). The information presented here is thus limited to the situation on or before these dates. This should be borne in mind, even though I present the information in the present tense.

<sup>66</sup> In both Scotland and Wales, the post of Deputy First Minister is not a statutory one. This is also the case in countries such as Ireland, and may occasionally give rise to problems, as explained further below.

<sup>67</sup> The tightness of the *Ministerial Code* and *Guide to Collective Decision Making* are a means of reining in each coalition partner, and thus providing reassurance to the other that the terms and spirit of the coalition will not be broken (Shephard, 2000).

chairman's approval. The Executive Secretariat must be kept informed of the work of such bodies, and may well provide support facilities for them.

Two features stand out from this brief overview of the coalition management arrangements in Scotland. The first is the central role of the First Minister and Deputy First Minister. My interviews suggested that a more formal collective coalition structure (eg. cabinet committees or an overarching coalition committee), favoured by many Liberal Democrats as a means of ensuring cooperation from their Labour partner, had been rejected in favour of more informal interaction between the party leaders, reflecting their close mutual trust.<sup>68</sup> The second is the support role played by the Executive Secretariat, which emerges as a 'gatekeeper' to ensure that inter-party information and consultations arrangements are adhered to.

In terms of practice, the coordination structures have generally functioned effectively. The informal nature of the arrangements are seen as allowing disputes to be resolved and potentially controversial issues to be aired well in advance. However, the success of these mechanisms is seen as highly dependent on good personal relations between ministers, and thus as susceptible to problems should relations deteriorate (moreover, I was told that almost two thirds of the commitments in the coalition agreement have been met; the coalition will thus begin shortly to enter territory not mapped at the outset). During the first year of the coalition, various teething problems did emerge. Some ministers – four of the original eleven had been schooled in the Westminster model – initially found it difficult to curb their autonomy by consulting before announcing decisions. There was also initially some concern within Liberal Democrat ranks that civil servants were not adjusting to the power sharing conditions, continued to focus their attentions on the First Minister and were less attuned to the policy priorities of the junior coalition partner.<sup>69</sup> Consultation between the parties appears to be working relatively effectively; information flows mean the Deputy First Minister is kept abreast of most important issues, and Liberal Democrat spokespeople are often kept well briefed by Labour ministers (although the links vary depending on the personnel concerned). With a limited ministerial team, the Liberal Democrats are also helped by an improving tendency by Labour ministers to forewarn them of impending issues and potential flashpoints (they also rely, as is common practice in other countries, on their parliamentary spokespeople to meet Labour ministers and keep them informed of developments in other portfolios). However, the Liberal Democrats only have one policy adviser among the shared ministerial pool of nine, restricting the party's ability to undertake preparatory work on such matters.<sup>70</sup> This balance is an issue that the Liberal Democrats want to address at a later stage.

Finally, there is some evidence that close relations between the parties within the executive are at the expense of backbenchers. Many Liberal Democrat MSPs, in particular, feel marginalised from decision making. In part this reflects a different approach to government between the two partners, succinctly expressed to me by one Liberal Democrat who said that

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<sup>68</sup> The First Minister and Deputy First Minister at the time these arrangements were made were Donald Dewar and Jim Wallace. A different set of structures might have been agreed on in the absence of such a close working relationship between these two individuals.

<sup>69</sup> See, for example, the speech by former Deputy Minister for Parliament, Iain Smith MSP; *Sunday Times*, 25<sup>th</sup> March 2001

<sup>70</sup> One curiosity in Scotland is that the appointment of special advisers, whose numbers are limited to twelve, is a prerogative of the First Minister, where other important issues demand the additional consent of the Deputy First Minister. Although some advisers are appointed to a 'pool' shared between ministers, the First Minister's prerogative appears to be a control exerted by the senior coalition partner over the research and advice that the junior partner can draw on (Shephard, 2000)

Labour was good at government but bad at coalition, while the Liberal Democrats were good at coalition but bad at government (meaning that Labour still had to get used to consultation and negotiation, while Liberal Democrat backbenchers had to get used to the compromises necessary when taking decisions).<sup>71</sup> The Liberal Democrats have attempted to resolve disquiet among its MSPs by using Ross Finnie, its agriculture minister, to provide a direct liaison point between ministers and MSPs.<sup>72</sup> Coalition government tends to put greater strain on backbenchers as intra-party discipline becomes more important, since administrations often enjoy only a slim legislative majority. But the design of the Scottish Parliament also exerts pressure the other way. In comparative terms, the Parliament is a 'strong legislature', that is it has a high degree of influence on the policy agenda in relation to the executive (Strøm, 1990: 40-4). In turn, this means that, while backbenchers are corralled by the executive, they also have the power to cause discomfort to ministers by amending and defeating legislation and by putting forward their own proposals. The effective operation of coalition government in such circumstances is as much a factor of the upward flow of information and bargaining (from parliamentary groups to ministers) as the downward flow (vice versa), and there is evidence that the coalition partners in Scotland have begun to recognise this and improve intra-party communication.

The lessons of the initial Scottish experience with power sharing were drawn on in forming the Labour-Liberal Democrat coalition in Wales. In fact, the procedural part of the Welsh coalition agreement is a replica of the Scottish agreement, although it lacks the sections on collective responsibility, responsibility for portfolio allocation, the role of the Deputy First Minister and party behaviour in the legislature. Like its counterpart in Scotland, coalition management in Wales is driven by the relationship between the First Minister and Deputy First Minister; while cabinet meets every fortnight, the party leaders meet each week. However, while the Deputy First Minister in Scotland has a say in the way that portfolios are allocated, he/she has no such right in Wales, where "The First Minister has a completely free hand in such matters [portfolio allocation] although in practice will seek the agreement of the Deputy First Minister before such decisions" (*A Protocol for Partnership Government in the Assembly*, section 1.4). However, the Deputy First Minister does have a say in the appointment and responsibilities of deputy ministers (section 5.1). The First Minister does not oversee other ministers' work; only on important or strategic issues does he become involved, in consultation with the Deputy First Minister. As in Scotland, the First Minister and Deputy First Minister share responsibility for setting the agenda for cabinet meetings.

The principle of collective responsibility underpins the operation of the coalition, although this is subject to all relevant ministers having the chance to debate a particular policy issue before it is passed. Official guidelines also emphasise that decisions are announced by departmental ministers and not as cabinet decisions, allowing for decisions to be associated with particular ministers or parties. The Welsh coalition also includes clearer rules about collective decision making on matters reserved to Westminster. Dealing with reserved matters has proved a headache for the coalition in Scotland, since the partners have often disagreed on the issue in question but have not been able to agree whether to make the matter one for collective agreement or not. In Wales, by contrast, official guidelines stipulate

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<sup>71</sup> This state of affairs may be common when a coalition is formed between a party used to office and one new to government; the same is true for the SPD-Green coalition in Germany.

<sup>72</sup> This highlights the importance of the junior coalition partner having at least two cabinet seats. Its party leader may often be absent or busy with coalition business; a deputy means that links – with the parliamentary group, for example – need not suffer as a result.



collective responsibility only on devolved matters, with the parties free to take whatever position they wish on reserved matters. Where reserved matters impinge on areas of Assembly competence, the guidelines state that the coalition partners should:

“strive for agreement in any public comments, in so far as this remains consistent with retaining a respect for the distinctive political views of the different parties involved. Where cabinet members wish to make a public comment likely to emphasise these distinctive political matters, they should avoid doing so in a context which compromises cabinet collective responsibility” (*A Protocol for Partnership*, section 3.11).

Both the First Minister and Deputy First Minister are copied any important material and are supposed to be made aware of any ministerial statement to the media. An important coordinating role is played by the small team of political advisers working to the two leaders, whose number was increased to facilitate coalition management; there are four Labour advisers and two for the Liberal Democrats. The advisers see all government papers and are located next door to each other to aid interaction. Ministers taking decisions that affect other departments are also required to copy relevant papers to those ministries, although the guidelines on information sharing are limited. Disputes over policy issues are expected to have been resolved prior to cabinet meetings, either through ad hoc ministerial meetings or through cabinet committees (of which there are four, concerned with cross-cutting policy issues). If an issue fails to be resolved in cabinet, it is taken to a special meeting of the First Minister and Deputy First Minister along with the relevant subject ministers.

As in Scotland, there are concerns that the civil service has experienced problems adapting to multi-party administrations, finding it difficult in particular to factor in a junior, as well as senior, party's demands when formulating policy.

Having briefly reviewed the management arrangements for the new coalitions in Scotland and Wales, how is coordination achieved in more mature coalition systems? In this section, I review the arrangements in my four study countries, whose experience of coalition ranges from the extensive (Denmark and Germany), to the more moderate (Ireland), through to the very limited (New Zealand).<sup>73</sup>

## **Coalition management overseas**

### *Germany*

I begin with Germany which, with the exceptions of Luxembourg and the Netherlands, has enjoyed the greatest exposure to coalition governments of any west European country. The German system of government is top heavy, with the Chancellor commanding significant powers. It is he who is elected by the Bundestag, not the government as a whole. The Chancellor also wields constitutional powers over the appointment and dismissal of ministers, and is responsible for the general policy direction of the government. Nonetheless, the realities of coalition politics serve to temper these powers; as noted in Chapter 3 (page 71), cabinet appointments are subject to the agreement of the coalition partner, and the Chancellor's hold over ministers from that partner – for example if he wishes to discipline a minister – is in practice limited (Saalfeld, 2000: 51-3). The constitution acts as a hindrance to

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<sup>73</sup> The information provided relates only up until the dates of my study visits (which are provided in Annex 1), and may have changed subsequently. In particular, there has been a change in government in Denmark since my visit to Copenhagen.

collective decision making; under Article 65, ministers must conduct the affairs of their departments on their own, subject only to the direction set by the Chancellor.

Coalition management arrangements rarely form part of the written agreement between the parties. Only in 1961 and 1998 have agreements contained explicit procedural rules, on both occasions at the insistence of the junior partner to prevent the domination of the senior partner (Saalfeld, 2000: 58-9; personal interviews). The current coalition agreement stipulates a dedicated committee to ensure coordination between the partners, discipline on all matters in the Bundestag, as well as in other key forums such as European Union bodies, no outvoting in cabinet on any issue that one partner deems important and the agreement of the junior partner to appointments to cabinet committees and before any major departmental reorganisation.

The cabinet is not used as a forum for coalition management, with areas of disagreement between the parties dealt with at a lower level. Although Germany has a well developed system of coalition committees presided over by the Chancellor or Vice Chancellor, their role is primarily administrative rather than political. The main feature of coalition management in Germany is the use of informal channels of communication – particularly bilateral discussions between the Chancellor and his deputy – and the involvement of the leaders of the parliamentary parties in these channels. Nonetheless, when inter-party relations have become strained, a common strategy has been a resort to formal coordinating bodies that meet more frequently (Saalfeld, 2000: 60-3).

The current SPD-Green coalition marks to some extent a move away from coalition management by informal channels and political appointees, resonant of the Kohl era. In the early 1990s, the CDU/CSU-FDP coalition was managed through weekly meetings of an informal coalition ‘circle’ or ‘round’ (*koalitionsrunde*), comprising the party leaders, the chairs and leaders of the parliamentary groups and the heads of the party organisations. But more strategic matters, plus any disputes that arose in the committee, were dealt with by a smaller group that met in the evenings, comprising the Chancellor and Vice Chancellor along with the chairs of the parliamentary groups and party organisations.<sup>74</sup> This smaller group became increasingly important as the coalition became more internally divided and Kohl increasingly distrustful of his ministers. This concentration of power helped speed up decision making, but at the cost of concerns among ministers and the parliamentary parties that they were being excluded from decision making.

Under the current SPD-Green coalition, the main management forum has transferred to a formal coalition committee (*koalitionsausschuß*). This committee comprises eight members from each party – thus institutionalising the principle of the coalition as an equal partnership – and meets at the behest of either partner. This is usually every two months or so, although the coalition’s teething problems in its first two years meant that the committee initially met every fortnight. The committee is primarily concerned with conflict management, and thus convenes whenever a problem arises. The difficulty with such irregular patterns is that they signal to the outside world the existence of dissonance within the coalition, rather than being seen as a regular part of the coordination process. Indeed, this is the role the Greens would like to see the committee play, and are pressing for it to be convened more regularly. For the junior partner, the continued use of informal procedures to coordinate coalition business hinders its role across government, as well as leading to an external perception that the

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<sup>74</sup> The so called ‘elephant round’ on account of its members’ seniority.

government is dominated by the SPD. In spite of a range of formal structures, major issues affecting the coalition tend to be worked out in meetings of the Chancellor and Vice Chancellor, rather than involving a wider group of ministers.

Much of the coalition's ongoing management takes place at the parliamentary level. Each week, the leaders and chief whips of the SPD and Green parliamentary groups meet over breakfast to share information, identify any concerns within the caucuses and discuss forthcoming cabinet items. Ministers and junior ministers attend this meeting depending on the issues being discussed, and will also meet frequently with the powerful subject committees in the Bundestag. Ministers from one coalition party must also forge close links with the parliamentary spokespeople and groups of the partner party. Inter-party parliamentary cohesion is also ensured via a range of additional meetings between the coalition partners' party whips and business managers. Coordination between the parties in parliament is matched by close intra-party relations between the executive and parliamentary groups. In the current coalition, the SPD holds three meetings each week of the Chancellor, leaders of the party organisation and parliamentary group and head of the chancellery. Ministers and their juniors (parliamentary state secretaries) hold regular meetings with their party's subject spokespeople. Junior ministers in particular are expected to keep in close contact with the relevant spokespeople and the subject group within the party's caucus. Each month, all junior ministers meet collectively with political civil servants from the Chancellor's office. This meeting focuses on the executive's relations with parliament, although it can also cover more general coalition management issues, and thus serves to keep the Chancellor's office informed of what is happening in the legislature.

It is quite usual for the progress of an issue within the executive to be delayed by concerns raised within one or both parliamentary groups. If such delays do occur, they are dealt with either by bilaterals between the parliamentary group chairs or, if sufficiently serious, by the Chancellor and his ministers at the executive level. The price of these extensive consultations at the parliamentary level is a rather slow decision making process.

Unlike in many other countries, Germany's civil service plays an important role in coalition coordination, although political management is a task carried out by a select group of officials. A proportion of civil servants in each department are appointed by the governing parties, and are thus 'political' officials. The job of these figures is to help ministers manage relations with their coalition partner as well as with their parliamentary groups. The political officials tend to be appointed to senior positions, extending even to the level of *Staatssekretär* (Permanent Secretary), and leave office when there is a change of government.<sup>75</sup> In spite of this turnover, the long dominance of government by the SPD and CDU may reduce the attractiveness of office for new parties, such as the Greens. Thus, when it came to negotiating the coalition with the SPD in 1998, the Greens could draw on no civil service support, while the SPD found it easy to identify sympathetic officials from whom advice could be gained. Once in office, it is tempting for new parties to bring in their own expertise from outside, rather than rely on incumbent officials. However, civil servants tend to bring knowledge of the governmental system, an important capacity when operating in a coalition situation (Lees, 2000: 38-9). It was noticeable, though, that some of the Green figures I talked to in Berlin would have liked to have replaced civil servants in ministers' private offices with their own people whom they could trust. Expertise of the political system is one important resource for ministers, but

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<sup>75</sup> When the last Kohl coalition left office in 1998, I was told that around 190 political civil servants had left government.

personal trustworthiness is another; the transition between governments may be a period when both of these desiderata are hard to satisfy.

The political officials in each department liaise closely with their equivalents in the Chancellor's office, and meet with them each week prior to cabinet. The *Bundeskanzleramt* is huge, at around 500 staff. It reports to the Chancellor, not the cabinet, and is responsible for keeping him informed of activity across the departments (thus, although the office helps the government as a whole by coordinating coalition activity, it does so on behalf of the Chancellor in his capacity as the leader of the government).<sup>76</sup> The office gets involved in policy planning at an early stage; on very significant or cross-cutting issues, responsibility can even be transferred out of subject ministries into the chancellery. The chancellery is organised into sections that mirror the subject departments, each section including political officials, and permanent civil servants who are often drawn from the subject departments. The head of the office is usually a civil servant, although the Kohl government in the 1980s brought in a political appointee instead, to improve coordination between the executive, the parliamentary groups and the wider party organisations. Under the current SPD-Green coalition, the Chancellor's office has again assumed its formal role in coalition management. The office is once more headed by a career civil servant, and an additional junior ministerial post has been created to work on relations within the executive.

There is no doubt that the size and scope of his office gives the Chancellor the means by which to oversee and coordinate the coalition. However, the scale of resources means that some trouble-shooting activities are undertaken by the chancellery that could perfectly adequately be handled by the subject ministries. In addition, the chancellery's oversight and coordination role is sometimes felt by ministers to impinge on their decision making autonomy.

In contrast to the extensive resources available to the Chancellor, the Vice Chancellor's support is meagre (this in spite of the post being a statutory position under the Basic Law). The current incumbent, Joschka Fischer, has three advisers working to him, but all in his capacity as Foreign Minister, not as Vice Chancellor. The Greens pushed in 1998 for one of their advisers to sit in the Chancellor's office, but this was rejected by the Chancellor, Gerhard Schröder. The result is that the party struggles to keep up with government business (a situation exacerbated by the failure of some SPD ministers to consult with their junior partner). It has compensated for holding only three ministries by drawing on its parliamentary party spokespeople to provide information and advice on proposals being developed by SPD ministers.

### *Denmark*

Most governments in Denmark have been minority administrations. This means the concerns of the coalition partners are twofold: how to coordinate matters within the executive, and how to ensure adequate support for their measures in the legislature. The two questions overlap closely, and coordination strategies interlink closely with legislative ones. Nonetheless, minority government focuses attention on the legislature, whereas I am primarily interested here with relations between the parties in the executive. In this section, I examine the strategies used by Danish parties to coordinate coalition governments, with the operation of their minority status reserved until Chapter 6.

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<sup>76</sup> The Chancellor's office is thus an amalgamation, on a larger scale, of the Prime Minister's Office and the Cabinet Office in the UK.

Coalitions in Denmark are based on a strong convention that no government measure be introduced without the support of all the partners. In practice, this means that any departmental decision is the subject of consultations with other affected ministries and with the coalition partner (often via its parliamentary spokesperson); no issue can be put before parliament without having first been ratified by cabinet. Cabinet meets once a week, but does not engage in substantive discussions, rather signing off matters discussed in a lower tier of forums. If disputes do arise in cabinet, formal voting is not resorted to; instead the matter is sent back to a cabinet committee or other forum for further work (Christensen, 1985: 119-20). Cabinet committees are an important part of government administration in Denmark, although they tend to aid coordination on specific policy issues or themes (eg. financial relations between central and local government) rather than across the coalition as a whole. However, since membership of cabinet committees sometimes includes the leaders of the parliamentary parties, they do offer a forum for coordinating relations between the executive and legislature (*ibid*: 129-30).

There are two committees whose work is highly relevant to the management of coalition governments. Since 1982, there has been a formal Coordination Committee, which has become the main forum for conflict management and strategic direction of the government (*ibid*: 130; Wolf, 1995: 37). It comprises 4-6 members: the Prime Minister – who sets the agenda – and the leader of the coalition partner<sup>77</sup>, plus a few senior ministers (membership is balanced between the coalition partners, whereas that of the Economic Affairs Committee is determined by functional criteria). It meets weekly<sup>78</sup> and is serviced by senior civil servants from the Prime Minister's office, along with the Permanent Secretary from the Finance Ministry. Its role is to oversee the strategic direction of the coalition and its political management and to deal with major policy issues. It not only works via face to face meetings; its members also receive papers relating to government initiatives, press events and notice of cabinet agenda items.

The political management role of the Coordination Committee is complemented by the budgetary planning role of the Economic Affairs Committee. This committee considers all issues with public spending implications; any disputes that cannot be resolved in this forum are sent to the Coordination Committee. Generally, ministers will make every effort to avoid taking disputes to the Coordination Committee, which is the final 'court of appeal', since this is seen to reflect poorly on their own abilities to resolve conflicts. If an issue cannot be agreed by the parties in the Coordination Committee, either wields a veto over its further progress. In practice, this option is never resorted to, since it would signal a real crisis within the coalition. Contentious matters tend to be resolved through meetings between the prime minister and the other party leader(s).

In spite of the role played by such formal committees, government in Denmark tends to be pragmatic and consensual, based on informal methods of coordination and dispute resolution

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<sup>77</sup> There is no position of deputy prime minister in Denmark, and the leader of the junior coalition partner is not allocated any staff beyond those that serve him/her in a departmental capacity. The leader of the junior partner is not consulted on day to day departmental issues, which are dealt with by ministers and spokespeople from the parliamentary groups. In this sense, coalition management in Denmark is relatively decentralised, although the party leaders play a more central role when it comes to more high profile or strategic issues.

<sup>78</sup> According to Wolf (1998: 37). I was told on my study visit that it met every 2-3 weeks. The important thing to note is that the committee meets fairly regularly.

rather than formal structures. The prime minister plays an important role in liaising with ministers and senior parliamentary figures to ensure disputes are settled. In addition, the Finance and Economic Affairs ministers – who are usually from different parties – tend to work closely together on budgetary issues. These informal networks sometimes lead to a *de facto* ‘inner cabinet’ of leading players who take charge of overall coalition strategy as well as helping ensure that each partner’s interests are maintained within the collective structures. The prime minister’s office has expanded in recent years to allow the incumbent to pursue a more active management style, in particular to enable potentially difficult or divisive issues to be anticipated. But the total staff, at 30-35 officials (of which the prime minister’s personal office numbers only half a dozen or so), remains relatively small by international standards (Wolf, 1998: 36, 39). As a result, it often shares the task of monitoring policy across government with officials from the larger Finance Ministry.

I was told that, as the size of a coalition grows to three or four parties, formal structures come under greater strain (since the small parties get squeezed, start to lose their identity and thus resort to more obstructive tactics to protect their interests), and there is more resort to bilateral discussions between each party leader and the prime minister.<sup>79</sup> However, during periods of low trust between coalition partners, Danish parties have experimented with more formal coalition structures. To try and overcome their mutual suspicion, the Social Democrat-Liberal coalition of 1978-9 devised a ‘contact minister’ scheme, whereby each minister from one party was paired with another from the partner party. No minister could take a decision without having gained the approval of his/her contact. If this was not forthcoming, discussions would take place between the ministers, followed by collective discussion in a cabinet committee and finally a transfer to the Coordination Committee as the last court. Not surprisingly, given the atmosphere within which the arrangement was introduced, it simply produced vetoes of many major and minor policy proposals, further exacerbating the parties’ mistrust in one another (Christensen: 131; Wolf, 1998: 36). A similar system has subsequently been introduced, more successfully, in New Zealand (pages 108-9). Even under less onerous conditions, the need for the coalition partners to consult with one another before decisions are taken places ministers under a burden when the coalition consists of three or four parties, as has been the case roughly half the time in Denmark during the last twenty years.

The civil service plays a more limited role in coalition management than in Germany. In part, this is a factor of size; I have already noted the limited resources in the prime minister’s office, for example. In part it reflects the neutral and permanent nature of the civil service; like British officials, but unlike those in Germany, Danish civil servants are all state, not party, appointees. While this provides continuity between governments, it hinders the extent to which departmental policy making takes into account ‘political’ management issues required in a coalition situation.

Officials do, however, play some role in relation to coalition management. First, senior departmental officials serve on committees that parallel ministerial committees – particularly the Economic Affairs committee – and civil servants from the Prime Minister’s office and

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<sup>79</sup> This is not to say, however, that coalitions involving more than two parties are unworkable. The fact that they have been so extensively resorted to in Denmark in recent years suggests the political actors believe they can function effectively. For example, the right of centre four party coalition, led by Poul Schlüter, that held office between 1982-88 is generally seen to have worked well. In Ireland, political actors with experience of two party and three party coalitions pointed out that a three party coalition with trusting ministers and disciplined backbenchers is to be preferred to a two party coalition with factionalised party groups.

Ministry of Finance are involved in meetings of the Coordination Committee (Christensen, 1985: 135). Officials thus play a functional role that complements ministerial political structures. But in the absence of a cadre of political advisers<sup>80</sup>, senior departmental officials are also called on to provide more political advice for ministers, a role that becomes more acute when the government is a coalition or enjoys only minority status (Wolf, 1998: 35-6). The permanent secretary heading the department controlled by the junior coalition party leader, currently Economic Affairs, will be expected to represent that party's views in any officials' meeting, not just the interests of his/her department. He or she will also liaise closely with the Finance Ministry's permanent secretary in resolving conflicts that arise in the economic field. But while civil servants may take the lead in consulting across government on technical aspects of a proposal, more political negotiations within the executive and with parliament are the preserve of ministers.

Coalitions are also reinforced by strong discipline when it comes to voting in the legislature (Damgaard, 2000: 247-8). But while MPs are expected to support the government at the voting stage, they expect – and appear to get – a greater input further upstream. Each week, departmental ministers will meet with the relevant spokesperson from their, and/or their partner's, party group in parliament. This is a means of sharing information and concerns between the executive and legislative tiers. In addition to their role as conduits, party spokespeople also take the lead for their party if the portfolio in question is held by the coalition partner. In the absence of junior ministers, the spokespeople thus aid coalition management by acting as ministerial 'shadows'. They then provide an information flow to their ministers through meetings of the whole caucus, which can take place three or four times each week. Strong links are also maintained between the parliamentary groups and the centre of government; each week, the chairs of the coalition partners' caucuses meet with the prime minister, other party leaders and the finance minister to discuss coalition business and any conflicts that have arisen between the parliamentary groups and the executive.

### *Ireland*

Under its constitution (Art. 28.4.2), Ireland's governments serve as united entities, underpinned by strong collective cabinet responsibility. But ministers are expected to restrict their activities to their own departments, with only the Taoiseach (prime minister) commenting on broader pan-government issues. The focus of conflict management is seen to be the cabinet and, above this level, bilateral meetings between the Taoiseach and Tanaiste (deputy prime minister) (Mitchell, 2000: 140).<sup>81</sup> The cabinet – which meets weekly – remains the key forum for the discussion and debate of important issues, and its decisions must be adhered to by the parties although, in recognition of this fact, formal votes are rarely resorted to (Mitchell, 1999a). Some commentators believe that the advent of permanent coalition government since 1989 has served to weaken the discipline of collective cabinet government (Chubb, 1992). Others perceive the collective ethos to have weakened during the first coalitions in 1948-51 and 1954-57 as ministers construed their loyalty as much to their parties as to the government as a whole. Significantly, it was these administrations that introduced

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<sup>80</sup> There are some political advisers attached to departments, but these tend to focus on press work or on relations with the parties, rather than on coalition management.

<sup>81</sup> The relationship between the Taoiseach and Tanaiste (which post is now, by convention, given to the leader of the coalition partner to aid coordination) is crucial. As an example, the Fianna Fail-Labour coalition of 1993 looked strong while the respective party leaders, Albert Reynolds and Dick Spring, trusted one another. But as soon as this bond evaporated, the coalition fell. Its successor, despite being a three party coalition, held together well because the Taoiseach, John Bruton, fully involved the junior partners in decision making, extending to consultation on the date of the election.

cabinet committees, to compensate for the high degree of ministerial autonomy in decision making (Cohan, 1982: 271-2, 276). But committees are used less than in other European countries and, while ad hoc committees are established under coalition conditions to help resolve disputes on particular issues, thorny issues still tend to be resolved at cabinet level (Connelly and O'Halpin, 1999: 257-8).

The demands of informal management styles under coalition conditions have had some effect on the role of cabinet. During the 'Rainbow' coalition (Fine Gael-Labour-Democratic Left) of 1994-7, much management of the government took place during meetings of the three party leaders immediately prior to cabinet. As a result of such 'pre-cooking', levels of discussion in cabinet fell with some cabinet members becoming concerned at their detachment from decision making. Meetings of the party leaders before the full cabinet have continued during the present coalition, although there is less sense that these sessions channel important issues away from cabinet.

Nonetheless, coalition management in Ireland appears to have stuck closely to the 'Westminster' model with relatively few adjustments in the transition from single party rule. Coordination tends to be achieved through informal ministerial meetings or occasionally via ad hoc committees. Parties in government, until recently, were happy to subsume their identities under that of the government as a whole, reducing the scope for conflict (Farrell, 1993: 147). As a result, informal mechanisms of coalition coordination were seen to work effectively (Farrell, 1994: 74). In terms of arenas, coordination takes place primarily within the executive (horizontal relations) rather than drawing in parliament (vertical relations). The Irish legislature follows Westminster in according relatively few powers to TDs. The policy role of legislators, unlike their counterparts in Denmark and Germany, is restricted to checking unpopular initiatives rather than taking a proactive role in policy development (Gallagher, 1999: 194-8).

The levers available for government management at the centre have strengthened, mainly as a result of increased capacity in the Taoiseach's office. This person, along with the Tanaiste, plays the key role in coalition coordination (Farrell, 1994: 81).<sup>82</sup> But the formal role of the Tanaiste – whose post is statutory – is limited to standing in for the Taoiseach should he be away or die in office. It was only in 1993, when Labour went into government with Fianna Fail for the first time, that the deputy's office gained a more substantial role. Labour believed that its participation in government with Fine Gael between 1982-7 had failed to prevent the larger party acting unilaterally at times. It therefore insisted that the Tanaiste's office be strengthened, by appointing a junior minister plus additional civil servants, and by being sent information on all departmental decisions to avoid being bounced.<sup>83</sup> The junior minister provided an important resource for the Tanaiste (Dick Spring) who was also the Foreign Minister, a time consuming post frequently involving overseas trips. Thus, other Labour ministers with complaints about a lack of consultation by Fianna Fail ministers, for example, could take their case to Spring's office rather than burdening the Tanaiste himself. The junior minister acted as Spring's envoy on government committees and other informal meetings. The model was a new departure for government since, as pointed out above, it is only the

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<sup>82</sup> Note that the Taoiseach plays a particularly important role in policy development across government by virtue of his responsibility for the *Social Partnership*, a medium term economic and social strategy involving the government and social partners.

<sup>83</sup> The Tanaiste's office took no particular policy responsibilities itself, although it did lead ad hoc pieces of policy work, on an ethics bill and freedom of information, for example.



Taoiseach who is seen to operate outside departmental boundaries (Farrell, 1993: 156-8; Mitchell, 2000: 149).

Along with an enhanced role for the Tanaiste, the Fianna Fail-Labour coalition of 1993-4 was notable for an attempt to introduce a more formal process of coalition management. Labour wanted a means of exerting more control over decisions made by the government as a whole, as well as a mechanism for ensuring compliance with the highly detailed coalition agreement signed by the two partners. Previously, the implementation of coalition agreements had been the responsibility of individual ministers, with little recourse available if a partner believed a particular minister was dragging his/her heels (Farrell, 1993: 159). The result was a system of 'Programme Managers', a set of senior figures from inside and outside the civil service attached to ministers and tasked with ensuring the implementation of the agreement as well as with general coalition coordination.<sup>84</sup> Each minister had one Programme Manager – although some senior ministers (eg. the Tanaiste) had two – whose responsibility was to his/her minister rather than to the department as a whole.

The role of the Programme Managers was to see and exchange information relating to the coalition's activities, to offer a liaison point with each minister and to aid conflict resolution. They were intended to make the coalition more dynamic (ie. ensuring the commitments made in the agreement were delivered), give the junior partner a greater say in decision making and free up the cabinet's time for strategic issues. Each partner's Programme Managers would meet in separate caucus on Monday prior to cabinet on Tuesday. The Taoiseach or Tanaiste's Programme Managers would lead these meetings, having been copied all the cabinet papers. The senior Fianna Fail and Labour Programme Managers would then meet with their respective party ministers on Tuesday prior to cabinet to brief them and alert them to any problems. The Taoiseach (Albert Reynolds) and Tanaiste (Dick Spring) would then meet before cabinet to compare notes based on the reports from the departmental Programme Managers. All the Managers would meet the day after cabinet to be briefed on the decisions that ministers had taken. To ensure that the commitments made in the coalition agreement were acted on, the Taoiseach and Tanaiste's Programme Managers also sat on the Legislation Committee, a body also established in 1993 to monitor the progress of draft legislative bills.

Ireland had had experience of political advisers before the introduction of Programme Managers, although the reforms introduced a far more political aspect to government administration than hitherto. While Labour chose all their Programme Managers from outside the civil service, Fianna Fail – with the exception of one minister – relied on career officials. The pros and cons of both groups are, of course, standard to both single party and coalition administrations. In summary, career officials tend to bring a better appreciation of the workings of government<sup>85</sup>, while political appointees may be less constrained by established working methods and more able to engage with a wider set of actors, such as the coalition partners' parliamentary groups and the press. There is still debate about whether

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<sup>84</sup> The function of the Programme Managers was distinct from that of the more usual political advisers; the former were specifically responsible for the implementation of the coalition agreement, while the latter had a broader role in policy formulation within their subject department (Murray and Teahon, 1997: 43). In fact, the Fianna Fail-Labour coalition wanted to establish the kind of *cabinet* system used in other European countries alongside the Programme Managers, but this plan was rejected by officials in the Taoiseach's office who opposed the creation of large pools of ministerial advisers (Connelly and O'Halpin, 1999: 261).

<sup>85</sup> The Programme Manager to Albert Reynolds, the Taoiseach, had been private secretary to three Taoisigh, and was thus particularly knowledgeable about the operation of government.

the civil service or political appointees were the more effective. The Fine Gael-Labour-Democratic Left coalition that succeeded the Fianna Fail-Labour administration tended to use political appointees, although this may merely indicate that even Fine Gael harboured suspicion of a civil service seen as being too close to Fianna Fail. Although Ireland's civil service operates in the same way as the UK's – officials are permanent and neutral – I would have thought it difficult for UK civil servants to operate as the equivalent of Programme Managers in a coalition situation. What is to be avoided in such a situation is for one partner to employ the services of civil servants while the other draws on political appointees. During the 1993-4 coalition, Fianna Fail's Programme Managers, who were almost all civil servants, used to work to their own minister, engaged little with the party's parliamentary group (they saw their role as serving the government, not the party) and didn't deal with the press. Their Labour counterparts, by contrast, met regularly as a group to ensure the party's overall goals were being met, and dealt with the party caucus and the media.<sup>86</sup> The different approaches of the two teams of Programme Managers resulted in a rather lop-sided arrangement, which caused some confusion and generated some tension (O'Halpin, 1996).

The experiment with Programme Managers was seen by external commentators to have worked well: studies suggest that the sharing of information, coordination of policy, resolution of disputes and activity on the legislative programme all benefited from the reform (O'Halpin, 1996; Connelly and O'Halpin, 1999: 261). Those I spoke to in Dublin suggested that the use of Programme Managers brought two benefits in particular: they increased the flow of information across government, so that both partners had a better understanding of what the other was doing, and they helped to resolve disputes or blockages at a departmental level, thus avoiding overburdening the party leaders or cabinet. While civil servants were initially wary of the influx of external appointees, they soon came to value the intermediary role the Programme Managers played between ministers and officials (O'Halpin, 1996). The civil servants I spoke to in Dublin were generally supportive of the role that political appointees brought to the Programme Manager role; indeed, some ministries regretted the curtailing of the reform when a new coalition came to power in 1997, since the level of information sharing and coordination across departments declined.

However, Ireland's first experiment with Programme Managers was not wholly positive. Concerns have been raised that their influence and role shifted the locus of decision making away from the full cabinet (although some of those involved argue that the effect of the Programme Managers was to resolve disputes before cabinet, freeing up the agenda for more substantial issues; the fact that the current coalition has retained pre-cabinet meetings of Programme Managers and ministerial advisers suggests that such a 'gatekeeper' role is valuable). While Programme Managers were intended to focus on management within the coalition, some became little more than spin doctors for their minister. Many also neglected relations with the parliamentary groups; the Labour Programme Managers in particular attracted some hostility from TDs who felt marginalised in the decision making process (Murphy, nd). Among those I interviewed in Dublin, some felt that the Programme Managers over-complicated coalition management, since the more discussion forums existed, the greater the opportunities for disputes and vetoes.

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<sup>86</sup> Access to the media is an important part of coalition management. Parties in coalition will always have one eye on the next election, particularly because their participation in power sharing arrangements often opens them up to the charge of watering down their programme for office. There is a great incentive for the partners to court the media and to try to carve out a distinct identity for themselves within the coalition. Needless to say, this can often lead to tensions within the coalition.

The number of Programme Managers was severely scaled back when the Progressive Democrats joined Fianna Fail in coalition after the 1997 election. While the coalition includes a number of ministerial special advisers, there are only two Programme Managers, one each for the Taoiseach and Tanaiste. Their focus remains the implementation of the coalition agreement and its management, rather than the everyday business of their minister's department. Each week, the Programme Managers hold a meeting with all the special advisers (on Monday, prior to cabinet on Tuesday) which focuses on issues facing the coalition as much as the implementation of its programme.<sup>87</sup> The reduction of the Programme Managers reflects in part the Progressive Democrats' concerns over their cost to the public purse and a desire for a more low key, informal style to coalition management. But the more limited coalition agreement in 1997 may also have reduced the need for a dedicated delivery structure. In addition, the working relations between ministers are seen to be more trusting now than during the Fianna Fail-Labour coalition, in part a reflection of the Progressive Democrats' size in relation to Fianna Fail; being clearly the junior partner and commanding only one ministry, there is maybe less pressure for them to be seen to be punching their weight across government, as Labour was clearly determined to do in 1993-4 (Murphy, nd). At a working level, a manifestation of this is the replacement of formal meetings and negotiations during the earlier coalitions with less formal contacts and communication between advisers in the current administration. While a larger pool of Programme Managers may be reverted to if the current coalition is replaced at the next election (Mitchell, 2000: 150), one lesson from the past is that the number of such figures, as well as their role, needs to be tailored to specific circumstances; there is no ideal number or best role for Programme Managers.

The strengthening of the Tanaiste's office, and the deployment of Programme Managers, in the 1993-4 coalition was the most serious attempt so far to give a more formal structure to coalition management, and to enhance the role of the junior partner. But the current coalition has continued some arrangements to help the junior partner (at only four Dail seats, the Progressive Democrats are extremely small). For example, in order that the party's sole cabinet minister does not feel wholly isolated in cabinet meetings, the party has been allocated an additional 'super minister' who attends cabinet but without voting rights (Mitchell, 1999a: 255-6).<sup>88</sup> In addition, the Tanaiste's Programme Manager has an office in the Taoiseach's office, not in the Enterprise ministry where the Tanaiste is based. This enables the two Programme Managers to liaise closely, and also gives the junior partner a stronger voice at the centre of government. Nonetheless, many policy actors believe the larger Tanaiste's office during the earlier coalitions to have been beneficial for the junior coalition partner, and some within the Progressive Democrats believe the party should have retained the office to help keep it abreast of activities across government. The junior partner's limited resources (one cabinet minister, two ministers of state, one Programme Manager and one economic adviser) mean it sometimes struggles to keep up with what is going on across departments.

Coalition government is also underpinned by arrangements for information sharing, so that policy documents from subject departments are now routinely copied to the Taoiseach and

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<sup>87</sup> The earlier use of Programme Managers was seen to focus too narrowly on delivering the coalition agreement rather than on broader issues facing the government (Murphy, nd).

<sup>88</sup> No additional ministers can be created since the Irish constitution limits the total size of the cabinet. The appointment of a super minister was also used by the 1994 Fine Gael-Labour-Democratic Left coalition to compensate the last for losing a portfolio during negotiations.

Tanaiste at the draft stage (Murray and Teahon, 1997: 42). Formally, Cabinet Office guidelines stipulate that draft materials be sent to the Taoiseach's office and, during periods of coalition government, copied also to the other party leaders. However, the flow of information tends to be shaped by the habits of, and relations between, ministers, so that the junior coalition partner can sometimes be left out of the decision making loop by virtue of not having seen the relevant official papers (Connelly and O'Halpin, 1999: 258).

### *New Zealand*

The two coalitions (1996-98; 1999-) formed since the first PR election in 1996 have adopted very different approaches to coalition management. The first coalition, between National and New Zealand First, bound the parties tightly together through a highly detailed written agreement, running to 17,000 words over 65 pages. While this document flagged up a set of policy 'wins' for each partner, it also committed them to a number of difficult policy compromises. This was a device to bind together at the outset two partners with uncomfortable relations with one another. As highlighted in Chapter 4, the agreement was seen as too prescriptive and allowing too little flexibility to respond to issues as they arose, in turn creating tension between the partners.

The coalition agreement also signalled a set of arrangements to ensure the effective management of coalition business. Cabinet papers had to pass through formal consultation procedures prior to cabinet. Ongoing coordination of the coalition would be facilitated by a six person Management Committee, with each party contributing three members. If disputes arose between the parties, the matter could be referred by one partner to a special Coalition Dispute Committee, comprising the party leader, deputy leader and president of both partners. If agreement could not be reached in this forum, either partner would have the option of giving a week's additional notice before terminating the coalition. I was told that the Dispute Committee only met once during the coalition's term in office, although the Management Committee played a more important role. The agreement also stipulated that all media statements from the government needed to be agreed by the party leaders, and committed the coalition parties in the legislature not to support any bill coming from the opposition (although it did not make clear what the parties should do if a private member's bill emanated from its own benches, an issue which caused the coalition some problems).

The 1999 coalition agreement was far shorter than three years before (at 500 words). In part this reflected a desire to avoid the impression that the coalition was simply an amalgamation of the two partners' policy programmes. Rather, a focus on procedural rather than policy issues was intended to establish the principle of a unified government. Again, a coalition committee was established - comprising both party leaders along with their deputy leaders and chief whips - to provide management of the coalition and a forum for disputes to be resolved. But at the time of my visit, this committee had met only once, its role being more symbolic than practical. Instead, the coalition is coordinated in a fairly typical fashion, with ministers liaising bilaterally, followed - in cases of conflict - by discussions involving the two chiefs of staff to the Prime Minister and Deputy Prime Minister, and then the involvement of the two party leaders themselves. There is a collegiate forum for coalition management that meets more frequently than the full committee, but this is an ad hoc body comprising the party leaders and their deputies, along with the two chiefs of staff.

There are two distinctive management features of the current Labour-Alliance coalition. The first is the establishment of formal information sharing channels via 'Consultation Ministers'.

Under this scheme, the minister in each portfolio area is twinned with a minister from the coalition partner.<sup>89</sup> The portfolio minister must brief his/her consultation minister on significant policy developments and appointments (this task is often undertaken by the minister's political adviser). To enforce this scheme, any submission to the cabinet or cabinet committee must be accompanied by a form which details consultation with the appropriate minister. While this arrangement ensures the sharing of information with the junior partner, it also allows objections to be made if the portfolio minister proposes a course of action or an appointment with which the consultation minister is unhappy. In these situations, the ministers bring the matter to the Prime Minister and Deputy Prime Minister's chiefs of staff. If the issue is thought to require consultation with the parliamentary party groups, it is the job of the consultation minister to brief his/her party caucus. The advantage of this scheme – similar to the earlier Danish model – is that it allows the junior partner a formal role in decision taking in departments it does not control.<sup>90</sup> It also allows early notice of decisions; although each partner is represented on cabinet sub-committees – to which issues will often pass after the consultation process – many decisions have already been taken by the time this part of the process is reached.

The downside of the arrangements is their time consuming nature. The limited policy content of the coalition agreement has meant that the coalition partners engage in more day to day consultation to resolve political issues than might have been the case with a fuller agreement. They also have a commitment to consensual decision making, enshrined in the coalition agreement; decision making cannot resort to voting within cabinet. Yet the time involved in consultation means that the requirement to involve the coalition partner is sometimes not adhered to. This is but one example of the potential difficulty in coalition situations of fully engaging the partners in decision making at the same time as ensuring that decisions are taken promptly where necessary. Most of my interviews suggested that the pace of decision making had slowed somewhat, to take account of the formal consultation procedures. But this was not seen as a problem, since greater consultation often helped improve the quality of the policy outputs. Neither does it seem to prevent rapid decisions being taken where necessary, since the parties can, and do, agree to fast track any pressing issue.

The second novel feature of coalition management under the current government is its provision for the parties to disagree with one another on key issues; the so called 'agree to disagree' clause set out in the coalition agreement. If disagreement between the parties arises on an issue deemed by either partner to be vital to its "identity", and if the coalition management committee agreed, the issue could be designated one of "party distinction". This allows the principle of collective responsibility to be suspended for that issue, and for the

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<sup>89</sup> The 'Consultation Ministers' are, as their name suggests, all ministers, usually with cabinet status. This avoids the problem of using members of the parliamentary party. The use of parliamentary spokespeople in coalition consultation is common, particularly for the junior partner if it lacks many ministers. However, it becomes difficult under official confidentiality rules for cabinet papers to be shown to members of parliamentary groups. Such constraints hindered the National-New Zealand First coalition between 1996-98. Spokespeople from the junior partner sometimes complained that they weren't being shown all the relevant papers, but this was often inevitable given that many documents were restricted to cabinet members only. In the current coalition, although it is only ministers that are involved in formal consultation arrangements, in practice over-burdened Alliance ministers often use their parliamentary spokespeople to assist with advice and recommendations.

<sup>90</sup> Although it also places a great burden on the junior partner whose ministerial pool is far smaller than Labour's. For example, the Alliance Deputy Prime Minister, Jim Anderton, is Consultation Minister on 43 portfolio areas.

parties to both campaign and vote in parliament on different lines. The agreement stressed that it expected such occasions to be infrequent and, indeed, the clause has only been invoked once, over a free trade agreement with Singapore, to which the Alliance objected. The clause is seen as applying to exceptional issues, not the core issues on which the coalition has been formed. In this sense, the 'agree to disagree' clause represents a slight watering down of the principle of collective responsibility, designed to protect the junior coalition partner, rather than any wholesale shift away from the principle of unified government.

Although New Zealand's current government has established collegiate structures for coalition coordination and rules covering the exchange of information, day to day management tends to be informal and takes place outside collegiate forums (such as cabinet, whose role appears not to have diminished with coalition but which is now the end of the decision making chain, with much negotiation and brokerage taking place before the weekly meetings).<sup>91</sup> Much of the coordination is undertaken by the political advisers attached to each minister. Advisers combine advice on subject policy issues with wider coalition management; one adviser suggested to me that the balance between the two tasks works out at, respectively, 40% and 60% of his time. Each party's pool of advisers meets regularly with the chief of staff in either the Prime Minister, or Deputy Prime Minister's office. They also meet together about once a month to review the coalition's operation: the state of internal communications, any bottlenecks within the system and future activities. The role of advisers around the Prime Minister and Deputy Prime Minister, and in the departments, is perhaps the main distinction between the current coalition and its predecessor. The Labour-Alliance coalition has developed a more systematic approach to political management, based on networks of advisers with knowledge or experience of the government system.

The current coalition also exhibits an interesting balance between centralised and decentralised decision making. On the one hand, the heart of the coalition is the relationship between the Labour Prime Minister (Helen Clark), Finance Minister (Michael Cullen) and Chief of Staff (Heather Simpson) and the Alliance Deputy Prime Minister (Jim Anderton) and his Chief of Staff (Andrew Ladley). Many of the major decisions are taken within this group, and disputes from lower down in the system resolved. In part this centralised style reflects the personalities of the two party leaders. But it also rests on a belief that, in a political system relatively new to power sharing governments, it is imperative to develop effective working relations and mutual trust between the parties. This is clearly much more difficult if decision making is conducted in more open forums or large collective bodies, or if it is decentralised to individual ministers. The danger with this strategy is that it cuts out – or appears to cut out – other political actors. And there has been criticism from the wider parties, particularly on the Alliance side, of what is perceived to be a small decision making group.

This criticism may have had more validity during the coalition's early days. But as it has matured and become accustomed to power sharing, and as Alliance ministers and backbenchers have got used to government, management has increasingly been devolved to individual ministers and their advisers.<sup>92</sup> This has removed some of the pressures from the

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<sup>91</sup> An informal management style is helped by the physical location of ministers and their advisers. Unlike in most other western countries, the key government personnel are located in one central building adjacent to the parliament, and not in separate departments. This makes face to face consultations and discussions far easier.

<sup>92</sup> Decentralised political management is also facilitated by non-detailed coalition agreements. The more policy is determined at the outset, the greater the subsequent monitoring and control by the centre and the lesser the latitude for individual ministers.

party leaders' offices, which has enabled them to move onto more strategic issues and resolution of disputes. The demands made by coalition government are less acute for Helen Clark's office than for Jim Anderton's office since, as Prime Minister, Clark enjoys the backup of the Cabinet Office. The Deputy Prime Minister's office, by contrast, consists of a handful of advisers; these limited resources strain the ability of the Alliance to respond to all the issues they are initially faced with, and sometimes produce a bottleneck in the decision making process. There was some support among my interviewees for increasing the number of political advisers in the two coalition leaders' offices, although expanding these resources should clearly not be at the expense of the close personal relations on which much of the coalition already hangs.

Decentralised arrangements tend to reduce blockages in the system, but they also make it more difficult for each coalition party to keep track of what its ministers are engaged in. Alliance consultation ministers, for example, can take decisions without referring them to Jim Anderton, but this means that his office has little record of what is being agreed to. Concerned by this, the Alliance parliamentary caucus experimented with keeping a register of all consultation papers sent to its ministers, but this initiative had not been maintained. However, this is not a severe problem for the Alliance, since it holds frequent meetings between ministers and MPs which serve as important intra-party information and coordination forums.

Civil servants in New Zealand operate to broadly the same system as their counterparts in the UK and Ireland; thus, they are involved in policy planning, but not in managing the relations between the coalition partners. However, civil servants have had to change their behaviour with the transition to power sharing executives (exacerbated in the case of the current coalition by its minority status), notably by becoming more sensitive to the different agendas of the coalition partners<sup>93</sup>, and by factoring in the need for inter-party, not just intra-party, consultation. Civil servants have taken time to adjust to the extra demands that consultation requires in coalition situations. The Department of the Prime Minister and Cabinet (DPMC) has recently introduced monthly meetings of all departmental chief executives (permanent secretaries) to provide a forum for communicating to departments the government's overall approach and strategy. In part, these meetings reflect the centralised style of the coalition leaders, although they also reflect the perceived need to give senior civil servants a stronger steer on political management within the coalition.

Officials based at the DPMC perform additional roles to support the coalition. At a basic level, they help ensure that formal consultation arrangements are adhered to by checking that cabinet and committee papers have been seen by the proper Consultation Ministers. Within the DPMC there is a Policy Advisory Group (PAG) of fourteen civil servants, whose function is to provide the Prime Minister with strategic policy advice and options. But the PAG liaises closely with ministers and attends some cabinet committees and, in effect, will provide leadership on issues that are causing problems lower down the line. In other words, civil servants in this office continue to work only on policy issues and not on political management, but are often used by the Prime Minister's office to help resolve problems facing

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<sup>93</sup> My interviews suggested that civil servants were more attuned to the needs of Labour, the senior partner, than to the Alliance, the junior partner. This is perhaps unsurprising among officials used to servicing single party governments; my interviews in Scotland suggested the same was true of officials there.

the coalition. In this way, the DPMC compensates for the small pool of political advisers available to the Prime Minister and Deputy Prime Minister.

These arrangements seem to provide adequate mechanisms for consultation and information sharing between the coalition partners. Of more concern to Alliance figures is the strength of their party within the government, particularly the extent to which its policy concerns are met. For this reason, there is some pressure from the Alliance for more regular meetings of the main collective coordination body, the Coalition Management Committee, which I was told has met only once (Labour sees the committee as a forum of last resort in cases of dispute, and is not keen to see it meet). Informal mechanisms tend to privilege the party that controls the most ministries and the most senior portfolios, in this case Labour. Collegiate forums on which the parties have equal representation tend to even up bargaining power.

### **Assessment of coalition management models**

I have summarised the essential features of, and differences between, the various methods of coalition management in my study countries in Table 9. Given the variety of methods by which the business of coalition governments is coordinated, how are we to assess their relative effectiveness? This is a difficult task; a model which works well in one political system may work less well if transferred to a different system. What I attempt in this section is to identify some of the key specific features of coalition management (eg. the role of cabinet, the position of the junior partner), and then compare practice across the study countries described above. This enables me to begin contrasting the different styles of coalition management, and to identify some of the strengths and weaknesses associated with each. The aim throughout the discussion is not to identify a single set of arrangements that works 'best' and that should be aped; more to identify some of the main strengths and weaknesses associated with different models of coalition management and to suggest which arrangements might be worthy of further consideration by policy makers in the UK.



**Table 9: Features of coalition management**

	Denmark	Germany	Ireland	New Zealand	Scotland	Wales
<i>Formal arrangements for information sharing between the partners</i>	Not beyond normal cabinet procedures	Not beyond normal cabinet procedures	All papers copied to Taoiseach and Tanaiste	All information shared with 'Consultation Ministers'	All papers copied to First Minister and Deputy First Minister	All papers copied to First Minister and Deputy First Minister
<i>Dedicated coalition committee</i>	Yes	Yes	No	Yes, but rarely meets	No	No
<i>Cabinet as an important forum for coalition management</i>	No	Limited	Yes, although conflicts managed prior to cabinet	Yes, although conflicts managed prior to cabinet	Yes, although conflicts managed prior to cabinet	Yes, although conflicts managed prior to cabinet
<i>Coordinating/political management role for cabinet committees</i>	Mainly concerned with policy coordination	Mainly concerned with policy coordination or administration	No	Yes, although at a late stage in the decision making process	No committees	The four committees are more concerned with policy coordination.
<i>Coordinating role for civil servants or advisers</i>	No	Through 'political' officials	Through advisers in each department and two Programme Managers at the centre.	Through advisers in each department and teams of advisers at the centre.	Limited coordination role played by advisers. Numbers limited to 12 and pooled between ministers	Limited coordination role played by advisers. Numbers limited to 6, servicing the FM/DFM
<i>Arrangements for dispute resolution</i>	Prime Minister and coalition party leader(s)	Chancellor and Deputy Chancellor	Taoiseach and Tanaiste	Prime Minister and Deputy Prime Minister	First Minister and Deputy First Minister	First Minister and Deputy First Minister
<i>Special support or resources for junior partner</i>	No	No	Not in current coalition	Limited to handful of advisers	No, beyond one adviser	No, beyond two advisers
<i>Formal commitment to legislative discipline in the coalition agreement</i>	No	Yes: Partners commit to support each other in the legislature	No	No	Yes: Partners commit to support each other in the legislature.	No
<i>Relaxation of collective principle</i>	No	No	Only on moral issues	'Agree to disagree' arrangement	No	No

Details correct at time of my study visit

In analysing the models identified in my study countries, I employ the different 'tiers' for coalition management highlighted above, namely: information exchange, inter-ministerial coordination, collective structures and dispute resolution (page 93). In terms of the 'arenas' of coalition management – within the executive, within and across parties, and between the executive and legislature – I limit my comments to the first. It is important to note, however, that coalition management in Denmark and Germany involves parliamentary actors almost as much as ministerial ones. This is less true in Ireland, New Zealand, Scotland and Wales – all systems in which the executive is dominant over the legislature – and would also be less likely at Westminster should coalition government become established in the UK.<sup>94</sup>

### *The exchange of information*

The effective functioning of collective coalition governments depends, at the very least, on arrangements to ensure that each partner has information on what the other is doing. How far does this involve going beyond the normal cabinet requirement for inter-ministerial consultation? One case that clearly goes beyond the normal cabinet dictates is the current New Zealand coalition's scheme of 'Consultation Ministers'. This scheme ensures, for the most part, that the junior partner is kept abreast of what is going on in the portfolios over which it has no direct responsibility. It is a response to the perceived inadequacy of normal cabinet procedures for information exchange. Its downside is the amount of information that the junior partner must deal with and the demand on resources this makes. A less stringent arrangement is that adopted in Ireland, Scotland and Wales, for all important documents and draft policy papers to be copied to both the leader and deputy leader of the coalition. Even this, however, may overload small ministerial offices unless greater resources are made available.

In countries with 'strong' legislatures, such as Denmark and Germany, the parliamentary party groups play a more central support and advisory role for ministers. They often serve as points of contact for ministers from the other coalition partner, in turn reporting back to their own ministers on activities within other departments. The 'Westminster' democracies typically accord a lesser role to party spokespeople in parliament, although the Alliance party in New Zealand uses its MPs in a more proactive way. This is certainly an alternative model to formal information sharing arrangements, although thought would need to be given to the confidentiality of, and restrictions on, government papers if they were routinely copied to parliamentary spokespeople.

### *Inter-ministerial coordination*

The main point to make in this brief section is the extent to which coalition management in all my study countries is orientated around informal links between the coalition leaders and between individual ministers. Ultimately, if the coalition parties are ideologically aligned, familiar with one another and if relations between the leaders are trustful, there may well be little need for additional coordinating or management structures.<sup>95</sup> Parties going into coalition need to accept that many decisions will be made in closed session by the prime

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<sup>94</sup> The exception would be if the coalition enjoyed only minority status. Among my study countries, this is currently the case in Denmark and New Zealand whose governments, spend much of their time liaising with their own caucus and the other parties in the legislature.

<sup>95</sup> To give one example, this is the case with the current Fianna Fail-Progressive Democrat coalition in Ireland. As a result, it can afford to rely on slimlined and informal mechanisms to manage and coordinate business between the partners. Less trustful coalitions – for example the 1993-4 Fianna Fail-Labour government – have compensated by introducing more formal management structures.

minister and deputy prime minister; the need for mutual trust and confidence probably dictates this. But it is also important that responsibility for day to day coalition management be devolved to departmental ministers; it is not possible to run a coalition from the party leaders' offices. Ultimately, a balance will have to be struck between the informality of inter-ministerial coordination, and more formal arrangements that come with collegiate bodies and structures.

### *Cabinet*

It is often assumed that, under coalition conditions, the cabinet plays a less important role in decision taking. In part, this reflects the way that cabinet seats are allocated, usually in proportion to the parties' strength in the coalition. Since small parties may only command one or two cabinet seats, their bargaining power may be limited. To avoid the junior partner being outnumbered on key issues<sup>96</sup>, preliminary decisions are often taken before cabinet, either in bilateral meetings between the party leaders or ministers, or through cabinet committees or coalition management bodies on which the partners can be more equally represented. Another potential reason why cabinet's role might be weakened is that decisions that need to be agreed between two or more parties may be expected to generate more discussion and dissent than those which only need to be agreed within a single party executive. Under multi-party conditions, cabinet meetings clearly cannot accommodate all the partners' concerns, which thus tend to be dealt with in various forums beforehand, leaving cabinet free to take decisions and deal with the major issues facing the government.

Collective responsibility is seen to have weakened in Ireland with the advent of coalition government in the 1940s and 1960s, whose members sometimes viewed their primary loyalty as laying with their party rather than the cabinet as a collective whole. With recent moves to a more overtly 'political' style to coalition management – involving a cadre of special advisers or Programme Managers – concerns have also been raised that cabinet has been sidelined as a discussion and decision making forum. The role of cabinet may also have been downgraded towards the end of the Kohl-led coalitions in Germany during the 1990s, when decision making was conducted primarily through small groups of trusted politicians. In New Zealand, contrary to many civil servants' fears, there appears to have been little waning in the role of cabinet with the move to coalition government.

Overall, there is little evidence that coalition government leads to the downgrading of cabinet. What it almost certainly entails is a new tier of consultation and deliberation that occurs prior to cabinet, to ensure each partners' concerns are met. The result of such 'pre-cooking' tends to be that many 'second order' issues are resolved prior to cabinet. But it is rare for important or strategic issues to be settled before cabinet discusses them.

### *Coalition committees*

It is interesting that among my study countries, the only two that routinely use formal bodies to help coalition management are Denmark and Germany, the two with most experience of power sharing governments. In the former, the coalition committee meets regularly and is seen by all parties as an important forum for political management. In the latter, the coalition committee is seen more as a sop to the junior partner rather than as an important resource for the whole coalition. This may well be a reflection of the status of the Chancellor and the size

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<sup>96</sup> Formal votes are rarely taken in cabinet meetings, exceptions to this rule being Finland and, to a lesser extent, the Netherlands and Norway (Thiebault, 1993: 83; Burch, 1993: 121-2) or elsewhere only on unimportant issues (Laver and Shepsle, 1994: 299).

of his office; both give the senior partner ample scope to oversee the coalition without the need for additional structures. New Zealand's first full coalition – the National-New Zealand First administration between 1996-98 – drew on a formal coalition committee that met regularly, but its successor makes very scant use of a similar body.

The main function of coalition management committees is to give expression to the principle that the partners enjoy equal standing. The proportionality principle is not the case with cabinet, where membership is broadly related to party strength, although it may be applied to membership of cabinet sub-committees. But coalition committees typically comprise equal numbers from each partner. They may also involve wider political actors, notably the parliamentary party groups, thus providing a link between the executive and legislature. The main impetus for such formal bodies tends to come from the junior coalition partner, concerned that the use of informal coordination and consultation arrangements diminishes its say in decision making. The Liberal Democrats in Scotland were initially in favour of a dedicated coalition committee, while the Greens in Germany and the Alliance in New Zealand would like existing coalition committees to meet more regularly to give them a stronger say across government.

Coalition committees are not, of course, inherently good or bad institutions. They tend to be resisted by the senior coalition partner, and maybe fit less well in 'Westminster' democracies which tend to place heavy emphasis on the other main collegiate structure, the cabinet. There is also some evidence that coalition committees are a device resorted to when the level of trust between coalition partners declines. When there is a high level of mutual trust between the partners, informal mechanisms are likely to be adequate.<sup>97</sup> But where relations are wary, the partners are more likely to demand formal mechanisms, ranging from a detailed coalition agreement to regular meetings of a management committee, to ensure that the other is kept in check. We have seen that low trust coalitions are more likely to resort to formal structures in Denmark, where the 'contact minister' scheme was devised by the ideologically disparate ('non-connected', in the theoretical literature) partnership between the left wing Social Democrats and the right wing Liberals. Such formal mechanisms can also be used by small parties entering a coalition with a far larger party to ensure it is kept informed about, and has an input to, decisions. This was the Alliance's rationale for the 'consultation minister' scheme in New Zealand.

### *The resolution of disputes*

In countries which make regular use of coalition committees – Denmark and Germany among my study countries – one of the functions of these bodies is to act as a forum for the resolution of conflict. As I have already noted, such bodies tend to be forums of last resort, and many

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<sup>97</sup> Given that the more coalition actors interact and become 'familiar' with one another, the more, one would assume, they could rely on such informal mechanisms (see Franklin and Mackie, 1983). Yet comparative evidence suggests formal mechanisms (such as the use of written coalition agreements) may have increased over time (Chapter Four, page 82). This may be explained by the increasing scrutiny of coalition administrations by the media (Mitchell, 1999: 273-4), fiercer electoral competition between the parties (Strøm and Müller, 1999: 277) or simply that past experience is capable of eroding trust as well as fostering it (Strøm and Müller, 2000: 577). Nonetheless, coalition actors need to develop understanding of each other through experience in government. One implication of this is that parliamentary terms should be longer rather than shorter. The four year terms of the Scottish Parliament and Welsh Assembly are standard across western Europe. New Zealand's three year terms are shorter than average, and have been criticised for being too restrictive by one commentator (Boston, 1998: 116-7).

disputes will be dealt with by ministers or in meetings of the prime minister and his/her deputy. It is instructive that the National-New Zealand First coalition in New Zealand between 1996-98 established a Coalition Dispute Committee which only met once. Certainly this was not due to harmonious relations between the parties, since within two years, the coalition had collapsed amid acrimony!

### *The role of political advisers*

Among my study countries, only in Denmark are political advisers not used in coalition management. Here, political management is the job of ministers, although senior civil servants have to be aware of political sensitivities and issues even if they don't themselves formally get involved. As for the other countries, Ireland and New Zealand operate similar systems, in having one or two advisers in each department combined with a handful of advisers supporting the prime minister and deputy prime minister. In Germany, a proportion of senior civil service posts are appointed as 'political officials' who fulfil much the same role as political advisers in Westminster systems, albeit on a larger scale. One question to ask is how many advisers should there be, another one what their role should be. The experience in Ireland and New Zealand suggests that advisers need to be placed within departments (as they are not in Scotland and Wales), to allow ministers to liaise easily with other departments and to provide a link between ministries and the centre. Departmental advisers are important points of contact as ministers are frequently engaged in other business. In both Ireland and New Zealand, they are important means of maintaining dynamism within the coalition and of resolving conflict; relying solely on ministers for this would induce greater delays in the process. In addition, there needs to be a handful of advisers working on coalition management issues at the centre. In small countries, this number does not need to be large; small advisory teams also help develop mutually close relations and trust (although the limited pool of coalition advisers at the centre of government in Ireland and New Zealand may be slightly too small to fulfil their extensive consultation and management roles). In a larger governmental system, such as the UK's, the core team would evidently need to be larger, although this should not be at the expense of close working relations between individuals.

As to their role, advisers should clearly not get into the situation where other important actors – such as the parliamentary parties or, indeed, ministers – believe that their role has withered. The otherwise successful scheme of Programme Managers in Ireland between 1993-7 suffered in this regard. Advisers can also double up by performing a coalition management function in addition to advising ministers on particular policy areas, as in New Zealand. However, again, this might place too much strain on advisers in the UK's larger governmental system. Depending on whether the coalition rests on a detailed policy agreement or not, advisers can also play a policing role in ensuring implementation of the coalition partners' commitments.

The role of party appointees in political management does not mean that civil servants need not alter their behaviour. The fears that coalition situations will lead to the politicisation of civil servants – with departmental officials having to take the side of their minister's party against the coalition partner – is not borne out by my interviews. But, as I pointed out in relation to New Zealand, Scotland and Wales, the transition to power sharing executives demands a new set of skills and sensitivities on the part of officials. Nonetheless, the task of political management clearly cannot be undertaken by civil servants in countries whose officials occupy the permanent and neutral position akin to the UK's civil service. Nor is it realistic to expect that such a management role will be undertaken by ministers; this may be possible in a small country like Denmark – although even here periodic debates take place on

the desirability of a formal system of political advisers – but not in a far larger, less personal political system.

### *The role of the junior partner*

Coalition government imposes great strains on all of the parties involved. The requirements for information exchange and consultation are, as I have pointed out, frequently onerous. These demands tend to hit the junior party hardest. For a start, they hold fewer portfolios or junior ministerial posts, and thus have fewer personnel to cover the ground. In addition, while the prime ministership normally comes with at least some support in the form of officials or advisers in the cabinet office, the deputy prime ministership – assuming such a position even exists in statute – normally comes with little or no resources (while the prime minister will be *primus inter pares*, the deputy prime minister in a coalition situation is an important position).

Among my study countries, only in Ireland and New Zealand do the deputy coalition leaders receive any support in their non-departmental role, and even in these cases, the resources are limited to at most a handful of advisers. The current junior coalition partners in Ireland, the Progressive Democrats, actually abolished the Tanaiste's office established by the 1993-97 coalitions. Many within the party now regret this decision, and believe a small team around the Tanaiste would help the junior partner make a more active contribution across departments. In Germany, the Greens get no support in the Vice Chancellor's office (the advisers are all allocated to Joschka Fischer in his capacity as Foreign Minister). Despite having pushed for a Green adviser to be placed within the Chancellery, the junior partner gets no support from this quarter either.

As a result of its limited resource base, the junior partner often struggles to keep abreast of business across government departments. This weakness can to an extent be alleviated by strict arrangements for information sharing, although the sheer bulk of material this entails can often swamp the junior partners' meagre resources. In Denmark, Germany and to a lesser degree New Zealand, the junior partners have attempted to get round these constraints by drawing on their parliamentary resources, notably by using their spokespeople to keep tabs on subject departments and report back to ministers. These arrangements are most formalised in Denmark, where ministers hold weekly meetings with their partners' parliamentary spokespeople to ensure their party is kept informed of, and can have an input to, important decisions.

The advantage of this type of arrangement is that it decentralises information flows and decision making to ministers and senior party figures in parliament. In the absence of this support, it may well be necessary to boost the resources available to the junior partner in their leader's office. Even if parliamentary spokespeople do play a role, it may still be necessary to provide the deputy coalition leader with dedicated support; as I stressed above, if there is a lynchpin to any coalition, it is the relationship between the prime minister and his/her deputy. While the prime minister will always enjoy greater resources than the deputy prime minister, the junior partner will only be able to make a full contribution if its leader can draw on an adequate level of support through his/her office.<sup>98</sup> This is an argument for at least a

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<sup>98</sup> One minor, but potentially significant issue, is which departmental portfolio should be taken by the leader of the junior partner. It may be wise for this person to eschew the status that comes with an important ministry in favour of a relatively quiet one that allows for time to be spent on governmental, rather than departmental, business. Thus, Dick Spring's role in coalition management as Tanaiste

limited capacity available to the deputy prime minister, although not for a large office of officials and advisers. The only example I have of the latter is Ireland's experiment with a full blown Tanaiste's office between 1993-97. While this capacity clearly aided the junior Labour coalition partner, it arguably also created confusion among civil servants and voters about who was running the government and may have exacerbated the tensions between the coalition partners. What might be more appropriate is to build a small pool of staff around the deputy prime minister as can be seen, on a very limited scale, in the current coalitions in Ireland and New Zealand.

### **Coalitions as unified or divided entities?**

The previous sections on coalition management have addressed the question of how governments in which two or more parties share power can coordinate their activities and act collectively. There is no doubt that coalitions must act collectively; if nothing else, the basis of government in parliamentary democracies rests on the premise that there is always a majority in the legislature that either supports or at least tolerates the executive. But an equally basic piece of practical politics cuts across such collective behaviour: governments are only formed following elections that are usually fought by parties standing on their own record. Two or more parties may subsume their identities and contest an election under the same banner. But, as Chapter 1 showed, such behaviour is very much the exception (although most prevalent among incumbent parties campaigning on their record in government).

How, then, do parties reconcile their duty to collective behaviour in government with the need to campaign on their own record come election time? Or, put another way, how do parties that have just campaigned on a distinct electoral message agree to join together in power sharing arrangements without prompting the charge of 'selling out' that message? As I posed the issue at the outset of this chapter, how far do coalitions form a genuine 'blend' between the constituent parties and how far a less cohesive 'accommodation'? This question is particularly acute for small parties in coalition situations. Contrary to the views of many commentators, the balance of power within coalitions frequently lies with the larger partner, with the smaller partner struggling to gain visibility and seeing its electoral ratings drop. Far from the 'tail wagging the dog', the reverse is often the case. What strategies does the junior partner adopt to prevent such declines in fortune?

These questions open up a larger question of party strategy within coalition governments. I pointed out in the previous section the great strain that participation in coalition often makes on the junior coalition partner, on account of the limited resources at its command. Faced with this position, junior coalition partners can adopt one of two different forms of behaviour within a coalition. One is to concentrate only on those areas which are particularly important to its supporters and on which it is likely to push for portfolio control. Under this 'niche' option, the junior partner enters government but does not attempt to play a role across government; in this sense it takes the decision to be an 'unequal' partner within the coalition. The second option is to enter government as a full, or 'equal', partner and to demand a say in all major policy decisions even on areas where the senior partner holds the portfolio. The

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between 1993-97 was slightly hindered by his occupancy of the foreign ministry, which demands a good deal of time out of the country. Spring had considered not taking a departmental brief as Tanaiste, but could not since the deputy prime minister's role is strictly limited by the constitution and the total number of cabinet posts similarly constrained. The leader of the junior partner – the Social Liberals – in Denmark's outgoing coalition has deliberately taken a portfolio – Economic Affairs – with a relatively light load and few overseas trips to allow her to spend time on coalition management.

advantage of the limited strategy is that it concentrates the resources of the junior partner; a focus on a few key issues also enables voters to more clearly identify its role and thus its achievements. The disadvantage, of course, is that it is seen to be making only a minor contribution to government and is associated with decisions made by its coalition partner (in the other portfolios) over which it has very little say.

In practice, junior coalition partners tend to adopt the latter course; they try to play a role across government as equal decision partners. Thus, coalitions in Ireland have tended to become more collective in the last decade or so. My interviews suggested that coalitions in the 1970s and 1980s – before the power sharing model became institutionalised and when Labour and Fine Gael had to share power if they wanted office – were more accommodations between two parties keen to gain power than genuine collectives. In these situations, each party fought fiercely for certain portfolios and drove ‘their’ programme through these ministries with less concern paid to the overall strategy and health of the government. Since Fianna Fail entered the coalition game in 1989, there have been more opportunities for multi-party executives based on common programmes. But attempts to monitor and have a say in decisions across government become more difficult the smaller the junior partner. The junior partner in Ireland’s current coalition government, the Progressive Democrats, only holds one senior minister, two junior ministers and one additional TD. Some of its members that I spoke to were keen that the party continued to play a full role across government, while some would prefer it to focus on the core issues within the ministries it holds. Even when junior partners do play a cross-government role, they often maximise their identifiability to voters by focusing on particular portfolios. Thus in Germany, the Free Democrats – the junior partner in well over half of all post-war coalitions – have usually taken the foreign ministry. Denmark’s Social Liberal party usually takes the Education, Culture and Ecclesiastical Affairs ministries to reflect their supporters’ policy priorities.

One means by which coalition parties send signals to voters is via the written agreement. These are usually made public precisely so that the partners can identify to their supporters the way that their policy commitments have been translated into a programme for government.<sup>99</sup> The absence of a clear policy agreement hinders the parties in this task, as well as removing one of the main means by which the junior partner binds in the senior partner. Thus, one of the drawbacks of the very limited coalition agreement underpinning the current coalition in New Zealand is that it does not allow policy initiatives to be clearly claimed, or ‘badged’, by the junior partner, the Alliance party. Although the Alliance oversees four out of twenty departments, government programmes are often credited to Labour since it controls most of the ministries and therefore makes most of the public announcements.<sup>100</sup>

The concern of a small party entering a coalition with a larger party may be greater if the senior partner is already in government. For a start, the government machine (officials and advisers) has got used to that party and may privilege it even after the election when it forms power sharing arrangements with a (new) partner. To the extent that Labour governed in

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<sup>99</sup> This was precisely the way that the Welsh Liberal Democrat leader, Mike German, sold the coalition with Labour to the party’s autumn conference on 15<sup>th</sup> October 2000. The coalition had been negotiated in secret, so many of the delegates needed convincing that going into a power sharing executive was the best thing for the party.

<sup>100</sup> This lack of identifiability is of greatest concern to junior partners facing stiff electoral competition. Thus, the Alliance wants to be seen to be getting more out of the coalition, since its support base is being challenged by the Green party who, as it happens, support the – minority – government in parliament but without the public opprobrium often directed at those in office.



Scotland prior to devolution – through the former Scottish Office – many officials continued to treat Labour ministers as ‘the government’ even after the formation of the coalition with the Liberal Democrats. Second, junior parties coming into a government with an incumbent party may find it more difficult to show voters that it is making a difference and that business is not simply progressing as before. This was one of the reasons why, in 1996, New Zealand First felt it important to secure a set of clear policy ‘wins’ in a formal agreement before entering government with the incumbent, National.

Across my study countries, various arrangements are used to allow party differentiation within the principle of collective government. In part these arrangements reflect countries’ broader political systems. Thus, in Germany, ministerial autonomy is stipulated in the constitution (Art. 65), with collective cabinet responsibility being rather weaker than elsewhere. In these conditions, it is easier for the junior coalition partner to claim credit for initiatives it takes through its portfolios (Müller and Strøm, 1999: 289). By contrast, in Denmark and Ireland, collective cabinet responsibility is far stronger. In Denmark, despite the strong convention of party discipline in the legislature, the junior coalition partner may, occasionally, use its MPs to boost its profile by turning a blind eye if they take a different line in parliament to the government (at the time of my study visit, some Social Liberal MPs were adopting just such a strategy in relation to immigration and refugee issues). But in general the Danish political system allows for no real derogations from collective decisions. Given this rigidity, the only course for a junior partner fearing for its electoral base is to leave government prior to elections to minimise the fallout from its position in office (as happened with the Centre Democrats in 1996).

Collective responsibility in Ireland tends to be relaxed only rarely, and for legislative or referendum votes only on issues of personal morality such as abortion, when free votes are provided in the Dail (Mitchell, 2000). These constraints limit the ability of the junior partner to achieve a high profile (Müller and Strøm, 1999: 289; Connelly and O’Halpin, 1999: 262). In addition, the power to comment on matters across departments is, by convention, the prerogative of the Taoiseach and is avoided by the Tanaiste. The pressure on the junior partner in coalitions is exacerbated by the tendency for small office-holding parties to perform badly at elections (Laver, 1999: 275). But in recognition of this, they are often given policy ‘wins’ by the senior partner, in which they are allowed to claim responsibility for a popular initiative, or even secure a policy that the senior partner does not favour. For instance, during the three party Rainbow coalition between 1994-97, Fine Gael was opposed to the policy of ending water charges but allowed its Labour and the Democratic Left partners to pass this issue to assuage their supporters.

New Zealand’s two coalitions since 1996 have adopted radically different approaches to collective government. The National-New Zealand First coalition was built on strong collective responsibility. The coalition agreement expressly forbade the partners from supporting any legislative bill introduced by one of the opposition parties, although it did allow MPs to campaign on either side of a forthcoming referendum on pensions. These constraints were tempered, though, by the detailed policy content of the agreement, which allowed both parties to point out to their supporters how election manifesto pledges had followed through into government. By contrast, the 1999 coalition eschewed a detailed agreement, which restricted the parties in presenting the coalition to their supporters. But it incorporated a concession to the collective responsibility principle in the form of its ‘agree to disagree’ clause, dealt with above. This clause applies only to parties and not to ministers; the official cabinet guidelines state that it is “unacceptable” for individuals to dissociate

themselves from collective decisions. Given that the clause has only been invoked once, it remains to be seen whether it represents a significant concession to partners facing decisions they disagree on or merely a device that assuages the fear of party supporters when the coalition is being formed.

As I have pointed out, collective cabinet responsibility is usually closely adhered to even under coalition conditions, so such opt out clauses are relatively rare. Where used, they have often been a response to power sharing between ideologically disparate parties, such as the UK's National Government in 1932, where the parties agreed to suspend collective responsibility (Bogdanor, 1983). It is thus somewhat surprising to find an opt out clause in New Zealand, since the coalition in this case is ideologically close, or 'connected'.

## **Conclusion**

The political management of multi-party governments can be achieved in a number of different ways. The most important features of a cohesive and effective coalition, however, are the attitudes and behaviour of the key actors; any lack of mutual trust and understanding can only partly be compensated for by well designed mechanisms for inter-party coordination.

Parties need to begin thinking about political management at the time the coalition is formed. The way that portfolios are distributed – involving shared positions with 'pooled' ministries or shared ministries in adjacent policy issues – can aid coordination, although such devices are often more effective in giving each partner a voice in important policy issues.

Coalitions depend on a good flow of essential information between the partners, which demands explicit arrangements that go beyond the normal cabinet rules for the exchange of papers. In political systems new to multi-party governments, it may be necessary to institute formal procedures for information sharing. But any such arrangement will almost certainly place pressures on the coalition partners, and may require additional resources to be provided to enable information to be adequately tracked. An alternative is for the partners to draw more systematically on their parliamentary spokespeople and experts than will probably be the case under single party conditions. Such figures are an important resource for under resourced coalition partners and, subject to cabinet confidentiality rules, might be brought more fully into the information loop.

Coalition governments almost certainly entail a shift of decision making away from cabinet. This body may not be downgraded, but tends rather to become the location for the ratification of decisions that have been discussed and negotiated in a host of lower level forums. Power sharing executives may spawn formal coalition committees, although the role of these bodies is often limited to dispute resolution. Generally, coalition business is transacted in more informal settings, while formal bodies are often resorted to when trust between the coalition partners breaks down and informal relations no longer become effective. However, in principle, coalition committees offer the parties – in particular the junior partner – a means for managing a high level range of issues on the basis of equal representation.

Ministers are hard pushed to meet all their departmental responsibilities, let alone spending valuable time on coalition management issues. For this reason, a system of political advisers is desirable. Any pool of coalition advisers should be relatively limited, to allow for good personal relations between the individuals involved. Ideally, too, at least some of the advisers

should be located at the departmental level. While the party leaders need their own resources to help them oversee the coalition (this is particularly true for the deputy prime minister, since rarely does this figure command any significant resource base), the management model should be decentralised to avoid bottlenecks at the centre and to allow individual ministers to play a role in coordinating coalition business.

Power sharing governments face a constant task in coordinating relations between the partners who will have interests that occasionally or frequently diverge. Most of the management structures I have described work to bring the parties together so that the coalition functions more cohesively. But there is also a role for occasional behaviour that breaks such cohesion, ranging from allowing a partner a specific policy 'win' to a relaxation of collective responsibility on key issues. The latter are likely to be very difficult for new coalitions to manage, although they do allow for flexibility on issues that threaten the very survival of a coalition.

## CHAPTER 6: Running a Minority Government

In this chapter, I look more closely at the strategies used by governments that command only a minority of seats in the legislature. Minority administrations have often suffered a bad press. Within the theoretical literature, they have frequently been treated as aberrations, since researchers' focus has been on how coalitions 'win' by securing a majority in the legislature. In policy terms, too, minority governments attract criticism, since they are seen to produce weak and ineffectual administrations. This refrain is particularly common in Britain (Birch, 1984: 98).<sup>101</sup> But on each of the five occasions during the twentieth century at which a Westminster election failed to deliver a majority for one party, the outcome was a single party minority government rather than a majority coalition (Butler, 1986: 36). This pattern was replicated in Wales after the first devolved election in May 1999. Despite only gaining 47% of the seats in the Welsh Assembly, Labour preferred to govern alone rather than form a majority coalition with another party. Ultimately, this approach failed, and a formal coalition was negotiated with the Liberal Democrats in October 2000.<sup>102</sup>

Governments in the UK fall within the 'majoritarian' democratic model, one of whose characteristics is executive dominance of the legislature (Lijphart, 1999: 10-21). Our political practice and culture may thus deter parties from forming minority administrations, where this level of control would not be possible. However, another country whose political system and culture have, traditionally, been majoritarian – New Zealand – not only witnessed a shift from majority coalition to minority single party rule after the 1996 election, but also the formation of a minority coalition after the 1999 election. Even where a majoritarian culture is powerful, then, minority administrations remain a real possibility. It is therefore important that policy makers in multi-party systems of the type in Scotland and Wales be aware of the governing options open to them.

The following sections examine the operation of minority governments in two of my study countries. In particular, I examine the strategies used by such administrations to ensure they receive adequate support for their measures in the legislature. I don't distinguish between single party minority governments and minority coalitions, since the parties' strategies and patterns of behaviour are often the same. However, coalition governments, which involve relations between parties in the executive as well as with other parties in the legislature,

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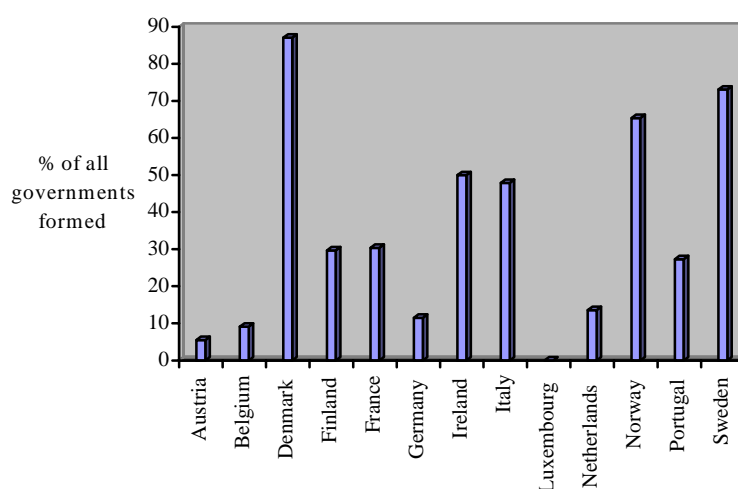
<sup>101</sup> Birch's critique includes the following specific points. He argues that minority governments (a) engage in policy compromises and/or over-production in order to gain parliamentary support for their legislation, and (b) weaken the parliamentary principle, since government defeats are no longer deemed to be signals of no confidence in the government. Instead, governments pick and choose which defeats they count as being fatal. As *descriptions* of minority governments' behaviour, these points are often valid, although note that governments commanding only a slim majority, such as the Major administration in Britain between 1992-97, also may accept legislative defeats without resigning. The *normative* strength of the points is a matter of debate.

<sup>102</sup> The move, from single party minority government, to a majority coalition, reflected in part the Labour administration's frustration at not being able to control business in the legislature (technically, as a unified body, the Welsh Assembly is not a 'legislature' separate from the 'executive', since both form part of a corporate whole). But it also reflected the perception that minority government was contributing to policy 'drift', and that only a shift to a majority-commanding administration could provide the stability, and allow the long term planning, that was required. One of the consequences of the coalition is that the third largest party, Plaid Cymru, has been designated as the official opposition, thereby introducing a clearer separation between the executive and legislature.

clearly involve a more complex set of interactions than single party minority governments, which can focus more squarely on cutting deals in the legislature.

The main sources I draw on in these tasks are Denmark and New Zealand. Over one third of all governments formed in western Europe since 1945 have been minority administrations (Müller and Strøm, 2000: 560-1). However, the tendency towards minority governments varies considerably between countries, as Table 10 shows. Denmark is clearly a prime case study, given its long history of minority governments. I also consider the case of the Labour-Alliance minority coalition formed in New Zealand in 1999, although for the opposite reason, namely the country's rather limited experience of such administrations since reform of its electoral system in 1996.

**Table 10: Incidence of minority administrations in western Europe, 1945-99**



Source: Müller and Strøm, 2000: 561

All governments need to be able to get their legislation passed in parliament (they need to be able to 'win'). But this may not require governments to hold a majority of seats in the legislature. The theoretical literature has shown how minority governments can reach an "effective decision point" if a plurality of votes will suffice to see its measures pass (Strøm, 1990: 39). The theoretical literature goes on to point out the conditions under which minority administrations may be preferred by the parties.<sup>103</sup> Parties may prefer to remain outside government, rather than joining a coalition, if being in office would entail taking decisions that would alienate their supporters, resulting in punishment at future elections (the 'incumbency effect'). The incentives are increased if governments lack the power to dissolve parliament<sup>104</sup> and have to share policy making authority with the legislature. This is the case where parliaments are 'strong', characterised by limited executive control over the parliamentary agenda and strong legislative committees, capable of forcing changes to legislation proposed by the executive, and in some cases of initiating legislation themselves.

<sup>103</sup> The puzzle for theorists has been to explain why, if a government holds only a minority of seats, the opposition parties don't immediately vote it down and take power themselves. The challenge has thus been to explain the behaviour, not of the party taking office, but of the parties forming the opposition.

<sup>104</sup> Although the constitutional rules in Denmark, which has a high incidence of minority governments, give the prime minister absolute discretion over a dissolution.

In other words, minority governments are typically found when the benefits of government office are low and where there is a limited “policy influence differential” between the executive and legislature (Strøm, 1990: 37-52; Müller and Strøm, 1999: 288). These conditions are not typically found in ‘majoritarian’ or ‘Westminster’ democracies, such as the UK, although the relatively active Scottish Parliament begins to create the conditions in which minority administrations might be a rational option for the parties.

Comparative studies suggest that minority governments are most effective in political systems characterised by a high level of policy consensus between the parties, such as in Denmark (Nousiainen, 1993: 278). However, analysis of the incidence of minority administrations suggests that they are also common in ‘Westminster’ democracies, such as Ireland. Here, minority governments are a response to adversarial party relations and reflect a jockeying for electoral advantage of parties trying to secure a majority mandate at a later date; these administrations are best described as “imperfect majority party government” (Strøm, 1990: 90). What this suggests is that, while minority governments are often formed in *adversarial* conditions, they may require a certain level of *consensus* in order to operate beyond a short term timescale.

### **Minority governments’ legislative strategy**

In the comparative literature, minority governments are seen to rest on one of two types of support (Strøm, 1990: 61-2, 94-6). The first is where the government is supported by one or more parties in a deal negotiated before the government is formed, involving an explicit, comprehensive commitment to the government’s policies (‘formal minority governments’). The alternative is for the supporting party(ies) to sign up only after the government takes office and without a clear written agreement (‘substantive minority governments’). Under formal minority conditions, the government commands effective majority status, except that one partner chooses to remain outside the cabinet. With such guaranteed support, formal minority administrations can operate day to day in a fairly straightforward way. Substantive minority governments – the more common model – by contrast, only negotiate legislative support once in office, and have a far wider set of options (or constraints) facing them, notably on membership consistency (a stable support party or ‘shifting coalitions’ between different parties) and duration (short v long term support arrangements) (*ibid*: 97-9). It is the choices open to substantive minority governments that the following sections focus on. In particular, I examine the option of securing majority support on an issue by issue basis, often with different parties, against that of tying one party into a medium term support arrangement, which might not guarantee a government continual support, but which provides greater stability than ad hoc, or ‘shifting’, majority arrangements.

I don’t address the issue of which arrangements deliver the best rewards for minority governments. This issue has been dealt with in the theoretical literature, and suggests that the strategy adopted by a minority government will depend on its strength and level of risk aversion. If a government is ‘strong’ (meaning it enjoys high bargaining power with potential partners by virtue, for example, of occupying the centre or ‘median’ position in the ideological spectrum, and/or because the executive has high ‘agenda control’ over business in the legislature), it is more likely to negotiate majorities on an issue by issue basis. Such ‘shifting’ patterns will tend to maximise its policy payoffs. If, however, the government is ‘weak’ or risk averse, it may maximise its impact by avoiding constant negotiations and instead trying to forge longer term support arrangements (Strøm, 1990: 108-9).

Under majority coalition conditions, the 'action' occurs primarily between the parties within the executive (with the parliamentary party groups involved to a greater or lesser extent). Under substantive minority governments, the action shifts to involve opposition parties in the legislature, since their support must be gained in order for the government to survive and implement policies. The most pressing concern for minority governments is, of course, to protect themselves. It is hardly surprising that minority governments are more likely than majority coalitions to fall through a lack of support in parliament. Comparative analysis has shown that, across 19 countries between 1950-83, between one fifth and one quarter of minority governments (single party and coalition) fell due to lack of support in parliament, while only one tenth of (minimal winning) majority coalitions terminated at the hands of the legislature (Budge and Keman, 1990: 166-8). What strategies are open to a minority government if it wants to avoid such a fate? Its options are fourfold:

- Find one or more support party(ies) to give the government a majority
- Limit legislation to that which will at least be tolerated by a majority
- Accept opposition defeats - up to a point - without resigning
- Resign if the opposition defeats the government

In practice, the choice is limited to the first three options. The following sections examine the balance adopted by governments in two case studies: Denmark and New Zealand.<sup>105</sup> Minority governments in Denmark have resorted to each of the three options highlighted; New Zealand's minority government since 1999 has limited itself to the first option.

### **Minority government in Denmark**

Denmark has only once experienced single party majority rule, right at the start of the twentieth century. As Table 10 shows, minority governments are very much the rule; moreover, since 1982, all governments have been coalitions, reflecting the fragmentation of the party system in the early 1970s (Damgaard, 2000). The constitutional rules and political structures of the Danish system conspire to make minority administrations an attractive option for the parties. The Folketing is a strong legislature, according significant legislative powers to the committees; moreover, members can also provide for a popular referendum to repeal any legislation by virtue of a majority vote. There is also no stipulation that incoming governments must gain the support of parliament, via an investiture vote. Finally, Danish politics is - or certainly was - characterised by a high level of consensus, which often overrides the dictates of left-right political competition (Fitzmaurice, 1986: 263-4, 267).

Minority governments were aided until the 1970s by this cross party consensus, with the result that, between 1945-65, almost six in ten bills received unanimous support in the parliament. But since 1973, this proportion has fallen to between one fifth and one third (Damgaard, 1992: 44). Since then, with the exception of the 1993-4 majority coalition, no government has been able to secure a legislative majority by the support of a single party located adjacent to it in policy space.<sup>106</sup> Minority governments have thus been faced with attracting either the support of two or more ideologically similar parties, or a single additional

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<sup>105</sup> Although Ireland has a high incidence of minority governments, the pivotal role in supporting such administrations is frequently played by Independent TDs, the price of whose support is often 'pork barrel' offerings (eg. additional public spending in their constituency) rather than the kind of policy negotiations I am interested in here.

<sup>106</sup> Using the placement of parties on a single dimension left-right ideological spectrum (Damgaard, 2000: Table 7.1).

party from a different point on the ideological spectrum. This has made life more difficult for minority governments, and their average duration has fallen since the 1945-70 period (Saalfeld, 2001: 12-13).

One of the results of the more stringent conditions post-1973 is that the 'parliamentary' basis of government has been weakened. Prior to the 1980s, if a government suffered a defeat in the Folketing on an important matter, it would resign. Since then, governments have accepted defeats without these being seen to compromise their position (Damgaard, 1992: 31-3). The series of minority coalitions between 1982-93 headed by Poul Schlüter, for example, were frequently defeated in the Folketing; only economic policy issues were designated by the government as critical to its programme and on which defeats would be deemed fatal.

This shift in constitutional convention slightly reduces the need for governments to consult with opposition groups. If legislative defeats are deemed to be critical, governments must do anything to avoid them, including factoring in the views of key opposition parties when preparing initiatives. If, on the other hand, defeats are not fatal, there is less incentive for pre-legislative cooperation, although a government will still wish to avoid being defeated since this gives the impression of weakness.<sup>107</sup>

The behaviour of the support parties has also been influenced by the more competitive political environment since the mid-1970s. The higher the level of electoral volatility (that is, the shift of voters between parties from one election to the next), the more concerned party leaders will be about the future impact of their actions. If electoral volatility is high, this may induce the support parties to avoid long term, binding forms of cooperation in favour of short term agreements through which they can maximise their bargaining power (Strøm, 1990: 47). This situation is exactly what minority governments have faced since the early 1970s. As electoral competition has increased, governments have found it more difficult to forge cross-bloc legislative coalitions, but have had to rely more on forming ad hoc alliances with whichever party is closest to its stance on the issue in question (Damgaard, 1992: 29; Arter, 1999: 203-4).<sup>108</sup> Thus, during the 1985-6 session, the four party right of centre coalition tended to look to the centrist Social Liberals for support on economic policy, but to the Social Democrats for support on defence and legal issues (Damgaard and Svensson, 1989: 737). In the previous parliament, policy formulation by the Social Democrat-Social Liberal coalition factored in the likely views of the two parties ideologically closest to the coalition. But within

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<sup>107</sup> Danish minority governments have one more weapon in their armoury: the right to a dissolution of parliament. This is an important means of ensuring government retains at least some control of the legislative agenda, and is used as a threat by minority administrations. In political systems where governments are normally formed with majority support in the legislature, it is appropriate that a dissolution be granted only if parliament supports this. But in Denmark's case, this would almost always preclude a government gaining a dissolution, thus reducing its bargaining power. In situations where legislative strength is highly fragmented between parties, such as in Denmark, it may be appropriate for the prime minister to command an absolute right to a dissolution.

<sup>108</sup> The lack of an investiture vote in Denmark aids the formation of minority governments, since it means an incoming administration need not gain parliamentary approval prior to taking office. But it also aids ad hoc legislative coalitions since, at the outset, governments are not forced to put forward a legislative programme for approval (and can thus bargain support between parties later on) and opposition parties are not forced to declare their support for the government (and are thus freer to behave in the same way) (Strøm 1990: 110-11). The implication for policy makers concerned with institutional rules is that, if shifting majorities are deemed unsatisfactory on the grounds that they blur accountability, governments and opposition parties might be forced to 'declare their hand' at the outset via an investiture vote.



the transport portfolio, the two key centre/centre left parties tended to support the coalition when it came to railways, but not on road building projects, for support on which the coalition had to travel to the opposite end of the political spectrum to the right wing Conservative party.

But this does not mean that minority governments face a constant test of survival. While the degree of shared policy goals between the parties has narrowed, governments and opposition parties retain a shared commitment to negotiate and compromise during policy formulation. Thus, governments' legislative programmes tend to be set out at a broad level, and anticipate the reaction of opposition parties. This year's Finance Bill, for example, included various issues where the government indicated it wished to consult more widely. Beyond specific legislative items, there is a widespread view among the parties that, on important issues, the majority supporting a measure should be as broad as possible to provide it with greater legitimacy. Governments often try to form 'oversized' legislative coalitions rather than 'minimal winning' ones; coalitions that go well beyond the minimum level of support needed to give the government a majority.

The main expression of this consensus is the existence of medium to long term agreements signed between the parties. These agreements range from the specific to the general. At the former end of the spectrum, are one year concords over specific measures, notably the budget which, as noted above, involves considerable inter-party negotiation before its details are worked out. Parties can also agree on specific measures (eg. an increase in science spending) over the timescale of a few years. More general agreements are also signed on key areas of government policy, but without specifying particular initiatives or timescales. Thus, for the last fifteen or so years, six of the main parties have signed an accord on schools policy.<sup>109</sup> If any government plans a major initiative within one of these areas, all the parties are invited to discuss the proposals by the relevant minister. These agreements provide an important source of stability for minority governments.

While broad legislative concords between the government and opposition parties tend to be negotiated outside parliament, more detailed discussions take place within the party groups in parliament or within standing committees, away from the media glare (Arter, 1999: 219-20). The close relationships between party spokespeople on the Folketing's important departmental committees mean that governments usually have good information prior to cabinet signing off on whether a particular proposal is likely to gain majority support or not. But sometimes it is more difficult to gauge parliamentary approval, and a bill will be introduced without the government being clear about its chances. In these situations, the responsible minister will often use his/her civil servants to produce a range of solutions compatible with the general thrust of the measure so that compromises can more easily be reached with parliament (this might even involve a departmental permanent secretary meeting the parliamentary spokespeople from key opposition parties to gauge their positions on an issue). The minister will usually stay out of detailed negotiations, which involve the party spokespeople on the committees. Only if problems arise will ministers tend to get involved through bilateral meetings with individual opposition party spokespeople.

I pointed out above the rigorous consultation that any government measure must go through in Denmark. The upshot is that the final legislative output will frequently look very different

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<sup>109</sup> Other long term agreements have been signed on a number of areas, including refugees, universities, industrial policy, the police and the court system.

from the original proposal. Governments then have two options: to accept the amendments and support the legislation or to drop the proposal. Both are slightly unsatisfactory; the first may cloud the issue of policy responsibility, the second may stymie policy initiatives. Danish governments thus present an example of a normative difficulty with minority governments, that they tend to erode the parliamentary principle, which states that governments take responsibility for legislation until they lose the confidence of the legislature. Instead, Denmark's 'policy influence differential' referred to above is reduced almost to nothing, making it difficult for voters to identify responsibility for any particular measure (Damgaard and Svensson, 1989).

Denmark offers a corrective to those who believe that minority governments cannot deliver effective public administration and leadership. Those I spoke to in government rejected the idea that a highly negotiated form of policy making led to a slow decision making process; parties are aware of the need to take rapid decisions if need be. Nonetheless, the high rate of government turnover and relative weakness of the executive in Denmark are causes for concern among some commentators, since they are believed to encourage short term policy making and obscure accountability for voters. The more that minority governments make concessions to the opposition to remain in power, the less easy it is for voters to determine who is responsible for which policy decisions (Damgaard, 1992: 49). It should also be remembered that, although the Danish political system has become more competitive and adversarial, it retains a high degree of cross-party consensus, certainly by British standards. This in part reflects the fact that minority governments are the norm rather than the exception. Because governments have a relatively weak hold on power, the parties have an incentive to ensure that all have a stake in decision making. Thus, while governments might fall fairly regularly (Denmark's mean relative cabinet duration is below the European average; Saalfeld, 2001: 12), a consensual policy making style makes it more likely that their policies will continue with any new administration. This situation is less likely in a country in which minority government is the exception; here, minority administrations are more likely to have to rely on short term and ad hoc legislative support arrangements to get their business passed.

### **Minority government in New Zealand**

New Zealand's political system is closer to the UK's than is Denmark's, suggesting that the operation of minority government in this context offers a better source of lesson learning. New Zealand has had recent experience of minority administrations, since over one third of the 1990s was overseen by a minority administration. However, only one minority government has been formed following an election, in 1999, the others being more akin to 'failed' majority governments.

In some ways, even the 1999 minority government was a majority coalition *manqué*. After the votes were counted on election night, Labour and the Alliance held a wafer thin majority, with 63 of parliament's 120 seats. There was then a 10 day wait for 'special votes' (ballots cast outside the voter's constituency) to be counted, which in the end led to the Greens gaining seats, thereby depriving Labour and the Alliance of their overall majority. But in the meantime, Labour and the Alliance had conducted negotiations, produced a coalition agreement and had this ratified by their parties. The new government was formed the day before the final tally of seats was known, effectively freezing the Greens out of any government formation. After the coalition agreement had been signed, the Labour leader, Helen Clark, held a meeting with her Green counterparts to test their views on possible incorporation into the government at a later stage, an option rejected by the Greens. One

interesting point arises from this sequence of events. Under a proportional electoral system, the balance of power between the parties might well be extremely fine, coming down to the allocation of a handful of seats. If the final tally is not known until a week or more after the first election results are announced – due to the counting of special votes or recounting ballot papers – the government formation process might take place under false conditions and effectively lock out a party whose bargaining power is subsequently shown to merit a place at the negotiating table. This is indeed what happened to the Greens in New Zealand, and it was only the fact that the Greens were highly ambivalent about participation in government – eventually rejecting the offer of places in the coalition – that prevented the bargaining process from becoming more controversial. As it was, the Greens remained frustrated at having been ignored by Labour and the Alliance in their coalition negotiations (Boston, 2000: 245-53). The situation in which the parties' bargaining power alters as late results become known is clearly unsatisfactory. The obvious solution is that ballot counting should proceed far faster than the ten days taken in New Zealand. If the process could be shortened to a few days, it may be that the announcement of the result should be delayed until then, to prevent the possibility of negotiations beginning under false information.

The Labour-Alliance coalition began life two seats short of an overall majority. In order to provide it with a stable majority in parliament, the government began negotiations with the Greens to draw up a formal protocol to define each side's rights and responsibilities. This written document committed the Greens to support the government on all confidence and supply issues, as well as on procedural motions unless contrary notice was given to the government in advance. The coalition, in return, promised to consult with the Greens on policy intentions and proposals, although short of providing ministerial briefing papers to Green spokespeople. The coalition also rejected the idea that a Green official be placed in the Prime Minister's office to help coordinate relations between the government and support party (Boston, 2000: 270-1). But although the support party did not gain such procedural wins, a formal written protocol would have provided it with a regular input to decision making. Maybe for that reason, the protocol was never signed; speculation suggests that Labour wanted to keep its negotiating options open, while the Alliance wanted to avoid any situation which boosted the Greens' standing (since both parties compete to some extent for electoral support). There is also some indication that Labour and Alliance backbenchers objected to support arrangements that they felt would give Green MPs greater access to ministers than they would themselves enjoy. As a result, the support arrangements are based on an informal government commitment to inform the Greens of its plans and to listen to their suggestions (Bale and Damm, forthcoming).

Minority coalitions, as pointed out above, face a dual consultation process, with negotiations required both between the coalition partners and also with parties in the legislature. This can make life difficult, if concessions granted within the executive are unacceptable to support parties in the legislature or vice versa. In practice, as with Denmark, consultation with the Greens often takes place prior to cabinet so that the government is clear what level of support a bill will get before taking a decision. The coalition is helped by the detailed knowledge the partners have of the Greens' policy goals<sup>110</sup> and the high degree of policy congruence that exists between the coalition and the Greens. Irrespective of this, relations between the government and the support party in the legislature are tightly managed, with the Labour chief whip holding weekly meetings with the Greens' parliamentary business managers.

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<sup>110</sup> The Greens used to form part of a broad Alliance coalition.

The ad hoc nature of the support system might commit the Greens to less, but also delivers a lower level of cooperation from the government. Where there are good links between ministers and Green party spokespeople, the support party tends to get well briefed – albeit on an issue by issue basis rather than through regular meetings – and its concerns sometimes taken on board. But elsewhere, the Greens complain that decisions are often taken without having been the subject of consultation and that policy papers are not made available to party spokespeople until they appear in the public domain (Bale and Damm, forthcoming). The party could increase its bargaining power by agreeing to support the government on an issue by issue basis and withholding its support if its demands were not met. But such horse trading is inimical to the Greens. To compensate for this, if the Greens form a support arrangement after the next election, they are likely to push far harder for more regular meetings with government ministers as well as greater resources. They might well revisit the proposal made in 1999, but rejected by the coalition, of a placement inside the government. This arrangement was successfully trialled by the Social Democrat minority government and Centre party support in Sweden between 1995-97, whereby a Centre party official was located in the Finance Ministry and acted as a liaison between the government and support party (Boston, 1998: 82-4). Such a device might also have helped the operation of the support arrangements for Britain’s most recent experience of minority government; the 1977-78 ‘Lib-Lab pact’ (see Box 2).

**Box 2: Britain’s experience with minority government, 1977-78**

The minority Labour administration signed an agreement with the Liberal party that provided the government with support on confidence and supply. In return, the Liberals were involved in the planning of government business via a dedicated Joint Consultative Committee. Regular bilateral meetings were held between ministers and their Liberal ‘shadows’ and between the prime minister and Liberal leader. The Liberals also gained access to Whitehall documents, thus providing them with a high level of information on which to base their decisions. However, neither party was committed to supporting the position of the other (Maor, 1998: 119, 170-71).

While this inter-party machinery looked impressive on paper, the procedures did not work well in practice. In particular, the Joint Consultative Committee, while meeting every two weeks, did not prevent disagreements between the two parties. The Liberal leader at the time, David Steel, argued that the ad hoc nature of the committee did not give the parties sufficient incentive to reach a collective agreement, and that the forum should have taken the form of a cabinet committee in order to require collectivity (Steel, 1980). Both sides also acknowledged that the support party lacked the facilities to engage with Labour as an equal. The Liberals did not get access to all the necessary policy documents from within Whitehall, and had inadequate research facilities. For their part, Labour ministers found the Liberals to lack the facts necessary to make effective policy decisions (Hennessy and Masani, 1992: 4).

Steel argued that the arrangements were too ‘top down’ and centred on relations between himself, as Liberal leader, and Callaghan, the prime minister. The parliamentary party groups were insufficiently involved; for example they were not asked to sign up to the agreement negotiated between the party leaders. The disaffection of Labour MPs eventually made itself clear when they refused to support the Liberals’ commitment to a proportional system for direct elections to the European Parliament (Steel, 1980: 156).

For the New Zealand government, the key feature of the agreement was to remove the threat of a successful no confidence motion and thus provide it with some stability. It would be perfectly possible, of course, for the government, having secured this promise from the Greens, to seek ad hoc support from other parties on specific legislative items, depending on which other party it could strike the most favourable deal with. Although the government keeps open the option of bargaining with New Zealand First – to maintain the threat to the Greens – it has not thus far taken this route. Generally, the government has done well from the support arrangement, since the Greens are in a relatively weak bargaining position. But the need to consult with the support party has slowed down the policy process, to the frustration of some ministers. This is partly the result of the limited size and experience of Green MPs, who are not equipped to take decisions promptly. Resource constraints are also felt on the government side, since much of the consultation is undertaken by the Prime Minister's Chief of Staff, who is also responsible for relations within the coalition. Minority coalitions require greater capacity not just for the support party, but also for the government itself.

Overall, the minority arrangements in New Zealand since 1999 have worked reasonably well, although the balance of power clearly lies with the government. In the absence of formalised information and bargaining arrangements, consultation with the Greens has relied on the attitudes of individual ministers, resulting in an uneven pattern of cooperation from department to department. Unless ministers take a more positive attitude to the support party, the Greens are likely to push for a tighter set of consultation procedures. They may even decide that the only way to influence decisions is to take seats at the cabinet table as a full member of a coalition executive.

## **Conclusion**

Minority governments are very common in some countries, particularly those where being out of government does not minimise the parties' ability to influence the policy agenda. For this reason, in Britain minority governments are less likely in multi-party conditions than majority coalitions, since there are fewer incentives for parties to remain out of government. Nonetheless, minority governments are not necessarily less stable than majority coalitions, and can operate effectively in practice.

A minority government will often prefer to form a stable relationship with a single support party in the legislature if it can. This is particularly the case where governments are unfamiliar with minority arrangements and/or where relations within the legislature are 'confrontational' rather than 'consensual'. While such support arrangements provide the government with a *de facto* majority in the legislature, they do limit its bargaining options and often require a high level of cooperation, and maybe compromise, with the support party. Less risk adverse governments may opt to form 'shifting' coalitions with whichever party offers it the best terms for support. Such a strategy may be required in situations where electoral competition is fierce, and where no one party is willing to support the government on a long term basis. While *ad hoc* coalitions can work well, they probably require at least some consensus between the parties and a willingness to compromise with opposition parties. It may be that minority governments also need to accept the inevitability of occasional defeats in parliament, although this strategy may adversely affect government accountability. Whichever option is chosen, coalition management under minority conditions will take place as much in the legislature as within the executive.

## CHAPTER 7: Sub-National Coalitions

Coalitions are never formed in a vacuum. The decisions of participants are shaped by past patterns of behaviour as well as by the potential implications of their actions in the future. The actions of party leaders are constrained by having to factor in the views of a range of other actors, such as their parliamentary groups, party members and voters. Timeframes and actors are just two of the variables impinging on coalition behaviour; but territory is also an important factor. In unitary states, executives at the centre rise and fall with little reference to patterns of party competition and government formation at other tiers. But in federal states, governments are formed at both the centre and regional levels, with each tier influencing decisions taken at the other.<sup>111</sup> If this report had been written five years ago, no chapter on the sub-national level would have been necessary, since coalitions at Westminster would have been shaped only by considerations of party advantage at the centre. But the devolution of power to Scotland and Wales has introduced a new two-way dynamic to government formation in the UK. Henceforth, should Westminster be faced with the possibility of a power sharing administration, the decisions of the party leaders would almost certainly be shaped by patterns of government formation and operation at the sub-national tier. Similarly, government formation at the sub-national level is influenced by party strategies emanating from the centre. The territorial dimension thus forms an additional set of constraints on coalition behaviour.

The following sections briefly examine some of the dynamics of coalition formation and operation in a devolved political system. I consider the relationship between coalitions at the sub-national tier and governments – either coalitions or single party administrations – at the centre. Specific topics of interest within this core frame of analysis are:

1. What constraints are placed on sub-national parties by their national party organisations when it comes to coalition bargaining?
2. How far are sub-national coalitions used by parties at the centre as informational devices, in particular to gauge public support for certain party configurations as well as the internal compatibility of these configurations?
3. Do sub-national coalitions whose membership is fully or partly congruent with the government at the centre operate under particular constraints? Is the congruent party given an advantage over its coalition partner at the sub-national level by virtue of also holding power at the centre?

### **Sub-national coalitions in Germany**

These questions are not simply about the relations between governments at different tiers, which raise a far wider set of issues around the distribution of powers and the allocation of finance. They are specifically about the impact that multi-layered polities have on the relations between parties in government at different tiers. The questions I explore in this section thus relate to the way coalitions are formed (ie. the constraints imposed on the parties as coalition bargainers) and operate (ie. the constraints imposed on the parties in

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<sup>111</sup> I use 'regional' and 'sub-national' interchangeably here, although for most of this chapter, I prefer the term 'sub-national'. While I recognise that Scotland and Wales are nations in their own right, my nomenclature is merely a convenient shorthand for distinguishing governments that exist one rung down the ladder from the national/central/federal tier.

government). I attempt to shed light on these questions by reference to a case study of Germany's federal system. Single case studies rarely enable categorical answers to be provided to broad analytical questions, since the features identified are often particular to that country and may not be generalisable or amenable to cross-national transfer. So, whereas in previous chapters I have been able to compare institutions and practices across countries and thus, to a limited extent, to identify generic features, in this chapter, my aim is purely descriptive. That is to say, I take Germany as a case study of how sub-national coalitions operate in a highly decentralised political system. In some ways, Germany is not an ideal case study for the UK, since it is clearly a federal state, while the UK was, until recently, a unitary (or 'union') state and has only recently begun the process of decentralising authority. But given that the function of this chapter is purely descriptive, the choice of a country located at the far end of a spectrum along which the UK is now travelling is instructive if for no other reason than that it highlights sharply the kind of issues that political actors in the domestic setting may well have to grapple with.

My case study draws on interviews conducted at the centre (Berlin) and in one *Land*, Mecklenburg-Vorpommern. This *Land* is located in the former East Germany, about 150 miles north west of Berlin. I chose it for three reasons. First, as a recent member of the Federal German Republic (since reunification in 1990), Mecklenburg-Vorpommern might still be adapting to the federal system, of which states in the former West Germany have fifty odd years of experience. In other words, coalition formation in Mecklenburg-Vorpommern might be expected to show more of the strains arising from membership of a federal system than the states of the former West Germany. The second, and more pertinent, reason was that the coalition in Mecklenburg-Vorpommern is 'partially congruent' with the administration at the centre. I wanted to examine the dynamics of federal-state government relations in a situation where one party shares office at both tiers, but with different parties. This situation gives rise to more complex dynamics than those in which the parties at the two tiers are either all different ('incongruent' membership) or all the same ('congruent' membership). The particular question I can explore in a partially congruent situation is whether the congruent party - the party in power at both levels, in this case the SPD - is by this fact subject to particular tensions or to particular advantages in relation to its sub-national coalition partner. The nature of this partner was the third consideration in choosing my *Land*, since Mecklenburg-Vorpommern is the first case in Germany in which a mainstream party has entered government with the former East German communist party, the PDS, which remains a pariah party in much of the former West Germany. This pariah status might, again, be expected to produce particular strains within the different tiers of the mainstream coalition partner, the SPD, and thus highlight intra-party dynamics in a decentralised political system.<sup>112</sup>

The - rather limited - secondary literature on sub-national coalitions points to several factors that influence the coalition behaviour of party actors at the centre and regional tiers. One set of factors relates to the internal organisation of political parties (eg. their degree of centralisation or decentralisation), and factors such as career ladders. Another reflects the nature of electoral competition. Thus, the greater the electoral volatility (variations in party

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<sup>112</sup> At the time of my study visit to Germany (March/April 2001), the SPD was involved in eleven of Germany's sixteen *Länder* governments. In four its partner was the Greens (congruent coalitions), with the rest being partially coalitions with the CDU (four *Länder*), the FDP and the PDS (one *Land* each). The final case is Saxony Arnhalt, where the SPD governs alone as a minority administration, although tolerated by the PDS.

support across elections) the greater the concern of national party leaders and the higher the likelihood that they will try to influence the strategies of their regional arms. Conversely, the greater the electoral localisation (the deviation between voting patterns at sub-national, and national, elections), the greater the incentive for regional parties to resist these advances. Where electoral competition is both volatile and localised, the conditions will be set for conflict between the national and regional arms of the parties (Downs, 1998: 187-218).

These factors reflect considerations of party strength and advantage (although the crucial point is that these considerations differ depending on which tier of government they are viewed from). But there is one feature of Germany's political system that directly links the sub-national and national tiers. This is the Bundesrat, the second parliamentary chamber, which consists of members appointed by each *Land* government. It is quite common for the federal government to control the Bundestag (the lower house) but not the Bundesrat; sometimes, the result of just a single *Land* election can tip the balance of power in the second chamber from one side to another, as happened in 1999 when the SPD lost its majority in the Bundestag following defeat in state elections in Hesse.

The national party organisations exert pressure, rather than control, over the *Länder* parties. The most recent example of this was in Berlin, where elections in October 2001 gave the SPD the option of forming a two party coalition with the PDS or a three party coalition with the Greens and the Free Democrats. The federal party leader, Gerhard Schröder, called for the party to shun the PDS, although the formal decision rested with the *Land* party which, initially at least, opted for the course preferred by the Chancellor (although it subsequently turned to the PDS when negotiations with the Greens and FDP collapsed). A similar situation faced the SPD in Mecklenburg-Vorpommern following elections there in 1998. The 'grand' coalition between the CDU and SPD, which had ruled since 1994, was again a viable option in numerical terms, but not favoured by the *Land* SPD. Instead, it preferred a coalition with the PDS, until then a 'pariah' party in terms of involvement in government.<sup>113</sup> But this approach was anathema to Schröder who, fearing the weapon it might hand the federal opposition parties, put pressure on the *Land* SPD to remain in coalition with the CDU. The right of the state party to determine for itself its coalition strategy became a fierce issue within the SPD, and was only resolved – in the state's favour – through meetings at the highest level within the party.<sup>114</sup>

But while, in some situations, the coalition choices of a state party may embarrass the federal party, in others they prove more useful. There is a strong bottom-up process of coalition learning in Germany, with no change in coalition at the federal level having taken place without prior experimentation at the state level (Downs, 1998: 227-9).<sup>115</sup> The German system thus provides a more fully developed example of the kind of lessons that the national parties in Britain could learn from alliances formed at the sub-national level. Indeed, some commentators see the Labour-Liberal Democrat coalition in Scotland as a testbed for the kind of power sharing that some within both parties are keen to pursue at Westminster.

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<sup>113</sup> Although the SPD in Saxony-Anhalt had been supported in government by the PDS since 1994.

<sup>114</sup> The federal party's objections to state coalitions with the PDS have waned, in part, because the main substantial area of policy disagreement between the two parties – foreign affairs and defence – are matters 'reserved' to the federal level.

<sup>115</sup> Government at the *land* level is also an important training ground for future federal politicians. Both the current chancellor and Green leader cut their teeth in state politics.



In terms of the operation of coalitions, Germany's federal system introduces various points of tension, but also provides means by which disputes can be resolved. An obvious source of potential tension arises from the asymmetrical nature of national and sub-national electoral cycles. State elections are both frequent – there are sixteen states, only one of which holds its election on the same date as the federal tier – and important for the federal parties, since they affect the balance of power in the Bundesrat and may well stabilise or destabilise the coalition depending on how each partner fares (Roberts, 2000: 107). State elections in Germany are used as barometers of public opinion by the federal parties, in part because Germany's electoral system does not provide for by-elections which would serve the same function. Thus, one of the reasons why the FDP switched coalition partner in 1982, from the SPD to the CDU/CSU, was a belief – based on state election results – that its fortunes were on the wane due to its cooperation with a left of centre party (Broughton and Kirchner, 1986: 83).

But in spite of the significance of sub-national elections, they do not induce the federal coalition partners to resort to formal protocols to keep their relations with one another on an even keel; rather, the partners observe informal agreements that restrain their behaviour. Nonetheless, sub-national elections increase the points at which the federal coalition partners may find themselves in electoral competition.<sup>116</sup> For example, the need for coalition unity has not stopped the Greens from calling for rises in fuel taxation during *Land* election campaigns, a policy anathema to their coalition partners, the SPD.

The day to day interaction between state and federal coalitions is more tricky in Germany than in Britain. For a start, there are more sub-national units: sixteen *Land* compared to the three main units in the UK (Scotland, Wales and Northern Ireland). In addition, while the Labour government at Westminster is currently faced with two identical partially congruent coalitions in Scotland and Wales (both Labour-Liberal Democrat), the SPD-Green coalition in Berlin is faced with a far wider range of coalitions in the *Länder*. This means that the interests of the states vary considerably depending, for example, on whether the coalition in power is of the centre right (CDU-FDP) or centre left (SPD-Green). These variations also affect the parties themselves. The SPD, in power with the Greens at the federal level, may be faced with a *Land* SPD whose participation in government is linked to the right of centre CDU (as is the case in Brandenburg and Bremen). An alternative scenario faces the PDS, which is in coalition with the SPD in Mecklenburg-Vorpommern (and provides legislative support to the SPD in Saxony-Anhalt), but in opposition to the same party at the federal level.

The tensions between incongruent coalitions are a matter for the two tiers of government, and are worked out either in the Bundesrat<sup>117</sup> or through informal channels, such as direct contacts between federal ministers and state prime ministers (*Ministerpräsidenten*). But relations within parties also require close management. The task of ensuring that the *Land* SPD parties are content with the activities of the federal party falls in the first instance to the federal party's chief whip, who frequently meets with SPD deputies in the Bundesrat. Before each sitting of the Bundesrat – usually once or twice a month – the Chancellor will meet with the prime

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<sup>116</sup> While the SPD and Greens are currently in coalition together in four states, the SPD is in coalition with another partner – the CDU, FDP or PDS – in a further six. Thus, while the SPD may be campaigning for a continuation of a coalition congruent with the federal level in some states, it may be campaigning for a different coalition configuration in others.

<sup>117</sup> The importance of the Bundesrat means that the agreements signed between coalitions at the *Land* level often include clauses stipulating the agreement of both partners before the state votes in the Bundesrat (Sturm, 2000: 119). In Mecklenburg-Vorpommern, the coalition agrees on its behaviour in the Bundesrat at full cabinet meetings.

ministers from SPD-controlled *Länder*; the party will also involve the prime ministers in regular monthly meetings of its *Prasidium*, the highest of its executive boards. The Greens also involve their state parties in regular meetings with the federal party leadership to ensure a common approach to high profile policy issues, such as nuclear power. Generally, the federal government will try to prevent sub-national coalitions voting against its measures in the Bundesrat. However, while the actions of state parties in the *Länder* may be difficult for their federal party offices, especially if the state party pursues different policies to those favoured at the federal level, the federal parties cannot impose their will on the sub-national tier.<sup>118</sup> Partially congruent sub-national coalitions will often be pushed into taking a different line from that of the federal government because of the non-congruent partner. Thus, in Mecklenburg-Vorpommern, the SPD is pulled to the left by the PDS, while in Bremen and other states, it is pulled the opposite way by virtue of its CDU coalition partner. In these situations, the federal government might buy the support of the non-congruent partner via extra financial incentives, or this task might be left to the SPD at state level.

Within coalitions at the *Land* level, are the dynamics between the parties altered if one is simultaneously in coalition at the federal level (ie. a partially congruent situation)? For instance, does the SPD in Mecklenburg-Vorpommern have an advantage over its coalition partner, the PDS, by virtue of also being in coalition – with the Greens this time – at the federal level? In decentralised political systems in which the activities of the federal and regional tiers overlap strongly (“interlocking federalism” in Germany; Sturm, 2000), such a possibility might arise, since the interests of the states are highly affected by the activities of the federal government. Indeed, some of the political actors I spoke to in Mecklenburg-Vorpommern agreed that SPD ministers did have an advantage over their PDS counterparts by virtue of gaining early warning of upcoming federal government initiatives. The PDS has minimised their disadvantage, however, by using their Bundestag members to keep the *Land* party informed of federal activities (and since all matters affecting the *Länder* go before the Bundesrat, for which the PDS ministers are sent all the relevant papers, this forum, too, helps the non-congruent party keep abreast of developments). In other words, the advantage that can be gained in an interlocking federal system by one coalition partner in office at both tiers can be counter-balanced by virtue of institutions – such as regional representation in the Bundesrat – that reflect the interlocking distribution of responsibilities.

Finally, and interestingly in the context of devolution in the UK where the division of power between tiers remains a contentious issue, tension between the *Land* coalition partners is sometimes caused by issues that are ‘reserved’ to the centre. In Mecklenburg-Vorpommern, the SPD and PDS have had public disagreements on issues of internal security and foreign and defence policy, none of which falls within the competence of the *Länder*.

### **Sub-national coalitions in the UK**

Parties at the *Land* level experience various constraints from the centre when it comes to coalition formation. The subsequent operation of sub-national coalitions also involves constant interaction with the federal government, which necessitates negotiation and compromise at both levels. These interactions are all conducted in the context of Germany’s relatively mature federal system. Decentralisation in the UK is of more recent vintage, and the nature of the interactions between national and sub-national party and governmental tiers

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<sup>118</sup> Thus, in Mecklenburg-Vorpommern, the CDU has tacked to the centre in order to enhance its appeal to voters. Its emphasis on non-market mechanisms irritated Helmut Kohl when he was chancellor, but the federal CDU had to respect the decisions of its *Land* party.

- and the constraints each imposes on the other - are not yet clear. A few early observations can, however, be made.

It is clear that, while the Edinburgh coalition was 'made in Scotland', its formation was watched closely, and indeed shaped, by party leaders at the centre. For example, although the Liberal Democrat leader, Paddy Ashdown, was clear that the centre did not have a role in the negotiations, he sent an aide to Edinburgh to keep him informed of progress (the aide subsequently assumed a key role in the party's negotiating team). The central party leaders also played a key role in resolving the principal area of dispute between the negotiating parties, on university tuition fees. There were extensive conversations between the Prime Minister and Liberal Democrat leader on this issue; indeed, the eventual compromise was largely brokered at the national level (Ashdown, 2001: 439-58).

As might be expected given the recent transition from a unitary state to a decentralised one, some pressure is exerted from Westminster on Labour ministers in Scotland to pursue policies commensurate with those in England and Wales, while Liberal Democrat ministers can afford to be more relaxed about these constraints.<sup>119</sup> Yet constraints have also flowed the other way, so that the Labour government at Westminster has had to take account of Scotland's policy priorities and coalition sensitivities when framing its legislation. A good example of this is the line taken by the Home Office on freedom of information, which remained relaxed about the more liberal provisions made in Scotland by the Liberal Democrats (who control the justice portfolio), since these provisions were a key policy priority of the junior coalition partner.

To the extent that tension has existed in the early relations between sub-national and national tiers of government, these appear to have had more to do with devolution itself than with the complexities of coalition government. But one event in a multi-tiered polity that might be expected to have implications for coalition government is an election. The electoral cycles for Scotland and Wales are not coterminous with that for Westminster. Thus, at the mid-point of the devolved governments' first terms, in June 2001, the coalition partners faced a Westminster election in which they competed with one another. The official guidance issued by the Scottish Executive indicated that the operation of the devolved administration should continue with as little disruption as possible. But the political imperatives of two coalition partners campaigning on distinct platforms meant that government in Scotland was reduced to a minimum, with ministerial announcements and parliamentary debates limited to uncontroversial issues.<sup>120</sup>

## Conclusion

I have suggested throughout this report that the dynamics of coalition formation and operation do not exist in a vacuum, but are highly dependent on the nature of the wider political system. One key aspect of this system is whether it is unitary or federal in nature. Decentralised systems introduce a new set of constraints and opportunities for coalitions at the central and regional levels. The specific nature of these dynamics in the UK's context remain to be seen, although their broad outline can be gleaned by reference to more mature federal systems elsewhere.

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<sup>119</sup> Variations between the parties may also result from their different internal structures, with the Liberal Democrats an internally federal party, while Labour has a more centralised organisation.

<sup>120</sup> *Nations and Regions: The Dynamics of Devolution*, Quarterly monitoring report in Scotland, August 2001 (available at: <http://www.ucl.ac.uk/constitution-unit/leverh/index.htm>).

Using Germany as a test case, it appears that sub-national coalition formation rarely escapes at least some constraints being imposed from the centre. On the other hand, regional parties will often try to assert their autonomy, particularly if electoral competition revolves around a sub-national set of issues. This need not be a wholly negative feature for the parties at the centre, since they can use coalition configurations at the sub-national level to inform their own coalition strategies. Nonetheless, while devolved political systems require forums for governments at different tiers to interact (the Bundesrat in Germany; the Joint Ministerial Council in the UK), so coalitions at different tiers require forums for interaction within the parties. The range of bodies that bring together the federal and state 'arms' within the German parties is testament to this.

Relations between coalition partners may become more difficult around elections, particularly if there are coalitions at both national and sub-national level with differing memberships ('incongruent' coalitions). Thus far, conditions in the UK have been relatively benign, since the two coalitions in Scotland and Wales share the same partners, and are 'partially congruent' with the centre. But should coalitions become the norm at Westminster, these conditions may become more difficult and require more concerted intra-party, as well as inter-party, management.

## ANNEX 1: Details of study visits and acknowledgements

I conducted around 70 interviews for this project, as follows:

### **Scotland, 6-7<sup>th</sup> July 2000**

Margaret Curran MSP	Member for Glasgow Baillieston (Labour)
Ross Finnie MSP	Minister for Rural Affairs (Liberal Democrat)
Brian Fitzpatrick	Head, Labour Policy Unit
Sam Ghibaldan	Chief of Staff to the Deputy First Minister
Robert Graham	Head of the Executive Secretariat
Willie Rennie	Head of the Liberal Democrat Parliamentary Staff

### **Ireland, 4-8<sup>th</sup> December 2000**

Alan Dukes TD	Former leader of Fine Gael
Liz O'Donnell TD	Minister of State, Department of Foreign Affairs (Progressive Democrat)
Dr Maurice Roche	Economic Adviser to the Tanaiste
Greg Sparks	Programme Manager to the Tanaiste, 1992-97
Tom Kitt TD	Minister of State, Department of Enterprise, Trade and Employment (Fianna Fail)
Frank Murray	Civil Service Commissioner; former Secretary General to the Government
Dick Spring TD	Former leader of the Labour party, Minister of Foreign Affairs and Tanaiste
Dermot McCarthy	Secretary General to the Government
Paddy Teahon	Former Secretary General of the Department of the Taoiseach
Martin Cullen TD	Minister of State, Department of Finance (Fianna Fail)
Katherine Bulbulia	Programme Manager to the Tanaiste
Michael Laver	Professor of Politics, Trinity College Dublin
Jim O'Donnell	Secretary to the All Party Parliamentary Commission on the Constitution
Gerry Hickey	Programme Manager to the Taoiseach

### **Wales, 12<sup>th</sup> January 2001**

Anonymous	Executive Secretariat, National Assembly for Wales
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### **Germany (Berlin), 12-16<sup>th</sup> March 2001**

Dr Jean Angelov	Special Adviser on Home Affairs, CDU Head Office
Rheinhard Bütikofer	General Secretary, Green Party
Michael Donnermeyer	Chief Press Spokesman, SPD Head Office
Andrea Fischer MdB	Minister for Health, 1998-2001
Kristian Gaiser	Head of West European Desk, SPD Head Office
Gert Olav Göhs	Special Adviser on Foreign Policy, CDU Head Office
Peter Hintze MdB	General Secretary, CDU, 1992-98
Joachim Hörster MdB	Chief Whip, CDU/CSU Parliamentary Group, 1994-98
Andreas Kuhlmann	Adviser to General Secretary, SPD Head Office
Wolfgang Nowak	Head of Policy Planning Unit, Federal Chancellery

Dr Wolfgang Schäuble Head of Federal Chancellery, 1984-89; Minister of Interior, 1989-91; Chairman of CDU/CSU Parliamentary Group, 1991-2000  
 Wilhelm Schmidt MdB Chief Whip, SPD Parliamentary Group

**Germany (Mecklenburg-Vorpommern), 2<sup>nd</sup>-5<sup>th</sup> April 2001**

Sylvia Bretschneider MdL Vice Chair, SPD parliamentary group  
 Professor Rolf Eggert Minister of Economy (SPD)  
 Angelika Gramcow MdL Leader, PDS parliamentary group  
 Helmut Holter MdL Deputy Prime Minister; Minister for Labour and Construction (PDS)  
 Sigrid Keler MdL Finance Minister (SPD)  
 Hinrich Kuessner MdL President of the Landtag; former Minister of Social Affairs and Deputy Prime Minister  
 Professor Wolfgang Methling MdL Minister for the Environment (PDS)  
 Volker Schlotmann MdL Chairman, SPD parliamentary group  
 Steffie Schnoor MdL Leader, state CDU; former Culture minister  
 Dr Christian Westphal Coordinator of Affairs for the Deputy Prime Minister  
 Dr Pirko Zinnow Chief Political Analyst, State Chancellery

Written comments were also provided by:

Dr Frank Tidick Head of the State Chancellery  
 Nikolaus Voss Head of Land-Federal Relations Office, State Chancellery

**New Zealand, 30<sup>th</sup> April – 4<sup>th</sup> May 2001**

Nathalie Baird Senior Legal Adviser, Cabinet Office  
 Rick Barker MP Senior Government Whip (Labour)  
 Professor Jonathan Boston Victoria University of Wellington  
 Rod Donald MP Co-Leader, Green Party  
 Hon Brian Donnelly MP Associate Minister for Education, 1996-98 (New Zealand First)  
 Chris Eichbaum Senior Adviser, Minister for Social Services and Employment  
 Hon Bill English MP Deputy Leader, National Party; Minister of Health, 1996-99  
 Grant Gillan MP Alliance Senior Whip  
 Hon Laila Harré MP Minister for Women's Affairs (Alliance)  
 Dr Peter Harris Economic Adviser, Minister of Finance  
 Colin James Political columnist, *New Zealand Herald*  
 Hon Doug Kidd MP Speaker of the House of Representatives, 1996-99  
 Dr Andrew Ladley Chief of Staff, Deputy Prime Minister's Office  
 Dr Mark Prebble Chief Executive, Department of the Prime Minister and Cabinet  
 Marie Shroff Secretary of the Cabinet  
 Heather Simpson Chief of Staff, Prime Minister's Office  
 Hon Roger Sowry MP Shadow Leader of the House, Minister of Social Welfare, 1996-99 (National)  
 Mary-Anne Thompson Deputy Chief Executive and Head of the Policy Advisory Group, Department of the Prime Minister and Cabinet

**Denmark, 10-14<sup>th</sup> September 2001**

Elisabeth Arnold MP Parliamentary spokesperson, Social Liberal party  
 Eric Damgaard Professor of Political Science, University of Aarhus  
 Camilla Hersom Head of Section, Public Management Division, Ministry of

	Finance
Sonja Mikkelsen MP	Minister of Transport, 1998-2000; Minister of Health, 2000 (Social Democrat)
Jan Petersen MP	Chairman, Social Democrat parliamentary group
Torben Sorensen	Office of the Permanent Secretary, Prime Minister's Office
Margrethe Vestager MP	Minister of Education (Social Liberal)
Adam Wolf	Deputy Permanent Secretary, Ministry of Finance; former Principal Private Secretary to the Prime Minister, 1991-5

### **Acknowledgements**

Many thanks to the large number of people who helped me organise and carry out my study visits:

#### *Scotland*

Kirsty Milne (The Scotsman), Graham Leicester (Scottish Council Foundation)

#### *Ireland*

Dr Richard Boyle (Institute of Public Administration, Dublin), Michael Tutty (European Investment Bank, Luxembourg)

#### *Berlin*

Anna Maria Klauk (German Historical Institute, London), Dr Thomas Saalfeld (University of Kent, Canterbury), The German Embassy in London, Manuel Güll (International Politics branch of the SPD, Berlin) and Jo Murkens (Constitution Unit).

#### *Schwerin*

Dr Pirko Zinnow (Chief Political Analyst, State Chancellery).

#### *New Zealand*

Professor Jonathan Boston (Victoria University of Wellington)

#### *Denmark*

Dr Mads Qvortrup (London School of Economics); Nete Østergaard and Jeanne Bach Nielsen (Danish Embassy in London), Professor Lars Bille (University of Copenhagen), Professor Eric Damgaard (University of Aarhus).

My thanks also to those people with whom I discussed the project at the outset, or who offered comments on its outline: Professor Vernon Bogdanor (Oxford University), Professor Ian Budge (Essex University), Lord Butler of Brockwell (former Cabinet Secretary), Professor Rodney Brazier (Manchester University) and Jonathan Tross (former Cabinet Office). Thanks also to those who helped with follow up questions relating to particular countries: Jim O'Donnell (All Party Oireachtas Committee on the Constitution, Dublin) and Prof. Dr. Hans-Otto Kleinmann (Konrad Adenauer Stiftung, Germany).

I would also like to thank the Nuffield Foundation for generous financial support for this project. Finally, an acknowledgement to Robert Hazell, the Constitution Unit's Director, whose idea this project originally was and who provided very helpful ongoing support.

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**ISBN: 1-9039030-8**