A German View on Switzerland

Prof. Dr. Sabine Kuhlmann,
University of Potsdam, Germany
A German View on Switzerland: What we have in common

- Federalism, decentralization, elements of direct and concordance democracy, Rule of Law culture
- Limited hierarchical powers of the central state
- Strong local governments; significant degree of local autonomy (G < CH)
- Both regarded as successful models of state and PA with low levels of corruption; high standards of legal correctness and proximity to citizens
- Both are scoring high in terms of economic strength, well-being, stability and growth
- Generally, quite high levels of citizen satisfaction with public services and administration, specifically regarding incorruptibility, non-discrimination, proximity to citizens, professionalism of PA, trust in authorities

Prof. Dr. Sabine Kuhlmann
A German View on Switzerland: Where Germany is different

- Germany’s population and area exceed CH by a factor of 9/10 \( \Rightarrow \) bigger jurisdictions = bigger problems
- Cooperative federalism: institutionalized obligation to cooperate in the intergovernmental setting
- Direct democracy rather limited in practice; predominance of the representative model
- Administrative federalism: centralization of legislation at the federal level; decentralization of law execution/administration at Länder/local levels
- Creation of large-scale local units by way of mergers and far-reaching territorial reforms (-80%)
- Significant extension of LG’s functional responsibilities through decentralization
- More emphasis on efficiency, productivity, performance regarding local governments

Photo credit: pixabay
A German View on Switzerland: Where Germany is different

Policy Challenges and Pressures

- Severely affected by transformations and crises (re-unification, fiscal crisis, refugee crisis)
- Growing divides in society (e.g. East-West; urban-rural; rich-poor regions)
- GDP/inhabitant lower than in CH (45 vs. 80 USD)
- More critical views on government/administration; more disenchantment with politics
- Institutional overload and increasing populism due to recent migration issues
In 2015 840,000 refugees arrived in Germany; in 2016 they were 280,000.

September 2016: 580,000 asylum requests pending; April 2018: 51,000

Massive institutional overload at all levels of PA

Source: Asylgeschäftsstatistik BAMF, 1990-1994; Bogumil et al. 2017
A German View on Switzerland: Where Germany is different

Policy Challenges and Pressures

**Assets**

- After a period of stress, German PA managed the refugee crisis **fairly well**
- **Cooperative Federalism/cooperation** between levels crucial for migration management
- Sub-national levels with **fast/flexible solutions** (receptions facilities, housing etc.)
- **Innovative local solutions** to migration issues
- **Proximity** to local citizens and strong position of civil society/civic engagement as major assets

**Drawbacks**

- Manifold **problems of coordination** in federal system
- Fragmented/unclear **distribution of tasks** in the areas of asylum, residence, integration;
- **Too many interfaces** between agencies/levels
- **Insufficient communication** between levels
- Long and complex **bureaucratic procedures**
- Complexity, continuous amendments of asylum **laws**
- **Limited local discretion/resources for integration management**
Lessons to learn for us from Switzerland?

• Clearer *separation of tasks* between levels?
• More *autonomy* to each level + less obligations for cooperation and less institutional interfaces?
• *Disentanglement* of competencies between levels?
• Further limitations regarding Federal administrative competencies
• More emphasis on *competitive* and dual federalism?
  ▪ However: recent trends towards more centralization!
• More autonomy for local governments, including *fiscal discretion* (taxes)?
• Strengthening of direct democracy???
• Smaller local units???
Lessons to learn?

Is there anything to learn from us, too?

- **Constructive tension between competition and cooperation**: cooperative/"unitary" federalism combines equivalence of living conditions with diversity and sub-national autonomy

- **Multilevel governance** and collaboration across levels as important pillars of coherence/integration

- Functionally strong, **professional local governments** as drivers of innovation
  - Note: functional responsibilities shape citizens perceptions: more functions → higher expectations → more critical views on LG performance → less satisfaction (≠ CH)

- **Territorial viability** (large scale) of local units promotes professionalism, effective task fulfilment, organizational robustness, administrative resilience
Institutions are **path-dependent**, culturally embedded, historically shaped.

Institutional change depends on national/regional **political processes and actors**, endogenous forces.

Direct “copy and paste” is neither possible nor desirable.

Institutions change when transferred from one context to another; there can be **misfits**, rejections, incompatibilities → hybrids do not always work.

**Contexts** and “starting conditions” need to be taken into account when transferring institutional models.

Often **several institutional solutions** are equivalent and necessary for different contexts.

**Different roads can lead to success**