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# THE FEDERAL GOVERNMENT

## HISTORICAL REFERENCES

ACCORDING to the Swiss Constitution, Parliament elects the Government, i.e. Federal Council, consisting of seven members. The Federal Council fulfils at one and the same time the functions of a Government and a Chief of State. The members are elected every four years by the two Chambers (National Council and Council of States) meeting jointly as Federal Assembly ("Vereinigte Bundesversammlung").

When the Federal Constitution was created in 1848, the election of the Government was burdened with a minimum of regulations. But then the politicians began to "improve" procedure, and by now precedence has left its mark. The law says that a Canton may only have one member on the Federal Council at a time. But since then it has been established that the large Cantons Zurich, Berne and Vaud, the so-called "Vorortskantone", are entitled to a seat each permanently. Then the rights of the minorities had to be considered, quite rightly so, like those of the Italian-speaking part of the country and minor denominational groups. Next, the idea was carried even further, and the political parties were brought in as well.

In December 1959, four new Federal candidates had to be elected, and the so-called "Magic Formula" of a 2:2:2:1 party allocation was introduced. At the time, it coincided with an excellent crop of candidates. Since then, matters have become more complicated as was shown when, on September 27th 1962, a new member had to be elected to succeed Federal Councillor Bourgknecht. It was an "outsider", not an official party nominee who made the grade, Monsieur Roger Bonvin.

On December 6th 1965, a successor to the retiring member Prof. Dr F. T. Wahlen had to be chosen. According to the unwritten law, the new man had to be Bernese and a member of the BGB (Farmers', Tradesmen's and Citizens' Party). The election was a foregone conclusion, and the young Bernese, Regierungsrat Rudolf Gnaegi, was put in office.

With the recent resignation of Federal Councillor Chaudet (who incidentally, has left for Pakistan and India on an FAO mission), the Canton of Vaud naturally claimed another representative. But the rights of the Italian-speaking Canton were deemed important enough to be considered, and Parliament elected the Ticinese lawyer Dr Nello Celio. Thus the traditional claim by Vaud has been squashed, and the largest French-speaking Canton has now no member in the Government. Even the justified demand that the Romandie should have two seats was ignored.

Dr Celio is the 80th Federal Councillor and sixth Ticinese. When the first Government was elected, it seemed natural that all linguistic parts of the country should be represented. Next to Jonas Furrer (Zurich), Ulrich Ochsenbein (Berne), Josef Munzinger (Solothurn), Friedrich Frey (Aargau), Wilhelm Matthias Naeff (St Gall) and Henry Druey (Vaud), the Ticinese Stefano Franscini sat on the Federal Council. When the first changes took place, it was seen to that the most populated Cantons (Zurich, Berne, Vaud), Northeastern, Northwestern and Southern Switzerland, were considered as much as possible. The Government then consisted of Radicals and it was not until 1891, when a member of the Conservative opposition was elected with Federal Councillor Zemp from Lucerne.

As regards the Ticino, after Franscini and Pioda, there was no representative for forty years from 1864 onwards.

In 1911, one of the great Swiss statesmen, Giuseppe Motta, began his remarkable career as member of the Government for 28 years and as excellent representative of Southern Switzerland.

Federal Councillors E. Celio and G. Lepori were the next members and since 1959 the Italian-speaking part has once more been without a seat in the Swiss Cabinet.

### ROTATION OF PRESIDENCY

Another unwritten law concerns the rotation of the office of President of the Confederation. It is the usage of seniority which is adhered to in determining the choice. A newly elected Federal Councillor will have to wait his turn until all those elected before him have held the office of President once. This law, again, is not nailed down anywhere. When the Federal Constitution came into being, the high honour was only given to leading personalities in the Government, mainly of the largest "Vorortskantone". Federal Councillor Jonas Forrer who died in office at Christmas 1861, was Federal President four times during his 13 years as member of the Government. Within nine years, Federal Councillor Jakob Staempfli presided three times, whereas Wilhelm Matthias Naeff (St Gall) reached the top only once in 27 years, and Councillor Franscini was never chosen at all in over eight years.

Later in the century, it was still possible to be a member of the Government without ever becoming President. On the other hand, it also happened that in the same session, a man became President of the Council of States, was elected Federal Councillor and immediately moved up to the position of Vice-President, as in the case of Carl Schenk (Berne), or Joachim Heer who was elected in December 1875, chosen Vice-President at once and became President already in 1877.

At the beginning of the 'eighties, the rule of seniority was put into practice. It was only broken once in 1919 when Federal



Councillor Gustave Ador was President. For the fourth time, it would have been the turn of Bundesrat Eduard Mueller who was persuaded to make room for the Genevese.

Especially of late, the cases where a Federal Councillor became President without first being Vice-President of the Confederation, have been frequent. Federal Councillor Petitpierre twice rose to the top without having been second in command, first in 1955 because Federal Councillor Escher retired as Vice-President, and the second time in 1960 when Vice-President Lepori had to retire for reasons of health. Generally, it is customary that a member is not elected Vice-President unless it is known that he intends to follow it up with the office of President. This is the reason for Federal Councillor Chaudet's resignation at the end of last year, as 1967 would have been his year of Vice-Presidency. By his resignation, he made room for Federal Councillor Spuehler. As has already been reported, last year's Vice-President, Monsieur Bonvin, was chosen by Parliament as President for 1967.

#### DISTRIBUTION OF DEPARTMENTS

The first meeting of the Federal Council chaired by the new President, and at which the new member was present, took place in Berne on January 3rd. The main item on the agenda was the distribution of departments, which was announced afterwards by the President. There had been no redistribution, and Federal Councillor Celio took over Monsieur Chaudet's succession as head of the Military and Deputy of the Political Departments. The remainder of the Departments are still allocated as follows:

Political Department: (Foreign Office) F.C. W. Spuehler, Department of the Interior: F.C. H. P. Tschudi (Deputy: F.C. von Moos), Justice and Police: F.C. L. von Moos (R. Bonvin), Finance and Customs: Federal President Bonvin (H. P. Tschudi), Public Economy: F.C. H. Schaffner (W. Spuehler), Communications and Energy Production: F.C. R. Gnaegi (H. Schaffner).

The reasons given for adhering to the status quo were that it took some time to get familiar with the work of a department which is a complicated administrative body, and that some important matters which were at the moment being studied would suffer delays if heads of departments were changed. (Federal Councillor Wahlen's view in this matter had been the opposite, viz. that frequent changes were desirable.)

The Press has reacted unfavourably throughout. There has been anger and even outbursts that the Government had missed a first-class chance to put the right man in the right place. In view of the precarious financial position of the Confederation and the coming popular vote on the programme for immediate financial improvements, it would have been essential to show the people that the Government was capable of decisive political action. Now

it has wavered and left things as they were. There seems to be general agreement that the engineer Roger Bonvin would make a better job of energy production and transport than of finance, whilst Federal Councillor Gnaegi would be the best man for the Military Department. The new member Dr Celio is an expert on finance and economics, and whilst he will no doubt do excellent work in the EMP, his talents are not used to the full extent. The "Gewerschaftskorrespondenz", commenting on the missed chance, said that it had given new food to the "Helvetische Malaise".

This is not the first time that square pegs have been put into round holes. The Editor-in-Chief of the "Basler Nachrichten", National Councillor Peter Durrenmatt, recalls the facts of Professor Wahlen's election when he, a qualified agronomist, had to take on Justice and Police. But Federal Councillor Wahlen had great abilities, also as a statesman and his abilities were soon used to the full. Every Federal Councillor has a dual role, that of specialist in his own Department with expert knowledge of subject-matter, and at the same time, as a corporate member of the country's Government, responsible for the whole policy. It is difficult to find men who can do full justice to both.

It was stated that the present solution was only of a temporary nature, but "c'est le provisoire qui dure", and while it lasts, the Government in its present form can hardly be termed politically strong.

Inevitably, the question has come up again whether Parliament should not elect the Government. This is by no means new, and well-known personalities have written and argued for and against for some considerable time. Last March, the Liberal-Democratic Union of Switzerland organized a conference on the theme "How shall the Federal Government be elected?" at which prominent personalities took part, such as the former member of the Government, Dr Petitpierre, Federal Judge Favre and National Councillors Durrenmatt, Hofer and Tschappat. All these speakers representing the main Parties were against parliamentary elections of the Government, mainly on the ground that the present cumbersome method would be replaced by "massive bargaining behind the scenes" (Durrenmatt) and party-political considerations. There would be no practical advantages, and it would open the door to political agitation. At that meeting the only speaker in favour was Redaktor Pfister (Zurich) who supported the planned motion by the "Landesring der Unabhangigen", which is to be put forward in the March session of Parliament, asking that, in future, Parliament would have to give consent to the distribution of departments as suggested by the Federal Council.

There seem to be few, if any, advantages, if Parliament took away the whole responsibility from the Federal Council. What is needed is more consideration of political responsibility by the



Parties when they propose members to the Government as well as prior to a reshuffle. Again we quote Peter Durrenmatt: "The responsibilities at the moment are not clear. The governmental parties which have no contact with each other, are glad to leave the decisions to the Federal Council which, in turn, acts in order to keep the interior peace and to cause the least friction and afterwards when the results are accordingly unsatisfactory, the Press of the governmental Parties revolts against the system". The writer concludes by saying that it is at this point that the will to reform should start. It should at long last become possible for the leaders of the various Parties in the Government to sit together and discuss such important problems as the election of Federal Councillors and the distribution of departments and to fix the responsibilities.

—The Swiss Observer

### **"AUSLANDSCHWEIZER" IN THE GOVERNMENT**

It may be interesting to recall that a number of Federal Councillors had at some time lived abroad and were in fact Auslandschweizer. The periodical of the Swiss abroad, "Echo", had an interesting survey in its last issue showing that the majority of the eighty men who have governed the Confederation since 1848, had spent some time abroad before being elected to such a high position. Already in the first collegium, there were not only men who had studied abroad, but two genuine Auslandschweizer: Friedrich Frey, born at Lindau, who worked in Paris, and Stefano Franscini who was educated in Milan where he was a teacher for a time. Federal Councillor Ruchonnet (Vaud) whose mother was English, spent part of his childhood in England and later worked in a London lawyer's office. One of the best examples is that of Emil Frey (Baselland) who worked on a farm in USA for many years, took part in the American War of Secession as captain and became the first Swiss ambassador in Washington from 1883 to 1888.

Many more examples are given in the said article in the "Echo", and it makes interesting reading to hear of how men gathered valuable experience abroad before reaching prominence at home. It is also significant that quite a number of French-speaking Federal Councillors had at one time studied in Germany or Vienna, so in our own time Councillors Pilet, Petitpierre and Bourgknecht. Our present members Federal Councillors Spuehler and Tschudi studied in Paris. It is not accidental that one of the greatest promoters of the Constitutional Article for the Swiss Abroad was the former Federal Councillor Wahlen. He had spent nearly two decades of his active life outside Switzerland, seven years in Canada and ten in Washington and Rome (FAO). This is a most incomplete reference to an interesting survey which illuminates the important fact, that to live and work abroad broadens the mind and enables men (and women) to study and absorb matters which at one time or another may help them to serve a wider community.