

Audit of the effectiveness of interdepartmental coordination on federalism issues

Federal Office of Justice

Key facts

The Swiss Federal Audit Office (SFAO) examined the extent to which the Federal Administration steers dealings with the cantons in an overarching manner. It is difficult to ensure equal treatment of the cantons without coordination. In addition, the Federal Administration runs the risk of missing out on opportunities for quick, cost-effective solutions to outstanding issues with the cantons. Finally, it also risks paying insufficient attention to lessons learned from its dealings with the cantons.

An interdepartmental coordination group on federalism issues (IDEKOF) currently exists at the Federal Office of Justice (FOJ). Furthermore, the Federalist Dialogue provides an interdisciplinary forum for exchanges with the cantons. This audit focused not only on these formal channels, but also on informal ones.

The findings show that there is little coordination in dealings with the cantons beyond technical matters. The SFAO identified potential for improvement particularly with regard to the management of relations with the cantons, their equal treatment, organisational learning and the regulation of powers even before a crisis occurs.

No overview and dispersed responsibilities

The Federal Administration does not have a constant overview of important issues in its relations with the cantons or of the financial implications of taking cantonal concerns into account. There are hardly any explicitly dedicated instruments for the interdepartmental coordination of relations with the cantons. This means that an important basis for nationwide management of relations with the cantons is lacking. The SFAO considers it important for overviews to be prepared when necessary.

Responsibility for dealing with the cantons is not clearly assigned to a single unit, as all offices are responsible within the scope of their specialist areas. The FOJ, the Federal Finance Administration, the Federal Chancellery and the federal and cantonal delegates perform special tasks with regard to federalism. The dispersed responsibilities make it difficult to achieve an overall structure of the relations between the Confederation and the cantons.

The IDEKOF is primarily responsible for preparing the Federalist Dialogue. However, it is not suitable for actually coordinating or steering dealings with the cantons.

Informal channels are important, but critical for equal treatment

There are countless forums through which the Confederation and the cantons interact. Most of these are sector-specific. The Federalist Dialogue, as an interdisciplinary forum, is not used proactively enough by the Federal Administration.

Aside from official channels, informal contacts also play an important role. These can be very useful, but they also open the door to hidden interference and unequal treatment. For this reason, contacts with all cantons should be maintained on an equal basis.

The Federal Administration sometimes intentionally treats some cantons differently, mostly in order to find a solution that is satisfactory for both sides. However, due to a lack of overviews, it is not possible to determine whether the cantons are treated in a comparable manner overall. Therefore, there is an incentive for cantons to seek the most advantageous solution for their individual situation. This creates the risk of individual cantons being favoured.

Time-consuming and costly solutions

The SFAO examined several cases in which the Confederation and the cantons had to seek a solution. These case studies showed that, although a solution was usually found, arriving at it was costly and time-consuming, and often more than originally envisaged. The federal offices were careful not to impose unilateral solutions on the cantons and opted for cooperative approaches.

However, the federal offices were not coordinated in their search for solutions. They did not draw on the strategies of other offices and involved them only if they were directly concerned. Consequently, the potential arising from the knowledge and experience of other offices is not fully exploited.

Lack of powers leads to delays

In a case study, the SFAO examined the flow of information between the Confederation and the cantons on the availability of medical resources during the COVID-19 crisis in spring 2020. The results illustrate a problem repeatedly identified by the SFAO: the Confederation does not have the power to issue directives in the IT area. The introduction of an important data transmission system progressed only slowly in the cantons. Moreover, the absence of a data reporting requirement led to data gaps at the beginning of the crisis. This case is a prime example: often, the granting of a clear and simple national mandate to one authority would lead to savings and efficiency gains.

Even during the crisis, the cantons did not always see the need for coordination by the Confederation. In order to avoid the need to first achieve understanding in time-critical situations, the corresponding division of powers must be set out already before the crisis.

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