

## HANDOUT 4.4.1 GOVERNMENT STRUCTURE IN GERMANY

The most important German political institutions are:

- the *Bundestag* – The lower house of the German federal parliament
- the *Bundesrat* – The upper house of the German federal parliament whose members represent the sixteen federal states
- the *Bundesregierung* – The federal administration, consisting of the Chancellor and her cabinet, usually elected from the *Bundestag*
- the *Bundespräsident* – The head of state, (the Federal President) representing Germany as a whole – separate from actual politics or the running of the government.

### THE BUNDESTAG

- The *Bundestag* is elected by the people every four years. The *Bundespräsident* nominates a candidate for the position of Chancellor, who is then elected by the *Bundestag* (always the head of the ruling party or coalition). Any representative in the *Bundestag* or *Bundesrat*, or (as is most often the case) the *Bundesregierung* (executive branch or administration) may propose legislation, which is then debated in the *Bundestag* (first and second reading). Most of the real work of reviewing and discussing legislation is done in the standing committees (consisting of 13–33 members from different parties). When a vote is taken in the full session of the *Bundestag*, each member votes according to his/her conscience. Legislation that affects the federal states must be approved also by the *Bundesrat*. The President of the *Bundestag* ranks second in the hierarchy after the *Bundespräsident*.

### THE BUNDESRAT

- The *Bundesrat* is the upper chamber of the parliament. It represents the federal states. Its membership is not elected by direct national vote, but delegated by the state governments. Depending on its population, each state sends three to six representatives to the *Bundesrat*. The *Bundesrat* consists of 69 members. The president of the *Bundesrat*, who acts as the federal president's deputy, is one of the prime ministers of the federal states (or the mayors of the city-states of Berlin, Hamburg, and Bremen), who serves in this capacity in rotation, holding the office for one year. Therefore, the prime minister of any one state becomes President of the *Bundesrat* once every 16 years. The *Bundesrat* has an important function in the legislative process. The *Bundesrat's* consent is required for constitutional amendments and for federal legislation which directly affects state affairs. On other issues, the *Bundesrat*

may enter an objection to a law passed by the *Bundestag*, but its objection may be overridden by a majority of *Bundestag* members. If the *Bundestag* and the *Bundesrat* fail to agree, the Joint Committee – which consists of members of both houses – is asked to consider the matter. In most cases this committee has managed to work out a compromise. In a case where no compromise is reached, the legislation is set aside. The balance of political forces in the *Bundesrat* changes if the majority party in a federal state loses the next state election. Therefore the case can arise where the majority party in the *Bundestag* and the *Bundesrat* are different. The President of the *Bundesrat* stands in for the Federal President when he is absent.

### THE BUNDESPRÄSIDENT

- The Federal President is the head of state. He represents Germany in international affairs, concluding treaties with other countries, receiving the credentials of foreign ambassadors and envoys, and cultivating the image of Germany in the rest of the world. He formally appoints and dismisses federal civil servants, federal judges, and officers of the federal Armed Forces. His freedom of decision is limited since his directives and orders require the countersignature of the Federal Chancellor or the appropriate Federal Minister. The political powers of the Federal President are described in the Basic Law (constitution). The idea of the drafters of the Basic Law was to have a head of state with severely limited powers, to avoid the mistakes of the past. The Federal President has no direct influence on other constitutional bodies. He remains apart from party politics. A law comes into effect when it is signed by the Federal President. The Federal President is not directly elected by the people. He is elected by a majority vote of a special assembly called the *Bundesversammlung*, which meets every five years just for this purpose and consists of all members of the *Bundestag* and an equal number of representatives of the state legislatures. The Federal President serves for five years.

### THE BUNDESREGIERUNG

The German Federal Government, the "Cabinet", is made up of the Federal Chancellor and the Federal Ministers. The Chancellor presides over the Federal Cabinet. She selects the ministers and makes proposals that are binding on the Federal President for their appointment or dismissal. The Chancellor also decides the number of ministers and their portfolios. She lays down the government policy guidelines. In accordance with these guidelines the Federal Ministers manage their portfolios independently and on their own responsibility. In the course of day-to-day politics, the Chancellor must also take into account agreements with partners in the government

coalition. Not without reason is Germany's system of government termed a "chancellorship democracy." The Federal Chancellor is the only cabinet member elected by parliament, and she alone is answerable to it.

► **Sources:**

Der Spiegel. (2009). A Quick Guide to Germany's Political Parties. Retrieved September 2012 from <http://www.spiegel.de/international/germany/where-dothey-stand-a-quick-guide-to-germany-s-political-parties-a-651388.html>.

Wikipedia. (n.d.). List of political parties in Germany. Retrieved January 2012 from [http://en.wikipedia.org/wiki/List\\_of\\_political\\_parties\\_in\\_Germany](http://en.wikipedia.org/wiki/List_of_political_parties_in_Germany).