Minority governments and parliament
04 October 2016

Introduction

Following a ten-week long government formation process, the Dáil elected a minority government on 6 May 2016. While Ireland is no stranger to minority governments, the present one is unprecedented in terms of its size (i.e. the small number of government TDs)\(^1\) its support arrangements and the drawn-out process of government formation.

Minority governments comprise ministers from one or more parties or groups which, alone or together, do not hold an absolute majority of the seats in parliament. Contrary to popular perceptions, minority governments are not unusual; between 1945 and 2010, 33% of governments in Europe were minority governments.\(^2\) Further, while having shorter tenures on average than majority governments, minority governments are relatively stable and, in many cases, they are as effective at implementing their legislative and policy programmes as other types of government.\(^3\)

Following an overview of the political and institutional factors that can facilitate or impede a minority government from forming, enduring and implementing its programme (Section 1), this L&RS Note outlines how minority governments build and implement majorities in support of their legislative and policy programmes (Section 2). It uses examples from Denmark, Norway, Sweden, New Zealand and Spain, where minority government is common, setting out the types of support agreements reached and the mechanisms used to implement them (Section 3).

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\(^1\) This signifies the number of TDs in the government.
\(^2\) Source: European Parliament.
\(^3\) Source: European Parliament.
1. Political, institutional and procedural context for minority government

Political, institutional and procedural factors influence a minority government’s capacity to govern and the type of arrangement(s) it needs to ensure the support of opposition parties.

First, the party system and the policy and office-seeking positions of all political parties and groups in parliament sets the structural context for a minority government. While a minority government is inherently more vulnerable to defeat in parliament, the emergence of a united opposition to it is not without obstacles, and it is considered to be less likely when:

- the minority government has, because of its policy position, the ability to shift alliances depending on the issue in question and/or
- the minority government can rely on a majority block in parliament (generally a left or a right-wing majority). Where there is such a block, the largest party in the minority government may hold the ‘median’ position in parliament with close to equal number of members on its right and left.

Second, the strategic choices made by minority governments and opposition parties are shaped by institutions (rules about behaviour).

Under parliamentary government, government must leave office if it loses the support of a majority in the parliament in a no-confidence vote. How no-confidence motions operate can affect whether or not they are attractive instruments of control for opposition parties. For example, the rules around the no-confidence motion in both Norway and Spain may reduce its attractiveness as an instrument of control for opposition parties. Norway has fixed-term parliaments and dissolution within the four-year term is not permitted under the constitution. If a no-confidence vote leads to the dissolution of parliament a new government must be formed without an election. In Spain, votes of no-confidence must be constructive i.e. such a vote must simultaneously propose a new government. Constructive confidence votes are more challenging for opposition parties and may help to sustain a minority government.

In contrast, no-confidence motions in Ireland may be followed by either dissolution of the Dáil and fresh elections or by the Dáil’s approval of a new government. In Sweden, this is also the case but its parliamentary term is fixed at three years which may reduce the time period during which the no-confidence vote is a credible instrument of control.

Thirdly, other parliamentary procedures, in particular the extent of agenda-setting powers assigned to government, can assist a minority government’s survival and implementation of its programme. Instruments strengthening a government’s agenda-setting powers include:

   1. Power to set the legislative agenda;
   2. The power to guillotine or group stages in the legislative process;
3. The power to introduce legislation on which parliament must vote yes/no without amendment (e.g. decree laws in Spain);

4. Low effective thresholds for decision-making in parliament (e.g. decision by a simple majority rather than absolute majority).\(^8\)

In Spain, parliamentary procedure gives the government the right to present decree laws and to set the legislative agenda, and includes low effective thresholds for decision making, which 'tip the balance more in favour of the government' strengthening the governing capacity of minority governments.\(^9\) In Scandinavia, on the other hand, governments have weak agenda-setting powers and are more dependent on the partisan bargaining circumstances in parliament to be able to accomplish their policy programmes (or at least have them discussed).

While in the past minority governments in Ireland relied on strong agenda-setting powers assigned to the Taoiseach by Standing Orders, reforms to procedure agreed in 2016 means that it now more closely resembles the Scandinavian parliaments in which the government must negotiate to have its policies on the agenda. Standing Orders (September 2016) assign the legislative agenda to a Business Committee representative of all parties and groups in the Dáil. On the other hand, that decisions are made by simple majority and that the Dáil must vote yes or no on the general principles of a bill before amendments may be proposed, enhances the agenda setting powers of the government (as most legislation is proposed by government).\(^10\)

2. Majority-building strategies of minority governments

In sum, the party system, institutions and parliamentary procedure set the context for a minority government, influencing the strategy it uses to secure support in parliament. The majority-building strategies employed by minority governments can be grouped into four which range from the informal to the formal.\(^11\)

**Indirect influence:** minority governments anticipate the reactions of opposition parties and groups and adjust policies and proposed legislation accordingly either prior to or during the legislative process. This is facilitated by detailed scrutiny by committee prior to a vote on the proposed legislation or by the early publication and scrutiny of draft legislation (e.g. pre-legislative scrutiny in the Irish context).

**Direct influence by 'alternative majorities':** the minority government governs with the support of different opposition groups depending on the issue: i.e. rule by an 'alternative majorities.' It is accepted that government-initiated legislation may be defeated and/or will have to be amended. If its proposals are defeated, the government takes on board the
proposals of the opposition sufficiently to ensure it is not defeated again. This was the case in Scotland under an SNP-led minority government.

Opposition parties may negotiate ongoing, direct influence over a minority government via a negotiated agreement prior to its establishment. There are different types of agreement which, according to Strom, makes a minority government ‘substantive’ or ‘formal.’

A substantive minority government is underpinned by a pre-negotiated agreement between the minority government and a support party(s). However, the commitments made are specific to particular policy areas detailed in the agreement. It is not a general commitment to support the government on all policies.

Substantive minority governments tend to use legislative alliances to implement their programme. The alliances can be many, may be with different opposition parties, and they are policy (substantive), rather than procedurally, focused. Such ‘alliances’ can be written or unwritten or confined to one or many policy areas. They are referred to as ‘legislative agreements,’ Forligs (in Denmark) or cooperation agreements (New Zealand).

Fig 1: How minority governments govern: Formal to informal arrangements

In contrast, a formal minority government reaches a pre-negotiated agreement with one (or more) permanent external support party which gives a general commitment to allow the government to govern in return for government commitments on specific policy areas or on
procedures. The support agreement provides the minority government with the majority it requires to govern. Such agreements are sometimes, though not always, referred to as ‘confidence and supply agreements’ (in particular in New Zealand and Scotland) and Fianna Fáil refers to the support arrangements it agreed with the current minority government as a ‘confidence and supply arrangement’.16 Formal minority governments sometimes involve support party leaders being appointed to executive positions. The most institutionalised of these types of agreements have been termed ‘contract parliamentarianism’.17

2.1 Is any particular strategy considered to be more effective?
While effectiveness is itself a contested concept, most analysts use a number of indicators to assess the performance of governments including the proportion of its own bills it manages to have passed, the overall number of bills passed and the durability of the government.

Reviewing the literature, Field finds no theoretical or empirical consensus on which strategy is most effective for minority governments.18 An empirical analysis of minority governments in Spain, two of which were substantive and two of which had formal support agreements, found that both passed approximately the same percentage of government bills (88% versus 87%). Similar findings have been made in Scandinavia.19

Yet some analysts have found a trade-off between stability and better outcomes suggesting that the closer the arrangement is to shifting alliances on substantive policy issues, the greater possibility that the minority government achieves its preferred policy outcomes. While formal agreements, on the other hand, may bring greater stability they require a minority government give up more of its policy preferences.20 Formal agreements are found to involve more log-rolling or compromises i.e. more concessions to support parties unrelated to the issue in question are given in return for support.21

Empirical research in Spain found that a small nationalist party (CiU) benefitted (in terms of having its programme implemented) from supporting both a substantive (Socialist) and a formal (Party Popular) minority government but that it achieved more during the latter.22 Yet empirical analysis of New Zealand and Sweden’s minority governments finds little to suggest that formal contracts dramatically improve the performance or the lot of the supporting opposition parties.23

In many respects, the best strategy for a minority government – both for its survival and governability - is context specific and determined by the political and institutional factors described above (party system, institutions and procedure). Field argues that the minority government’s position on the policy spectrum is particularly significant in driving its strategy:
minority governments not holding the central policy position in parliament are in a weaker position and tend to seek formal support agreements over shifting alliances.\textsuperscript{24}

Below is an overview of the support arrangements agreed by minority governments, and the mechanisms used to ensure their implementation, in five countries where minority governments are common - Denmark, Norway, Sweden, New Zealand and Spain.

3. Minority government strategies in five countries

1. Denmark: substantive minority governments
Minority government is the norm in Denmark; 31 of 35 governments’ between 1945-2010 were minority.\textsuperscript{25} Formal minority governments are uncommon in Denmark; instead minority governments are substantive and use shifting alliances - legislative agreements or Forligs – to endure and to implement their programmes.\textsuperscript{26} Forlig are described below (Box 1).

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<thead>
<tr>
<th>Box 1: Key features of Legislative Agreements or Forligs are:</th>
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<td>• The minority government and opposition parties agree on certain policies to which they bind each other for a period, either fixed in an agreement or running until they (the policies) are implemented;</td>
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<td>• The key distinguishing feature is that they are policy or legislative focused and specific to that policy/legislative area;</td>
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<td>• A policy area may cover a single topic or a number of topics; it may concern a specific Bill or group of Bills, other proposals already introduced to parliament or provisions for the government to initiate legislation;</td>
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<td>• A minority government may enter into several Forligs at a time each with different parties or groups of parties;</td>
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<tr>
<td>• Sometimes parties commit to Forligs beyond general elections or changes in government (i.e. the policies set out by the parties remain a commitment until they are implemented);</td>
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<tr>
<td>• Where a Forlig has been agreed, opposition parties outside of it are more-or-less side-lined on that policy issue.</td>
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As Forlig are inter-party agreements about legislation, they are not officially recorded. Christianson and Damgaard (2008, 60) gathered data on Forlig between 1984 and 2001 and found that during minority governments 30% of approved bills were the results of Forligs and that 57% of the approved bills covered by the Forlig were supported by an over-sized majority.

A patchwork agreement is the name given to a set of Forligs i.e. a set of agreements among different coalitions of parties together constituting a whole. For example, from 2001 a liberal-conservative minority government primarily relied on the support of the Danish People’s Party to support some major decisions like municipality reform and Danish participation in
the war in Iraq. In return, the minority coalition conceded by tightening up immigration policy. This agreement was framed by a *Forlig* and the government needed the support of other opposition parties for other policies, in particular its policy towards the EU (which the People’s Party did not support).

**How are Forlig operated and implemented?**

A written document is often, and increasingly, attached to a *Forlig*. The written document is concerned with substance, less with procedure. Its purpose is to prevent the parties from reneging on what has been agreed. Written texts have become longer over time; the average length in the 1980s was 550 words, in 1998-2001 40 texts had an average length of about 2,650 words. They have also become more detailed and can contain specific declarations of intent as well as points to be decided at a later stage.

Parties are expected to support the *Forlig* in public and there is a long tradition in Denmark that parties may not support changes to what has been agreed without unanimous consent among parties to the *Forlig*. When a policy area is covered by a *Forlig*, political responsibility for the legislation is shared and generally the portfolio Minister and the relevant party spokespersons together consult on its development and drafting.

**2. Norway: alternative majorities and formal minority government**

Of the 32 cabinets since 1945, 19 were minority cabinets and 12 minimal-winning cabinets (i.e. cabinet has the support of just barely enough to control parliament (51%)).

Prior to 2005, minority cabinets in **Norway** tended to use alternative majorities to ensure support in parliament; several opposition parties would from time to time take part in important government-initiated legislation and obtain concessions in the form of amendments. These shifting agreements tended to be less formal and more short-term than Danish *Forlig* and have frequently been formed at the parliamentary committee stage. However, minority governments with a weak parliamentary support base, would frequently consult with non-cabinet parties before presenting its proposals in the legislature with the aim of exploring what can be passed.

In 2013, a minority cabinet controlling 77 of 169 seats comprising the Conservative and the Progress Party negotiated a formal confidence and supply agreement with the Liberal (9 seats) and the Christian Democrats Party (10 seats), an usual approach to minority government formation in Norway. This shift in strategy may be explained by the fact that two ‘minimal-winning’ coalition governments underpinned by formal pre-negotiated agreements had been in government from 2005 until 2013.
3. Sweden: from alternative majorities to formal minority government
Of 28 governments between 1945 and 2010, 20 were minority governments. Alternative majorities, whereby Swedish minority governments could rely on the passive support of smaller, ideologically similar parties, were commonly used by minority governments (e.g. Social Democrats and Left Communist parties). A trend towards increasingly close integration between the minority government and one or more opposition party can be observed since 1995 when a formal agreement was reached between a minority government and the Centre Party.

Under the first formal minority government (1995), the opposition (Centre) party agreed to provide a safe majority to allow the government deal with Sweden's severe economic problems in return for the minority government’s commitment to consult and agree with the Centre Party on two key policy areas.

In 1998 the support agreement was substantive, rather than formal. While stating their intention to work with the minority government for the full term, the support parties' commitment to the minority government (Social Democrats) was specific to five policy areas on which the minority government would consult and agree with them. In other policy areas the minority government relied on shifting majorities.

In 2002, a formal agreement struck between the minority government (Social Democrats) and supporting parties (Green Party and Left Party) was unprecedented in the depth of cooperation and consultation it provided for. A written document - 121 Points - set out commitments to work together in eleven policy areas which ranged from the general to very specific. A type of formal minority government, this enhanced form of cooperation has been described by Aylott and Bergman as 'contract parliamentarianism'.

Box 2: Features of ‘contract parliamentarianism’

- An explicit, publicly available, written contract that commits the partners **beyond a specific deal concerning a particular legislative or policy issue** or temporary commitment
- The contract may include that representatives of opposition parties serve in the central administration.

How are agreements operated and implemented?
A defining feature of all three support agreements in Sweden, including the substantive agreements with support parties in 1998, are new and increasingly formal mechanisms established to implement them:
• In 1995, two political advisers from the minority party were appointed to Ministries, one to Finance and one to Defence (the two policy areas covered by the agreement);

• In 1998, instead of appointing political advisors from support parties, the agreements were implemented through occasional meetings of party leaders and the regular meetings of two Groups of Cooperation (SAMS and SVAMP) established specifically to co-ordinate relations between the minority government and support parties. The purpose of the first Group, which comprised deputy leaders of the three parties (SAMS), was to iron out any problems in the cooperation not solved at a lower level. The purpose of the second (SVAPM), which met twice a month and was made up of the junior minister in Finance, party spokespersons on finance and a few other representatives from the parties, was to ensure coordination on economic policy (one of the five policy areas in the agreement). SVAMP was also the site of the annual state budget negotiations – it prepared the agenda and solved minor difficulties in advance of the final budget negotiations at party leader level.

• In 2002, in addition to a monthly meeting of the party leaders, a coordination office was established in the Finance Ministry to which up to three representatives from each supporting party could be appointed (paid for from the government budget). Further, each support party could appoint up to six political advisors to other ministries.

4. New Zealand: formal minority governments
Of the 7 governments formed since 1996 (when New Zealand introduced a PR electoral system), 6 have been minority governments and one began as a majority but changed mid-term to a minority (1996-1999). ‘Confidence and Supply agreements’ between minority governments and opposition parties have become increasingly popular since 2005 (Box 3).

Box 3: Features of Confidence and Supply Agreements in New Zealand

- They are public documents;
- All parties are bound by the principle of good faith;
- They set out the commitments of the minority government in return for the positive votes of support for it on motions of confidence and on key budgetary matters including precisely how the commitments are implemented:
  - areas on which the relevant opposition party will be consulted by the government and how that consultation will be managed;
  - areas on which there will be cooperation and how it would be managed (e.g. via access to relevant Ministers and meetings between the parties or advance notification or briefings by Ministers on significant issues);
  - executive positions and any Minister is bound by collective responsibility in relation to
his portfolio (i.e. speaks for the Government)
   - issues of confidentiality.

For example, the ‘Confidence and Supply Agreement’ (2002-2005) between the minority government and UF set out that in return for the opposition party (UF)’s support for the minority government, there was to be general and full consultation with the opposition party on some agreed policies and some cooperation on other agreed policies.

Further, minority governments frequently simultaneously negotiate substantive ‘Cooperation Agreements’ with other opposition parties. While cooperation agreements fall short of explicit commitments on confidence and supply, they entail cooperation, sometimes extensive, between a minority government and one or more minor party on a range of matters. An example of the extent of cooperation is the cooperation agreement between the Labour Party and the Greens in 2005 (Box 4).

**Box 4: Cooperation Agreement (Labour Party and Green Party, 2005)**

The Agreement divided issues into three categories:
- For issues in Category A, which were to be agreed by ‘joint positions’, designated Green Party MPs had full access to ministers, relevant papers and civil servants and the parties and there were timetables agreed for policy development and parliamentary passage;
- In Category B were issues on which there would be consultation on the broad direction of policy and related legislation with a view to achieving the Green Party’s support. These issues were identified as they arose.
- In Category C there was to be a sharing of information.

Minority governments in New Zealand tend to negotiate many support agreements with different opposition parties. For example, in 2005-2008 a minority coalition of the Labour Party and Progressive Party had agreements with three opposition parties: separate ‘confidence and supply’ agreements with New Zealand First and United Future and a cooperation agreement with the Green party. In 2008-2011 and in 2014 the Nationalist Party negotiated separate confidence and supply agreements with three small parties.

**How are agreements operated and implemented?**

Mechanisms for implementing support agreements have also developed as formal minority governments have become the norm. When it comes to implementing arrangements, it is increasingly common for minority governments in New Zealand to offer support parties positions within the executive.

For example, under Confidence and Supply Agreements (2005-8), while the leaders of supporting parties were not formally part of the coalition government or represented within the cabinet, they received ministerial offices. This practice has been criticised as under-
mining the principle of cabinet unanimity and collective cabinet responsibility by allocating responsibility for one portfolio area to a non-cabinet minister.\textsuperscript{40}

In 2008-2011 cabinet procedure was changed to entitle Ministers outside cabinet to be full members of Cabinet committees with the right to receive all papers and attend all meetings\textsuperscript{41}. Since 2014, a National Party minority government (holding 60 of 121 seats) has separate Confidence and Supply Agreements with three small parties the leaders of which all hold executive positions and attend appropriate meetings of cabinet committees.\textsuperscript{42} Even under substantive ‘cooperation’ agreements, support party MPs have become government ‘spokespersons’ on particular policy issues and are granted direct access to, and the support of, departmental officials. \textsuperscript{43}

Hazell et al\textsuperscript{44} note that consultation between the minority government and its supporting and cooperating parties, which is managed by the Prime Minister and his/her Chief of Staff, has become formalised. Instruments used are outlined below (Box 5).

**Box 5: Instruments for implementing support agreements (New Zealand)**

- Cabinet Office Circulars detail and disseminate the Confidence and Supply agreements (e.g. a Cabinet Circular of March 2015) for the attention of Chiefs of Staff of Departments and of the involved opposition parties;
- Within cabinet, a form with a checklist of all those who need to be consulted or informed about legislative developments is created for each policy/piece of legislation;
- When Minister brings a piece of legislation or an initiative to cabinet they say who was consulted and give details in accordance with the requirements of the Confidence and Supply and Cooperation agreements;
- Most of this consultation work is undertaken by Ministerial advisers who are described by Boston (2006) as ‘providing the institutional glue for multi-party governance.’ Their three essential roles are described as: staying on top of issues and maintaining good lines of communication with relevant players, bearing strain of sorting out disputes, helping ensure various understandings are observed;
- The same types of arrangements, though less institutionalised, apply to parties to Cooperation Agreements Ministerial advisers;
- Strategic frameworks into which more specific policies and objectives are set are created. Ministerial advisers hold regular meetings with all parties with responsibility or with interest (a right to be consulted or a right to cooperation) on the achievement of these objectives.

5. **Spain: substantive, formal and shifting alliances**

Seven of the 12 Spanish governments between 1977\textsuperscript{45} and 2011 were minority governments. Spain is currently in a pro-longed period of care-taker government and several attempts to establish another minority government have failed to win the support of
opposition parties since elections held in December 2015 and repeated June 2016. Further elections will be held if parliament fails to elect a government before 31 October 2016.46

The trend towards more formal agreements seen in Sweden and New Zealand and, to some extent in Norway and Denmark, is less evident in Spain where the type of support arrangement appears to be context specific. 47 Rules and procedures (see p.2) which determine that once a minority government has been invested, the positive no-confidence vote and other parliamentary procedures facilitate its endurance, may help to explain why confidence and supply agreements are not always necessary.

**Formal agreements**

From 1996-2000, a formal minority government was led by the Popular Party (PP). The PP, which was 11 seats short of a majority, negotiated formal agreements with two centre-right regional nationalist parties, both of which had features of a confidence and supply agreement and were intended to last the duration of parliament. The third agreement, also with a regional national party, was ad hoc and confined to the investiture vote.

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<th>Box 6: Features of the Support Agreements reached by Spain’s minority government (1996-2000)</th>
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<td><strong>1. Agreement with the Canary Island regional party (formal agreement):</strong></td>
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<td>o A six-page, signed public agreement</td>
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<td>o An outline of the general commitments reached by both parties;</td>
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<td>o A commitment that the agreement (and support) would last for the duration of parliament</td>
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<td><strong>2. With the Catalan CiU (the Majestic Pact) (formal agreement):</strong></td>
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<tr>
<td>o A public, written investiture and governability agreement setting out the commitments of the minority government to CiU in return for its support;</td>
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<td>o the agreement was intended to ensure that the minority government could govern stably for a full legislature.</td>
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<td><strong>3. With the Basque nationalist party (PNV) (neither formal nor substantive – Ad Hoc)</strong></td>
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<td>o The only public commitment was the PNV’s promise to vote in favour of the minority government’s candidature for Prime Minister;</td>
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<tr>
<td>o There was the expectation that the commitment could deepen as the legislature advanced.</td>
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The unusual move to negotiate formal agreements is in part explained by the PP’s position in parliament: while it was the largest party, it was not the ‘core party’ in that a block of left-leaning parties had more seats than the right-leaning block. The unprecedented move to publish the agreements had advantages for all parties; the Party Popular had itself criticised the secret deals negotiated by the previous minority government and the regional nationalist parties, especially those with poor relations with the Spanish right, needed to show the value of the concessions granted in return for their support.49
Recently, in August 2016, another formal support agreement was reached between the largest party (PP, 137 seats) and a centrist, reform party - Ciudadanos (32 seats). However, the proposed minority government subsequently failed to win parliament’s support with 170 voting in favour and 180 against its leader’s candidature. The agreement may be seen as a confidence and supply agreement in that Ciudadanos committed to generally support the minority government in return for specific policy concessions listed under three headings: social, economic and parliamentary/constitutional reforms. However, the agreement is focused on policy, rather than procedure, and did not propose that the support party would take executive positions like, for example, agreements in New Zealand or Sweden.

Substantive Minority Governments using shifting alliances
A different strategy was pursued by the Socialist-led (PSOE) minority governments between 2004-8 and 2008-11 which sought alliances with opposition parties on specific sets of policy issues, shifting alliances across policy areas. According to Field, two factors explain PSOE’s decision not to negotiate formal support agreements.

- One, it faced favourable partisan bargaining circumstances. In 2004, the PSOE was 12 seats short of a majority but all other parties except the right-wing Party Popular were either centre, left-leaning or regional and they supported the PSOE candidate in an investiture vote. This made a shift majority strategy possible and potentially would require fewer concessions from the minority government;
- Secondly, two of the three regional parties were demanding either a referendum on independence (Basque PNV) or movement towards greater independence (Catalan CC), making a formal alliance with them more costly for the PSOE.

How are agreements operated and implemented?
Formal and substantive support agreements are implemented primarily through inter-party relationships, and permanent mechanisms for maintaining them at a high level. Unlike in New Zealand and Sweden, the allocation of executive positions to support parties does not feature in support arrangements in Spain.

3.1 Explaining an apparent trend towards formal minority government
A trend towards formal minority government has been observed in particular in New Zealand and Sweden and to a lesser extent in other Scandinavian countries. Along with formal agreements, permanent mechanisms to implement them, in particular mechanisms which see support parties present in government departments, has given rise to the term ‘contract parliamentarianism.’ Some analysts are critical of these formal agreements, Boston and Bullock describing the increasingly formal agreements in New Zealand as ‘unorthodox’ and ‘unprecedented in other multi-party democracies.’ While critics see them as blurring the
traditional lines of accountability of parliament holding the executive to account, others see them as giving opposition parties influence over policy in line with their electoral mandate.

Analysts explain a trend towards formal agreements as caused by a number of factors:

- Pressure to form government quickly which derives both from political culture and from the short three-year parliamentary terms in New Zealand and Sweden;
- Popular demand for stability given the effects of financial crises (in the 1990s and from 2008);
- Fragmentation of party systems: shifting alliances and substantive support agreements are more likely where the largest party holds the median policy position. Where the largest party is not the pivotal party (i.e. does not hold the median policy position), support agreements offer greater security. Where a party system is fragmented and where left-right blocks are no longer clearly identifiable, support agreements are more likely;
- The greater extent to which the budgetary process frames and structures parliamentary politics: This is caused, in particular, by the advent of multi-annual, three-year spending and taxation plans and legislation providing for fiscal responsibility (adopted by Sweden since 1996 and New Zealand since 1994). Under these frameworks there is less potential for the year-on-year and item-by-item variability and this can limit the possibility of wide-ranging support agreements under different headings. For example, in Sweden, budget matters have been central to support agreements since 1995 (i.e. in return for its support the minority parties are consulted on the preparation of a budget). Even in Denmark, where formal support agreements are not the norm, minority governments negotiate with opposition parties prior to the presentation of the budget and may offer concessions, either related or un-related to the budget, in return for their support. Written documents are an increasingly common outcome of these negotiations and they tend to be the ‘patchwork’ type (i.e. separate agreements with support parties).

Conclusion: minority government and parliament in Ireland
While Ireland is no stranger to minority governments, the minority government elected into office in May 2016 is unprecedented in terms of the proportion of seats it controls in parliament. Previous minority governments tended to be just short of a majority have relied on a small number of Independent TDs for support; Independent TDs would commit to support the government in return for (generally) constituency-focused concessions (rather than an agreement based on national policy issues). Some minority governments have been relatively stable; a Fianna-Fáil -Progressive Democrats coalition with 81 of the 166
seats had the support of 3 Independent TDs and lasted the full five-year term. The 1987-1989 Fianna-Fáil minority government, which held 81 of the 166 seats, had support arrangements with Independent TDs the most well known of which was the Gregory Deal. Others, such as the minority governments of the early 1980s, were unstable; a minority Fine Gael-Labour coalition with 80 of 166 seats lasted less than 9 months. It was followed by a Fianna Fail-led minority government which lasted from March until November 1982. 56 Farrell describes the attempts to negotiate support in the early 1980s as ‘hurried unstructured and incomplete coalition agreements followed by unseemly bargaining to secure the support of Independents or smaller parties in an effort to manufacture a parliamentary majority. 57e

The fragmented party system which has emerged from the 2016 General Election suggests that minority governments which are well short of a majority, and which must therefore seek more substantive and nationally-focused support arrangements, may become a feature of Irish politics. The evidence in this Note suggests that:

- There are two key strategies available to a minority government well short of a majority: to negotiate substantive (policy-focused) agreement(s) with one or more parties/groups or to negotiate a formal (control and supply) agreement(s), the main distinction being that the former commits the opposition party to support the government on specific pre-agreed policy area(s), the latter involves a more general commitment from the opposition party to support the government. Both are in return for specific commitments made by the minority government (either policy concessions and/or procedural issues e.g. agreement on how the support party will be consulted);
- There is some evidence that a minority government which relies on substantive agreements and shift alliances is more successful in implementing its preferred policies. Formal agreements can bring greater stability, but are considered to require a minority government to give up more of its policy preferences and involve more log-rolling or compromises;
- Parliamentary procedures which require early consultation on legislation (such as pre-legislative scrutiny or a stage where a Committee scrutinises and may amend a bill before a vote on its general principles is taken) can facilitate the implementation of both;
- The best option for a minority government when securing support in parliament will depend on a number of other factors including the position of party in the policy spectrum and whether this makes a set of policy-focused, substantive agreements with different parties/groups possible; the attitude of opposition parties and the extent
to which they are willing to support the government on some policies; parliamentary procedure and the extent to which it enables a minority government to control the agenda.

- How support arrangements are implemented varies. In all cases, support arrangements are kept in place by high-level, frequent meetings at party leader and vice-leader level; in some cases new institutions are introduced to ensure inter-party consultation involving political advisers from parties to the agreement (e.g. Co-ordination Groups in Sweden). In some cases, senior figures in support parties ensure that they gain the policy influence they have been promised by taking up executive positions. In New Zealand, this practice has been criticised as blurring the distinction between cabinet and parliament and contravening the principles of collective cabinet decision-making and cabinet confidentiality as non-cabinet Ministers are given access to cabinet papers and attend cabinet committee.
References

1. Dáil Debates, 6 May 2016, Nomination of a Taoiseach
6. Under the Constitution, dissolution requires the approval of the President
10. While it is expected that more Private Members Bills than usual will be introduced in the 32nd Dáil, it remains the case that most legislation is proposed by government; government has the resources of the civil service behind it, a proposed programme to implement and Standing Orders limit the number of Private Members’ Bills from each group/party which may be on the Order Paper. Note also that Standing Orders were amended in 2016; SO 141 now provides that where a Private Members’ Bills passes second stage the proposals contained in the bill are referred to Select Committee for detailed scrutiny and the Committee reports back to the Dáil prior to the usual Committee stage at which amendments are proposed. The Committee may decline to report.
16. A link to the Confidence and Supply Arrangement is here
24. Field (2016) p.120
26. The information here is largely from Christiansen and Damgaard (2008) and Christiansen (2011).
27 Döring, Holger and Philip Manow. 2016. Parliaments and governments database (ParlGov): Development version
30 Gallagher, Laver and Mair (2011) Representative Government in Modern Europe’ p. 434 adapted from the Western Europe: Comparative Parliamentary Democracy Archive www.pol.umu.se.ccpd
31 Bale and Bergman, 2006.
32 The 1995 contract was an oral one but since then, they tend to be written.
33 Christianson and Daamgaard, 2008, 56.
34 Christianson and Damgaard, 2008, 57.
38 Bale and Bergman, 2006, p.435
39 Bull and Bulluck, 2009, p.40
40 Bull and Bulluck, 2009 p. 49
43 Boston and Bulluck (2009) p. 40
44 Hazel et al, 2009 cited above.
45 The later date for Spain is because the transition to parliamentary democracy occurred in the mid 1970s.
46 El Pais, 3 September 2016 Rajoy pierde la segunda votación de investidura y no hay expectativa de salida hasta Octubre
47 Field, (2016).
49 Field, 2016,110.
50 See El Pais 30 August 2016, Rajoy y Rivera incluyen en su pacto 100 medidas para atraer a Sánchez
51 Field, 2016, 111-115.
52 Boston and Bulluck (2009) p.41
54 Bergman and Bale (2006) p.437
55 Bergman and Bale (2006) p.437
56 Data from How Ireland Voted series and from database