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## Will the people soon be electing the Federal Council?

Should the seven-member national government be elected by the Swiss people in future instead of by Parliament as it is at present? The Swiss People's Party (SVP) believes that it should and has submitted an initiative. The Federal Council and Parliament are opposed to the proposal. The Swiss people will now decide on 9 June 2013. By Jürg Müller

There is certainly no shortage of controversial issues and nail-biting referendum campaigns in Swiss politics at the moment. After the referendum battle over the fat-cat initiative on 3 March (see also righthand page), the Swiss people will have another opportunity to vote on an issue that will trigger fierce debate on 9 June. This time the issue is the election of the Federal Council by the Swiss people.

This is no trivial matter as it concerns a key question to do with how the Swiss state is organised. Andreas Gross, Social Democrat and spokesperson for the National Council's Political Institutions Committee, remarked in the parliamentary debate: "This concerns an issue that would fundamentally change politics in our country." The SVP in fact raised this issue back in the 1990s but it did not take action until after the de-selection of Christoph Blocher from the Federal Council in 2007. The "election of the Federal Council by the Swiss people" initiative was submitted in mid-2011.

### An end to "underhand machinations"

The Swiss people would elect the Federal Council rather than Parliament. The SVP believes this is in line with the "proven model of cantonal council elections". The initiative provides for the holding of Federal Council elections every four years at the same time as National Council elections. The French- and Italian-speaking parts of Switzerland would be guaranteed at least two seats between them, and the elections would be based on the majority system. In order to be elected, candidates would have to secure an absolute majority – in other words, over half of the votes cast.

The SVP is lauding the benefits of the election of the Federal Council by the Swiss people in the highest possible terms. It claims that the rights of the people would be extended, the system would be in line with the principle of the sovereignty of the people and the separation of powers would also be enhanced. Such an election process would be transparent, fair and would stop the "tactical manoeuvres and machinations of Par-

liament". The Swiss People's Party argues: "It is disgraceful that the Federal Council elections are constantly tarnished by underhand scheming and political calculations". Popular election would enable the nomination of high-profile figures whereas election by Parliament increases "the chances of moderate compromise candidates". A Federal Council elected by the people would be directly answerable to the people, which would result in a better control of power: "The Federal Council would no longer be able to disregard referendum decisions or neglect to implement initiatives."

### Warning against Americanisation

Arguments were put forward at various levels by opponents of the initiative and by the Federal Council during the debates in the Federal Assembly. They contended that the existing electoral system was one of the reasons for peaceful co-existence, stability and, therefore, prosperity in Switzerland. Under a system of popular election, the members of the government would be pushed to the forefront of party politics and actual policymaking would be overshadowed. The credibility of the government would be weakened because the Federal Councillors would be re-

garded as party political figureheads and the driving forces behind party election campaigns. They would be heavily involved in election campaigns in the second half of the legislative period. In addition, the national parties would be strengthened at the expense of the cantonal parties, resulting in the centralisation of politics.

Above all, Parliament would lose a key mandate, the control of the legislative by the executive would be weakened and the government's position strengthened enormously. Federal Council members and their parties would also become financially dependent on wealthy individuals, companies or lobby organisations due to the expensive, national election campaigns. National Councillor Bea Heim, spokesperson for the Swiss Social Democratic Party (SP) faction, remarked in the National Council debate: "We do not want an Americanisation of the Federal Council elections or national Federal Council election campaigns costing millions if not billions funded by goodness knows who." The SP rejects "the election of the Federal Council by the Swiss people in principle".

### The SP twice campaigned in favour

The debate over the popular election of the Federal Council is nothing new and the Social Democrats have not always been so averse to the idea. They were in fact previously ardent supporters of popular election and some individual politicians still are. Switzerland has already voted on the issue of the election of the Federal Council by the Swiss people, in 1900 and 1942 – the proposals were overwhelmingly



The incumbent Federal Councillors and the Federal Chancellor



rejected on both occasions. The proposal was submitted back then by the Social Democrats, and the reasoning was the same as that of the SVP today: the underrepresentation of the party on the Federal Council. With a 26 to 28 per cent share of the vote, the SP was the party that had the greatest support among the electorate between 1929 and 1939 at the National Council elections. Yet it was denied a seat on the Federal Council.

Despite the official party line, the issue is not off the agenda for all Social Democrats. SP Federal Councillor Micheline Calmy-Rey suggested in the "SonntagsBlick" newspaper in 2008 that the popular election of the Federal Council could provide a solution to certain problems. And the young SP National Councillor Cédric Wermuth declared during the National Council debate on the SVP popular initiative in December 2012 that the Swiss People's Party would have "found allies within the SP faction" if their initiative had been better thought-out. "Allowing the people to elect their government directly is a very democratic proposal," said Wermuth. He and two other SP representatives promptly submitted their own parliamentary initiative on the popular election of the Federal Council last December. However, this differs from the SVP's popular initiative on three key points: Wermuth calls for transparent campaign funding, a financial ceiling on the campaign budgets and an increase in the number of national government members to nine.

The receptiveness of some on the left to the basic principle of the popular election of the Federal Council might lend the SVP initiative additional momentum. It is difficult to assess what impact a change of system would have on everyday political life. However, the Institute of Political Science at the University of Berne has already produced a model calculation for the composition of the Federal Council. To sum up, the most likely outcome would be the reestablishment of the old magic formula (two seats each for the Social Democrats, the Free Democrats and the Christian Democrats, and one seat for the SVP). In terms of their share of the vote, the SVP would therefore be underrepresented. The study is heavily based on cantonal council elections, and the calculation therefore includes many unknown factors. Nevertheless, it highlights the fact that the proposal could also backfire on the SVP.

JÜRIG MÜLLER is an editor at "Swiss Review"

## Overwhelming support for "fat-cat pay" initiative

**The outcome of the referendum held on 3 March saw the approval of the "fat-cat pay" initiative and the bill on more rigorous protection of the countryside but rejection of the proposal for a better work-life balance.**

Salaries and bonus payments running into millions of Swiss francs and golden handshakes for executives have been a cause of discontent for many years. With overwhelming approval (67.9%) of the popular initiative "against fat-cat pay" put forward by Thomas Minder, the businessman and independent Council of States member, the Swiss people sent out a message that has also received much attention internationally. The new constitutional article strengthens shareholders' rights in defining remuneration for Board of Directors and Executive Board members. Severance payments will be prohibited in future.

### Vasella creates impetus

The initiative was only supported by the Social Democrats and the Greens. The conservative parties rejected it, favouring the indirect counterproposal. The Swiss People's Party (SVP) was split: the national SVP opposed the initia-

tive while numerous cantonal parties supported it. The business associations, in particular Economiesuisse, also campaigned against the popular initiative. Daniel Vasella, the departing chairman of the Board of Directors at the pharmaceutical group Novartis, created impetus in the closing stages of the fiercely contested referendum campaign. He was supposed to receive 72 million Swiss francs as compensation under a non-compete agreement. Even Vasella's decision to forego this farewell gift was unable to repair the damage caused.

### Protection of the countryside

The approval of the amendment to spatial planning legislation comes as less of a surprise. The adoption of the second home initiative last March indicated that the Swiss people regard protection of the countryside as a top priority. The bill approved by 62.9% of voters aims to reduce excessive development zones and thus combat urban sprawl.

The "family article", which sought to promote a work-life balance, was rejected. 54.3% of the Swiss people actually supported the bill, but it was rejected by 13 cantons and only approved by 10. It therefore failed to secure the cantonal majority required for constitutional bills. The referendum campaign had turned into an ideological battle between different concepts of family, gender roles and the power of the state to shape policy in the delicate area of the family. JM

### OPPOSED TO TOUGHER ASYLUM LAW

*In addition to a vote on the election of the Federal Council by the people a referendum will be held on urgent amendments to the Asylum Act on 9 June 2013. This was called by green and left-wing factions.*

The asylum system and procedures are sensitive issues in Switzerland. In the autumn 2012 session, Parliament passed a resolution to revise the Asylum Act, which was declared a matter of urgency by the National Council and Council of States. The legislative changes are primarily intended to speed up the process. Left-wing and green factions have successfully called a referendum against revising asylum law. A committee made up of various organisations, trade unions and political parties is behind the move. In addition to church and development policy organisations,

they also include the Young Socialists, individual Swiss Social Democratic Party (SP) cantonal parties and the Green Party.

The referendum committee hopes that a "clear signal against further tightening of asylum legislation" is sent out at the ballot box. The fact that refusal to perform military service will no longer be a valid reason for granting asylum has come under the spotlight. However, the committee is also opposed to new legislation under which Swiss embassies abroad can no longer accept asylum applications.

The amendments to the Asylum Act have already entered into force because they were declared urgent by Parliament. They will apply until September 2015 unless they are incorporated into standard law beforehand by Parliament. If the law is rejected by the Swiss people at referendum, the urgent amendments will cease to apply as early as September 2013. JM