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Federal referendums of February 7th, 1999

# Four issues put to the sovereign

**The sovereign will have four issues to decide on the occasion of the federal referendums of February 7th, 1999, ranging from changes in the rules for eligibility to the Federal Council to a constitutional article on transplant medicine, via the popular initiative "Home-ownership for All" and a change in the law on town and country planning.**

Apart from giving the federal authorities the competence to issue regulations in the field of organ, tissue or cell transplants, it is intended that there should be three underlying principles: human dignity, personality and health are to be protected; the donation of organs, tissues or cells is to be without charge, and

**T**he civic agenda of the penultimate year of the millennium is a particularly busy one because of the federal legislative elections on October 24th. Accordingly the Federal Council has fixed three dates for referendums

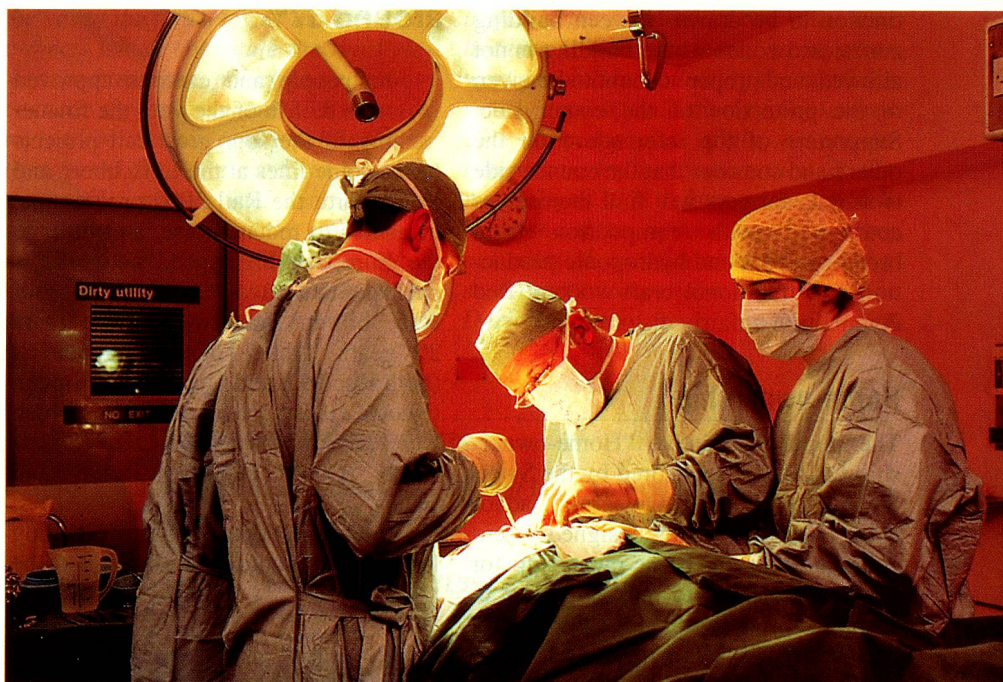
*Pierre-André Tschanz*

during the first six months and put down four issues for the first encounter with the sovereign on February 7th.

## Eligibility to the Federal Council

The members of the Federal Council are elected by the two chambers of parliament gathered together as the Federal Assembly. The constitutional provision on this point lays down that "nonetheless no more than one member of the Federal Council may be chosen from the same canton". The parliament and government would like to do away with this restriction which was introduced into the constitution in 1848, when the federal state was created, in order to prevent the large cantons dominating the Confederation. Today this provision is thought to be unsatisfactory since it can debar good candidates. In the run-up to the recent replacement elections to the Federal Council, the provision led to candidates changing their residence to avoid the impact of the restriction.

But to ensure that representation in the Federal Council is balanced, parliament and the government propose to replace the "cantonal clause" (as this constitutional provision is called) by a constitutional paragraph laying down that "the various regions and linguistic communities must be fairly represented in the Federal Council". It is generally recognised that the new text – if it should be approved by the double majority of the people and cantons on Fe-



**Transplant medicine is routine in the operating room, but there are hardly any laws governing it. A new article in the Constitution is intended to solve the problem. (Photo: Keystone)**

bruary 7th – will help ensure that there is a regional and linguistic mix within the government, while allowing, for instance, the simultaneous presence of two members from Zurich, from Berne, or from Vaud.

## Organ Transplants

Federal law contains no provisions relating to organ, tissue or cell transplants, although these are routine procedures nowadays. The fact that the cantonal regulations differ very widely makes it all the more necessary to fill this gap. Government and parliament therefore propose to lay down the principles to be applied to transplant medicine, in a new article in the constitution.

trade in human organs banned; and such organs as are available are to be shared out fairly. The constitutional article does not lay down any particular form of consent to the donation of organs. Opinions, sensitivities and procedures vary widely on this. The question will be examined when the enabling legislation is being drawn up, which is expected to be in early 2002.

## Town and Country Planning

A call for a referendum made by ecologist groups against changes in the law on town and country planning received the support of 58,000 electors. The amendment is intended to allow farmers to respond more easily to new chal-



allenges, either by putting up essential new buildings or by putting existing buildings to new uses, for instance to change over to hydroponic farming, to pursue other activities such as tourism, or to use their buildings for non-agricultural purposes.

In the view of the government and the parliament this reform consists of "controlled" relaxation of the regulations on agricultural areas. For their part the sponsors of the referendum fear that the reform may lead to an explosion of new construction outside areas where building is authorised. Berne rejects this interpretation: the limits of relaxation are strictly defined and there is no change in the principle requiring a distinction to be drawn between building zones, and zones where building is not allowed, and proper account to be given to the protection of the countryside. Supporters of the referendum on the other hand consider that the countryside is at risk, farmers will find themselves confronted with competition from breeding sheds and hydroponic production and traditional craft-workers find competition unfairly distorted.

### Home-ownership

The popular initiative "Home-ownership for All" is sponsored by the Swiss Society of Property Owners. It advocates fiscal provisions designed to encourage access to home-ownership for personal use, and to make it easier to retain it. It was handed in at the Federal Chancellery in 1994 with some 155,000 valid signatures.

Both a majority in parliament and the government recommend rejecting this popular initiative. The fiscal measures proposed would benefit above all the highest income earners and have the least impact for tax payers with modest income, frustrating the initiative's objective. The state would lose a large part of its tax income, a part moreover that comes from people who already have the resources to own their own home.

Furthermore, the initiative would probably lead to higher property prices because of the increase in demand. That again would benefit owners who do not live in their own property. All in all the initiative would mean a loss of tax receipts of the order of 500 million francs for the federal authorities and more than a billion francs for the cantons. ■

Federal referendums of November 29th, 1998

# A referendum without surprises

**Three ayes and a no: the result of the referendum of November 29th came as no surprise. The turn-out was not exceptional, hovering around 37%.**

**T**he people and cantons approved with 63.5% of the vote the financing of the four great rail projects (transalpine lines at the Lötschberg and St Gothard, the Rail 2000 programme, measures to reduce noise, and links to the European high-speed network), a package that involves expenditure of 30.5 billion francs over the next 20 years. Only Thurgau, Appenzell (both Rhodes), and Upper Unterwalden rejected these great projects, which were approved by more than 75% in Basle (City), Geneva, Ticino and Valais.

Droleg, the popular initiative calling for the consumption of all drugs to be

depenalised, was rejected decisively: the project was turned down with 73.9% of the vote and by all the cantons, with the most substantial percentages generally in French-speaking Switzerland.

The other two issues were approved. Two years after rejecting an earlier version, the people accepted the revision of the labour law, with 63.4% in favour at the second attempt. Only Neuchâtel, Jura and Fribourg failed to join the rest. The liberalisation of the cereals market turned out to be little more than a formality, with the new cereals article approved by all cantons and 79.4% of the votes cast.

DB ■

## Press Review

Most commentaries on the voting focused on the transport initiative and the Federal Council's success in all this year's referendums.

### Tages-Anzeiger

Switzerland showed courage – courage to stake a great deal on its transport policy. The overwhelming yes to the railway proposal is an impressive sign of a new self-confidence among the Swiss. The clear message is this: we want modern railways, and we want to splash out in building them.

### Basler Zeitung

Politically the Federal Council and Parliament's calculation – ensuring that there will be a transport system adapted to the future – has proved right, for the moment at least. Neither the opposition of the road transport industry to the future performance-linked heavy transport tax, nor the much more difficult campaign of the motor-car and road-traffic associations and Swiss People's

### Federal referendums

#### February 7th, 1999

- Federal decree on amendment of the conditions for eligibility to the Federal Council
- Federal decree on a constitutional provision on transplant medicine
- Federal decree on the popular initiative "Home-ownership for All"
- Federal law on town and country planning (RPG), amendment of March 20th, 1998

#### April 18th, 1999

The subjects have not yet been decided

#### June 13th, 1999

The subjects have not yet been decided

#### November 28th, 1999

The subjects have not yet been decided