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## Comment

### *Victory for the SVP, defeat for the left*

A year after the ban on minarets, a majority of Swiss voters has once again overlooked the legal reservations of the Federal Council and Parliament to approve a popular initiative, the implementation of which might bring Switzerland into conflict with international law. While the deportation initiative is not at odds with binding international law, it is however contrary to the requirement for proportionality and assessment of cases on an individual basis. Depending on how the proposal is implemented, it could also violate the agreement with the EU on the free movement of persons. The counterproposal put forward by the Federal Council and Parliament aimed to tighten up deportation practice without breaching international standards. But it was defeated in every canton. One reason for this is that the supporters of a tougher stance on foreign offenders did not have faith in it. Another is that many who opposed the initiative did not want measures to become any more stringent.

The legislator is now faced with the almost impossible task of implementing the initiative in a way that is in line with the will of the people, but also respects constitutional rights. This is now the fourth time in the past few years that this situation has arisen. This begs the question of whether a more rigorous preliminary assessment of popular initiatives might be appropriate. This would have to be carried out as early as possible and most certainly before campaigners start collecting signatures.

The tax fairness initiative did not give cause for any such debate. Almost three fifths of voters and 22 out of 26 cantons rejected minimum tax rates for high incomes and assets. Cantons that would not have had to increase their taxes and which would have benefited from the initiative, at least in the short term, also voted against it. The result can therefore also be seen as an endorsement of federalism and a rejection of intervention in cantonal tax autonomy.

The defeat of the tax initiative meant the Federal Council and parliamentary majority at least enjoyed partial success at the ballot box. The Swiss People's Party (SVP) was the big winner, while the left/green camp suffered an all-out defeat.

RENÉ LENZIN

### **Yes to deportation, No to tax harmonisation**

Switzerland is to deport foreign criminals more systematically. 53% of voters supported a Swiss People's Party (SVP) initiative. In contrast, an initiative by the Social Democrats (SP) aimed at restricting tax competition between the cantons was rejected. The turnout was 53%. By René Lenzin

Referenda on issues concerning foreigners or integration tend to attract a strong turnout. As with the ban on minarets in November 2009, the turnout for the deportation initiative also exceeded the average in recent years. The intensive campaigns and the demonstrations, some of which unfortunately turned violent, after the announcement of the results highlight just how emotional these issues are.

The rallies were in opposition to the Swiss People's Party (SVP), which had launched the initiative and was able to celebrate a major victory. 53% of voters and 20 of the 26 cantons backed the SVP proposal. All the French-speaking cantons – with the exception of Valais – and Basel-Land voted against it. A close look at the voting map shows that besides the split between the German and French-speaking parts of the country, there was also a divide between urban and rural areas in German-speaking Switzerland. Rural regions voted in favour, while urban areas tended to vote against. The counterproposal put forward by Federal Council and Parlia-

ment did not stand a chance and was rejected by over 54% of voters and all the cantons.

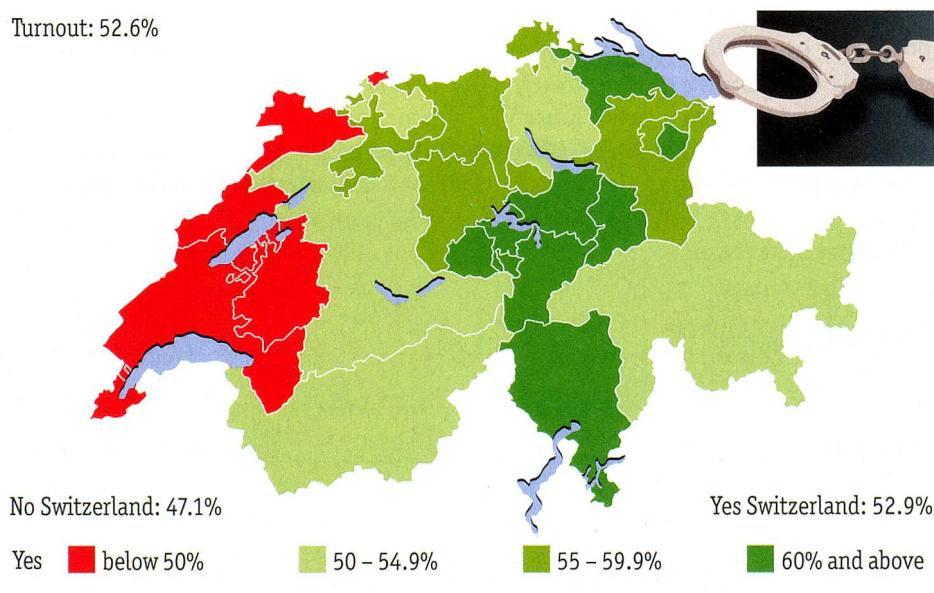
The popular initiative that has now been passed requires foreigners to be deported from Switzerland without exception if they "have been convicted of premeditated homicide, of rape or other serious sexual offences, of other violent offences such as robbery, of people trafficking, of drugs trafficking or of burglary". Foreigners who have "abused the social insurance or welfare benefit systems" also face deportation. Instead of specifying individual offences, the counterproposal had focused on sentencing as the criterion for deportation. It had also aimed to take greater account of obligations under international law and had provided for mandatory measures to ensure better integration of the foreign resident population.

### **Tax initiative heavily defeated**

Voters rejected a popular initiative by the Social Democrats (SP) for restrictions on tax competition by a surprisingly clear margin. The SP wanted to stipulate minimum

### **Referendum - Deportation Initiative**

Turnout: 52.6%



## February referendum: Weapons initiative

cantonal tax rates for taxable income upwards of 250,000 Swiss francs and taxable assets of two million Swiss francs or more. However, 58.5% of voters and 22 of the 26 cantons rejected the initiative. The strongest opposition was found in the rural regions of central and eastern Switzerland which would have had to amend their tax rates had the initiative been approved. 80% of voters in Nidwalden, Obwalden and Zug voted against the proposal, while opposition in Schwyz was almost as high. With the exception of Basel-Stadt, all other German-speaking cantons also opposed the initiative. Ticino and the three French-speaking cantons of Fribourg, Vaud and Valais also rejected it. Those in favour, in addition to Basel-Stadt, were Geneva, Jura and Neuchâtel.

On 13 February, the Swiss people and the cantons will vote on the popular initiative entitled "Protection against armed violence". It calls for the storage of military weapons in an armoury and a national weapons register. It also demands evidence of the need to purchase and use weapons as well as competence in using them. The campaigners say that around 300 people die in Switzerland each year in incidents involving firearms. If these were not so readily accessible, fatal irrational acts could be avoided. The initiative also calls for a better system of control for the 2.3 million weapons kept in private households. The parties on the left and the Greens are backing the initiative, while the Federal Council and the conservative parties are opposed to it. They argue that existing measures aimed at protection against armed violence are sufficient. They say that weapons can be deposited at armouries voluntarily and that keeping weapons at home is part of Swiss military tradition and an expression of the state's trust in its citizens. RL

## Warning shot for Calmy-Rey

Micheline Calmy-Rey is elected Swiss President by the tightest margin since the introduction of proportional representation. By René Lenzin

The complete re-election of national government and the election of the President of the Swiss Confederation are repeatedly used by Parliament to settle party-political and personal scores and to fire warning shots. However, no member of the Federal Council has ever been as badly hit as Micheline Calmy-Rey. The United Federal Assembly elected her Swiss President for this year with just 106 out of 246 possible votes. Only a large number of absences and invalid or blank ballot papers saved her the humiliation of a second round of voting. It is the tightest margin since the introduction of proportional representation in 1919.

The 65-year-old Social Democrat from Geneva was punished mainly for the Federal Council's handling of the affair concerning the two Swiss hostages in Libya. After Hans-Rudolf Merz, who has since stepped down, the Foreign Minister was seen as the person most responsible for an uncoordinated and disunited government policy on this issue. Conservative politicians in particular also levelled criticism at her for going it alone and demonstrating a lack of discretion in other matters as well. Calmy-Rey took the result in her stride and played it down as "insignificant political gamesmanship". Having already held office in 2007, she is serving as Swiss President for the second time. She is widely expected to stand down at the end of the year.

Parliament elected Eveline Widmer-Schlumpf as Vice-President. However, her re-election to the Federal Council in a year remains far from certain.

### Referendum – Tax Fairness Initiative

Turnout: 50.9%

