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# A breath of fresh air for direct democracy

On 25 November, the Swiss electorate torpedoed the SVP's Self-determination Initiative and the Horned Cow Initiative, but gave their backing to "social welfare detectives". Civil society groups set the tone on all three issues.

JÜRG MÜLLER

Swiss international relations, agriculture, insurance – it was a voting Sunday with a typically Swiss blend of topics. The Self-determination Initiative (SDI), a proposal by the Swiss People's Party (SVP) for Swiss law to take absolute precedence over international law, dominated the agenda. A vote in favour of the SDI would have altered the way in which Switzerland treats international agreements whenever there is a conflict between Swiss constitutional law and international law. National law would have automatically taken precedence. Opponents said that this would have been like a straitjacket, preventing scope for flexible solutions and compromises. In their view, it would have jeopardised international treaties and undermined stability and legal certainty.

In the end, the initiative was overwhelmingly defeated with 66.2% opposing it. Compared to domestic voters, the proportion of Swiss Abroad who rejected the proposal was even greater. The SVP could only mobilise their own electoral base. This is a remarkable outcome because it bucks the isolationist trend that is gaining momentum in many other countries. Burgeoning nationalism in places like the USA, the UK, Hungary, Poland and Italy has called overriding legislation and the role of international organisations into question and seen increased support for the idea of "going it alone".

## A shattering defeat for the SVP

On this occasion, things turned out differently in Switzerland for a number of reasons. For most voters, the issue was probably too abstract and too disconnected from real everyday concerns. People also feared the economic and political isolation, as well as the legal uncertainty that might ensue for a small country like Switzerland in an already fragile international environment. Warnings from opponents that approval of the initiative would have ultimately resulted in Switzerland withdrawing from the European Convention on Human Rights are also likely to have played a major role. This and other imponderables appear to have spooked the electorate and paved the way for a pragmatic "no" vote.

It is a shattering defeat for the SVP, not least because it precedes an election year (see article on page 6). In the run-up to the ballot, SVP National Councillor Magdalena

Martullo-Blocher referred to what she called "probably the most important vote since the refusal to join the European Economic Area" in 1992. More or less declaring the proposal to be one of her party's key priorities, her remarks increased the stakes. However, opponents of the initiative raised their game. Civil society groups were already manoeuvring into position before petitioning for the SVP's popular initiative began in 2015. By coordinat-



**Magdalena Martullo-Blocher** declared the Self-determination Initiative to be one of the SVP's key priorities. But her party suffered an emphatic defeat.

Photo: Keystone

ing themselves at an early stage, Operation Libero and the civil society alliance Schutzfaktor M attracted the support of around 120 organisations and claimed the high ground for themselves. In the end, the SVP found themselves on their own because all the other political parties – and the umbrella organisation for the Swiss business sector, economiesuisse – opposed the initiative.

Probably realising how difficult the battle was going to be, the SVP dropped their familiar aggressive style and tried to appeal to the centre ground with a softly-softly campaign. The SVP logo was nowhere to be seen on most posters and advertisements. Friendly young Swiss smiled from billboards instead, along with the sanitised slogans "Yes to self-determination" and "Yes to direct democracy".

## A minor sensation for the "horned cow rebel"

One of the SVP's key campaign messages was that they wanted to strengthen direct democracy. The Horned Cow Initiative, on the other hand, was an impressive example of just how healthy Swiss direct democracy already is. Although the proposal was rejected, with 45.3% of votes in favour, it fared much better than an initiative tabled by the country's biggest party – and thereby became a minor sensation.



**Mountain farmer Armin Capaul – “father” of the unsuccessful Horned Cow Initiative.** Capaul’s popular initiative might not have had the same ramifications as the other votes, but the media interest that it generated at home and abroad was tremendous. Photo: Keystone

Mountain farmer Armin Capaul only resorted to his popular initiative after getting nowhere in various interventions at administrative and political level. With a handful of helpers, he collected some 120,000 signatures more or less single-handedly. Capaul wanted to include a provision in the Constitution stipulating that the federal government subsidise farmers who keep cows or goats with horns. His argument was that the practice of disbudding is a cruel form of mutilation that violates an animal’s dignity. Subsidies were necessary in his view because farmers need more land to rear horned cows. The counterargument was that cattle with horns are dangerous, and that the motion could even do the animals more harm than good, given that many farmers would tether their horned livestock instead of housing them in free-stall barns. Only the left-leaning Greens supported Capaul’s campaign. Nevertheless, the herder and his cause received considerable media and international attention.

The referendum on “social welfare detectives” had no chance. Instead, 64.7 % of voters clearly endorsed the statutory basis for carrying out covert surveillance on insurance claimants. Opponents believe the law goes too far. They fear that investigators working for social security agencies will be able to spy on potential fraudsters all the way into their bedrooms, thereby violating the fundamental right to privacy. The Federal Council, Parliament and

the parties on the centre-right and right argue that insurance fraud undermines public confidence in the social security system, and weakens social solidarity and the willingness to share the cost burden.

### Fresh competition for political parties and associations

These three very different issues and the campaigns surrounding them have one thing in common – they are all indicative of a relatively recent phenomenon in Swiss democracy. Political parties and associations – Switzerland’s traditional referendum vehicles – are facing serious competition from various groups within civil society. The referendum against “social welfare detectives” originated from an unprecedented online movement organised by a quartet of activists, while the Horned Cow Initiative was the brainchild of one individual. Even the campaign against the SVP initiative was coordinated by a non-ideological alliance of extremely well-connected, influential civil society groups spanning the political divide and operating mainly outside the traditional party-political spectrum. The Federal Council, Parliament, political parties and associations had better prepare for fresh competition. Political processes might become more complicated and difficult to control as a result, but this is good news for direct democracy.