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# The Swiss Observer

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## COMMENT

### SECURING AGREEMENT BETWEEN TENANT AND LANDLORD

Excessive rents and exploitation of tenants can be considered as part of the "unacceptable face of capitalism". Without upsetting the mechanism of a capitalist economy, the Swiss Government has all the same attempted to reduce its ill effects in the field of housing. A persistent shortage of housing and the general boom in the economy have led to a tremendous demand in housing — hence speculation on land, high rents and increased costs.

Part of the Government's struggle against this situation consisted in creating, in June 1972, "conciliation commissions" in the main cities and communes. Managed by local and cantonal authorities, these commissions bring together delegates from tenants and owners associations and try to bring about a peaceful settlement when an aggrieved tenant lodges a complaint. House owners are usually represented by estate agencies. Ninety percent of flats in Geneva are managed by agencies on behalf of their owners — who are usually very wealthy individuals or companies.

Conciliation commissions offer their services free of charge. When a tenant disagrees with a rent increase acceptable under the terms of the lease agreement, he can call the commission for advice and be given the opportunity to meet the other side. The public servant running the commission will often intervene actively to bring about a compromise solution. A settlement is in fact achieved in 70 per cent of cases although in Geneva, which suffers from a serious housing problem, the commissions only bring the two parties to an agreement in 50 per cent of cases. The aggrieved tenant can then either go to court or abandon his case and pay the required rent.

The framework within which these commissions operate is very loose, and a recent study has shown that they worked

on widely different lines according to local conditions. This is because the Federal Decree which gave birth to these commissions is rather vague and gives them a wide margin of initiative. Commission chairmen are not given guidelines on how to act in particular circumstances and must improvise. The principles these chairmen are to base their judgment on are set out in the decree:

— The proposed rent must be within the limits of rents demanded in the same area for comparable flats or premises, due account being taken of their site, age, condition and disposition.

— Rent increases must be justified by the rise in the cost of living or by the extra service supplied by the lessor.

— Rents applied for recently-built flats should be calculated so as to allow for an acceptable gross yield and to cover costs. When the cost of land or construction has been obviously exaggerated, it is not possible to invoke this fact as an argument to put up rents.

— Rents should only aim at preserving the purchasing power of the risk capital that has been invested in the rented object.

— Rent increases should not go above limits recommended in general agreements between lessor and lessee associations.

The many conciliation commissions in operation for the past year have found these principles insufficient and partly inapplicable. For example, they can't always apply the notion of "standard rent" for an area because of the great variety of rents that already exist for similar premises in some areas. Calculating the purchasing power of risk capital, defining the value of additional services by landlords and knowing when the cost of a site has been excessive are some of the problems the 30th June 1972 Decree sets forth without answering.

This empirical system has nevertheless achieved satisfactory results. About 3000 cases have been examined in Geneva, and similar figures are recorded in other towns.

# HOME NEWS

### BERNE ACTS AGAINST THE "BÉLIERS"

The recent occupation of the Belgian Embassy in Berne and the heckling of a Bernese official at an annual event at Saignelegier have prompted the Berne Government to act against the Béliers Separatist movement in the Jura.

The Bernese Executive has decided to bring charges on the second of these two incidents. A group of separatist militants prevented the President of the Bernese Executive Council from making a speech at the *Marché Concours*, an annual event which attracts more than five thousand people. The meeting was seriously disrupted by bangers and smoke bombs. The hall had to be evacuated and some damage was caused to the band's musical instruments. Charges will also be brought against the Béliers for having recently occupied the Delémont Police headquarters.

Following these incidents, the Executive have asked the Supreme Court of Berne to name a magistrate to enquire into the actions of the Group. It has also proceeded with a revision of present legislation so as to strengthen repressive measures against such actions in future. It will ask the Great Council (Parliament) of Berne for extra credits of 430,000 francs to keep a small force of police on 24-hour alert.

These measures were stated to be in "defence of the security and freedom of the Jurassian population".

Mr. Roland Béguin, General Secretary of the *Rassemblement Jurassien*, the main Separatist Organisation, said that Berne was attempting to "protect its régime of domination over the Jura." The Béliers warned that they would "fight till the final victory, whatever police and legal reprisals might be".

Several papers wondered whether it was wise for Berne to react as strongly as that. The *Tagesanzeiger* recognised that the Béliers created a problem by their constant flouting of constitutional order in the Canton but questioned the wisdom of "hitting the table with the fists". As for the Socialist *Tagwacht*, it has no doubt that Berne over-reacted against the "Cowboy and Indian games" of people making themselves ridiculous and isolating themselves from the Jura's population. The paper said that the Béliers were not worth so much trouble and suggests that the set of measures was an act of personal vengeance by the head of the Cantonal government for having been prevented from speaking at Saignelegier.

P.M.B.