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**Best Not To Exaggerate: The
Complexities of Swiss Political Change**

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Abstract

Immediately after the 18th October 2015 elections there was much exaggerated talk about a massive swing to right in Swiss politics, reinforcing what some observers saw as a Weimar-like moment leading to the triumph of conservative populism. This was an overstated view, even if the elections did lead to the reinforcing of the SVP position in government. So far, thanks to the elections to the Upper House, the way the Swiss People's party behaved over the election of the government and the results of the 28 February votation, this has not led to a policy shift or a structural paradigm change. Rather, the elections were but another stage in what has become a long drawn out polarized struggle between inward and outward looking political forces. However, 2016 was to see a new popular mobilization against the People's Party's proposals on the treatment of foreign criminals, which saw populist tactics being successfully deployed against the populists. This too gave rise to exaggerated assessments of its significance. In any case, the limits to the rightwards shift has meant that the key question of Swiss relations with the EU has not been resolved. In fact, it has become more complicated because of the impact of the UK referendum on EU membership. Increasingly the Swiss feel that a Brexit could cause them problems. This means that the frequently over-praised Swiss model now appeals less to Brexiteers. At the same time, the continuation of stand-offs in Swiss politics is not without dangers.

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INTRODUCTION

When the results for the October elections to the Swiss parliament were known, they were immediately hailed, at home and abroad, as a landslide victory for the right.¹ On the one hand, it was claimed that the whole country had shifted to the right. On the other, more specifically, the press hailed a Swiss People's Party (SVP) triumph and foresaw the party having a veto on policy. These changes were seen as having been motivated by increasing fears of migration. So the elections had implications for a hardening of Swiss policies on EU as well as migrants. And, at the same time, polls suggested that the election would be followed by a crushing populist victory on implementing a key element of SVP led policy on foreigners.

Moreover, some leading Swiss politicians interpreted such events as a paradigm shift in the nature of Swiss democracy.² For them, the concordance and consensus model was, at worst, no longer functioning, because it was giving way to a plebiscitary democracy, as Steinberg says, or was in a situation comparable to that which presaged the fall of the Weimar Republic. Thus parliament and government were continually being undermined while extreme parties could all too easily combine to block sensible legislation. And basic principles of Swiss concordance politics, like proportionality, were coming under threat. Or, at best, it was at the beginning of a damaging crisis, as former Minister Pascal Couchepin saw it.³ In other words, Swiss democracy was surprisingly fragile and on the cusp of a damaging paradigm shift. Yet, three months later commentators were hailing the establishment of a revolutionary new anti-SVR popular movement.

In both cases, the reality is more complex (and less black and white) than such analyses suggest. While it is true that the election reinforced the SVP's parliamentary position and enabled it to regain a second seat in government, it did not produce a policy revolution. Indeed, just as the election campaign had eschewed detailed policy discussion, so the stagnation on the two key issues, migration and EU relations, continued. And, when on 28 February the SVP's implementation initiative, designed to remove governmental and judicial

¹ C H Church 'Error! Main Document Only. Europe and the 2015 Swiss election: On not jumping to majoritarian conclusions' Available at <https://epern.wordpress.com/2015/11/05/europe-and-the-2015-swiss-election-on-not-jumping-to-majoritarian-conclusions/> and 'No Regime Change Just Yet ? A Comment on the 2015 Swiss Elections' in [CPG Online Magazine](http://www.cpg-online.de) 2016/1 pp. 28-36. Available at www.cpg-online.de

² J. Steinberg *Why Switzerland?* 3rd ed CUP, (2015) p. 317; F. Steinegger quoted by U Windisch >Le PLR a peur de se faire bouffé par l=UDC= in *Le Temps* 4 January 2015 p. 3

³ P. Couchepin 'Notre système connaît un début de crise' *Tribune de Geneve* 17 February of <http://www.tdg.ch/Suisse/couchepin-systeme-connaît-début-crise/storie>

flexibility in application of the decision to expel foreigners guilty of crimes, came before the people it was fairly decisively defeated, and done so by forces which proved able to turn populist tactics against the SVP, while developing much better organizational structures.⁴ This too produced a general over-estimation of its importance.

Nonetheless, the exaggerated expectations of mid-October have been qualified in three ways. Firstly, as the SVP suffered something of a defeat during the second stage of the elections. Secondly, its desire to get a second seat in government led it to make more emollient choices than in the past, something which seemed to presage a less aggressive strategy in future. And, thirdly, assumptions about its inevitable victory were stood on their head on 28 February because it was unable to make direct democracy superior to normal politics, suggesting that consensus politics may be fighting back.

So there has been no systemic shift towards populism. Nor have the elections led to any significant policy shifts in relations with the EU, which remain a major divide between the parties of the right. These continued to stagnate. And they have not been helped by the decision to hold a British withdrawal plebiscite. This has added to Swiss uncertainties and complexities.⁵ Swiss opinion is becoming aware of the difficulties a Brexit might cause.

All this has also called into question some of the exaggerations about the relevance of the so-called 'Swiss model' for the United Kingdom. For while British Eurosceptics often hanker after a Swiss-style relationship with the EU, the new situation means that Switzerland does not offer the kind of lessons or model which British Eurosceptics have been prone to admire. Swiss voices are increasingly arguing against this. And some Brexit opinions are beginning to recognize the problems with the Swiss offering.

In all three cases, in other words, the initial reactions have exaggerated the extent of change and ignored both the complexities of Swiss politics and the relative slowness with which they change. Rather than dramatic shifts, what has come out of the elections is yet more difficult confrontations – which are more tripolar than purely bipolar⁶ with swaying fortunes. So the policy outlook remains very uncertain, notably for EU relations, and the associated questions of migration.

To make all this clear, this article starts by looking at the political situation prior to the elections. It then goes on to consider the four stages of the election process. Next it analyses the position of the SVP afterwards and the implications of this for the balance of parliamentary politics and direct democracy. The 28 February votation and its implications then come under the microscope, along with the evolution of key policies, on Europe and migration and the ways these have been complicated by the British referendum. Finally, an attempt is made to evaluate the longer term prospects for Swiss democracy.

1. THE BACKGROUND

⁴ L. Bernhard 'The 2015 Swiss federal elections: the radical rights strikes back' *WEP* 39/4 (2016) 879-99

⁵ Cf David Chater 'The Swiss trade on their independence' *Times* 19 May 2016 pp. 18-19.

⁶ HP Kriesi 'The Political Consequences of the Polarization of Swiss Politics' *Swiss Political Science Review* 21/4 (2015) pp. 724-39

The complexities of Swiss politics go back well before the elections. In fact, the run up was dominated by questions of foreigners and migration in two ways. On the one hand, the popular acceptance of the SVP's 'stop mass migration' initiative on 9 February 2014 raised the question of how the initiative's new rules could be reconciled with the country's existing bilateral relations with the EU, which include free movement agreements. While the government accepted the votation in principle, it soon found that fulfilling its terms was extremely onerous, partly because of domestic resistance to likely solutions. Moreover, EU rejection of any breach in the sacred principle of free movement also held things up. This acted as a further damper on general relations with the Union, which had been stagnating for several years since the latter had made it plain that it was no longer willing to persevere with the bilateral approach since this did not provide legal certainty, adaptability or administrative simplicity.

On the other hand, the elections were held just as the massive surge of migration from the Middle East and beyond began to hit the wider Europe. Although most Syrians and others wanted to go to Germany and travelled well to the east of Switzerland, the Swiss were very aware of what was going on. And they became even more fearful of migration than they had been. This affected not just ordinary voters but the political parties as well.

While the surge played into the SVP's hands and led some to expect a revival of the party's onward march – notably in cantonal parliaments - which seemed to have been somewhat checked after 2011, it was a considerable embarrassment for the other parties. The latter were aware of voter unease about Europe and foreigners. Hence, to an extent, they played down these issues. Instead, they concentrated on achieving specific targets in terms of parliamentary seats. Hence, in August 2015 the SVP gave asylum and the EU a major boost as themes and, as will be seen, they were always there in the background.

All this seems to have encouraged a further shift to the right in what was already a very conservative country. Cantonally, over the previous four years the SVP had increased its share of seats in local parliaments by 16, taking it to 580, a little ahead of the Radicals on 545. The Social Democrats gained ten to take them to 455, just ahead of the Christian Democrats, traditionally the strongest party in this area, on 452. They lost 30 seats whereas the Greens lost 26, taking them to 176. The Radicals victory in the spring elections in Zurich in April (when they increased their vote by 4.4% and gained 8 seats) coupled with defeats for the Social Democrats in Basle City and Lucerne, set the tone.

So, in a March poll, the SVP's support had risen to 26.2% redressing its losses since 2011, while the FDP did even better, rising to 16.3%. Despite a recovery in 2014 the CVP, at 11.8%, was still down on 2011. And while the SPS was up on 19.6%, well above its 2011 level, this was still lower than it had been in 2014. The SVP maintained its position into June while the FDP made further gains, rising to 17.1% and the CVP continued to drift downwards, as did the Social Democrats. However, in the final, September, poll, the latter held their own, ending on 19.3%. The Greens remained stable on 7.4%.

However, the other parties also had to be aware of the implications of the SVP's skilful use of direct democracy on the country's institutional structures. For Christian Levrat of the Social Democrats and others, the elections would see a SVP grab for power, with two hard line Federal Councillors and thus a return to the unhappy situation which had prevailed between

2003 and 2007 when Blocher had been in government.⁷ And, like Steinegger and others, Levrat could see the similarities to Germany in the 1930s. So there was an important systemic question to be solved as well as the normal electoral struggles. All this was to influence the way that many observers were to interpret the election results even though the campaign revealed a much more complex and less dramatic Switzerland.

2. THE ELECTION CAMPAIGN

Swiss election campaigns never seem to be terribly exciting but that of 2015 was generally seen to have been duller than most, to the point that some said it had no content or political bite at all. Even the SVP refrained from using overly inflammatory posters. Certainly detailed policy prescriptions were rarely offered and an increasingly large amount of attention was given to the question of government formation after the election. Indeed, Bernhardt talks of its 'reliance on superficialities'. And, overall, it was entirely peaceful save for one ultra-left attack on an SVP rally and some defacing of posters. It did, however, take place on slightly different lines from the past because redistribution of seats after the last census had seen Berne, Neuchâtel and Solothurn lose a seat each to Aargau, Valais and Zurich. And 36 MPs stood down, 25 of them in the National Council.

Nonetheless, the election campaign was significant in many ways and does have pointers to the future. Thus, it shows that politics mattered to the Swiss. On the one hand, it attracted more candidates than ever before. 3,788 candidates sought the 200 National Council seats, some 10% up on 2011 and 25% up on 2007. Zurich and Ticino were amongst the cantons with the largest increases. Only Vaud and Schwyz had fewer candidates. There was also an increase in the number of lists with well over 410 compared to 365 in 2011. This included large numbers of alliances. Thus the CVP allied with right, centre right and centre parties in different cantons. However, the old Bernese tie up between SVP and FDP was not resurrected. For the Council of States, there were 160 candidates for the 46 seats, compared to 154 in 2011 and 134 in 2007. All this shows that people took the election seriously, perhaps recognizing the new influence of parliament.⁸

Moreover, on the other hand, parties were also willing to put money into campaigning, so that it was described as the most expensive campaign ever. The FDP budgeted 3.25 million for the campaign, the SVP probably about the same although it is notoriously reluctant to give figures. The Social and Christian Democrats probably spent just under a million francs each, the smaller parties very much less. In fact, the CVP seems to have spent less than it did in 2011. Nonetheless, some 2 million had been spent by June and the final total must have been over 10 million CHF. This too shows that people valued the elections.

Equally, the campaign started very early, with some parties launching their campaigns in September and October 2014. With the increasing use of postal voting, parties had to be active early so as to be able to stand out later. Generally, the campaign stayed true to traditional methods, notably big public meetings, though there was more use of Facebook, notably by the SVP. The latter also took two page adverts in most major newspapers. It also held the first ever political meeting in a railway station, in Zurich, thanks to new rules and

⁷ 'Christian Levrat:' Les partis de droite tentent de prendre le pouvoir' <http://www.bluewin.ch/infos/suisse/2015/7/16/christian-levrat---le>

⁸ Church, [op.cit](#) Chapter 6

many of its meetings were full of dialect and folklore, often conjuring an idyllic Switzerland of the past, not to mention beer and sausages. It also had a campaign song.

The Social Democrats made great use of phone calling potential voters to generate support. Where television was concerned, there were fewer debates than before and more of those which were held took place in parliamentary buildings and not in the TV studios. The state provided an online guide called 'Wahlen 2015' but also held cantons back from using electronic voting. The 'Easyvote' website also sought to encourage the young to vote.

What did the parties want? Very often, as already noted, they phrased their aims in terms of specific percentage and seat gains. The SVP campaigned under the slogan 'Stay Free' which had a moral and anti-EU flavour to it. This was backed by frequent use of its 'Watch Dog' Willy cartoon character, symbolic of its appeal to security as well as liberty. It wanted not just to hold on to its existing electorate but to win others over so that it could achieve 30-33% of the vote which would make it far stronger. The Lega and the MCG also hoped to add to their seats.

In the centre, the BDP wanted to hold on to its 5.4% share of the electorate and perhaps gain three more seats (from abstentionists if they could) while the CVP, with whom it had unsuccessfully sought a merger, aimed at increasing its vote to 14.3% and taking one more National Council seat. The Green Liberals hoped to hold their own and stabilize at 7 or 8%. The Radicals sought to become the second largest party at the expense of the Social Democrats, realizing they could not hope to catch the SVP. So their leadership stressed the need for an active and innovative campaign.

On the left, the Social Democrats concentrated on working to prevent a new conservative dominance and claiming 20% of the vote. At the same time, their enthusiastic Youth section went off at extreme tangents. This indeed was true of other Youth sections. The Greens stressed policy continuity despite their disappointments in recent years. They hoped to hold seats in Basle City, Valais and Vaud. The far left no doubt hoped to build on their recent breakthrough in Neuchatel.

However, none of this stopped there being a series of recurrent themes, even if some participants wished that this was not so. Asylum and migration seems to have come first in voters' minds, followed by the EU, welfare, unemployment and the environment trailed in below them. NOMES, the main pro-EU campaigning body, wanted to make Europe a key theme in the elections but circumstances were against it. And the SVP constantly argued that the other parties were trying to dismiss asylum as an issue. The fact that the press focussed coverage far more on the SVP and the FDP, at the expense of the left, ensured that asylum remained at the forefront of people's minds, if this was needed given the flood of articles about more people seeking to gain entry to Europe, and in the case of one toddler, drowning in the attempt. Moreover, in 2015 there was nothing like the Fukushima nuclear disaster to divert voter's attention from migration, as had happened in 2011.

Moreover, whatever the poll findings and the efforts of campaigners, the campaign did not succeed in achieving one key aim; raising the turn out. This was only 48.40%, some 0.5% down on 2011, though above every other election since 1983. Turnout fell in 11 cantons while three were stable and nine showed a rise. As normal, Schaffhausen was the highest with 62.65%, followed by Obwald with 59.51% and Nidwald on 58.3%, figures which suggest that compulsory voting rules have only a limited effect. Valais was the highest in the

Suisse Romande; and Neuchatel, at 42.35% was the lowest in the country. None of the figures suggest that the campaign persuaded the larger public that the election was potentially a real game changer.

3. NATIONAL COUNCIL RESULTS

However, this was the way it was generally received. So, when the results were known, despite the turnout and despite the lack of policy argument in the campaign, observers made way too much, of them. In fact, the immediate response to the actual results was to accentuate the rightward shift. Admittedly the SVP did emerge with a historically unparalleled 29.4% of the vote and 11 more seats, taking it to a new high of 65 seats. This represented a gain of 2.8% on its disappointing 2011 result.⁹ The party, moreover, lost no seats. Although it is now the largest party in most districts and continued to attract former Social Democrat voters, its main gains came in its German-speaking heartland. This included seats in: Appenzell AR, Aargau, Berne, Graubünden, Lucerne, Schwytz, St Gallen, Uri and Zurich. These probably came from new or occasional voters with right-wing sympathies. It also won extra seats in the bilingual cantons of Fribourg and Valais. Overall, four of its gains came from the Socialists, two from the Radicals and the rest from the centre parties.

Exit polls also suggested that, while the party did well on the fringes of agglomerations, it did much less well in the big cities.¹⁰ There its share of the vote never passed 17%. It was also somewhat weaker in several smaller cantonal capitals. This points to the continuing division between two Switzerlands: the urban and outward looking as against the rural and introverted.

What struck many observers, however, was that, at the same time, the Radicals gained 1.3% and three seats, ending up with 16.4% and 33 seats. They lost seats in Appenzell AR, Neuchâtel and Uri but won in six other cantons. Moreover, this was the first time in years that the party had not lost votes. The Christian Democrats also won a seat in Valais, although losing two in Solothurn and Basle City respectively. Overall the party lost less than normal, going down by only 0.7% and one seat to 11.6% and 26 seats. All this was interpreted as giving the right an overall majority in the National Council, justifying the talk of a swing to the right.

The Social Democrats, however, remained the second largest party with 18.8%, a very marginal decline from 2011. They won 43 seats, three fewer than in 2011, doing well in urban areas, winning two seats in Zurich, while losing in Aargau, Fribourg, Schwytz, Valais and Vaud. And in the biggest cities they won over 30% of the vote. Their rivals-cum-allies on the left, the Greens, lost 1.3% and 5 seats, leaving them with 7.1% and ten seats. They did win a seat in Basle City while losing elsewhere, largely in Western Switzerland. Unusually, the Marxist Parti Ouvrier Populaire won a seat in Neuchâtel, strengthening but also complicating the position of the left, since the MP joined the Green group.

In fact, the GPS loss was part of a wider pattern since the gains made by the SVP and the Radicals came mainly from the ecologists. In fact, most of the 14 seats won by the two main right wing parties took some 14 seats from them. So the Neu Mitte as it had been described in

⁹ CPG On Line Magazine 2016/1: 'Switzerland: a landslide election which shifts only 4% of the vote'. www.cpg-online.de

¹⁰ 'l'UDC ne parvient pas a s'imposer dans les villes'. [Tribune de Geneve](http://Tribune_de_Geneve). 13 April 201. Available at www.tdg.ch/suisse/udc-parvient-simposer-villes/story/19793456

2011 suffered very badly. Thus the centrist Green Liberals lost 1.2% and 5 seats and ended with 4.6% and seven seats. The other centrist winner from 2011, the BPD, lost 1.3% and two seats ending up with 4.1% and 7 seats. However, the centrist Evangelical People's party (EVP) held on to its two seats.

So how far was there a 'slippage' to the right, rather than a continuation of normal low volatility patterns? Was it the 'tectonic' shift to the right some claimed? Certainly, the SVP and FDP did make gains but it was sloppy thinking to assume that the right was a really unified force. It was a very variegated matter. Thus the two regional far right parties maintained their place: the Ticinese League winning two seats and the Genevan Citizens' Movement (MCG) one. However, none of the Swiss parties managed to achieve the number of voters and seats they had hoped for. And Pegida, which stood as the 'Swiss Direct Democratic' party in three eastern cantons, gained no seats. Nor did the right-leaning Ecopop movement.¹¹ Nonetheless, the National Council ended up hosting eleven parties, showing that Swiss political pluralism was alive and well. And there was no landslide.

In fact, the kind of breakthroughs recently found in Scotland and Canada are just not possible. Unprecedented though the SVP's figures are, they are still not large enough to allow the party to re-shape politics and the polity in the way that parties with large majorities can do in first past the post systems, even if it is shaping the political agenda. In fact, the elections to the lower house just reinforced tripolarity. And, in any case, the SVP's gains only really restored it to where it was in 2007. Had it not forced its moderates out and into the BPD, it might probably now have even more seats. So, there were already limits to the move to the right. And these were to be reinforced by elections to the Council of States which were far from replicating those in the National Council.

4. STÄNDERAT RESULTS

Initial over-estimation of the significance of the SVP's renewed rise was called into question, firstly, by the elections to the cantonal chamber. These proved to be disappointing for the SVP. Admittedly they did not, as in 2011, see their star players brutally defeated, but their low key approach proved no more successful. Thus the SVP's campaign manager, Albert Rösti, threw in the towel early as the hostile results from Berne city began to come in, conceding defeat to the BPD's Lugginbühl. So, thanks in part to a strong incumbency effect, the party was only able to hold its five seats, making no gains.

It maintained two seats in Schwyz and one each in Glarus, Schaffhausen and Thurgau. This was 10.8% of the seats compared to the 32.5% they won in the Lower House. And when one of its star performers, Jean-François Rime, gambled on standing in the second round in Fribourg, without having entered in the first round, he was soundly beaten, ending up 21,000 behind the winners. Very often its candidates trailed badly, especially in the bigger towns and cities. However, the independent Thomas Minder, who has links with the party, did hold his seat in Schaffhausen.

¹¹ The Vereinigung Umwelt und Bevölkerung / Association Ecologie et Population is a pressure group seeking population reduction because of the pressure being placed on natural resources. It launched a significant but ultimately unsuccessful initiative to cap Swiss population growth in 2011.

Many observers correctly attribute this poor performance to the party's hard line, which is good at attracting core voters in the PR elections for the National Council but bad at encouraging the alliances needed in the very different Upper House elections. This is largely because the SVP is often seen as an oppositional party and not a natural executive player. The party's poor showing may also reflect annoyance at what was seen as its arrogance after the 18 October. Whatever the reasons, it was clearly a warning shot across the SVP's bows and, to an extent, the party heeded the warning, not making too much of its aggressive style. As with urban local government, where the same electoral system is used, the SVP struggles to achieve the results it does under PR.

So who benefitted from this relative failure? As only 26 of the Council's 46 seats were actually filled on the 18th October, the answers were provided by second rounds (on the French model, except for Jura and Neuchâtel, which use PR), held on the four Sundays, beginning on 1 November. From these the Radicals emerged as the clear winner with two more seats, taking their total to 13. They won in Vaud (from the Greens), in Uri (from the Green Liberals) and Nidwald (from the CVP) while also losing to the Christian Democrats in Obwald. Some of their victories were quite stunning. Thus, in Aargau, the FDP president Philippe Mueller turned a 7,000 deficit to the SVP at the first round into a 10,000 advantage in the second round. And, in Zurich, the Radical candidate in the second round polled twice as many as his SVP rival. The Christian Democrats also finished with 13 seats after swapping places in the two half cantons of Unterwalden. This again rather reinforces Kriesi's argument that there is now a tripolar party system in Switzerland.

The Social Democrats could also claim one remarkable win, taking its first seat in Zurich for 32 years in the first round, at the expense of the Green Liberals. It also held seats it might have lost such as St Gallen and Solothurn where its candidates finished up, on average, a massive 30,000 votes ahead of their rivals. At the same time the Greens' claim to speak for the left was reduced by the defeat, and immediate retirement from political life, of Luc Recordin. The Green Liberals were even harder hit being beaten not just in Zurich, but also in Uri, losing to the SPS and the Radicals respectively, thus depriving them of any voice in the Ständerat.

Nonetheless, as a result of all this, the SVP was able to form a 74 strong parliamentary group, including the two Lega MPs, the Genevan MCG representative and the independent conservative Senator, Thomas Minder. The Social Democrats had the next largest group with 55 followed by the Radicals with 46 and the CVP with 43. The latter attracted the EVP and the one Christian Social MP into its ranks. There were three other groups, the Greens with 13, the BDP with 8 and the Green Liberals with 7. All this gave the elections a more complex, and pluralist appearance. However, despite this stability, the questions asked were, what effect would this have on the formation of government? Would it reflect the alleged rightwards shift and what influence would any choice have on policy and politics?

5. GOVERNMENTAL ELECTIONS

There was not much opposition to the idea that the results justified a second ministerial seat for the SVP. However, the way in which the party went about the nomination process testified to a second, self-imposed, feeling that its position was not as strong as commentators had assumed. This was because, once the parliamentary election was finalized, the two chambers, together, once more had the task of electing the members of the Federal Council

for the next four years. Despite their gains, the party was well short of the numbers needed to force the election of a second SVP Minister. Hence it had to revert to more consensual ways if it was not to risk a new rebuff like that in 2007.

In fact, this style of election is the keystone of the Swiss separation of powers. Election is done individually in order of seniority. The great unknown was whether Eveline Widmer-Schlumpf, who had been brought in by a coup to replace party leader Christoph Blocher in 2007, would be able to hold her seat. Given the SVP's clamour that its newfound strength entitled it to a second seat, given the roughly proportional tradition of government composition and the BDP's losses, denying this would have been difficult though not impossible. In the event, after eight no doubt draining years, she decided – we assume -not to risk it and announced her retirement. This removed one political problem and opened the way to reinstating the SVP's 'fair' quota. And most people accepted the justice of the case, so there was no talk of organizing an alternative solution. Nonetheless, the GPS made it clear that it would never vote for any SVP candidate.

This led to much speculation on who the SVP would propose. Some dozen candidates emerged but many of these were dismissed brusquely by the party leadership, a move which caused some internal muttering. However, the party leaders had to be very careful as they did not want another Zuppiger fiasco.¹² Indeed, they seem to have realized that they would have to step back from their normal aggressiveness and give more room to emollient nominations and tactics.

In the end, they chose to do this by proposing three candidates from whom the Parliament could choose. And, in a gesture to the belief that the party should be present in all three language zones, it offered a triple ticket of a German speaker, a French speaker and an Italian speaker. The last posed a problem as the party had nobody of sufficient stature and had to 'adopt' Norman Gobbi, a leading albeit controversial, figure in the Lega as its Italian speaking candidate. For many observers this made it a 'tricket' because Gobbi was not a true SVP member and the French speaking candidate, Guy Parmelin from Vaud, lacked both executive experience and linguistic expertise. In any case there were already two French speakers which threatened to upset the regional and linguistic balance. This seemed to leave Thomas Aeschi MP, a new but renowned free market hardliner from Zug, who was thought to be very close to Blocher, as apparently the only realistic (and German speaking) choice. Many assumed that that the two Latins were actually just a smokescreen to ensure the election of Aeschi, thus allowing Blocher to reverse the humiliation of 2007.

The press talked much of finding another, more acceptable SVP Minister than the austere Aeschi. However, given the growth of social media, it was much less easy to organize a secret coup than it had been in 2007. In any case, following the Widmer-Schlumpf debacle, the party had rewritten its rules and given itself the power to exclude from the party any SVP member who accepted election to government without being on the official party ticket. For the other parties, backed by the opinion of a leading lawyer, this was unconstitutional because it infringed the rules that all citizens were eligible for election and that MPs could not accept outside direction.

¹² In 2011 the party's candidate, Bruno Zuppiger MP, was suddenly, and unexpectedly, found to be compromised because of the way he had misused a legacy and had to stand down, leaving the party to scramble around both for a replacement and for an explanation of how it had not known of the problem earlier.

When it came to the election the six existing Ministers were all easily elected on the first ballot. The Radical Didier Burckhardt topped the list with 217 out of 234 votes, followed by Christian Democrat Doris Leuthard and Social Democrat Alain Berset, both of who scored over 200 votes. The other Radical, Johan Schneider-Amman got 191 and the second Social Democrat, serving President Simonetta Sommaruga, attracted only 182. SVP criticism of her handling of asylum policy probably led many of its MPs to abstain. Conversely Ueli Maurer of the SVP came bottom with 173, though this score was still well above the required majority. However, he failed to obtain the support of many Greens, Social Democrats and centrists.

The first round of voting for the now empty desk of Eveline Widmer-Schlumpf put Parmelin into a clear lead with 90 votes, 32 ahead of Aeschi. Gobbi won 50 and an outsider SVP man from Schaffhausen attracted 22. The latter dropped out in the second round which saw Parmelin only 3 short of the required majority of 120. Come the final round he romped home with 138, 19 above the bar, followed by Aeschi on 88 and Gobbi on 11.

So the Romande presence was raised to three with the election of a Vaudois. With two Bernese already in place, this over represented western Switzerland. Some might even say it infringes Article 175/4 of the new Constitution which says that the various regions and linguistic communities must be equitably represented in government. However, the party seems to have considered this a small price to pay for presenting a more consensual face.

However, the reason that Parmelin was accepted was political and not regional. In fact, he seemed to represent one of the more traditional elements of the SVP, being a vigneron from Bursins in the far west of the canton. He had been in the Vaud Grand Council between 1994 and 2003 and had won a reputation as a pragmatist and centrist. He drifted somewhat to the right once in the National Council after 2003, serving on the committee that organized the 9 February referendum and toeing the party line on the bilaterals. However, he remained clubbable and approachable. His website also shows that he remained a practical politician, and was not another hard-line ideologue.¹³ Moreover, he spoke warmly of team playing in his interviews with the other parties. All this led Parliament to take a chance that, unlike Blocher, he could be domesticated. Ostensibly, for the SVP, his election was likely to strengthen its position in the Suisse Romande, which remained weaker than it was in the east of the country.

More significantly, it meant that concordance (as the party understood it) was restored and that the party had regained its rightful place in government. This would allow it to push its preferred agenda. However, some observers said that it actually dismayed Blocher and the leadership who felt that Parmelin was too changeable to be relied on, and that he might not push the party line in the way they would have wished. So the question arose as to whether his election was a way of stepping back from some of the extremism and aggressiveness of the SVP's style.

More immediately, the question also emerged of which department Parmelin might be "given". One has to say given because the system allows him no voice. Initially, the Radicals and the Christian Democrats had suggested he should take over the Justice & Police portfolio

¹³ This was clearly visible in Parmelin's own website prior to the election. . However, this has now been taken down to be replaced by a less revealing departmental one. <http://www.vbs.admin.ch/internet/vbs/fr/home/departement/chef.html>

as this would show up the weaknesses of the party's policies on asylum. Others felt that he would be under too much pressure from his party and try extremist measures which would cause clashes with Switzerland's international obligations and might generally upset the apple cart. In any case the SVP seems to have shown no desire to take over the portfolio, perhaps because it preferred to be able to go on criticising.

Parmelin's own preference was for the Interior brief as this covers agriculture. However, the incumbent, like the other four Ministers, wanted to see through the policy reforms on which he was engaged and preferred not to move. And while this probably disappointed the party leaders, who would have liked to take over asylum policy, neither SVP Minister showed any real willingness to do this. In fact, Maurer wanted to take the now vacant Finance brief even though banking secrecy was no longer there to be defended, making it a riskier choice. So Parmelin was left with Defence & Sport which has become something of a starter portfolio. What use the two SVP ministers will make of their new briefs, and their new role in the Federal Council remained to be seen. Nonetheless, all this did suggest a rethinking of its style by the SVP, another factor which questioned the idea of a potential shift to the right after the elections.

6. THE AFTERMATH

Once the government was elected, debate on the future behaviour of the party switched to the upcoming votation on the SVP's controversial implementation initiative, due for votation on 28 February.¹⁴ Although many people feared the outcome, fearing a crushing SVP victory, the reality was a third piece of evidence for saying there had not been a dramatic shift to the right. In fact, not only did the SVP lose but the votation seemed to signal the emergence of a powerful new political force, opposed to the policies of populism, but using the tools of populist campaigning. Again the significance of this was exaggerated.

Nonetheless, it made the prospect of a structural paradigm shift in Swiss politics less likely. Many had thought that, if the implementation initiative passed, it would not only strengthen the SVP, and confirm it in its aggressive stance, but would also upset the constitutional balance, subjecting courts, government and parliament to detailed control by populist direct democratic votations. In fact, there was a remarkable rallying of more liberal forces which brought about a surprising result, apparently posing new limitations on Swiss populism. This in turn had implications not just for future politics but also for the constitutional balance and Swiss policy on Europe, which was already being also complicated by the implications of the UK referendum on EU membership.

In the autumn of 2015 it had seemed that the SVP's initiative was unstoppable, with clear majorities in the polls. At one time 66% were said to be in favour, prompting some to say that only a miracle could prevent the new initiative from becoming law. This support was despite the votation being extraordinarily complex. Whereas most additions to the constitution, even those composed as fully ledged texts, are relatively general, this one was highly detailed, running to virtually four pages.¹⁵ It altered transitional Article 197/9 BV by adding five new elements. The first listed 9 crimes which merited deportation and the second 12 other

¹⁴ S Mueller et al 'Switzerland's New Challenge: Governing after the 2015 elections' *SPSR* 24/1 (2016) pp

¹⁵ The text can be found at <https://www.admin.ch/opc/fr/federal-gazette/2015/2487.pdf>

offences, which if committed in the past, justified deportation. The third placed obligations on the cantons called on to execute the expulsions and banned foreigners thus deported from re-entering Switzerland for up to 15 years. The fourth ruled that international law was not binding in such cases and the last dealt specifically with abuses of social welfare funds.

Blocher justified this new tone and approach by saying that, although it was constitutionally unusual, it was justified because the authorities had ignored the popular decision in 2010 to deport all foreign criminals.¹⁶ And the former were subject to the popular will especially in matters of direct democracy, independence and self-determination, subjects on which the SVP spoke for the people. So, because the government's implementing law reflected the counter project which had been defeated in 2010, the party was correct in laying down rules which would properly implement the popular decision. All this was an implicit claim that direct democracy overruled all else.

The campaign for the implementation initiative also gained from the way that the imagery used by some of its opponents seemed to have backfired. When Martin Landolt, the head of the BPD retweeted a picture of the Swiss cross transformed into a sort of Swastika and associated with Germany in 1933 and South Africa in 1948, this caused an immense storm on Swiss social media and beyond, not to mention the resignation of the head White March from the BPD.¹⁷ The original design was that of an Anglo-Swiss called Werber Parvez Sheik Fareed, a local communication specialist.¹⁸ His was not a direct comparison between Switzerland and Nazi Germany, but a protest against the possibility of the initiative introducing a two speed justice, as in apartheid era South Africa, with foreigners as the new Blacks and Jews. For many this was far too provocative and unfair, and led to it being banned from use in train stations.

Yet, at the same time, there was a remarkable groundswell of opposition to the initiative from a wide range of more mainstream sources. And slowly this began to mobilize the population, pushing up the likely participation rate. So the ground began to move under the SVP's feet. More importantly it began to turn the popular tide against the initiative. As a result, questions began to be asked about the future shape of Swiss politics.

In fact, although SVP politicians liked to see the elite as their enemy, they actually found themselves faced with something of a popular revolt. In fact, the winter of 2015-16 saw an unprecedented mass mobilization against the implementation initiative. And, while it was symbolically launched by Social Democrat Councillor of State Hans Stöckli in December, the bulk of the activity came from amateurs, working largely through social media. Stöckli organized a quasi-unanimous rejection statement from his parliamentary colleagues. Then, through crowd funding, some 1.2 million CHF was rapidly raised by activists, usually in donations of between 10 and 50 francs. This was equivalent to roughly half the SVP budget for the campaign, 700,000 of which was used to fund a simple but emphatic poster campaign in 28 cities. The posters emphasized a No to the initiative. A German language website *factcheck.ch* allowed 90,000 Twitter users to investigate SVP claims.

¹⁶ P.Siegenthaler 'Christoph Blocher: 'ils sont tous contre la majorite du peuple' [Swiss Info](http://www.swissinfo.ch/fre/initiative-de-mise-en-oeuvre-christoph-blocher) 19 February 2016, available at <http://www.swissinfo.ch/fre/initiative-de-mise-en-oeuvre-christoph-blocher>

¹⁷ This was Christine Bussat who subsequently joined the SVP.

¹⁸ <http://www.persoelich.com/kategorie-werbung/nicht-gefallen-ist-der-preis-der-klaren-kommunikation> (11 February 2016)

In late January, an urgent appeal against the Initiative was issued by leading politicians. Ex Ministers, including Elizabeth Kopp, also spoke out against it. This was followed by a strong statement of 160 Professors of Law. Alongside this a youth organization called Libero, (run by FDP sympathiser Flavia Small), which sought a more liberal Switzerland, made opposition to the initiative one of its main thrusts. SucèsSuisse, a pro-European organization set up in 2015 by businessmen and centre right politicians, was also active. It claimed over 1,000 members. And much of the leadership of this highly organized movement was in the hands of women like Claudia Essevia of the Radicals' Female section. All this meant that the SVP faced a new kind of enemy, and lone hardly to the described as 'the political class' or elite

Blocher confessed that the SVP had never faced such an organized and determined opposition which was proving as adept in using new techniques as it was.¹⁹ And it had an effect as, on the one hand, it influenced the press which became increasingly negative about the initiative. On the other hand, it also began to reverse voting intentions. By mid-January only 51% of those polled were saying they would vote for the initiative. A month later there were suspicions that the initiative would fail. All this began to worry the SVP which found it hard to resist given that it was so often ordinary people who were opposing its ideas and not the elite. For once it felt very much on its own. So the party was right to be concerned.

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This new mobilization was to prove an effective third counter to the claim that the country had decisively moved to the right. Unfortunately, this also gave rise to exaggerated claims about the new phenomenon. In fact, it had two major results. Firstly, it brought people out to vote in very large numbers, well ahead of the mobilization achieved in previous populist victories. Secondly, it inflicted a significant and severe defeat on the SVP on one of its preferred battlegrounds. Not only did it restore Federal Council flexibility in implementing the expulsion of foreign criminals but it also forced the SVP to go on re-thinking its tactics, encouraging the trends which had emerged in the nomination of Guy Parmelin.

Turnout on 28 February was 63.1%.²⁰ This was below the exceptional figures for the votes on the Army and the EEA but was still well above recent highs such as the 2002 vote on UN entry which had scored 58.4%. So clearly the No campaign touched a nerve and mobilized people, so that the average votation turnouts of about 42% were left well behind. So too was the election turnout of 48% which was a quarter less than that on 28 February. As normal, Schaffhausen scored highest with 75.8% (again well above its election figure). It was followed by Nidwald (73.6%), Uri (73.5%), and Obwald (72.5%). Interestingly all these cantons were supporters of the initiative, along with Schwyz (68.9%), Ticino (68%) and Appenzell IR (59.6%). This shows that feelings about foreigners were still very strong in Ur-Schweiz. On the No side the highest turnouts were in Zug (69.9%), Lucerne (68%), Basle City and Appenzell AR (both 66.6%) and Zurich (66.4%).

As this shows, the SVP lost cantonally as well as generally. It carried only 3 full cantons and three halves leaving the No side with 17 (as opposed to six in 2010) and three halves. Where

¹⁹ Quoted in Tagesanzeiger 2 January 2016. Cf <http://www.tagesanzeiger.ch/schweiz/standard/blocher-freut-sich-ueber-die-geschlossene-gegnerschaft/story/14774418>

²⁰ Federal Chancellery Official Figures for Votation no 597. Available at <https://www.admin.ch/ch/f/pore/va/20160228/det597.html>

the popular vote was concerned the No side averaged 58.9%. The latter's highest support was found in Basle City (70.2%), Vaud (66.6%) and Zurich (65%). Generally speaking the Suisse Romande was strongly in support of rejecting the implementation initiative, while eastern cantons were amongst the least enthusiastic in opposing. Thus St Gallen scored only 54.1%, Thurgau 52.8% and Glarus 51%.

One analysis of why people voted as they did, showed that, unusually, abstract arguments of principle seem to have been crucial.²¹ 41% of respondents found the proposal incompatible with the rule of law and 30% felt it was inimical to the Swiss political system. Many also saw it as breaching the European Convention on Human Rights. Only 19% objected to the details of the actual proposal. In the Suisse Romande, moreover, there was considerable opposition to the harshness of the proposals. The more emotional arguments of the SVP seemed to have lost traction. Simple slogans failed to convince in such a technical proposal.

Other research suggests that only supporters of the SVP and the Lega were uniformly in favour of the initiative. Yet even here a fifth of those who had supported the original initiative shifted sides in 2010, feeling that the implementation went too far. The party clearly lost some centrist support. The party also contributed to its own defeat by its listing of over 20 crimes which should lead to expulsion. Hence it found itself largely on its own, and this made it harder for it to pose as the sole defenders of the people. Supporters of centre and left parties rejected it. Interestingly, FDP and CVP voters who had been firmly in favour of the original initiative, now repudiated it. This reinforces the idea of tripolarity. And men were more likely to vote for the proposal than were women.

Not surprisingly social media largely, and enthusiastically, welcomed the defeat of the initiative. For many observers the defeat had stood Swiss populist politics on their head. And some even thought that the end of the xenophobic Blocher era had come.²² But was this actually the case?

8. IMPLICATIONS

The question is how significant a defeat was this for the SVP and what does it mean for the future? There are two elements to an answer. Thus, some took the new mobilization as a sign that there was now a new campaigning force able to block the onward march of populism.²³ However, this cannot be wholly relied on as populism is likely to go on campaigning especially as long as there are still unsolved questions (and continuing worries) about migration. Moreover, there were special circumstances operating in the 28 February campaign which cannot be relied on in future. Nonetheless, perhaps more importantly, the defeat seems to have made the SVP rethink its strategies. It began to accept that it was no longer a wholly oppositional force. Hence it might need to make less use of direct

²¹ The figures come from a Sotomo Poll carried out for 24 Heures and the Tribune de Geneve. Cf <http://www.tdg.ch/suisse/decouvrez-premiere-analyse-vote-dimanche/story/29926334>; <http://www.tdg.ch/suisse/Pourquoi-les-Suisses-ont-dit-non-a-l-UDC/story/13080945> and www.tagesanzeiger.ch/schweiz/weiso-die-durchsetzungsinitiative-abgelehnt-wurde/story/123584249

²² <http://www.tagesanzeiger.ch/schweiz/standard/der-blocherismus-ist-noch-nicht-zu-ende/story/26520520>

²³ Tages Anzeiger 29 February 2016. Available at <http://www.tagesanzeiger.ch/schweiz/stadard/ein-seig-der-mutbuenger/stropy/16685764>

democracy. And its tactics in upcoming votations seems to have rowed back from its normal aggressiveness. This reflected both its own popularity and problems with its chosen themes.

Here too it is best not to exaggerate as so many did. Following the surprising results on 28 February in fact, many opponents of the SVP, including Minister Sommaruga, seized on the new mobilization as a sign that the SVP had at last found its match. And they believed there could be further successes in future. These could include the forthcoming challenge on the new asylum law and the initiative on the supremacy of Swiss law. It was noted that there were 50,000 names in civil society mailing lists and that crowd funding could be drawn upon.

However, there are problems with this view. To begin with, commentators (and some participants) have warned that the anti-28 February campaign was motivated by the precise nature of the votation. Thus it was against something which, if imposed on the country, would directly threaten Swiss institutions. It was unlikely that the same effort could be repeated every three months or so. The same would be true of successful crowd funding. Only an issue which appealed to a wide range of people and which had an emotional and national appeal would be likely to do this. Such circumstances may not always be present. However, what seems likely is further hard fought contests over issues but probably without so much in the way of threats to the overall constitutional balance. Moreover, the 28 February mobilization had been defensive. It is unclear that a positive campaign would have had the same effects.

Nonetheless, efforts are being made to hold together those who have had enough of the SVP's persistent denunciation of others and its excessive lamentations about the state of the country, and thus split the centre-right further off from the populist right. Hence, it is likely that the 28 February precedent will be invoked in future direct democratic conflicts. Many on the centre left are clearly keen to build on it. And already there are signs that this will be done when it comes to the 5 June votation on the SVP challenged to the new asylum law. Yet this cannot be relied on.

What of the SVP's situation? Firstly, recent poll evidence suggests that it was not just the initiative which offended people. Many also turned away from the party as well.²⁴ According to the GfS the SVP lost 7% of its support, while the FDP rose by 8.4% so that it headed the SVP by 24.8 to 22.4%, so that it lost part of its claim to be the country's largest party. The SPS, the CVP and the BPD also made small gains. Interestingly this reversal seems to have reflected the higher turnout, suggesting that there is a reservoir of opposition to the SVP to be drawn on, when the time is right. Many analysts think that this means the party's low key campaign against the autumn 2015 asylum law is likely to suffer the same fate as that on 28 February. All this shows that Swiss politics is very much a tripolar affair.

Secondly, in policy terms the 28 February votation was clearly significant because it was a defeat on the party's home ground. And it was a further downward move for the party. It had won 57.5% of the vote on banning minarets in 2009, 52.9% on the original expulsion initiative in 2010 and 50.3% on stopping mass migration in 2014. This time it could rally only 41.1% of the electorate, being forced back on its core support. And some in the party felt that a further defeat could have very damaging effects.

²⁴ Le sondage du 28 février qui place le PLR devant l'UDC' Le Temps 3 April 2016. Available at www.letemps.ch/suisse/2016/04/03/sondage-28-fevrier-place..

So it was not surprising that, shortly afterwards, Blocher and others, building on previous moves, warned the movement to hold back on new initiatives.²⁵ He made it clear that had the Egerkingen Committee, which included party stalwarts like Wobman, Schluer and Freysinger (along with women's rights activist Judith Onken) not started to collect signatures for a vote on banning the burka, the party would have wished to stop it. Equally the leadership was doubtful about the wisdom of AUNS proposed initiative on forcibly re-establishing border controls, and thus breaking with Schengen.

Blocher's view was that initiatives were an opposition weapon. Now that the SVP had two members in government, they were less appropriate. Moreover, he felt that they could do even better in the next elections. So initiatives should only be started when they were a win-win prospect, promising a change in opinion even if they were technically defeated. For some, holding back might leave the way open for AUNS to resume some of its old role, as the body which launched votations, at least in non-European areas. However, EU questions now seem to fall to Blocher's new EU No! body.²⁶

New party president Rösti – who, while a hard liner on migration, has the reputation of being much more affable and less confrontational than his predecessor - has also suggested that the provocative style of yesterday might no longer be necessary even though he wanted to continue at the same speed as his predecessor.²⁷ He saw himself as able to expand the party's potential in French speaking Switzerland. And while arguing that asylum was still a problem he also claimed that the party was in favour of the bilaterals, except that on free movement. Here too signs of moderation may be appearing.

All this suggests that the euphoria amongst the victors was perhaps too optimistic, and this for two reasons. Thus the SVP may have lost credibility but it has not been weakened by the elections. And Celine Amadruz argued that the party's method not been rejected. Moreover, many of its members remain committed to an activist strategy. Indeed, some SVP leaders committed themselves to redoubled activism now that the party has its second seat in government. In any case, the party had been defeated in a situation when it was having to defend its existing positions. If it could again campaign more positively the outcome might be different.

Furthermore, concerns about migration continued, with the campaign on the Asylum law just starting and signatures are being collected for the banning of the burka, using posters similar to those used against minarets, though these were eschewed in the challenge to the former. There is also excited talk of huge numbers of asylum seekers possibly coming in 2016 and troops having to be sent to defend the borders. So the anti-foreigner message still resonates

²⁵ 'Christoph Blocher prescrit l'austerite sur les initiatives populaires, Swiss Info 1 March 2016. http://www.swissinfo.ch/democratiedirecte/l-udc-face-%C3%A0-la-d%C3%A9faite_christoph-blocher-prescrit-l-aust%C3%A9rit%C3%A9-sur-les-initiatives-populaires/41993654 Cf also Tages Anzeiger 3 January: <http://tagesanzeiger.ch/schweiz/standard/christoph-blocher-will-die-svp-bei-initiativen-bremsen/story/29923100>

²⁶ 'L'ASIN reve de redevenir le bras arme d'une UDC plus modérée' Tribune de Geneve 22 April 2016. Available at <http://www.tdg.ch/suisse/asin-reve-redevenir-bras-arme-dune-udc-moderee/organisation/association-pour-une-suisse-independante-et-neutre-asin/s.html>

²⁷ Quoted by SWI Cf <http://www.swissinfo.ch/fre/albert-roesti--nouveau-pr%C3%A9sident-de-l-udc--veut-maintenir-la-cadence/42109320>

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even in areas where there are few foreigners. Irrational politics have not been excised by the 28 February defeat. And this affected Swiss who were not in the populist camp, as talk from CVP MPs of imposing Austrian style annual quotas on applications, shows. All this means that, even if the SVP does moderate its strategy, there will still be clashes in future. It may be wounded but it is far from dead and it will return to the fray. Thus there is already some unease in the party about the behaviour of the two ministers who have made appointments and policy choices which are not those of the rest of the leadership.²⁸ Hence Parmelin has come under considerable pressure from his colleagues.

However, the 28 February does look likely to lessen the challenge to normal politics implicit in the SVP's text. Had it been successful, then a precedent would have been set and there would have been further pressure to subordinate courts, government and parliament to direct democracy. With the SVP stepping back a little from the last and concentrating on its Ministers' potential, normal politics may re-assert themselves. Certainly the SVP seeks still seeks to win over the FDP to its causes, though it has not yet been very successful in this.

Moreover, the party could well revert to pursuing its 'long march through the institutions and achieving the 50% of the votes which would allow it to stage a wholly legal and democratic revolution. The fact that the 28 February defeat challenged the SVP's claim to be the sole representative of the people reinforces this view. However, with nearly half the population, especially those aged between 55-64, still being distrustful of politics, polarization at votations is likely to continue, if not with the same frequency and intensity.²⁹ Here again, it seems that a solution will only be found over the long term. It will not be brought about by any single event. The limits both to the shift to the right and the new counter force make this clear.

9. EUROPE

The fact that the elections neither gave the SVP and its allies a free hand nor dictated how politics should evolve meant that there was continuing uncertainty over policy. Nowhere was this more evident than in the crucial area of relations with the European Union. The limits to the effects of the electoral shift show up in at least four areas of concern here. Not only does the government face a challenge to resolve the problems created by the 9 February votation but there will also have to be a popular vote on the RAUS initiative, perhaps with a counter-project. There are also new ideas coming forward from the left while talks about a framework agreement rumble on. Here there are many delays and doubts. And the British referendum on EU membership has added further complications to all this. Equally, it has further queried the often exaggerated relevance of the 'Swiss model' to UK Euroscepticism.

At the heart of this uncertainty was the fact that, since 10 February 2014, the government has been struggling to reconcile the implications of the SVP's constitutional amendment with the insistence of the EU, and the existing bilateral agreements, on maintaining unsullied free movement. After a first failure in 2015 the government has come back with a new suggestion which, in its turn, has aroused much criticism. Thus, on 3 March 2016, the Federal Council

²⁸Cf <http://www.tdg.ch/suisse/udc-tente-mener-guy-parmelin-baguette/story/12646378>

²⁹ Vimentis poll, analysed in the *Tribune de Geneve* 22 ii 16. Available at [www.tdg.ch/suisse/moitie-suisse-mecontents-politique/story/...](http://www.tdg.ch/suisse/moitie-suisse-mecontents-politique/story/)

signed a protocol extending free movement to Croatia³⁰ and then launched its new strategy on ways of squaring the circle between free movement and the requirement to control migration. The protocol was signed because, without it, Switzerland was likely to be denied the access to EU research programmes which were needed.

The new strategy made it clear that the government preferred a jointly agreed compromise with the EU but this had been ruled out again in January when the EU made it plain that any resort to quotas and restrictions would be regarded as a provocation.³¹ And the Union also made it clear that there was no possibility of extending the kind of deal accorded to the UK to Switzerland. So the government was forced back on its Plan B which was a unilateral use of the safeguard clause in existing arrangements.³² It felt that it had to get the process started soon in order to meet the deadline of 9 February 2017 by when there is supposed to be a law approved by parliament and people.

Unsurprisingly, the proposal was very badly received by all parts of the political spectrum.³³ The SVP and others said it offered no clear way of reducing migration and failed to respect the popular will. Others saw the policy as incomprehensible and unlikely to be acceptable by the EU. This was true of the RAUS movement. And, for the trade unions, it lacked convincing flanking measures to protect Swiss workers. At best it was a start and a partial solution. Only the CVP was fully in favour.

Moreover, the SVP immediately threatened a challenge to any text based on this proposal. At the same time, Philip Mueller, the outgoing President of the Radicals had called on the populist party to have the courage to launch an initiative calling for the abrogation of the free movement arrangements because the real question was whether or not Switzerland wanted the bilaterals to continue. As things stand the question is bogged down in Parliament which is not likely to come to a final decision until December at the earliest.³⁴ This means that any consequent votation would have to wait until spring, or even autumn, 2017, which would be in contravention of the 9 February text. However, it is unlikely that the government would issue the ordonnances it would be entitled to do then, before the electorate had had the chance to express itself. Parliament is also considering both how to understand the new commitment to 'giving preference to the Swiss' and what other options there might be. This means hearings of various experts and interests, making the timetable even more unclear.

The second uncertainty comes from the fact that there will have to be a vote on the RAUS initiative. And though recent developments might seem to have helped its prospects, it has actually faced a good deal of criticism, leading to talk of a counter-project³⁵. The problem was that RAUS proposed just excising the new Article 121. But this could be attacked as implying the people had got it wrong in 2014, thus implicitly challenging direct democracy. So it could backfire as similar proposals in the past had done. Moreover, for the FORAUS

³⁰ The Youth Wing of the SVP would like to challenge the enabling legislation but the party president is much more cautious, given the new concern about over using direct democracy.

³¹ Ram Etwareea 'L'UE lance un avertissement severe a la Suisse' Le temps 24 February 2016. Available at <http://www.letemps.ch/suisse/2016/02/24/ue-lance-un-avertissement-severe-suisse>

³² ARTICLE 14/7 of the Free Movement Agreement

³³ 'Les partis accueillent froidement la solution du gouvernement' Journal du Jura (4 March 2016). Available at <http://www.journaldujura.ch/les-partis-accueillent-froidement-la-solution-du-gouvernement>

³⁴ Le Temps 15 iv 2016. Available at <https://www.letemps.ch/suisse/2016/04/15/nouveau-vote-immigration-mai-2017>

³⁵ Michael Hderman 'The RASA tragedy' in Tages Anzeiger 4 May 2016. <http://www.tagesanzeiger.ch/zeitungen/die-rasatragoedie/story/30779310>.

think tank, it left out action on immigration, about which public opinion was so concerned. So there should be talks amongst the parties about adding something else.³⁶ Another suggestion was that the SVP text should just be altered by adding a phrase saying ‘subject to Switzerland’s prevailing international law obligations’. In any case, the proposal did not provide the kind of guarantees for the bilaterals that many people, like Mueller, wanted. So the future of RAUS remains very much in the balance.

Thirdly, an additional complication has been the Social Democratic leadership’s attempts to plot a new course on Europe. At a Congress in early April there was talk of an EEA2 solution.³⁷ This seems to mean a status less than membership but more than that enjoyed by Turkey, mainly in terms of decision shaping. However, no details were given and discussion was postponed. So the party remains committed to membership. At the same time, others are pushing for reform of the existing EEA structure which might allow Switzerland to join at last.

Beyond all this, the government has, fourthly, to go on negotiating about a framework agreement. Minister Burkhardt believes this is going well and that it is only the role of the ECJ in any dispute resolution which is at issue.³⁸ If this is so, it will be bitterly opposed by the SVP whose opposition to closer integration showed up clearly on 26 April when the formal approval of the extension of free movement to Croatia went through parliament.³⁹ The role of the ECJ is particularly sensitive for them, with its echoes of the 1291 charter’s rejection of ‘foreign judges’. And here the party is looking to its forthcoming initiative against international law.

How this will all turn out is still anything but clear. Public opinion now suggests that it would prefer to keep the bilaterals, despite its earlier doubts. And a UniGe poll showed that 66% of German-speaking voters who had supported the 9 February, and 69% of French speakers, would now vote for the bilaterals. MPs also seem to have become worried by the falling percentage of Horizon 2030 grants were now accruing to Swiss academics because of the country’s stand-off position. Whether this will translate into a new defeat for the SVP remains to be seen.

What is not in question is that there is no possibility now of Switzerland joining the EU since the National Council in early March voted by 126-46 to withdraw the 1992 application. This has now to be confirmed by the Council of States. The withdrawal is entirely symbolic since for years there has been neither any intention to act on it nor any meaningful popular support for entry.⁴⁰ Yet, ironically, while the pro-bilateral side – which is divided amongst some

³⁶ ‘Foaus propose une voie mediane pour sortir de l’impasse’ Journal du Jura 24 April 2016. Available at <http://www.journaldujura.ch/nouvelles-en-ligne/suisse/foaus-propose-une-voie-mediane-pour-sortir-de-limpasse>

³⁷ Simon Gemperli in Neue Zurcher Zeitung of 14 April 2016 . Available at <http://www.nzz.ch/schweiz/aktuelle-themen/europastrategie-der-sp-ein-mysterium-namens-ewr-20-ld.13558>

³⁸ ‘M Burkhalter estime que l’accord -cadre avec l’UE est en bonne voie’ SwissInfo 26 Aopril 2016. Available at <http://www.swissinfo.ch/fre/m--burkhalter-estime-que-l-accord-cadre-avec-l-ue-est-en-bonne-voie/42115396>

³⁹ ‘Le oui a la Croatie enflame le national’ in Tribune de Geneve 27 April 2016. Available <http://www.tdg.ch/suisse/Le-oui-a-la-Croatie-enflamme-le-National-/story/28171949>

⁴⁰ For a contrary view see http://www.lukas-reimann.ch/ger_details_1176/Swiss_Parliament_decides_to_withdraw_the_application_to_join_the_EU.htm

eight organizations, has been losing ground, this may have been reversed.⁴¹ A UniGe poll in early May thus suggested that two thirds of voters were in favour of maintaining the bilaterals, ranging from 69% in the Suisse Romande to 57% in Ticino. This means that 30-40% of those who voted for the 9 February text have changed their minds and now give preference to the bilaterals.⁴² This has prompted SVP calls for the withdrawal of the negotiating mandate for a framework agreement with the EU.

So the outcome of any votation remains much less certain than the sometimes euphoric response to the 28 February votation might suggest. In any case, the EU has made it plain that nothing will happen until the British question is resolved one way or another. So everything has been put on hold until after 23 June. And even then there is no certainty that things will become clearer or will be acted on more speedily. All this throws into relief difficulties in the often eulogised Swiss model.

10. BREXIT AND SWITZERLAND

In fact, the Swiss model, if that is the right word for such a ramshackle historical construction, seems to be coming under pressure because of the possibility of the United Kingdom leaving the EU. Not merely has this changed the time scale under which Switzerland is working but it has also raised other complicating questions. As already noted, the change of time scale is because the EU has made it clear that the whole question of relations with Switzerland has to be frozen until the outcome of the British referendum is known. The EU is refusing to make concessions, or even to hint at them ahead of the referendum in case this encouraged the Leave campaign who could argue that this showed that a satisfactory post-Brexit solution could be achieved despite the time that this might take.⁴³ The referendum has also raised the question as to what the best result for Switzerland would be, increasing doubts, even among British Europhobes, about the applicability of the Swiss model to the British situation.⁴⁴

Obviously many Swiss sceptics have seen a Brexit as something to be encouraged. Thus AUNS sought a Brexiteer to speak at its annual conference in 2016 but failed to find one and had to settle for Frauke Petry of the AfD. The assumption was that a British departure would both weaken the ongoing EU and create a new outlier with similar ideas to Switzerland. At the same time, the fact that the EU had conceded an emergency brake to the UK suggested to many in Switzerland that it might do the same for their country. However, there are problems with this. Thus the UK brake only applies to welfare payments and not to movement as such. In fact, Cameron had had to opt for the former because he was made aware that the EU would not yield on the principle of free movement. Moreover, the UK cannot implement the brake unilaterally as the Swiss want to do. Nor does the British deal address the problem of the 300,000 cross frontier workers, in Switzerland.

⁴¹ Michel Guillaume 'Face a l'UDC, un front pro-europeen encore desuni' Le temps 14 March 2016 Available at <http://www.letemps.ch/suisse/2016/03/14/face-udc-un-front-pro-europeen-desuni>

⁴² La Liberte 4 May 2016. Available at <http://www.laliberte.ch/news/suisse/les-bilaterales-passent-avant-l-initiative-udc-345376#.Vz2D8uSS8uA>

⁴³ P Aldrich 'Fed up with the EU now?' Times 17 February 2016 p. 39

⁴⁴ Ralph Atkins @British debate resonates with Eurosceptic Swiss' Financial Times 19 April 16

Contrary to this, the government's chief negotiator on Europe, Jacques de Watteville, believes that it is a British vote to remain which would open a new window of opportunity for Switzerland.⁴⁵ Once the EU got its confidence back it might concede a deal, although the quid pro quo might be a framework agreement. If the UK voted to leave, then it is likely that chaos would follow. And certainly, while Brussels was preoccupied with sorting out a new relationship, the likelihood is that the Swiss case would drop to the bottom of the queue. Hence, there would be no time or sympathy for Swiss' desires for quotas.

Other Swiss feared that a Brexit might be economically damaging.⁴⁶ If it led to a sudden fall in the value of sterling, as many think it will, this is likely to lead to hot money flowing into Switzerland. In turn this would push up the already strong Swiss franc. And this would not only be generally unhelpful to Swiss exporters and those in the hospitality trade but it would hit Swiss trade with the UK, which is one of the few European growth points. For Commerce Suisse the effects could be as bad for Switzerland as those following the lifting of the cap on the exchange rate with the euro on 15 January 2015. It could also have negative effects on Swiss investments in the UK. At present Switzerland is the third largest investor in the UK. Its firms employ virtually 200,000 people. Not all Swiss firms share this view but the likelihood is that a Brexit could create other unhelpful economic difficulties for the rest of the EU and this would impact on Switzerland.

At the same time, a Brexit could have unhelpful political effects. Rather than giving the Swiss new leverage, a rancorous Brexit might lead the EU to take a very hard-line on bilateral arrangements, partly to punish the UK and partly to discourage any other states from trying the same thing. Indeed, it could be that awareness of the implications for Switzerland might be another reason for the EU to play hard ball with the UK. And, given the similarities between British and Swiss attitudes, the Swiss might even have to pay a special price if ever a deal was done. At the very least a Brexit could create such panic in the EU that the Swiss case could simply be overlooked.

So, not surprisingly, figures like former Minister Couchepin have been arguing that the Swiss model would not be helpful to the UK.⁴⁷ In fact Switzerland had no single deal, only 120 accords and these provide only limited access to the Single Market. Thus they do not apply to services (and especially finance) where the UK has its greatest comparative advantage.⁴⁸ Indeed, Swiss banks often run their EU operations out of London. Switzerland also has to accept payments, standards and Schengen. The last reflects the fact that the Swiss are aware that one cannot have access without accepting free movement. In other words, this is more constraining than the UK's existing deal.

⁴⁵ Catharine Dubouloz, Interview with de Watteville, *Le Temps* 17 March 2016. Available at <https://www.letemps.ch/suisse/2016/03/17/grande-bretagne-reste-ue-une-fenetre-opportunite-s-ouvrira-suisse>

⁴⁶ Mathew Allen 'Brexit poses 'biggest risk' to Swiss Exporters' *SWI* 21 iv 16. Available at http://www.swissinfo.ch/eng/currency-risks_Brexit-poses-biggest-risk/; 'Impact du vote britannique sur le franc' *Journal du Jura* 12Mmay 2016. Available at <http://www.journaldujura.ch/nouvelles-en-ligne/suisse/commerce-suisse-met-en-garde-contre-les-consequences-dun-brexit>

⁴⁷ P.Couchepin 'Why the Swiss Model would be a poor choice for Britain, post Brexit' *City AM* 3 March 2016. Available at <http://www.cityam.com/235765/why-the-swiss-model-would-be-a-poor-choice-for-britain-post-brexit>

⁴⁸ *SWI* 3 v 16

Moreover, as Ambassador Balzaretto has written, the UK would ‘miss being at the EU table’, especially as it might find themselves in the same place as Switzerland having to apply rules they had had no part in drafting.⁴⁹ And it has also been pointed out that, while Switzerland has the right to sign free trade treaties with others, the one recently signed with China is very unbalanced, the Swiss having to open their borders long before the Chinese. This would not be a good precedent for the UK.

So, while in 2010 UKIP was calling for Britain to follow the Swiss model and two years later Boris Johnson was calling for a ‘Britzerland’ solution, such ideas have become much rarer.⁵⁰ This is because the Swiss model is so structurally complicated, requires Schengen and is under pressure both from domestic opposition and the EU.⁵¹ The latter wants to see the Swiss model formalized and more like the EEA, including an automatic updating of relations, something which Johnson rejected out of hand. It also probably involves rejoining EFTA which the UK left in the 1970s because it did not confer sufficient influence. However, apart from David Campbell-Bannerman MEP, who has been discussing the possibility of the UK doing this,⁵² few Brexiteers have grappled with this problem. He sees the UK playing a large role in the Association though it has been pointed out that the UK could not simply enter EFTA’s many free trade agreements. It would have to negotiate new ones.

And, as of yet, few leading Brexiteers have thought much about any other kind of alliance with Switzerland. The Leave camp seems rather to ignore Switzerland and has switched its attention to Albania and the WTO. In so doing, they seem to have accepted the arguments being put forward by Remain critics.⁵³ The Leavers also seem not to appreciate the strength of way Swiss opinion is so bitterly divided, rather than being wholly Europhobic. This is one area where the country may have lessons for the Brexiteers, along with pointing out that the merits of the Swiss model are all too often exaggerated.⁵⁴

So, overall, the Brexit complication has not been helpful to Switzerland. In fact, it has further complicated an already complicated situation. And it has not helped to resolve the political divisions which emerged from the elections. In fact, the country remains very divided and uncertain about its European relations. So there is no certainty that acceptable solutions to the country’s long drawn stand offs over the question.

11. CONCLUSIONS

Such uncertainties make it clear that Switzerland has not shifted dramatically to the right since the autumn of 2015 as was often claimed. SVP gains in the National Council have been offset by elections to the Council of States. Then the party found it expedient to many

⁴⁹ T Palmeri ‘Swiss to UK’ Politico 16 March 2016 Available at <http://www.politico.eu/article/swiss-to-uk-youll-miss-being-at-the-eu-table-brexiteer-roberto-balzaretto/>

⁵⁰ R. Schwok in Open democracy 7 January 2013 Available at <https://www.opendemocracy.net/ren%C3%A9-schwok/brexit-swiss-model-as-blueprint>

⁵¹ C. H. Church ‘Mixed messages from Switzerland’ Forth coming in The Conversation.

⁵² Alan Cassidy ‘The Dream of a Bern-London Axis’ Tages Anzeiger 1 March 2016. Available at www.tagesanzeiger.ch/schweiz/standard/der-traum-von-der-achse-bernlondon/story/15485973. Cf also Thomas Aeschi, quoted in the Daily Express of 13 July 2015, available at <http://www.express.co.uk/news/politics/590637/britain-free-trade-european-union-politics-uk>

⁵³ M. Wolf, ‘After Brexit, Britain would sacrifice access for independence’ Financial Times 13 May 2016 p. 11. Cf also the letter from Charles Grant of the CER, in the Financial Times of 17 May 2016, p. 14;

⁵⁴ R Boyes >Britain should not copy the xenophobic Swiss= Times 12 February 2014 p.26

concessions to tradition over elections to the Federal Council. Thereafter, it suffered a bloody nose on 28 February, leading to more exaggerated assessments of the significance of the mobilization which inflicted the wound. As a result, the party has not been able to push European policy in the way it wants. Here the impasse continues, rendered more acute by the shadow of a possible Brexit.

To be fair, some, like Social Democrat leader Christian Levrat, believe that the elections have helped to shift legislation to the right, rewarding the army, well to farmers and roads rather than more social objectives.⁵⁵ And some commentators are still emphasizing the potential closeness of the three right of centre parties.⁵⁶ However, Europe remains a real dividing line. And the SVP still likes to see itself as the only protection the people have against other unreliable forces. Equally it still gives the impression that it is more interesting in gathering support by its campaigning than in compromise.⁵⁷ So the stand-off continues.

Nonetheless, the country has stopped well short of undergoing a populist systemic change, or even starting a new crisis. In fact, traditional consensus politics has not come to an end. Thus SVP attempts to make direct democracy supreme have suffered two set-backs. Firstly, the 28 February showed that civil society is capable of mounting a surprising challenge to the SVP and populist politics. However, this was probably only a half defeat for the latter. And there is no certainty that the mobilization can be repeated or that consensus politics may delay more radical change.

Secondly, having gained a second seat in government the party gave some indications that it might refrain from excessive use of votations. However, this is probably a tactical shift and with crucial votations coming up on the new asylum law and, possibly, a ban on the wearing of the burka, there is every likelihood that the party will remain aggressive. And the Social Democrats seem willing to challenge the SVP. So, Swiss politics are unlikely to revert to the somewhat soporific ways of the 1970s and 1980s. In fact, the underlying tense tripolar conflict which began in the mid 1990s seems likely to continue with a mixture of consensus and polarization. With polls suggesting that over half the population are still disenchanted with politics, it is clear that while populism may not grow as fast in future it is not going away.

It is possible that, in time, there will be policy change, just as there was after 2011.⁵⁸ Unfortunately, the effects of the election and votation have not been to allow the Swiss to resolve the two key issues of managing migration and clarifying its relations with the EU. A partial answer to the first may come on 5 June but continuing uncertainty is more likely. Equally it is unclear that when, in the summer, parliament debates legislation to meet the

⁵⁵ Quoted in the *Tribune de Geneve* 18 May 2016. Available at <http://www.tdg.ch/suisse/Christian-Levrat-annonce-une-politique-d-opposition/story/18235158>. Cf also <http://www.swissinfo.ch/fre/majorit%C3%A9-au-national-pour-davantage-d-%C3%A9conomies-et-de-d%C3%A9r%C3%A9gulation/42112288> and <http://www.tagesanzeiger.ch/schweiz/standard/lassen-sie-uns-sachlich-bleiben/story/28597402>

⁵⁶Armandio Mombelli: Parliament. *SWI* 18 May 2016. Available at http://www.swissinfo.ch/fre/parlement_des-partis-bourgeois-en-ligne-avec-leurs-nouveaux-pr%C3%A9sidents-/42153766

⁵⁷Laruissa M.Bieler: Editorial, *SWI* 26 February 2016. Available at http://www.swissinfo.ch/democratiedirecte/editorial_le-futur-passe-par-la-d%C3%A9mocratie/41978776. Cf also I Leybold-Johnson 'Is Swiss consensus disappearing ?' *SWI* 3 March 2016. Available at http://www.swissinfo.ch/directdemocracy/vote-aftermath_is-swiss-consensus-disappearing-/41996522

⁵⁸ Bernhard *loc. cit*

requirements of the 9 February votation it will be able to come up with a convincing and generally acceptable solution.

In other words, Swiss politics is likely to remain a complicated, changing and closely contested affair. In other words, exaggerated expectations of change are best avoided. However, while this is often seen as a means of preventing populist and systemic change, Hermann argues that the existing stand offs are actually a danger.⁵⁹ This is because they are encouraging ‘an unholy alliance of Parliament and people’ to make expensive concessions to old fashioned social groups. And this is preventing the system from reforming and achieving clear decisions. So there could be a different crisis coming from the one which many people assume. Stand-offs could mean stagnation not balance. Partly because of this, the country does not really offer a helpful way forward for the UK’s Leave campaigners. Indeed, the latter continue to misunderstand the intricacies of the Swiss situation while, at the same time, their own pressures are complicating the position of the Swiss.⁶⁰

⁵⁹ Michael Hermann, Tages Anzeiger 26 April. Available at <http://www.tagesanzeiger.ch/schweiz/standard/Die-Schweiz-verliert-ihre-Reformfaehigkeit/story/17281434>

⁶⁰ The actual British vote to leave the EU, which came after this paper was written, has left open the complexities of its implications for Switzerland, even if Mrs May likes to holiday there. And, while Christian Levrat continues to see growing right wing dominance (Le Journal du Jura 25 June) recent academic research does not bear this out. In fact in over a third of cases the SVP votes against the CVP and FDP, reinforcing the impression of tripolarization..

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