

Reform Trends in Swiss Government

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Times are changing and we are changing with them; however, political institutions remain what they have always been. This could be the conclusion of someone who looks at the archaic Swiss political system from outside. It might also be the position taken by a Swiss observer, like myself, who did his master's degree in political science in the almost revolutionary year of 1968 and who, since then, has seen so many failed attempts to reform the political institution in any basic way.

In the 1960s there was much concern about what was called the 'Helvetic malaise' or the 'small state syndrome' that we suffered from. In the 1970s the Swiss envisaged a complete revision of the Constitution: a first reform of the executive branch; a considerable strengthening of parliament, particularly vis-à-vis the government and the bureaucracy; and a redistribution of tasks and powers between the federal level and the states, which are called cantons.

For the anniversary of 1991, when the old Swiss federation was 700 years old, and for the anniversary coming up in 1998 when the new federal Constitution will celebrate 150 years, many of my colleagues in law, economics, sociology and political science developed and evaluated new models for a Swiss polity in the next century. The results have been rather modest; little change has occurred. Basically, Switzerland is still governed in the same way it was 25 years ago.

In my disappointment I might have stopped my lecture on reform trends here. I continue not only because I have promised to talk for about 40 minutes but mainly because I would like to show that social change has dramatically accelerated and that, therefore, at least in my opinion, institutional reform has become rather inevitable.

In my brief overview, I would like first to summarise the main reasons for the increased need for reform in the traditional Swiss polity and then to develop what this means for government and administration, parliament, direct democracy and federalism. Finally, I would like to give some explanations for the fact that there have not been many successful reforms in the last 25 years.

The reasons for the need for reform of political institutions have been listed many times. I could even imagine that in Australia they would not be much different from what they are in Switzerland. Hence, I can limit myself to mentioning a few key points.

First, as in most other OECD¹ countries social developments, technological innovation and rapid economic growth have allowed a massive expansion of the welfare state on the one hand and have increased the demand for regulation and for limiting the negative consequences of growth on the other.

Second, for these reasons the political system has been confronted with qualitative new tasks. Twenty-five years ago the Swiss Federal Government did not have to deal with economic growth, physical or land use

¹ Organization for Economic Co-operation and Development

planning, comprehensive environmental protection, nuclear policy, problems of telecommunication or data protection, housing or consumer protection. Most of these problems either did not exist or were left entirely to the cantons or even to the local authorities.

Third, in quantitative terms there is much more at stake today. The states' share of gross domestic product has risen from 20 to 30 per cent since 1968. The total expenditure of the governments at the three levels has increased from 15 billion to 105 billion Swiss francs, which is about \$A100 billion. This may still be a small amount in a comparative perspective, but the dramatic increase has been quite a challenge.

Fourth, interdependency and complexity of policies have become more important. Different policy fields are more and more intertwined, and a program in one field has consequences in others. For instance, interactions between the fields of energy, transport, environment, housing and regional development can no longer be denied.

Fifth, relations between governments at different levels seem to be more and more complicated. I will come back to that later on.

Sixth, the international and supranational dimension of politics is added to this already mysterious game. Years ago foreign policy was limited to security, bilateral diplomatic relations and foreign trade. Development aid and immigration came later on. There was little cooperation in international organisations, and European integration was considered something alien to Swiss concerns. Today, there are almost no policy problems left where domestic departments in the Federal Government do not have to consider the international dimension. Sometimes it is rather difficult to distinguish the domestic and foreign aspects in politics at home.

Finally, in view of the developments mentioned it is now increasingly difficult to build consensus among the diverging political tendencies. We can observe a considerable fragmentation of the political forces. It is hard to integrate the evermore numerous small groups and social movements into a political mainstream. At the same time, we have to take into account an important polarisation. Parties and interest groups in the centre of the political spectrum are either moving to the extremes or disappearing. Under these circumstances, national solidarity and consensus have become rather scarce resources in Swiss politics, at least compared with what we had 25 years ago. Considering all the new challenges confronting the Swiss Government it is, for me at least, rather surprising that political institutions have remained basically unchanged since the last century when the Constitution was written.

In the last 5 or 6 years, however, we can observe a new reform trend in Switzerland. According to an almost unanimous view of professional observers, academics, critics, and even practitioners involved, reform should achieve at least two goals: first, the capacity of the government system to guide and direct the nation and to make timely decisions should be increased; and, second, the main actors who suffer from a considerable overload in particular members of government and members of parliament should get better financial, professional and technical support in order to be partially relieved of their burden. The first goal has to do with the effectiveness of democracy and the second has to do with the efficiency of its working. As we all know, the two cannot be easily reconciled.

Before I go into the details of the reform debate, I should remind you that the Swiss governmental system is somewhat peculiar. I want to talk about the Federal Council, which is the government. Government, in a narrow sense, has always been entrusted to a Federal Council composed of exactly seven members. Members of that Council are elected individually for a full period of 4 years by the Federal Assembly, which is a common assembly of the two chambers.

The work of the Federal Council is based on two main principles of organisation. In the first place, the Constitution states that its functions should be distributed amongst its individual members. Thus, seven departments have been set up. Therefore, the whole scale of government operations of a modern state in the case of Switzerland must be undertaken by precisely seven ministerial departments. This means, for example, that one member of the government may be responsible for communications as well as energy and transport; another for foreign trade, industrial and labour matters, agriculture and housing; while still another may be responsible for culture, education and training, health, social welfare, environmental protection and sports. You can see what the load must be on that person. However, only a part of government business is legally delegated to the departments responsible for important matters.

The second principle of organisation can be found in Article 103 of the Federal Constitution, which states that 'decisions are taken by the Federal Council as a body'. This creates a so-called collegial principle by which the government as a whole is responsible for all decisions taken. This means that the members of this Federal Council have equal importance. The President of the Confederation, elected for one year only, presides over the meeting of the Federal Council as *primus inter pares*, so he is at the same level. A government head who has supreme power and can make policy decisions on his own – a single leader – is unknown in Switzerland.

It is interesting to see that the latest process of governmental reform was initiated by Parliament, although the two powers are clearly separated. Following a move by both chambers, the Federal Council installed a high-ranking commission led by one of the most prestigious law professors in the country. In its final report, this commission discussed four models; however, two of them were dismissed almost immediately. These models may be of interest to you: one was the presidential system of the United States and the other was the parliamentary system following the Westminster model. Both seem to be incompatible with Swiss history and experience.

Two models are still discussed. The first one would imply an expansion of the Federal Council to at least 11 members. This would make it possible to maintain collegiality, although the position of the president would have to be slightly strengthened by creating a presidential department and by electing the president for two years instead of only one. The other officers and tasks could be distributed to ten departments instead of seven. Departments would be smaller, more homogeneous and the work-load would decrease.

The second model foresees a two-level government. The Federal Council would remain a small collegial body – maybe even reduced to five members – limiting itself to problems of a strategic dimension and of high political importance. It would leave the direction of the departments to about 20 junior ministers. They would have to solve the administrative problems of a tactical dimension only. Members of the Federal Council would still be elected by Parliament for a full 4-year term, whereas ministers would be nominated by the small cabinet.

It was no surprise to me that the acting Government did not like any of the proposed models. It is not willing to change the Constitution at all. The bill, which is called *Governmental Reform 93*, is limited to two other proposals which do not go very far indeed. First, the Government should have the power to adapt the departments to changing needs without being forced to ask for the consent of Parliament – something that is not possible under the current law. Second, it should be possible for each department to nominate up to three state secretaries according to the necessities of the department.

Most commentators think these reform proposals are the first step in the right direction. As far as the increased flexibility of organisation and the expansion of the top personnel are concerned, this is probably true. Personally, I doubt that the Reform 93 Bill will solve the main difficulty of Swiss government. The decision-making capacity will probably not be improved. Departmentalism and policy egoisms of the different departments will continue to flourish. Coordination at the top will still be very difficult as nobody is really responsible for an overall view.

As you are in this famous building, it may be of even greater interest to you to analyse the situation of the Swiss Parliament. The Swiss Federal Assembly disposes of the supreme power in the confederation under the reserve of the rights of the people and the cantons. This means that, in formal terms, Parliament has an extremely strong position. Since the people have opposed decisive power in legislative matters, the Swiss Parliament has a function which is different from popular representation as seen in purely parliamentary systems of government.

First of all, it is not possible for the Swiss Parliament to exercise control over the government by voting it out of office. There is no such thing as a confidence vote. On the other hand, instruments for permanent supervision of the activities of the executive have been built up. The dissolution of Parliament and early elections are not allowed for in the Constitution.

Since there is no clear party political majority and no clear distinction between government and opposition benches, and since the parties have little power of compulsion and therefore hardly any disciplinary function, it is possible for specific legislative matters, both of principle and detailed correction, to be discussed with great thoroughness. The most important changes in legislative proposals which come from

government take place where parliament takes a different view from that of the government with regard to the chances of success in the referendum.

It is true that the Federal Parliament does not use all its potential strength to the limit. This is mainly due to the non-professional or part-time system. Sometimes we call it the amateur system. Members of the Federal Assembly do not exercise their office as a full-time profession. They continue their professional lives outside the framework of Parliament. This system is founded on the idea that the people's representatives will maintain a greater identity with the people. It certainly also means that individual members of parliament must carry heavy burdens. It is estimated that members of the Swiss Parliament must give up more than half of their working time to parliamentary activities and, as a rule, they must combine this with a full professional life.

In September 1992, the Swiss Government held three referenda on parliamentary reform. In one bill it was proposed that the Federal Council be obligated to inform the presidents from the two chambers and the commissions on foreign affairs about foreign policy developments. In addition, it was proposed that they consult with them when negotiations were going on and inform them of procedures being set up when there were differences between the two chambers. Of course, this has to do with European integration. These procedures were simplified.

People accepted these bills. However, they rejected by a large margin two other proposals of law which would have increased the remuneration of members of the National Council from about 60,000 francs to about 90,000 francs a year, including all the expenses for everything else. The bill included a proposal for members of parliament to be entitled to a small sum, which they do not have now, to cover the costs of personal secretarial staff. As this proposal was rejected, their financial, material and personnel resources remain modest.

Certain professional categories, such as medical doctors, business managers or even members of cantonal or city governments, can no longer be serious candidates for office in parliament. It is simply impossible for them to combine two jobs. The situation continues to limit the power of Parliament as it does not have the means to be an equal partner of the professional government and, in particular, of the bureaucracy.

I might add that honorary work for the community occurs not only in the Federal Parliament, but also at the canton and local levels where it is even more important and where a considerable part of the administrative tasks are fulfilled by non-professionals. The best known honorary work is in the military service. The system applies even in the federal bureaucracy, which invites experts from businesses, peak associations and sometimes even universities. These experts give advice without being paid for it.

All this proves, from Swiss public opinion, that people in politics and administration are there primarily to serve the public. It is a positive aspect of Swiss political life that many are still willing to do it. I must add that they will do it as long as they are well paid in their primary jobs.

The topic of public opinion brings me to the most special dimension of Swiss political institutions: direct democracy. No other country in the world makes such extensive use of popular rights at the national level. Any change in the Constitution is automatically subject to a referendum. The same is true of certain other important federal decisions, such as membership of international organisations.

In December 1992, the Swiss voted by a majority of 50.3 per cent and by 17 out of 23 cantons not to sign the treaty on the European economic area. Although Government, Parliament and all the major parties favoured the Bill, they will have to live with this decision for a while. It will take the Swiss a long time to get the majority of the people and of the cantons to say 'yes' to Europe. We had three attempts at introducing women's right to vote and four referenda to have a value added tax. One can now extrapolate how long it will take to join the European Union under the current rules.

Governing a country with direct democracy is difficult. This is particularly true when the optional referendum is added. Direct democracy allows all laws passed by the Federal Parliament, all binding federal decisions and all treaties with foreign countries to be submitted to a popular vote. The only condition is that 50,000 citizens should sign a petition to this effect. The signatures must be collected within 90 days of the publication of the Act of Parliament or the document in question. If a referendum takes place, only the majority of the voting citizens is required, not the majority of the cantons anymore. Thus the referendum constitutes the right of the citizens to veto parliamentary decisions. It takes place, to

some extent, in the form of a judicial review of the constitutionality of laws as it operates in other countries, including Australia, as far as I know.

Finally, government and parliament have to cope with the popular initiative. This instrument gives 100,000 voters the right to demand a partial or total revision of the Federal Constitution. The necessary signatures must be collected here within 18 months of the launching of the initiative. There have been some very important initiatives in the last few years. One, for instance, wanted to abolish the Swiss Army. A second asked for the closing down of all nuclear plants. A third wanted to make sure that the school year began at the same time of the year in all the cantons. By the way, the first two were rejected; the last was passed.

From looking at these issues, one can imagine that we have some problems with direct democracy. The first problem has to do with the extent of its use. Between 1981 and 1990, voting took place on 18 compulsory and 12 optional referenda, as well as on 17 initiatives. There were approximately five votes a year. If you add to this the referenda at the canton and local levels, you may end up with people having to vote on more than 30 issues on four weekends in one year.

We can conclude that there is a massive overload not only on the citizens but also on the parties and interest groups which should be able to conduct decent referenda campaigns. The result may be little participation by, and insufficient information for, the citizens and irrational decisions influenced more by populist slogans and heavy advertising than by argument and political debate.

The second difficulty of direct democracy has to do with its conservative consequences. As I have said, many observers are afraid that Switzerland will not be able to solve the problems of the next century when successive votes in the referenda merely confirm the status quo.

This brings me to the third problem of direct democracy – the increasing frustration of losing minorities. Those who find themselves on the losing side in most of the numerous referenda tend either to organise in social or protest movements or to withdraw from politics altogether. Low participation of sometimes around 30 per cent in national referenda is not enhancing the legitimacy of the decisions.

The problems of direct democracy that I have mentioned do not seem to be taken seriously by a large majority of the citizens. For the moment, we could not say that there is a lively reform debate on direct democracy going on. To be sure, there are some interesting proposals for reform discussed in parliamentary commissions. One idea is to allow for counter-projects in referenda, not only for constitutional matters but for single acts of law as well.

Another proposal would make it possible to have referenda on major administrative decisions which do not have the status of a law. Some groups consider that there should be measures against commercial collection of signatures; others would like to increase the number of required signatures for initiatives and referenda. Other groups claim that there should be no retroactive consequences of popular initiatives because there are occasions when the time has passed for a decision to be made. For example, it may be that the plant is already there when we vote that it should not be there. But I am convinced that none of these proposals will find a majority in Parliament and certainly not in a referendum.

Although I do not have to explain federalism to Australians, let me just say a few words about the problems the Swiss experience with their federal system which, of course, cannot be changed in any basic way at all. First, we are confronted with a very complicated distribution of powers. In recent years, it has become less and less clear to citizens, and even to professional observers like myself, which of the three levels of government is in charge – who decides an issue, who has to pay for a program, who implements the program, who is the addressee, who profits from the program and who are the losers.

Second, as a result of this distribution of tasks and powers, intergovernmental relations have become real issues. Vertical interlocking with regard to law, fiscal equalisation – which is also an issue in Australia – growing bureaucracies at the three levels and horizontal cooperation between the 26 cantonal systems and the 3,000 communal administrations lead to a considerable ‘entanglement’. Citizens can no longer understand what is going on.

Third, political borders are no longer congruent with social and economic areas. People live in one place, they work in another and they spend their free time in still a third place. These places may not even be in the same canton. New problems of transport, energy, environment and drugs go across the borders of

communities and even of cantons. Therefore, we have to deal with the problems of spillovers and external matters, which are very serious.

Finally, the differences the economists would say disparities between political units and regions have increased despite all the programs of equalisation. Many local governments and some cantons as well are no longer in a position to solve their own problems. The result is usually centralisation, which basically nobody wants, so there is a paradox built into that process.

Reform of federalism is very difficult. The attempts to redistribute tasks and political power between the Federal Government and the cantons failed to a large extent. New proposals we made recently for a better cooperation at least in urban areas were not very well received by the cantons. We are afraid that federalism nowadays has more to do with communal and cantonal interest and regional egoism than with the basic values of subsidiarity and solidarity.

In my overview of reform trends in Swiss government, I have concentrated on political institutions whose reform would make it necessary to change the Constitution or at least some important laws. In addition, I might have discussed areas where political reforms would be possible without touching the legal framework. I think the composition of the Federal Council the so-called magic formula with two representatives of the three major parties and one of the fourth party could be changed from one day to the other if parliament decided to do so.

I think of the reform potential: the introduction of new consultation procedures with the cantons, coalition programs increasing the efficiency of parliament by self-discipline or easing the task of the Federal Council by pragmatic delegation of powers but if these reforms within the existing legal framework are also not used, it proves that there is no real urge for political reform in Switzerland.

Before we come to an end, we might just ask ourselves why this is so. Why is there no enthusiasm for political reform when social, economic and technological developments both at the domestic and at the international level suggest rather fundamental innovation? I can think of at least four explanations for this paradoxical situation.

First, it is the political institutions themselves that inhibit change. They were designed in the last century to guarantee reasonable bargaining, accommodation and reserve and they had to make sure that the tempo of development was convenient even for the slowest and most traditional regions. It is not surprising, therefore, that these institutions prove to be resistant against their own reform. Minimal changes of the people's rights are possible only by passing a referendum. In a vote, the citizens will not accept any proposal that rouses the suspicion of limiting the people's rights. Ultimately, what we have could be called structural gridlock.

Second, we have to take into account resistance. For a long time, the Federal Council has opposed governmental reforms successfully. Parliaments saw the need for reform, particularly to strengthen the capacities to control the bureaucracy, only after some serious affairs and mishaps. The reform of federalism failed because the cantons were against it and, as I said before, the citizens do not accept a reform of direct democracy.

Third, the Swiss now live in a climate of insecurity and lack of reassurance. After a 40-year period with an unemployment rate of less than one per cent, the deep recession makes people doubt whether growth can go on forever. The end of the Soviet empire has left the Swiss with a vacuum as far as basic assumptions on foreign policy are concerned. Even neutrality is being discussed nowadays. The considerable proportion of foreigners living in the country seems to threaten Swiss qualities and maybe peculiarities. Many Swiss feel that European integration will put an end to the country's sovereignty. In times of transition and crisis, there is a strong tendency to maintain the status quo at least in some areas.

Political institutions are a field where nobody can really impose change on the citizens. At the same time, they are the only symbols of identity in a purely political nation which has no president representing the country, no monarchy, few national heroes who lived in the Middle Ages and not even a very successful soccer or skiing team anymore. In this situation federalism, direct democracy, non-professional service to the country and collegial government are seen as the essentials of the nation. Questioning institutions and discussing its reform, as I have tried to do here, will be interpreted by some as an almost subversive activity.

Last, but not least, there are some very good reasons for not altering political institutions too often. These institutional arrangements have been very successful in the past. They have made it possible to mould into one whole a country which is so diversified on the linguistic, cultural, religious and economical levels, and to integrate the various parts of the population in the system of peaceful coexistence.

The level of acceptance of political decisions, in spite of what I said before, has been very high. Citizens still feel strongly involved in their political institutions and, as far as performance is concerned, according to almost all current international economic and social indicators, Switzerland is still highly successful. Hence, the conservatives would ask, 'Why change anything at all?' They are probably right when they claim that it does not make sense to impose on Switzerland political institutions which are modelled for example along the lines of the Westminster parliamentary system. They are probably wrong, however, when they believe that Switzerland can continue to be a special case in a world that is constantly changing.

My country will have to situate itself in Europe not only in economic terms but also in political terms. In order to do this it will have to adapt its political system to some extent. We should not copy blindly what others do, but we can certainly learn from the experience of other highly developed democracies. This is, by the way, one of the reasons I am here, and I take the opportunity to thank Australians for their hospitality and thank you for your attention.

Questioner I have a degree in politics and was also in government. In Australia we have ministerial responsibility. It is difficult to have accountability. I found that, when I was at the base level in government, the top and the bottom did not really know what was happening. If something is wrong, where do you go to find who is responsible? In Australia we have the Secrecy Act. I do not know if you have such a thing in Switzerland.

Professor Klöti I can say two things. First, all national programs are implemented at the level of the cantons. If a citizen does not agree with something, he first goes to his local government or canton: he or she does not go to Bern to see what is wrong there. This is bureaucracy closer to the people.

Second, what is really decided in the federal bureaucracy is now better controlled by parliament because it has installed some very effective instruments to control the bureaucracy. People can go there and look at what it is doing. When I was working for the Swiss Government for 7 years in the 1970s, some member of parliament could just step in and ask, 'What are you doing? Oh, you are reading a newspaper', or something like that. You should not read the sports pages when you are working. These are the two ways accountability is controlled to some extent.

Questioner What do you see as the ways to break human communication barriers? The barriers are there partly because people do not want to communicate in a democracy and they have become so disillusioned and fed up that many put their minds in their pockets and do not even try to communicate. Do you have any recommendations for us as to how we can achieve a collection of more honest information and also of more ways to stir people to want to be alert?

Professor Klöti Maybe Switzerland has something to offer in this regard with the idea that we discuss problems at the lowest possible level where people still know each other. I got the impression that sometimes in other highly developed democracies people expect everything to come from the top, wait for the best solutions and, as you said, wait till they solve the problem. There is still something left of the idea that instead of waiting to see what others do, you should just take the initiative and start talking about the problem. Maybe it will not even be necessary to have a solution come from the top, but that is all I can say for the moment.

Questioner There is a proposal to introduce in the Australian Capital Territory legislation by voter initiatives along the lines of the Swiss model. Naturally, we are very interested in some of the issues you raised about the practicalities of such a system. You mentioned that frustration of losers was a problem particularly in the situation of a low voter turnout. I imagine that is in turn connected with the frequency of questions that you also mentioned. Does Switzerland have, or has it considered, mechanisms for either limiting the frequency of referenda, or, if there is a minimum voter turnout, for a referendum outcome to be binding?

Professor Klöti There is one very simple way to try to increase the turnout at a referendum and that is compulsory voting. Compulsory voting is enacted in one or two cantons and it shows that the turnout is higher there. This is contrary to liberal ideas when you think that someone can decide whether they want to vote or not; that is their decision.

It is difficult to limit the number of votes because you have to set some limits and you cannot really say, 'Well, it is for only important questions'. Who defines what an important question is? You can say it is for laws. Sometimes you may have a small amendment to a law which is not very important, but you may have a very important administrative decision, such as putting up a nuclear plant which was the case in Switzerland which is not subject to a law or a referendum.

What we can do is increase the number of signatures necessary to launch an initiative or to have a referendum but, again, this is against the basic ideas of democracy. You will have people reject the idea of increasing the number of signatures. If you are going to introduce something of the kind, I would suggest that you be careful not to go too far in the beginning. Once it works, you can still expand the issues or do things like that, but you will never be able to come back to a lower level of participation and a smaller number of votes.

Questioner You mentioned before creating some degree of difficulty. Can you say why the Swiss have not considered, or a proposal has never been put to the Swiss people by the Swiss Parliament for, a minimum requirement of a certain percentage in each of a majority of cantons with an overall ceiling limit? I believe it is the only system being considered anywhere in Australia.

Professor Klöti Could you explain the system to me? What is the minimum requirement?

Questioner The Swiss figures of 100,000 break down to 2.2 per cent of the Swiss voting population. At the moment, you can raise that 100,000 out of Zurich, and I understand that in other parts of Switzerland Zurich is not regarded as being typical of Switzerland. If you look at the numbers of referendums which have failed, you find that most of them have failed miserably in most cantons anyway. If this requirement were put in place at the initial stage, it would certainly indicate that there must be widespread support. Yet, it would eliminate most things which have got no support when it really comes to the vote.

Professor Klöti The result of the failures of some proposals and projects was the introduction of a very complicated pre-parliamentary process of consultation. It is not true that most of the referendums fail. When you look at the laws being enacted by only 8 per cent or 9 per cent, you see that they are really subject to a referendum. The referendum is not taken on every change of the law. In most of the cases you will still find consensus, but in the most important cases, which are really at the base of the changing of the overall society, it is very difficult.

There are fields where you can compromise and there are fields where you cannot. You cannot be only a 10 per cent member of the European Union. You are a member or you are not. You cannot have only a small nuclear plant. You have nuclear power or you do not. It is like being a little bit pregnant. In these questions it is very difficult to find a compromise and work out a common basis before the vote, but in most other cases and with regular distribution problems you usually find a solution. That is why we still think, basically, the system is working, but for these difficult questions it is different.

Questioner There is, indeed, growing interest in Switzerland and I think it is shown by the number of people here today, particularly because of your system of binding citizens initiated referendums. There is actually a bill before the ACT Parliament at the moment. The trigger is in two directions. First, 2 per cent of the electors signing triggers a referendum to be held at the next election. A percentage greater than 5 per cent triggers a referendum to be held within three months. That handles the problem you raised earlier in that, if there is a longer period of time, the building may be built, et cetera. There are some cases where we need to stop the tunnel before it is constructed.

You mentioned a number of areas in which you suggested that the people took a long time to get it right. One area would be the value added tax. I would suggest that most Australians do not think that is a right decision; that it is a very bad decision. When you talk about the referendum to abolish the army and the one to join the European Union and others that have not met success in Switzerland, I think your suggestion is that they are wrong and they have not yet got it right. It is an interesting debate as to whether the majority of people can be wrong. After all, who makes the decision?

I ask: first, could you let us know what you mean by counter projects; and, second, do you have some idea of where the Swiss people got it right, such as requiring a hospital to be built before roads and such things?

Professor Klöti Let me take the last point first. It is difficult to say that people were wrong. On the other hand, take the women's vote for instance. You can say that it is a human right. If it takes 50 years to achieve and you are ridiculed all over the world, I tend to believe that finally we should get there. We got there in 1971, but it was long after the others got there.

In relation to the European Union, I am not quite sure what is the right solution. The problem is that when you are in the midst of a huge union and everybody around you is a member of it, you have to comply and do the things they are deciding anyway in economic terms. If you want to be part of that market and we are part of that market then it is better to join them, discuss problems and counter the solutions and participate in that process, because that is the problem. We will have to adapt to European law anyway one day, earlier or later, and the same is true for the value added tax. It was a handicap for our export industry to have the system we had before. We changed it last December, so we are no longer really free to choose in some ways.

Questioner What about the counter projects?

Professor Klöti It will mean that when we have a new law on environmental protection some restrictions will be established, for example, the Clean Air Act might say that there should be only 0.8 per cent of pollution in the air. People may agree but not with the certain limits, so there could be a counter project saying that the restrictions should not be at 0.8 but 1.2 per cent. You would then have a choice between two limits without being obliged to reject the whole project. This is the basic idea. Otherwise you would have to wait for another 10 years until a new law is worked out. That is exactly what happened to the environmental protection law.

Questioner My question has several parts, but they are very short. First, you said that the lowest voting level in a referendum was about 30 per cent. Could you give some information about the highest level? Second, do the referendums come around like clockwork every 3, 4 or 6 months, or do they come up irregularly as people get them ready for voting? Finally, I understand that some cantons have compulsory voting and others do not. Is the general tendency to go to voluntary voting or to compulsory voting?

Professor Klöti The tendency is to go to voluntary voting. The rhythm of the referendums is dictated by the rhythm of Parliament whenever a law is ready, it is subject to referendum. It is not a very clear-cut rhythm of 3 months, but a referendum is held whenever something is ready. The highest level of participation we had was in that famous vote on joining the European economic area, which was 80 per cent.