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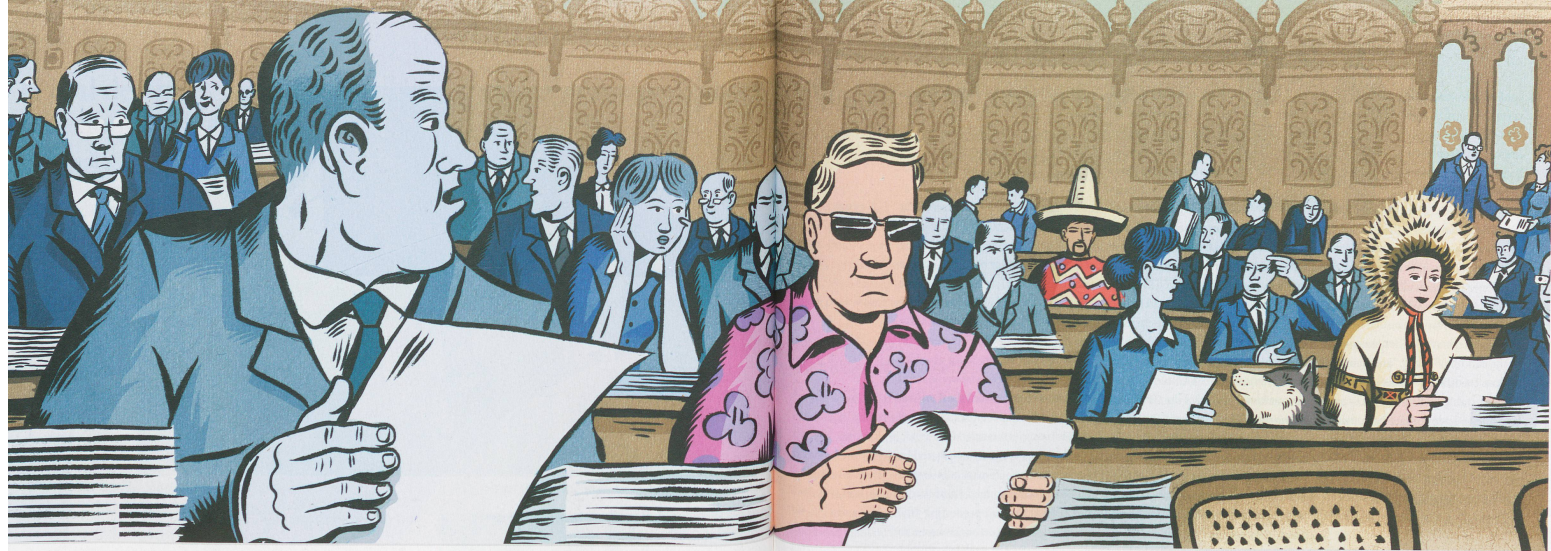
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From Rio to the committee meeting in Berne?

More and more Swiss people are living abroad. They are being seriously courted by the political parties. This raises the question of whether the Swiss Abroad should become the 27th canton.

JÜRGEN MÜLLER

A married couple, the husband a Green and his wife a Social Democrat, have ensured a first in the Swiss Parliament on two occasions: Ruedi and Stephanie Baumann were the first married couple and also the first Swiss Abroad in the National Council – and they are the only ones to date. A true Swiss Abroad has never yet sat in the Federal Assembly. After all, the Baumanns were elected when they were still living in Switzerland. He sat in the National Council from 1991 to 2003, and she held her seat from 1994 to 2003; they did not move to the south of France until 2001. They took over a new business there after

handing over their organic farm to a son.

The presence of the Swiss Abroad in Parliament therefore only lasted around two years. This may seem surprising as the political obstacles are continually becoming smaller and smaller. Legally there are no restrictions in any case. The Swiss Abroad have the right to vote and the right of election. They just have to register with a Swiss representation abroad and decide where they wish to vote – in their commune of origin or former commune of residence. The Swiss Abroad have enjoyed the right to be elected at federal level since the foundation of the federal state. Various Swiss Abroad have

been elected to the Federal Council – most recently Friedrich Traugott Wahlen in 1959.

Much-courted Swiss Abroad

The political parties are increasingly focusing on wooing Swiss emigrants. This is due to the fact that the number of Swiss citizens abroad is continuing to grow sharply. Over 740,000 Swiss nationals now live out of the country, which equates to one in ten. Proportionally, that is more emigrants than any other country in Europe. The number of political candidates is also continually rising. There were three in 1995, just one in 1999, then 15 in 2003, 44 in 2007, and at the

last federal elections in 2011 there were 81 candidates residing abroad on the electoral lists. Some parties have even created separate international lists whereas others have incorporated the Swiss Abroad into their cantonal lists. Around 22,000 Swiss Abroad were able to vote electronically for the first time in 2011 in some cantons as part of a pilot project.

"Physical presence requirement"

Significant efforts are being made to facilitate the political participation of the Swiss Abroad. However, various issues arise when it actually comes to performing a National Council mandate from abroad. This is because a "physical presence obligation" applies. And this is not just during the parliamentary sessions, but also at the committee meetings, as Mark Stucki, head of information

at Parliamentary Services, points out. In one specific instance, albeit not relating to a Swiss Abroad, the validity of using a video link for a committee meeting was once clarified. It was rejected on legal grounds, explains Stucki.

This mandatory attendance can present problems. The Baumanns, for example, firstly had to drive around a hundred kilometres from their home in provincial France to Toulouse and then take the night train to Geneva and Berne. Ruedi Baumann says that the delivery of documents did not pose a problem. This should become increasingly straightforward in the internet age. Travel expenses are also a cost factor and one for the state in fact. All National Council members have their travel costs to Berne covered regardless of where they live.

"That would even apply if a Council member lived in Rio de Janeiro," reveals Mark Stucki. The "most reasonable connection" to the Swiss border is stipulated and in Switzerland all members of Parliament would possess a GA travelcard in any event.

Insufficient contact

Stephanie Baumann, who relocated to France shortly before the closure of the legislative period at the end of 2003, highlights another obstacle: she was able to organise herself for sessions and committee meetings, "but all other exchanges, which in my view are essential to conducting serious parliamentary work, could only be conducted in writing, if at all". Contact with a wide variety of people, preliminary discussions with party representatives and hearings of the



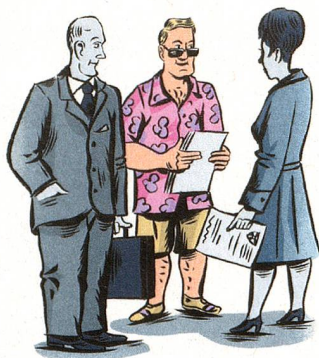
ELECTIONS
2015

spokespersons of interest groups concerned, etc. are vitally important. Stephanie Baumann never saw herself as a representative of the Swiss Abroad. “Who was I supposed to represent as a Swiss citizen abroad? A banker in Bangkok? A pensioner living on old-age and survivors’ insurance (AHV) on the Costa del Sol?” She always regarded herself as a representative of her electorate in the canton of Berne, “and in order to do a credible job, I needed to be firmly established in my party section and to have contact with neighbours in the place where I lived and in the region”.

Parliament debates special constituency

Efforts are regularly made to strengthen the position of the Swiss Abroad in Parliament. In recent times, the Swiss Social Democratic Party (SP), above all, has supported this by submitting motions. In 2007, Mario Fehr, the Zurich SP National Councillor, called for “direct representation of the Swiss Abroad in the federal Parliament” through a motion. The proposal ultimately came to nothing. The attempt made by Carlo Sommaruga, the SP National Councillor from Geneva, only narrowly failed in 2009. Through a parliamentary initiative, he called for the creation of some form of guaranteed seats for the Swiss Abroad in the National Council and Council of States. The National Council approved his proposal – against the advice of the committee – in 2008 but the Council of States opposed it. The bill was removed from the legislative record and disappeared from the agenda.

A constitutional amendment would be required for direct representation of the Swiss Abroad on



both councils: one or two seats would have to be set aside for the Swiss Abroad in the Council of States and a separate constituency with a certain number of guaran-

teed seats would be necessary for the National Council elections. Opponents argued that this would effectively mean the Swiss Abroad being treated in the same way as the citizens of a canton. However, a canton is “a state entity consisting of a cohesive area”, remarked committee spokesperson Ruth Humbel of the Christian Democratic People’s Party (CVP) during the parliamentary debate. It could not “be compared with a group of persons distributed across the entire world whose common characteristic was that of not residing in their homeland. Depending on where they choose to live, the Swiss Abroad face completely different living conditions which is not conducive to the establishment of a constituency”. In the Council of States, Hansheiri Inderkum (CVP) described such a constituency as “extremely problematic from the perspective of constitutional law and national politics”.

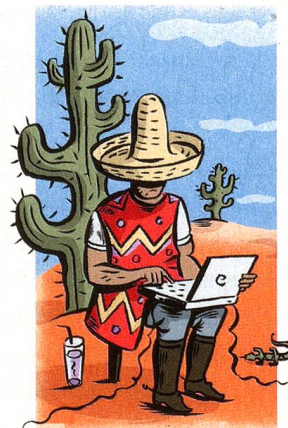
The advocates of the initiative put forward by Carlo Sommaruga emphasised that “even though the Swiss Abroad live in different places around the world, they share the specific experiences of everyday life away from home”. Introducing more perspectives shaped externally would benefit the work of Parliament. Liliane Maury Pasquier, the Geneva SP Council of States member, pointed to the growing professional mobility of the Swiss people. Parliament could only benefit from this cultural and intellectual wealth. Filippo Lombardi (CVP), her Council of States colleague from Ticino, who also supported the issue, drew attention to the fact that the election of a Swiss Abroad was practically

ruled out under the current regulations.

Three EU countries recognise constituencies abroad

Stephanie Baumann is also sceptical about the representation of the Swiss Abroad in Parliament: “I cannot see any sense in the call for the creation of a fixed quota of National Council seats for the Swiss Abroad,” she remarks. And her husband, Ruedi Baumann, adds: “An election campaign between the Swiss Abroad would be an absolute farce. The only people who would stand a chance of election would be figures already well-known beforehand or those with substantial financial resources.”

This view is clearly not shared by Parliament. In September 2014, the National Council submitted a postulate to the Federal Council requesting “the compilation of a report on the most common and discussed models in Europe concerning the structuring of political rights and political representation of citizens abroad”. It will be some time yet before the report is completed. What is already clear at this stage is that Italy, France and Portugal recognise constituencies abroad and therefore ensure direct representation of their citizens abroad with guaranteed seats in the national parliament. Of the 577 members of the French National Assembly, 11 representatives were elected in special constituencies abroad for the first time during the 2012 election. Italians residing outside the country have been able to elect their own parliamentary representatives in special constituencies since 2006. Of 945 seats in total in the Chamber of Deputies and the Senate, 18 are set aside for Italians abroad. Three Italians living in Switzerland are also members of parliament in Rome.



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