Why Parliaments matter: A Swiss Perspective on the Effects of Covid-19 on the Functioning of Parliaments

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The Effects of Covid-19 on the Functioning of Parliaments

Bar-Ilan University, January 9, 2023



# I. Introduction





## I. Introduction

#### Overview

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### 1. Terminology

### **Emergency Law**

All norms that (ex ante) regulate the crisis can be described as law in crisis situations (emergency law). In a broader sense, emergency law also includes the norms that are only enacted in the crisis to deal with the crisis.



### 2. Key Questions

### **Key Questions of Emergency Law**

- 1. What triggers the crisis?
- 2. Who determines that the crisis has occurred?
- 3. What can be done in the crisis (competences)?
- 4. Who controls and how does the crisis end?



#### 3. Swiss Answers

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English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

# Federal Constitution of the Swiss Confederation

of 18 April 1999 (Status as of 13 February 2022)



#### 3. Swiss Answers

### **Art. 185** External and internal security

- <sup>1</sup> The Federal Council takes measures to safeguard external security, independence and neutrality of Switzerland.
- <sup>2</sup> It takes measures to safeguard internal security.
- <sup>3</sup> It may in direct application of this Article issue ordinances and rulings in order to counter existing or imminent threats of serious disruption to public order or internal or external security. Such ordinances must be limited in duration.
- <sup>4</sup> In cases of emergency, it may mobilise the armed forces. Where it mobilises more than 4,000 members of the armed forces for active service or where the deployment of such troops is expected to last for more than three weeks, the Federal Assembly must be convened without delay.



#### 3. Swiss Answers

<sup>3</sup> It may in direct application of this Article issue ordinances and rulings in order to counter existing or imminent threats of serious disruption to public order or internal or external security. Such ordinances must be limited in duration.



1. Police Clause

(Economic Crisis? Climate Crisis?)

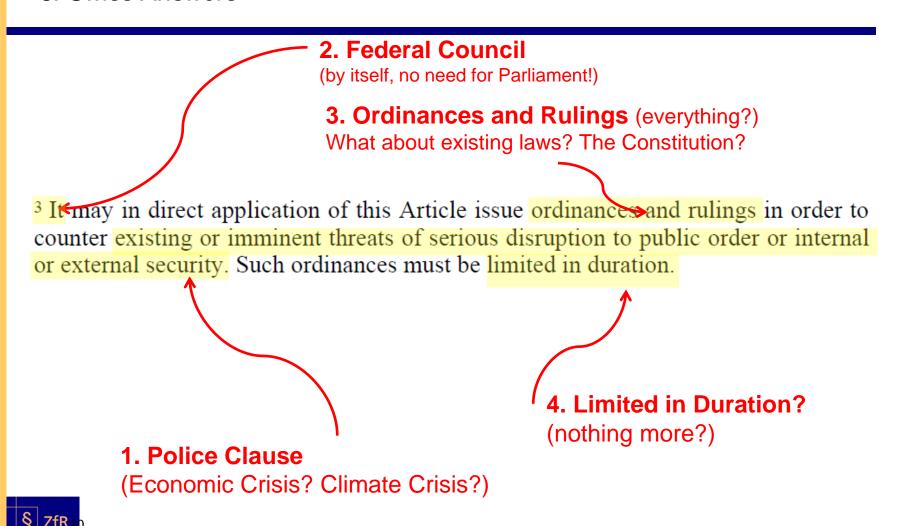


### 3. Swiss Answers

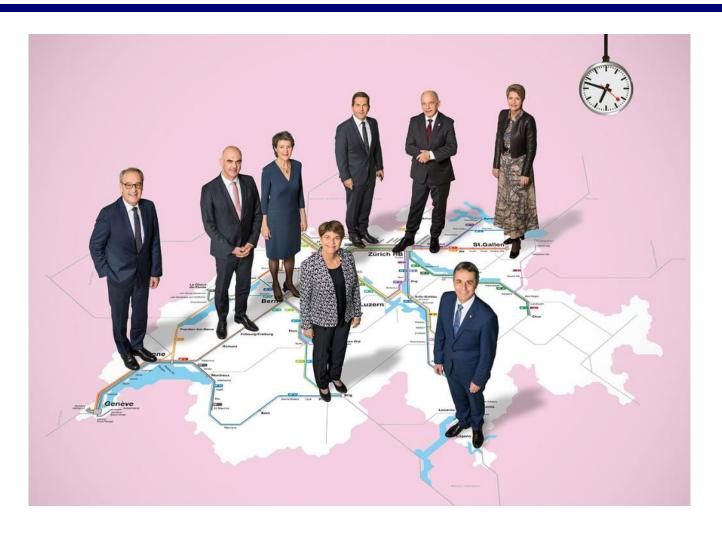




#### 3. Swiss Answers



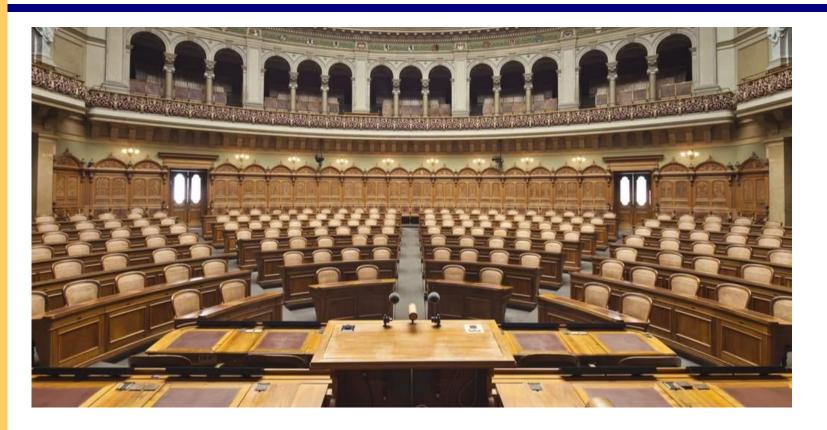
### 4. Emergency Law – Times of the Executive Branch





# III. Limitations of Parliament

### 1. The Great Void



Self-dissolution of the Swiss Parliament on March 15, 2020



# III. Limitations of Parliament

### 2. Lack of Organizational Law



Lack of crisis-proof organization law



# III. Limitations of Parliament

3. Lack of Understanding for the Role of Parliaments



Cantonal Health Department denied a permit to hold a Parliamentary Meeting (March 2020)



### 1. Minority Opinions





### 2. Transparancy





### 3. Legitimacy and Control

### **Typical Instruments**

- Empowerment, Authorization, Corrections
- Medium-term Measures
- Oversight



### 4. Direct Democracy





# V. Conclusion



