

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

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I. Introduction



I. Introduction

Overview

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II. Crisis – What Crisis?

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.

II. Crisis – What 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?

II. Crisis – What Crisis?

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)

II. Crisis – What Crisis?

3. *Swiss Answers*

Art. 185 External and internal security

¹ The Federal Council takes measures to safeguard external security, independence and neutrality of Switzerland.

² It takes measures to safeguard internal security.

³ 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.

⁴ 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.

II. Crisis – What Crisis?

3. *Swiss Answers*

³ 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?)

II. Crisis – What Crisis?

3. *Swiss Answers*



II. Crisis – What Crisis?

3. Swiss Answers

2. Federal Council

(by itself, no need for Parliament!)

3. Ordinances and Rulings (everything?)

What about existing laws? The Constitution?

³ 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?)

4. Limited in Duration?

(nothing more?)

II. Crisis – What Crisis?

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



**Kanton Zürich
Gesundheitsdirektion**

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

IV. Roles for Parliament

1. *Minority Opinions*



IV. Roles for Parliament

2. *Transparency*



IV. Roles for Parliament

3. *Legitimacy and Control*

Typical Instruments

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

IV. Roles for Parliament

4. Direct Democracy



V. Conclusion

