

Political rights : does Swiss democracy need reform?

Autor(en): **Tschanz, Pierre-André / Felber, René**

Objektyp: **Article**

Zeitschrift: **Swiss review : the magazine for the Swiss abroad**

Band (Jahr): **19 (1992)**

Heft 2

PDF erstellt am: **28.05.2024**

Persistenter Link: <https://doi.org/10.5169/seals-907227>

Nutzungsbedingungen

Die ETH-Bibliothek ist Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Inhalten der Zeitschriften. Die Rechte liegen in der Regel bei den Herausgebern.

Die auf der Plattform e-periodica veröffentlichten Dokumente stehen für nicht-kommerzielle Zwecke in Lehre und Forschung sowie für die private Nutzung frei zur Verfügung. Einzelne Dateien oder Ausdrucke aus diesem Angebot können zusammen mit diesen Nutzungsbedingungen und den korrekten Herkunftsbezeichnungen weitergegeben werden.

Das Veröffentlichen von Bildern in Print- und Online-Publikationen ist nur mit vorheriger Genehmigung der Rechteinhaber erlaubt. Die systematische Speicherung von Teilen des elektronischen Angebots auf anderen Servern bedarf ebenfalls des schriftlichen Einverständnisses der Rechteinhaber.

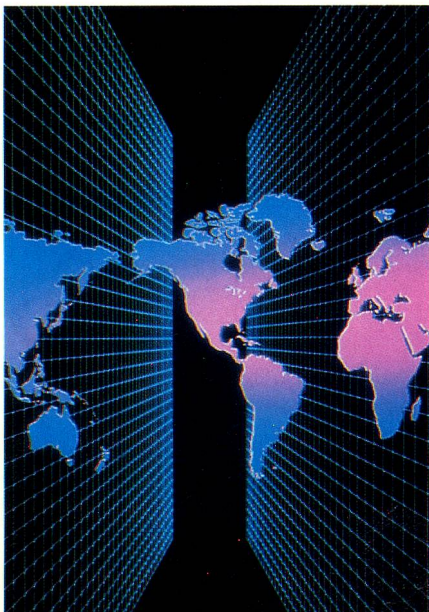
Haftungsausschluss

Alle Angaben erfolgen ohne Gewähr für Vollständigkeit oder Richtigkeit. Es wird keine Haftung übernommen für Schäden durch die Verwendung von Informationen aus diesem Online-Angebot oder durch das Fehlen von Informationen. Dies gilt auch für Inhalte Dritter, die über dieses Angebot zugänglich sind.

Does Swiss democracy

Less than ten years ago the French philosopher, Jean-François Revel, declared that democracy was condemned to a slow death. Few opinions can have been contradicted more decisively by the march of events. In just a few years, we have been able to watch the disappearance one by one of the dictatorships of Latin America, followed by the advent of democracy in the countries of central and eastern Europe, even extending to the republics of the defunct Soviet Union. The truth is that today democracy is more alive and more widespread than it has ever been at any time in history.

But this triumph of democracy has not by any means dissipated the doubts and the self-questioning in the minds of many Swiss citizens about the future of their own particular democratic institutions. The hour of decisive choice is now approaching. I refer to the place of Switzerland in the integrated Europe of the future. Swiss citizens will now have to make up their minds on this vital matter. For it is the voters who will have the last word.



We live in a world marked by the development of modern electronic communications and media, where the different regions of our planet are ever more interdependent. In these circumstances, is the system of semi-direct democracy, as we know it in Switzerland, still relevant? Or is it completely out-of-date? Should it be reformed? If yes, how

Pierre-André Tschanz

should it be reformed? With the dramatic speeding up of the process of integration in western Europe, these questions have been asked with more and more urgency during the last few years in Switzerland. Semi-direct democracy, something which has always been thought of as special to Switzerland, is being brought into question. Just as are all the other practices that mark our country off from its neighbours. The current climate is one of alignment.

The rights of popular initiative and of calling a referendum, sovereignty of the people and the cantons in all constitutional matters, a type of cantonal autonomy within federal Switzerland which is as extensive as possible – these are the three main pillars of our semi-direct democracy. And it is in the name of alignment with our neighbours – in the framework of European integration – that they are being so widely brought into question today. Switzerland's present policy with respect to European integration is one of full participation in the medium term. The government has decided as a first step to take up full membership in the European Economic Area (EEA), which now covers the whole of western Europe and includes 380 million consumers. Within this area there is to be totally free movement of persons, goods, capital and services. A little later, the Swiss government also intends to join the European Community, which will most probably by that time have been rechristened the European Union. There should be no doubt that

**Is our semi-direct democracy still practicable with the increased interlocking and mutual dependence within the European continent?
(Photo: KeyColor)**

Switzerland's policy with respect to European integration quite clearly implies a transfer of sovereignty. In a substantial number of areas, the Swiss federal government and the cantons will have to transfer their present prerogatives to supra-national institutions, which will include the European Court of Justice and the various bodies which make up the European Community. It is difficult to imagine that this can happen without having a substantial effect on today's popular rights in Switzerland.

As things are at present, 100,000 Swiss citizens – or just about 2% of all those entitled to vote – may set in motion a popular initiative requiring a modification of the federal constitution. Unless it is withdrawn, any such popular initiative must be put to the vote. And if the majority of the voters and of the cantons accepts such an initiative, it becomes part of the constitution. You

Message from the

The revision of the Law on the Political Rights of the Swiss Abroad will give Swiss citizens living abroad the right to participate in all federal referendums and in elections to the National Council as from July 1, 1992.

I am convinced that this news will bring great joy to the hearts of those of our compatriots who live abroad and whose interest in Swiss political life remains vibrant. It is by participating regularly and in large numbers that you will be able to show those who have been defending your interests that they were right to demand this prerogative on your behalf.

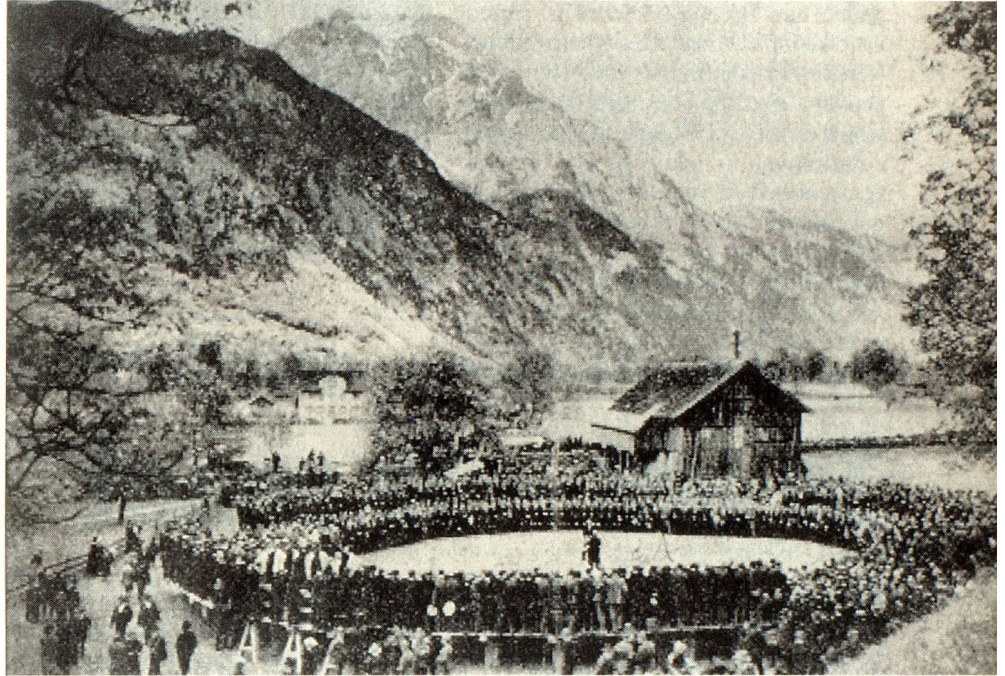
This new situation is not intended as a one-way street. The right to vote which you have gained gives you the opportunity of strengthening your links with your country, wherever you may be in the world, and at the same time it will greatly enrich Swiss political life. At the end of the day you alone are in a position to decide on the use you make of it. The only thing I can do is to invite you as warmly as possible to participate in our political life. The chance of history

need reform?

might say that the popular initiative is at present the accelerator pedal of Switzerland's democracy.

But Switzerland's participation in the process of European integration will be bound to limit the right of popular initiative in all those areas in which the federal and cantonal governments have surrendered their prerogatives to a supra-national body. To take a very telling example, a popular initiative which required a limitation on the number of foreign nationals in Switzerland – and about a dozen such initiatives have been launched in Switzerland during the last quarter century – would no longer be possible. This is so for the simple reason that if the majority of the people and of the cantons were to approve such an initiative they would find themselves in contradiction with European law – and this will be true with regard to both the European Economic Area and the Eu-

The "Landsgemeinde" would also be affected by the limitations due to Switzerland's participation in the European integration. Our illustration: The old Uri "Ring". (Photo: Alfredo Cioccari)



President of the Confederation



has given you the opportunity of influencing Swiss politics at a time when immense transformations are taking place in Europe and in the world. Switzerland is not an island, and in playing its part in the international community it has only two alternatives: to participate actively in the search for a new relationship between nations or to subject itself passive-

ly to the consequences of not participating.

The Federal Council is conscious of the imperative choices which have to be made and is resolved to follow a policy of reform and openness. Openness to the Europe of the Community, for the object of the European policy of the Federal Council is none other than to become a member of the European Community – and also openness to the other Europe, in the centre and the east of our continent. Nor indeed do we intend to neglect the rest of the world. Each of these areas requires of us an increased effort of solidarity. Such solidarity is in our interest too, for our own security depends on the economic and political stabilisation of the new republics which have so recently freed themselves from the totalitarian yoke. The same is true for the third world which, in the absence of a substantial improvement in its economic situation, could well be at the origin of a stream of migrants towards the wealthier countries of a width and depth which has never yet been seen. This desire to become more open to the

world can be put into practice only if reforms take place at home. There will be sections of our population who will suffer from Switzerland's essential adjustment to the new international scene – and our national spirit of solidarity must also reach out to them. For if we do not take great care the difficulties of adjusting to the future could encourage a feeling of isolationism, of looking inwards rather than outwards.

The importance of these challenges should not drive us into a state of paralysis but should rather lead us to a conviction that we must change old thought-patterns and attitudes. In the immediate future you too will be able to make your voices heard on the questions which will decide the future of our country. Only a sense of civic duty which is adequate for the tasks ahead will enable Switzerland to enter the 21st century with its head high. It is in this sense that the voting paper which will now be available to each and every one of you is of the greatest possible importance.

René Felber

President of the Confederation ■

ropean Community. There is no difference between the two in this respect.

And the same is also the case with respect to the right to demand a referendum – which may be described as the brake pedal of our democratic vehicle. Here too the people would no longer have the right of veto in any matter which had been given over to supranational jurisdiction. Today the sovereign – and in Switzerland the sovereign is the people – must be consulted in all cases which involve a change in the federal constitution. In addition, 50,000 citizens entitled to vote, or eight cantonal governments, have the right to demand a referendum on any federal law which has general validity. This is what is

known as the institution of the optional referendum.

The same restrictions would apply to those last vestiges of direct democracy as operated in a number of the smaller cantons and half-cantons in German-speaking Switzerland, the famous "Landsgemeinden" – or public assemblies in which all citizens entitled to vote come together in the town square or other public place – to debate matters relating to the public domain and to exercise their democratic rights at the cantonal level. Such "Landsgemeinden" still take place in the cantons and half-cantons of Glarus, Appenzell (both Rhodes) and Unterwalden (Upper and Lower).

Federalism may be defined as the principle by which the decision-making process is as near to the individual citizen as is humanly possible (the gearbox of the democratic vehicle) – and this principle has traditionally been exercised at three levels – the municipal, the cantonal and the federal. The truth is, however, that with European integration federalism is about to be given – and possibly enriched by – a new level, the European level. This way of putting in a nutshell the developments which we may expect in the next few years is the idea of Olivier Jacot-Guillarmot, deputy head of the Federal Office of Justice, who is the author of two wide-ranging reports on the consequences which

The sovereign legislator: the Swiss people

To act – To react

Swiss democracy is distinguished from other forms of democracy by the fact that the people not only take part in elections but make direct decisions on specific practical matters.

Less than a quarter of all the countries in the world give their people rights of the type which they have in Switzerland – the rights to introduce popular initiatives and to demand referendums. In most other democracies the people have the right merely to elect their representatives, but in Switzerland they can also decide on matters of practical concern.

The initiative

The popular initiative permits any citizen to propose a partial or total revision of the federal constitution. Such a proposal may be formulated in either general or concrete terms.

As soon as the text of an initiative is published in the Official Federal Gazette, its originators have 18 months to collect a minimum of 100,000 valid signatures of Swiss citizens entitled to vote.

In 1990 a committee was established in order to gain support for a draft proposal 'For a work-free National Day'. If it is accepted, the federal constitution will include an additional article making August 1 an official holiday.

If the signatures are obtained in the time allowed and officially handed in, the initiative is then presented to the Federal Council and to Parliament. If the initiative is couched only in general terms, the National Council and the Council of States must work out a precise draft text.

The Federal Council and Parliament may react to a popular initiative in three different ways: they may either recommend the voters to accept or reject the initiative, or they may propose their own counter-initiative.

The initiative or the counter-initiative is deemed to be accepted if the majority of the people and of the cantons vote in favour.

The referendum

● At the federal level referendums are *compulsory* for any change in the constitution, and the same is true for other important decisions, such as membership of international or supra-national organisations, e.g. the UNO and the EC. This means that any decision on such matters made by Parliament must be submitted to the people for their acceptance or rejection.

In these cases also, a majority of the

total vote, as well as a majority of the cantons, is required for acceptance.

● The Swiss federal constitution does not contain a provision by which any change in the law must be subject to a compulsory referendum. However, all federal laws, changes in federal laws and some types of international treaty are subject to the *optional* referendum. In such cases a referendum takes place only provided that 50,000 citizens entitled to vote sign a petition to this effect within 90 days after publication of the text in question in the Official Federal Gazette.

A proposal is deemed to be accepted provided that the majority of the people is in favour, and in this case the majority of the cantons is not required.

Anne Gueissaz

The professional association, the Union of Swiss Small Power stations, has succeeded in its demand for a referendum against the Revision of the Federal Law on Watercourses which is intended to protect the integrity of free-flowing streams. The vote was on May 17, 1992.



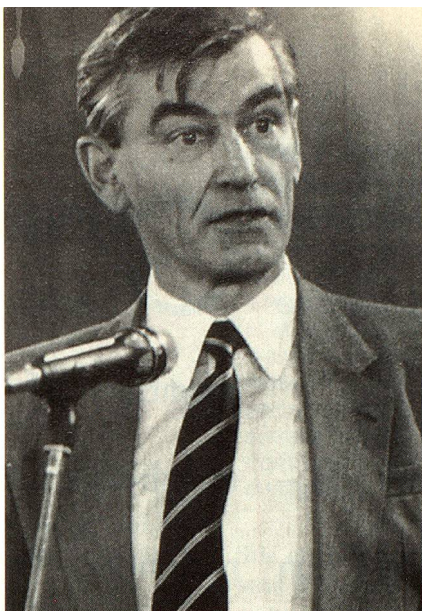
Graphic: Hugo Bossard

Switzerland's participation in the process of European integration may be expected to have on democracy and on federalism as it operates at present in Switzerland.

But the policy of the Swiss government on European integration is not the only factor which will transform the political rights of Swiss citizens. Whatever choice it makes in this area, Switzerland cannot possibly escape the ever increasing economic globalisation, reflected in the internationalisation of trade in every conceivable commodity and in the inter-dependence of states which is growing every day. We can never allow ourselves to forget that one Swiss franc out of every two comes from foreign trade. In the past Switzerland has always tried to preserve its independence and its prosperity, together with the freedom and the rights of the confederates, as stipulated in the federal constitution. But the question now is: Does maintaining the joint prosperity of all the Swiss people have priority over the maintenance of democratic rights as they have been understood since the

It is only since 1971 that Swiss women have enjoyed the same civic rights as Swiss men. In that year, now over twenty years into history, the number of citizens with full civic rights doubled overnight. But this has not had a particularly beneficial effect on the main problem which besets Swiss democracy: abstention from voting. During the last quarter of a century the number of those who do not bother to vote has been increasing steadily. This is a situation which causes grave anxiety to both the government and the political parties, but so far no one has been able to come up with a suitable remedy.

creation of modern Switzerland in 1848? The people as sovereign – more than five million individuals living in Switzerland and abroad – will be replying to this question in a number of upcoming referendums. The first will be on Switzerland's membership of the European Economic Area – at the beginning of next year – and then a few years later perhaps will come the people's decision on Switzerland's full membership in the European Community. And in both these cases, ironically perhaps, the deeper question is: Will the people as sovereign continue to make the important choices of the future in our traditional form of semi-direct democracy as they have always done in the past? ■



Portrait

Georg Stucky

He is not one of the main foreign policy figures of the Federal Assembly. Nor is he one of those parliamentarians who is always to be heard putting forward motions for this and that new idea. But he is persistent and gets things done. That, in very few words, is Doctor-at-Law Georg Stucky, member of the National Council, member of the government of the Canton of Zug since 1975, and an acknowledged financial expert. He is the man who, with his parliamentary motion first put forward in 1986, has achieved the breakthrough by which the Swiss Abroad will be able to vote by correspondence from July 1 of this year.

An idea well worth pursuing

With his original motion Stucky seemed at first to be backing a non-starter. The introduction of the postal vote had been one of the main demands of the Swiss Abroad and their national lobby, the Organisation of the Swiss Abroad, for decades. In summer 1985 it looked as if the idea had once again been put on the back burner after the cantons, the political parties and the professional associations had come out with rather divided opinions on the matter.

As a result the Federal Council of the day came to the conclusion that it would be better to let the wind blow itself out. But not the Organisation of the Swiss Abroad, which in August 1985 passed a strongly-phrased protest resolution at that year's Congress for the Swiss Abroad in Interlaken. And not National Councillor Stucky, who started ploughing his way through the answers to the proposal which was about to be dismis-

sed by the government and came to the conclusion that it was well worth pursuing.

But where did this government executive and member of Parliament for the Canton of Zug get his enthusiasm for the Fifth Switzerland? The answer is quite simple: from his own experience. Before he entered Swiss politics Georg Stucky worked for the petroleum industry for a number of years and has lived at various periods of his life in Germany, in the Middle East and in north Africa.

Swiss Abroad in Parliament?

For National Councillor Stucky the postal vote for the Swiss Abroad is not the end of the road but a point very near the beginning of it. He wants much more attention to be given to the experience, opinions and advice which can certainly be garnered from the Fifth Switzerland, and he recently remarked: 'It is by no means unthinkable that a Swiss citizen living abroad should be a candidate for the National Council. Which party will be the first to send such a member to Parliament?'

It is quite possible that it will be the international section of the Radical Democratic Party which was formed recently with Stucky as president. The Radical Democrats are rich in tradition, and this is the first Swiss party to extend its structures to the Swiss Abroad.

Other parties are likely to follow suit. And this means that the communication channels which have always been maintained between the Fifth Switzerland and their old homeland will receive a new and very important dimension. The network of relationships will become closer, and the stream of information will become stronger. For the lasting benefit of all our compatriots.

R.W. ■

A Swiss regional magazine "DAS LINDENBLATT"

looks for

Swiss Abroad who like writing. Why not give your fellow-citizens at home in Switzerland an idea of what daily life is like in the fascinating land in which you live?

If you are interested, write or fax us your name, address and telephone number. And we will send you all the information you need.

Our address: Gasthof zur Linde, Christof Ramseier, Rubigenstrasse 46, CH-3123 Belp
BE, Tel.: 0041 31 819 60 04
Fax: 0041 31 819 21 38