

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 18 (1991)
Heft: 4

Artikel: The political structure of the Swiss Confederation. Part 2, Division of powers
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DOI: <https://doi.org/10.5169/seals-907804>

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The Political Structure of the Swiss Confederation (II)

Division of powers

In a federal state several political authorities exist side by side, so it is necessary for their powers to be clearly regulated. It is the purpose of Swiss constitutional law not to give all the power to any one authority but to keep the various forces in balance.

The Swiss Confederation, as a federal state, is faced with the question of how to distribute tasks and powers to the Confederation, the Cantons and, not least, to the Communes. But in the relationship Confederation-Cantons-Communes the hierarchy must not be over-emphasized, for many high-ranking federal officials win their spurs in Cantonal governments, and the Cantons and Communes often form the proving ground on which, for example, important legal innovations are tested before they find their way into Switzerland as a whole.

The Confederation

The Confederation possesses the highest authority and is sovereign. As the supreme authority it guarantees the existence of its members, the Cantons. However, it cannot reign absolutely. According to the Federal Constitution our highest authority can only exercise those rights which are

In the next issue you will be able to read more about the federal authorities: the government (Federal Council), the Parliament (National Council and Council of States) and justice (Federal Supreme Court and Insurance Court).

expressly allotted to it by the people and the states.

There are few areas which the Confederation handles alone. In many spheres it reserves to itself the legislation but leaves implementation to the Cantons.

The Cantons

Before 1848 each Canton had its own Customs, its own coins and measures and basically consti-

tuted a little state in itself. Relations between the Cantons were loose: they consisted in the annual "Tagsatzung" (assembly of the Cantonal representatives) and a pact to assist one another militarily.

According to the Federal Constitution the Cantons are still sovereign today in so far as they and the people have not expressly allotted certain tasks to the Confederation in the Federal Con-



stitution and as certain basic principles of the Constitution are respected. They, too, have au-

thority, but not the highest. Thus in certain fields they alone are competent both for legislation and for its implementation. So each Canton has both its own constitution and its own laws.

The Communes

The third level of our federal system (see Swiss Review 3/91) is strongly dependent on the Canton. Thus it is not "sovereign" but only autonomous in so far as the constitution and the laws of the Canton allow it scope to be so. Nevertheless, the Communes are not merely administrative districts subordinate to the Cantons but also have their own spheres of action, which are mostly laid down in a Cantonal law on the Communes. *Anne Gueissaz*

How do the various members share out their tasks?

Examples	Confederation's right to legislate	Legislation by the Confederation, implementation by the Cantons	Legislation by the Cantons on behalf of the Confederation	Legislation exclusively by the Cantons	Independent tasks of the Communes
State treaties	●				
War/peace	●				
Customs	●				
Atomic energy	●				
Monetary system	●				
Post, Telephones, Telegraphs	●				
Railways	●				
Shipping	●				
Protection of the environment		●			
Measures, weights		●			
Road traffic		●			
Military organization		●			
Old age insurance		●			
Civil and criminal law		●			
Roads			●		●
Sickness insurance			●		
Education			●		
Police matters				●	
Poverty				●	
Church matters				●	
Care of the elderly					●
Civil status matters					●
Help with elections and other ballots					●
Bylaws					●