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# Yes to open borders with Europe

*54.6 percent of voters voted in favour of Switzerland joining the Schengen and Dublin agreements. And 58 percent said Yes to registered same-sex partnerships. At 56.5 percent, the turnout was above average.*

BY RENÉ LENZIN

**THE LAST SURVEYS** conducted ahead of the referenda pointed to an extremely close result, and the French and Dutch No to the European constitution left forecasters floundering. In the end, however, Swiss voters gave a clear thumbs-up to the Schengen and Dublin agreements, with 54.6 percent voting Yes and 45.4 percent No. While the majority of cantons rejected the agreements, the Yes votes held sway thanks to a high percentage of supporters in cantons in Western Switzerland as well as in urban areas. The clearest pro-Schengen/Dublin majorities were in the cantons of Neuchâtel (70.9 percent, Vaud (67.6 percent) and Basle City (64.6 percent), while the clearest cantonal No was returned by Appenzell Innerrhoden (68.5 percent), Schwyz and Ticino (61.9 percent each). There was no universal pattern in the border cantons, with those in the North West and West voting in favour of the agreements and those in the North East and South against. As so often happens with referenda on foreign policy, the turnout was high.

By voting in favour of the agreements, voters endorsed the recommendations of the Federal Council and parliament. The government as well as parties who had supported the proposals expressed their satisfaction at the outcome, interpreting it as "confirmation of the proven bilateral approach" to relations with the European Union. The Swiss People's Party was the only major party to oppose the proposal.

The Schengen and Dublin agreements govern cooperation with the EU in the areas of police, justice and asylum matters. Switzerland will gain access to the SIS

(Schengen Information System) and to Eurodac, the database on asylum seekers. Systematic identity checks at borders with EU states will be abolished. However, Switzerland must retain and adapt identity checks at airports since these constitute so-called non-Schengen borders. Border checks on goods will continue to be made since Switzerland's membership of Schengen does not cover membership of the European Customs Union.

Membership of Schengen and Dublin is part of the second package of bilateral negotiations between Switzerland and the EU. Both accords are scheduled to come into force in 2008. Until then, cantons must prepare for cooperation and the modernised SIS must be set up. But the EU has still to ratify the agreements, and it remains to be seen how Brussels will respond if Switzerland rejects inclusion of new EU states in the agreement on free movement of persons in its September referendum.

## Yes to same-sex partnerships

The partnership law was resoundingly accepted, with 58 percent of voters and 19 cantons voting Yes. The new law will allow gay couples to register their partnership at the registrar's office. Registered couples will be granted most of the rights and obligations conferred on married couples in terms of welfare, inheritance and taxes, but will continue to be denied the right to adopt or undergo artificial reproduction treatment.

Translated from German.

## COMMENTARY

### Sober and pragmatic

The Yes to Switzerland's membership of the Schengen and Dublin agreements fits the pattern of referenda on Europe to date. By narrowly voting No on 6 December 1992 to the European Economic Area, Swiss voters set Switzerland on the path of bilateral negotiations: a path that was confirmed in May 2000 by a two-thirds majority in favour of the first bilateral package of negotiations. On the other hand, the people's initiative calling for immediate negotiations on EU membership and the initiative calling for such negotiations to be excluded for ever were clearly rejected. The majority of voters want to see a pragmatic rather than an ideological approach to integration policy: an approach that allows issues that necessitate regulation by both parties to be jointly resolved in a neighbourly manner.

However, it is worth noting that the majority in favour of Schengen/Dublin was much lower than the vote in favour of the Bilateral I package. This higher level of scepticism may have been triggered by general political developments in Switzerland and the EU. Above all, however, it is an expression of Switzerland's understandable reservations about both agreements. For the first time, Switzerland is participating in an EU project that is subject to ongoing development, yet has only limited influence on such development. Moreover, many Swiss are concerned that innocent citizens could be registered in the Schengen Information System.

Nevertheless, after sober analysis of the matter the majority came to the conclusion that the benefits outweigh the drawbacks; that free movement of persons necessitates open borders, and that international crime should also be fought at an international level. This supports the position taken by the Federal Council, which saw in the second round of bilateral negotiations an opportunity to use membership of Schengen/Dublin as a trade-off for the agreement on interest taxation. If voters adhere to this sober, pragmatic approach, inclusion of the new EU states in the agreement on free movement of persons will be approved in the September referendum. René Lenzin