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“It is always others who are surplus”

The referendum with probably the most far-reaching consequences of the past two decades is currently keeping Swiss politicians very busy – the Yes vote to the initiative on mass immigration is jeopardising the minimum consensus that currently exists in domestic politics regarding policy towards Europe. And an even more radical initiative on immigration is already casting its shadow.

By Jürg Müller

“The bear cannot be washed without getting its fur wet.” Adrian Amstutz, the Swiss People’s Party (SVP) parliamentary group leader, quoted this old proverb in March 2014 during the National Council debate on the implementation of the initiative on mass immigration. With these words, Amstutz neatly summed up the current situation and indirectly conceded that Switzerland now faces enormous challenges in domestic politics and over policy on Europe since the adoption of the new constitutional provision on 9 February. At stake is nothing less than Switzerland’s relationship with the European Union as a whole, irrespective of the specific structure of Switzerland’s future immigration policy.

The minimum consensus over the bilateral approach that has existed to date between practically all political parties in Switzerland is crumbling. The bilateral approach has been regarded as the ideal solution for Swiss policy on Europe since the electorate rejected the European Economic Area (EEA) in 1992. Even the Swiss People's Party (SVP), which has traditionally viewed any further integration of Switzerland into the EU with great scepticism, essentially supported this policy. It did not question the principle of the bilateral agreements even during the referendum campaign on the mass immigration initiative, and officially it has not changed its position. SVP General Secretary Martin Baltisser says: "We have to govern relations with the EU bilaterally, but it is the specific content of the agreements that matters."

A pincer attack on the

bilateral agreements
It is nevertheless obvious that the SVP no longer sees the bilateral approach as a top priority. Those on the right are seeking to seize the moment and steer the course of policy on Europe according to their own agenda. They are more than willing to accept further damage in relations with the EU. SVP parliamentary group leader Amstutz made this perfectly clear during the

National Council debate in March: "If I could choose between the continuation of the excessive immigration which is destroying this country and the bilateral agreements, I would choose the protection of the nation, full stop."

According to a Vox Analysis scientific study on the referendum, most of those who supported the SVP initiative were well aware that the adoption of the popular initiative might jeopardise the bilateral agreements. The Yes voters therefore attached greater importance to autonomous control of immigration than to good relations with the EU. This suggests that the bilateral approach, which was supported in all previous referenda, is no longer an undisputed issue among the Swiss people either.

The Campaign for an Independent and Neutral Switzerland (AUNS) group is lining up for a frontal attack. It is seeking to rescind the bilateral agreements and to simply govern relations with the EU by means of free trade agreements: "Both packages, 'bilaterals 1' and 'bilaterals 2', need to be replaced by an improved free trade agreement. We do not want any further bilateral agreements that are not in our nation's interests. And we

must terminate the detrimental elements of the bilateral agreements 1 and 2 – that is, the free movement of persons and Schengen/Dublin in particular – as they are ‘EU accession accelerants’, or even ‘fire accelerants’ and are damaging not just direct democracy but also our economy.” This is the message from AUNS President and SVP National Councillor Pirmin Schwander on his organisation’s homepage. Werner Gartenmann (SVP), the organisation’s executive director, confirmed that it was working on the launch of a popular initiative for a purely free trade agreement; the exact wording is currently being tweaked. Gartenmann firmly believes that 9 February marked the definitive start of a fundamental debate over the EU. This is also the view of the parties at the other end of the political spectrum, the Swiss Social Democratic Party (SP) and the Greens. Both are more committed than ever before to closer relations with the EU and no longer rule out the possibility of EU accession.

Centrifugal forces are becoming stronger
The Social Democrats wrote in their 2010 manifesto that they sought “the rapid introduction of accession negotiations with the

EU". But they never really pursued this objective forcefully, not least in light of the sceptical mood among the Swiss people. This is how SP parliamentary group leader Andy Tschiumperlin expressed the position of the party leadership: the primary objective must be to implement the initiative on mass immigration without jeopardising the existing bilateral agreements and their further development. If this cannot be achieved, "the Swiss people must be given the opportunity to vote on the future of relations with Europe". The SP is demanding that "all options on policy on Europe be examined". Tschümpferlin is calling for the Federal Council to outline "the possible consequences of EU accession and the continuation of bilateralism with or without a new institutional solution" in a comparative analysis.

The centrifugal forces within the governing parties have therefore become much stronger. The SVP is distancing itself from the EU more clearly than in the past and the SP is no longer ruling out EU accession, while most of the other parties are attempting to fly the tattered flag of bilateralism. This represents a highly uncomfortable starting position for the government. The new

A spanner in the works of the political system

In no other state do citizens have more co-determination rights than in Switzerland. Direct democracy is a successful model. The change in the purpose and importance of popular initiatives nevertheless shows that Switzerland's political system is working less effectively than in the past.

Popular initiatives are a "growth market" in politics, and business is very brisk at the moment. The figures speak for themselves: 423 initiatives have been launched since the introduction of the popular initiative system in 1891. Signatures are currently being collected for 9 initiatives, and 20 are either being considered by the Federal Council and Parliament or are waiting to be put to the vote at referendum. 189 bills have made it to the referendum stage since 1891, but only 21 have been adopted by the people. And here are the most interesting figures: Only 9 initiatives secured a majority of Yes votes in the first 100 years between 1891 and 1990, whereas 13 have been approved since 1990.

Popular initiatives have therefore had a significantly better chance of being supported by the people over the past 25 years than before that time. There is no clear, undisputed explanation for this. Silja Häusermann, a professor of political science at the University of Zurich, points out that until the early 1990s popular initiatives were mainly an instrument of the left used to take a position as a minority against the then practically closed conservative alliance. This tool was usually not enough to secure majority support but it was a means of introducing new ideas into politics. Even unsuccessful initiatives triggered debates in many cases and sometimes also reform processes that achieved their objective after several attempts.

Initiatives are today no longer just used by the left and Greens but also by conservative and right-wing parties and institutions – in particular by the Swiss People's Party (SVP) and the organisations associated with it. Initiatives are also often clearly used as a marketing instrument for election campaigns and as a vehicle to generate public outrage or to assert vested interests.

A paradox of the system

Popular initiatives are also often difficult to implement, especially when they are incompatible with other constitutional principles or international law. This then causes indignation among the initiators: The SVP, in particular, exerts pressure using enforcement initiatives – it is also threatening to use this tool in the case of the “initiative on mass immigration”. The insistence on literal implementation destroys the proven political culture of equilibrium and compromise of which Switzerland is so proud.

"It is a kind of paradox," explains Silja Häusermann: "The increasingly frequent use of the instruments of direct democracy is an indication that Switzerland's political system is working less effectively." Swiss democracy is after all geared towards consensus. The rights of the people were initially intended to have a "preventative effect": The political players were to reach viable compromises so that referenda and initiatives did not have to be deployed. There is now a "spanner in the works" of this fragile mechanism, says Häusermann. She sees this as the "consequence of polarisation and the much more intense competition between the political parties".