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REVISION OF THE FEDERAL CONSTITUTION

Modern Switzerland celebrated its 125th anniversary early this month. The country's first Constitution, which gave birth to the federal state as we know it today, came into force on 12th September 1848. This Constitution, which was drafted less than a year after the end of the Sonderbund War, replaced the Federal Pact concluded by the Cantons in 1815 at the end of 17 years of French presence. It was designed to prevent the recurrence of internal conflicts such as the Sonderbund War by linking the 22 cantons more closely together. The 1848 Constitution was revised in 1874. Now, almost a hundred years later, it is planned to proceed with a total revision of this second Constitution.

The recommendation to overhaul the Constitution was first put to Parliament in 1965. A Commission chaired by former federal councillor Fritz Wahlen started work with circulating a very complete questionnaire to a wide spectrum of organisations and political groupings with the purpose of obtaining a representative answer to the question whether a revision of the Constitution was necessary. The study of the innumerable replies and the Wahlen Commission's efforts in synthesising them and drawing practical conclusions involved considerable work. In a recent press conference, Dr. Wahlen reviewed this work and announced that a new commission with only one or two members from his own commission would be set up to draft concrete proposals on the basis of the work carried out so far.

Dr. Wahlen stressed that pruning unnecessary and outdated articles, adapting the Constitution to the situation prevailing today was what its revision was all about. But this enterprise should be understood as an accomplishment, an improvement of the nation's Charter, and not a break with the past prompted by dramatic developments of the kind embodied in the 1848 and 1874 constitutions.

The new Constitution would also contain a Preamble underlining the respect of human rights and human dignity. It would also preserve the call to God which most replies to the Wahlen Questionnaire wished to maintain.

One of the envisaged constitution's innovations would be a charter of "social rights" which would encompass education policy and environment.

In a chapter devoted to political rights, the Constitution would increase the citizen's participation in the country's legislative process with the right of launching a legislative initiative. At present, it is only possible to launch an initiative leading to an alteration of the Constitution, but not to the inscription of a new law on the Statute Book. Federalism would be preserved but the responsibility of Cantons would be outlined in more general terms. The Constitution would state that Cantons are free to exercise their "sovereignty" in all domains left open to them by the Confederation and its laws. Many view this formulation as a further increase in the Confederation's control.

The State would have a stronger hold on the economy. Although freedom of trade and industry would be guaranteed, the right of the State to break this rule under special circumstances would no longer be considered as exceptional provisions. This idea falls in line with

proposals to sponsor an initiative for an economic article in the Constitutions.

As a result of pressures by Socialist circles, the new Constitution would alter the country's bicameral system. The Council of States—an Upper Chamber with only 14 seats, two from each canton and one from each half canton—would be considerably enlarged so as to allow for more Socialist representation. The Council of States has presently only four Socialist or left-wing members. The new Constitution would allot two State councillors to every half-Cantons; two, three, four or five to whole Cantons, depending on their population. On the other hand, the effectives of the Federal Council would be kept at seven members in order to preserve the collegiate system of decision-making. The work of the country's should be reduced by an adequate reorganisation of federal departments. Parliamentary procedure would also be simplified by substituting federal decrees by laws voted in the two houses.

It was initially planned to draft a new constitution by the end of next year, which will coincide with the centenary of the 1874 Constitution, but there is little chance that the new text will be ready by then.—From the Swiss Observer.

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