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HOME AFFAIRS.

by MAX NEF.

On the threshold of a new year, may we be allowed, instead of, as is customary, looking back to events and happenings of recent times, to look forward, for once, towards what is awaiting us in the future.

Within our own Confederation, we can already distinguish the shape of coming events in this New Year which are of great importance. One of the most difficult of these forthcoming tasks, is the final putting into order, on constitutional grounds, of the Federal finances. One has become somewhat more modest in speech and hardly speaks of the *reform* of Federal finances, for all that has been attempted up to the present in the way of new proposals, which has merited, to any degree, the term of "reform" could not be put into effect. We are living, at present, under a so-called "provisional" order, which, however, contrary to what occurred in respect of former provisional legislation, has been approved by the people and the Cantons, and thus possesses the character and the legal authority of a constitutional Order, which is however, limited in regard to its duration, expiring, as it does, at the end of 1954. In order not to be obliged to have recourse to emergency measures for lack of time — as has already happened before — the Federal Assembly is due to debate proposals put forward by the Federal Council for the final solution of this question, already during its Spring Session. Should it prove possible to get the final version of the constitutional text finished before the end of this year, then the following year will be available for the drawing up of the executive measures required for putting it into effect. Although up to the present only conjectures are rife in regard to the substance of the proposed Bill, they would indicate that the new, final Finance Order will not differ to any great degree from the present solution of the difficulty, so that, once again, we find truth in the French saying that there is nothing so lasting as that which is provisional.

In regard to the new Law on Agriculture, which was approved by the Swiss people in the Spring of 1952, there are still various executive measures to be elaborated. As far as the first of these is concerned, namely the Draft Bill for the Milk Act, there has been so much criticism of it, that the work on it has come to a standstill, whilst as regards other decrees, such as the Ordinances relating to cattle-breeding and to wine-growing, have still to be drawn up. As, however, the Federal Assembly can take final decisions in regard to them, it should prove possible to bring this work to a satisfactory conclusion, in the near future.

Two Constitutional Addenda, limited to a set term, by means of which the problem of price control and of the supply of bread cereals was satisfactorily settled, were approved by the two last of the seven Popular Referendums, which took place during 1952. Here also, the executive orders have still to be elaborated. This must be done, however, in such a legal form that a popular referendum can be called for, if necessary. Whether or not it will prove indispensable for a referendum to take place and the people to go to the polls will depend to a large extent on the measure to which the authorities will rightly gauge the wishes of the people, and take these into consideration beforehand. Preliminary drafts have already been drawn up.

At least *one* Popular Referendum will certainly

take place, and this, probably, in a not too distant future. Steps were taken last year for the calling of a Referendum against the Federal Law on the revision of various postage rates; a sufficient number of signatures having been obtained, the sovereign people will now have to decide.

Preliminary work in connection with the Old Age Pension and Survivors Insurance is now being carried out, which will also probably lead to more proposals for revision, during the course of this year. When this great social work was being elaborated five years ago, the legislators were very cautious in the matter of their computations regarding the probable receipts in premiums. Since then, time has shown that revenue has flowed in far more abundantly than was anticipated, this being due principally to the economic prosperity enjoyed by the country, and the fact that the premiums depend directly upon the wages earned. In this way, the high figure for receipts makes it possible to offer greater advantages to the insured. What form these will take, is now being examined.

Another important question, the development of which is being very closely followed by the competent authorities, relates to the so-called Montan Union, which has resulted from the union of various European countries for the exploitation of steel and coal, in accordance with the Schuman Plan. The creation of this new grouping of several countries which are our immediate neighbours, can have consequences of a politico-economic and customs nature, for Switzerland. Problems may also arise in regard to traffic and to provisioning, and great vigilance is therefore necessary.

With this rapid glance into the future, we have tried to give you an idea regarding just a few of the really important tasks which lie before us and which we trust — for the good of our country — will all find a satisfactory solution and outcome.

* * *

The revised Swiss Citizenship Law came into force this year, as from the 1st of January. It replaces the regulations which were operative up to now and which dated from 1903; these were, however, changed and supplemented since that time, either by means of ordinary legislative measures, or, as happened during the war, by means of plenary powers.

In the new Ordinance, now in force, some important innovations have been introduced, which are of particular significance to the Swiss citizens abroad.

The principle of the adjudication of citizenship in accordance with a person's descent, has been retained, as well as the principle according to which children



are given the civic rights of the fathers, after the wife has also obtained her husband's citizenship through marriage. An innovation has, however, occurred in that whenever it is a case concerning the acquisition or the loss of citizenship, the wishes of the persons concerned will be taken into consideration to a greater extent.

The most important effect of this new principle manifests itself in such cases where a Swiss woman having married a foreigner and thereby lost her previous Swiss citizenship, can henceforth, if she so desires and announces her wishes in accordance with a certain prescribed procedure, retain, in addition, her original Swiss citizenship.

The expression of this desire must, however, take place, in accordance with the provisions of the new Citizenship Law, at the very latest, when the marriage takes place, and it must be in writing. In view of the fact that the efficacy of this innovation depends on the Swiss woman who intends to marry a foreigner having the possibility of knowing about it, care has been taken to instruct all Swiss Registrars to draw the attention of all such women, already at the time when

the banns are being put up, to this "right of retention", as it is called, which she now possesses. Moreover, the Registrar who marries the couple has the duty of once more drawing the attention of the Swiss woman who is marrying a foreigner, to this right, before proceeding with the ceremony. (In Switzerland all marriages must take place before a Registrar, even if there is a church wedding afterwards.)

Swiss Legations and Consulates abroad have also been instructed to bring the possibility of the retention of Swiss citizenship in a suitable manner, to the notice of any Swiss woman whose intentions to marry a foreigner are known to them.

Although special forms have been prepared, for purposes of convenience, for the making of such declarations in respect of a desire to retain Swiss citizenship, any written declaration will be considered valid which clearly states *who* the person is who is making the declaration, and that she is doing so for the express purpose of retaining her Swiss citizenship.

Although this new citizenship Law is not retro-active in its effects, it would be offensive and unjust were those Swiss women who are already married with a foreigner, or were at one time, and by doing so have lost their Swiss citizenship, no longer able to make use of the possibility to get back this former right of theirs, by making the necessary declarations. For this reason, a proviso exists whereby in such cases a Swiss woman who has "married away" — as it is called — can once more regain her Swiss citizenship in spite of the existing marriage. This can be done, gratis, by means of an application sent direct to the Federal Department of Justice and Police, in Berne. Such a declaration, however, must be sent in before the end of the current year, that is to say, 1953.

Another innovation, is not without interest. In consideration of the fact that, when there exists double citizenship, it is of no interest to the country to possess Swiss citizens who are only this in name, and not any longer in their feelings or opinions, the following change has been introduced into the Citizenship Law: "The child, born abroad, of a Swiss citizen who has also been born abroad and who possesses a second nationality, forfeits its Swiss citizenship with the completion of twenty-two years of age, should it not previously have informed the Swiss authorities abroad, or so declared in writing, that it is desirous of retaining its Swiss nationality."

Thus, it is necessary for such Swiss citizens, belonging to the third generation born abroad, who wish to retain their Swiss nationality, to make an express declaration to this effect in order to be able to retain the original citizenship of their forefathers. By this means it is intended to do away with such cases, as have occurred frequently, when Swiss citizens living abroad and having lost all touch with their country, *only then* remember their origin, when it may prove useful to them, as for instance in time of war or during political disturbances, but, otherwise do not trouble themselves about their former home-land. There have been many such cases in the recent past.

By means of these and a few other amendments in the Swiss Citizenship Law, the legislators have taken into account modern developments and views. It has therefore proved possible for this Law to come into force with the tacit approval of the Swiss people, that is to say, without having recourse to a public referendum.

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