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ASSEMBLY OF THE SWISS ABROAD

The theme of this year's Assembly of the Swiss Abroad at Zofingen was "The Total Revision of the Federal Constitution". The former Federal Councillor F. T. Wahlen, chairman of the special commission set up by the Government to study the question, addressed the plenary meeting on Saturday morning, 29th August. We publish here a much condensed résumé in English of the highly informative and extremely interesting speech in German.

Prof. Wahlen began by praising the Swiss living outside Switzerland for devoting the short time at their disposal when on holiday in their homeland to such an important and complex subject. He thanked them for their interest, for attending the Assembly and for answering the questionnaire sent out by the Secretariat for the Swiss Abroad in Berne. He assured the meeting that his commission would consider the answers with due attention.

The Wahlen Catalogue

A questionnaire, the so-called "Catalogue Wahlen" was sent to the Cantons, the political parties and the universities. The questions were answered also by the Churches, a number of organisations and individual citizens. The replies fill four volumes with a total of over 2,000 pages. It will take another year of hard work to prepare the final report to the Federal Council. In his speech, Mr. Wahlen followed the questionnaire which, he said, might well be used as the basic outline of a new Constitution.

To the first question, that of Human Rights, the answers were overwhelmingly in favour of listing the basic rights in a preamble to a new Constitution, not least with regard to protecting the individual against attacks by third parties.

Opinions varied greatly on the point of whether the right of the individual to work and to a home should be anchored. As to political rights, the answers very largely demanded women's suffrage in federal matters; this showed the change which had taken place since the poll on 1st February, 1959. There was also unanimity with regard to the discriminating denominational Articles; the general view was that these as well as women's rights should be settled by partial changes prior to a total revision. Prof. Wahlen referred to possible political rights of the Swiss living abroad. He recalled the lengthy discussions on the subject already when the *Auslandschweizerartikel* was added to the Constitution. He enumerated some of the difficulties and said that only Swiss from abroad temporarily resident at home could possibly be considered, in the first place young Swiss doing military service in Switzerland.

In the chapter on extending the citizens' rights, replies showed that the present ruling as to State agreements, whereby only pacts which are for an unlimited period or for more than 15 years are subject to the Referendum, is not satisfactory. But no better solution has come forth. It would not be in the interest of the country if every short-term agreement would have to be submitted to the electorate who might well reject it for purely emotional reasons.

A gratifying proof of the harmonious co-existence of the various groups within Switzerland, is the fact that no constitutional protection for minorities was asked for. Tolerance and respect were more valuable than legal pressure.

Foreigners and the Constitution

Next, Federal Councillor Wahlen referred to the status of foreigners resident in Switzerland. Generally, their quality in human rights was demanded in the answers to the questionnaire, though naturally not as far as political rights are concerned. For the benefit of the Swiss abroad, he stressed that the majority of the many votes in favour of the Schwarzenbach Initiative must not be counted as anti-foreigners, but that they were the expression of the feeling of *malaise* about the ever-increasing pursuit of economic development and the ensuing decreasing value of money.

In the chapter defence and obligation to serve, demands were made that the Constitution should express the need of a comprehensive defence of the country. Civil defence for women after being granted suffrage, possibly also for foreigners, was asked for, and that in view of the increasing technological importance of defence, the professional military corps should be enlarged. Most answers were in favour of a non-military service for conscientious objectors, which should be at least as long and demanding as the military service.

Should the economic Article of 1947 be kept unaltered? Most answers agreed that it had proved reasonable on the whole, but that it was time Government and Parliament should be given the possibility to influence the economy according to the needs of the day, without having to report to the urgency rulings (Art. 89 *bis*). Mr. Wahlen considered it a sad page in Swiss parliamentary history that all efforts by the Government to try and improve matters had so far been frustrated.

A majority of replies deemed it essential that agriculture should be accorded a special position within the general economy.

The answers regarding finance were extremely diversified. As is well known, it has not yet been possible to establish a permanent *Finanzordnung*, and the "special case Switzerland" where citizens decide on their own taxes, shows that a great many individual considerations influence the electorate. It remains to be seen if the proposed new *Finanzordnung* will be accepted by the people in November, or whether opposition is still strong enough to prevent permanent arrangements.

The subject of the relationship between Confederation and Cantons brought out an interesting change; more centralisation used to be asked for, but now after two world wars, the great majority of the replies reflected the conviction that the Confederation must remain a strongly defined Confederation of States. In many fields, increased influence by the Confederation seems to be essential, but this should not lead to a lack of interest by the Cantons and too much reliance on federal finances on their part.

Little was said about any change regarding the status of the Cantons. Any changes should be considered in the light of events and by partial revision.

Much was said with regard to the use of the new Articles on territorial rights and town and country planning where much had been neglected, and it is hoped that the country will be developed not only rationally but also in a worthy manner and with due regard to the conservation of landscape and nature.

The question of competence of Confederation and Cantons is an important one, and most of the answers were in favour of the present order, i.e. that all competences not explicitly granted to the Confederation in the Constitution, belonged to the Cantons.

Political representation for the Swiss Abroad

The subject of federal authorities caused great interest. The two-Chamber system was advocated also for the future with very few exceptions. The biggest criticism was the political composition of the Council of States, which varies greatly from that of the National Council, due to the different methods of election. Various changes were proposed to increase the number of Councillors of States, and a group of Swiss abroad proposed *Auslandschweizer* representation of four National Councillors and two Councillors of States.

Regarding the National Council, proportional representation was favoured in general, though there were

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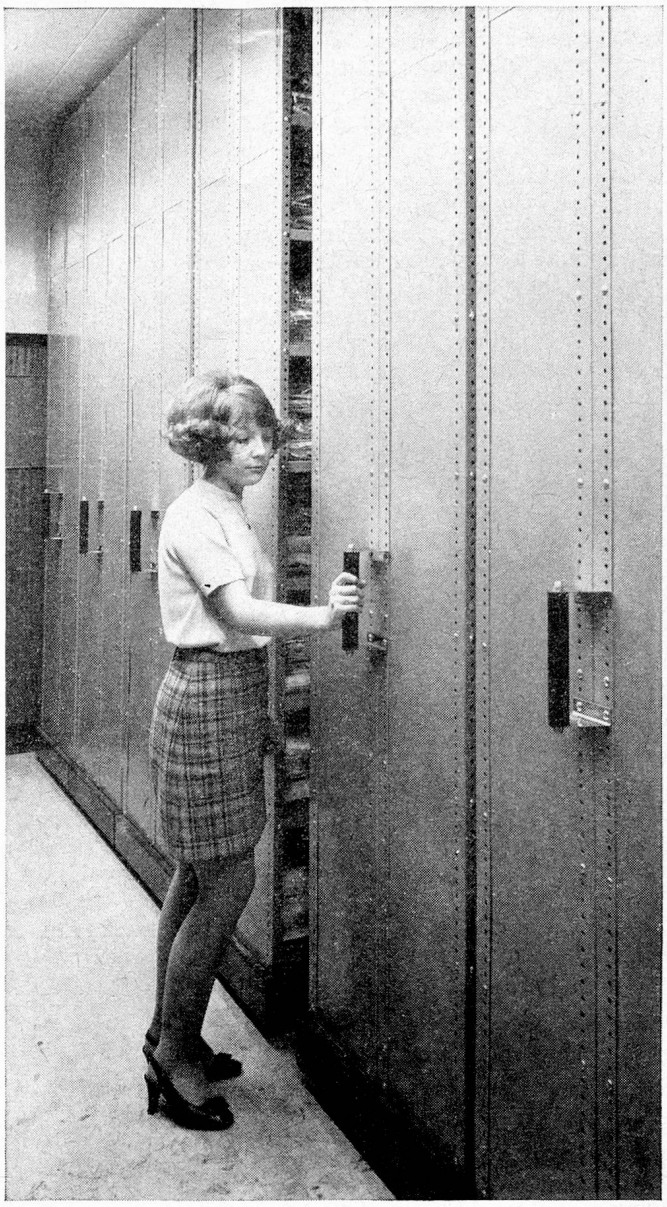

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some proposals to strengthen the election of personalities rather than representatives of political parties. Unanimously it was demanded that the Article 75 be taken out, according to which the clergy may not stand for Parliament.

Equally unanimous were the replies to the question of whether Parliament should become professional—no. Although their work should be made easier by various arrangements made by the Chambers themselves, and allowances should be increased to enable the self-employed to be in Parliament.

The comments regarding composition and election of the Federal Council clearly expressed the conviction that the system of corporate responsibility should be kept, and were consequently against an increase in the number of Federal Councillors. Not many asked for popular election of the Government, although there was some demand for dropping the tradition of priority for the three largest Cantons. Many were the proposals to lighten the burden of a Federal Councillor.

Gradually, the Government has been given more responsibility but this would demand a tighter supervision by Parliament.

A complex question is that of *Verfassunsgerichtsbarkeit*, but it would be too difficult to go into all the pros and cons.

The wish for continuity

Should there be an Economic Council and an ombudsman? Opinions agreed that on no account must an Economic Council become a legislative body; it might have some use as advisory body, especially with regard to the consultation system. The ombudsman had some advocates, though it was suggested that he should be tried out at cantonal level. "Chancellor of Justice" was the name proposed.

Reticence was used with regard to neutrality which should not be anchored in the Constitution. Entry into United Nations or Common Market should still be subject to plebiscite. Incidentally, it was generally desired that the opening words "In the name of God the Almighty" should be retained.

So far Prof. Wahlen's reference to the questionnaire and the replies received. He said it was clear that there was an overwhelming wish to keep the fundamental structure, i.e. direct democracy, federalism, two-Chamber system and corporate responsibility of the Government. Nevertheless, there were many important points which might make a total revision of the Constitution desirable. Of the 130 partial revisions submitted to the electorate since 1874, about 70 had been accepted. There were anomalies, and he mentioned ridiculous examples from the alcohol Articles and of how a constitutional plebiscite had been necessary to increase Kursaal gaming stakes from 2 to 5 francs. A number of little items like the terms "bis — ter- quater" etc. could easily be omitted to make the Constitution more pleasing to the eye. Such alterations could be made under the term "Constitution cosmetics"; they certainly did not provide a valid reason for a total revision.

Mr. Wahlen said that his commission had deliberately refrained from asking whether a total revision was desirable or necessary. That decision could only be reached when all the answers had been carefully evaluated. Generally, the wish for a total revision seemed to come out of the questions. Those against the argument that there was no special occasion or event (such as the change from a Federation of States into a Confederation in 1848). We should learn from history, but we should not adhere to precedence when conditions and circumstances were completely different. There was no emotional event which would prompt a total revision; it should be looked upon as coming out of patriotic feelings of duty to the country. Due to the scientific revolution, life had become so much faster and was changing rapidly. What was considered progress yesterday, had become alarming today, such as water and air pollution to which we were all contributing. Young people felt the shortcomings of today's society more acutely than we who had gone through the bad times of wars and crises. We should agree that opposition was the privilege of youth. But what we missed in many young people as well as in dissatisfied intellectuals, was an opposition with concrete aims. The confrontation with the constitutional revision may help to make it clear to these people that, apart from dedication to anarchism, one could be *against* everything only if one was ready to pledge oneself *for* something new.

To search for better values

The young and the old in our country, concluded Federal Councillor Wahlen, needed re-orientation, not only regarding the above principle but in all spheres of life. *"Its stimulation and constant animation is the responsibility of all pillars of our society, from home to university, of Church and State, of political and civic organisations, of those responsible for mass media. It would be wonderful if preoccupation with recreating the Constitution, could lead to a common starting point in the search for better values. It is too early today to predict whether such a common effort would give us the strength already within the next few years to undertake the huge task of a total revision. But it is certain that the large amount of work will not have been done in vain, and that it will be for the good of our country. From this point of view, I should like to express well-deserved and heartfelt thanks to all those who have expressed their views to the submitted questions in such a conscientious and competent manner."*

The applause which greeted the address by the former Federal Councillor was one of the warmest and most prolonged I have ever heard at an Assembly of the Swiss Abroad. It expressed the great admiration and, may I say, affection in which we hold Mr. Wahlen. The clarity of his thoughts and the precision of his speech underlined his profound knowledge of the whole problem. Above all, throughout his address, his personal involvement with this important matter was evident, and we were left with a feeling of gratitude that Friedrich Traugott Wahlen is the man who will guide those concerned in this task. May he be granted good health and strength to carry it through and to lead our country to a better future.

(MM)

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