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The exercise of political rights by the Swiss abroad

As already reported in a previous issue, both houses of the Swiss parliament passed the federal law concerning the political rights of the Swiss abroad on 19th December 1975. The period allowed for a referendum expired unused on 29th March 1976. Thus a demand put forward and pursued again and again by our compatriots abroad ever since the revision of the Federal Constitution in 1874, that is to say, for more than a hundred years, is at last realized.

The Federal Council will probably be able to put the law and the relevant implementing regulations into effect in the course of this year. First, however, there are numerous technical and administrative questions to be clarified with all the interested circles – it should be remembered that there are more than 3000 communes in Switzerland with which the enfranchised Swiss abroad may make contact.

On what conditions will the Swiss abroad be able to take part in elections and other ballots?

The Swiss abroad – women as well as men, of course – will be able to vote when they reach the age of 20. Under this law the term «Swiss abroad» applies to all Swiss who are not domiciled in Switzerland and who are registered with a Swiss diplomatic or consular mission abroad. Obviously, they will only be able to vote if they are not under guardianship, and therefore disfranchised, because of insanity or feeble-mindedness.

As you know, there are federal, cantonal and also communal ballots in Switzerland. The federal law concerning the political rights of the Swiss abroad governs the participation of those Swiss in

federal elections and other federal ballots only; the right is reserved to the cantons and communes to decide whether the Swiss abroad can vote on cantonal and communal matters respectively. The Swiss abroad will also be entitled to sign requests for federal referendums and popular initiatives. A further condition is that they must be in Switzerland at the time of the election or other ballot or of the signing of a request for a referendum or of the popular initiative. Thus, voting from abroad will not be permitted.

Where will the Swiss abroad be able to vote?

There are many Swiss abroad who have never lived in Switzerland. In such cases the law prescribes that their votes should only count in their commune of origin; but if – as very often happens – a Swiss abroad has several communes of origin, he will be able to choose between them. However, there is a greater number of Swiss abroad who did once live in Switzerland. These will actually be able to choose from among their communes of origin and their former Swiss domiciles. The commune decided upon once for all becomes the «voting commune», where the voter's name will be entered in the voting register and where his vote will be counted.

Since the Swiss abroad must collect his voting and electoral material and any necessary polling card in person, a regulation is planned which will enable him to choose freely the commune where he will pick up these papers. He will thus be spared the possible necessity of travelling from one end of Switzerland to the other in order to

vote in his commune of origin or former domicile. In most cases the Swiss abroad will select the commune where he is staying on holiday or on business («commune of presence»). Unlike the «voting commune», the «commune of presence» can be changed at any time on condition that the Swiss diplomatic or consular mission is notified of the new «commune of presence» at least three months before a federal election or other federal ballot.

How should the Swiss abroad proceed when he wants to vote?

The Swiss abroad who intends to take part either regularly or occasionally in federal elections or other federal ballots must inform the Swiss diplomatic or consular mission with which he is registered (or registers) accordingly. He can do this at any time and there is no time limit. However, if this occurs just before an election or other ballot he risks not being able to vote until the next one.

When reporting to the Swiss diplomatic or consular mission he must indicate whether he chooses as his «voting commune» one of his communes of origin or another commune in which he was once domiciled, and whether he wants to pick up his material in the «voting commune» itself or in another Swiss commune («commune of presence»). The mission will inform the «voting commune» chosen, the communes of origin and any «commune of presence» indicated by the Swiss concerned. He will receive a duplicate of that notification with which he can identify himself when he calls at the voting register office.

The commune in which the voting material is to be picked up (as stated, this can be the «voting commune» or the «commune of presence») will send the Swiss

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abroad a receipt and at the same time inform him exactly when and where he can call for the material and for further details.

In general, the Swiss abroad will be able to pick up the voting material in the commune designated by him, after producing proof of his identity, during the last three weeks before the election or other ballot. He will be able to vote in his «voting commune» directly after receiving the voting material; but he will also be able to vote on one of the days preceding the election or other ballot designated by the commune or deposit his vote in the ballot-box himself at the normal opening times on the voting Saturday or Sunday.

In the «commune of presence» he will only be able to vote by post; postal voting will also be permitted anywhere in the Swiss Confederation provided it is done in accordance with the procedure laid down by the canton in which the «voting commune» is situated.

When signing requests for referendums and initiatives the Swiss abroad must make sure he fills in and signs a signature list bearing the name of the «voting commune» in whose voting register he is entered.

The procedure may at first sight appear somewhat complicated but on closer inspection it is not. What the Swiss abroad must do in order

to be able to vote can be summarized as follows:

1. He must inform the competent Swiss diplomatic or consular mission of his intention; this notification is subject to no time limit and only has to be done once.
2. He must report to the Swiss commune designated by him to pick up his voting material and any necessary polling card.
3. He must vote in Switzerland, either in person at the ballot-box or by post as the case may be.

The reader will be wondering how he is to be informed of elections and other ballots. The editor will endeavour to publish the voting calendar on the basis of the

Federal Council's resolutions. We therefore recommend you to read this publication. The daily newspapers and other Swiss mass media, of course, constantly report on forthcoming ballots and elections in Switzerland. Those who can subscribe to a daily paper should not fail to do so. However, we should also like to draw attention to the Swiss Shortwave Service, whose programme for the Swiss abroad broadcasts details of political events in Switzerland and, obviously, of forthcoming ballots. Many other questions are sure to arise in the coming months and even during the first few years in connexion with the law on the political rights of the Swiss abroad. We shall make it our business to deal with one or other of these questions here, so that enfranchised Swiss abroad may become ever more familiar with their new civic duty.

Federal Political Department
Section for the Swiss abroad

A service rendered by the Federal Political Department: the representation of foreign interests

There is a surprise in store for the visitor to New Delhi: on the immense oriental-style building housing the Embassy of Pakistan

flutters the Swiss flag. That sight will remind him of Switzerland's role as intermediary between countries which have broken off relations.

The origins of this function are relatively recent; indeed, in earlier times no ties of any kind between nations were so close that severing them posed serious problems. But in our modern world both official and private relations between developed countries are so intertwined that they cannot be broken off lightly, even in wartime. It therefore became imperative to find an intermediary to look after them.

It was, of course, essential that the intermediary should be able to



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guarantee complete objectivity so that neither party should reject it. Thus Switzerland was naturally destined, by virtue of her permanent neutrality, to play a predominant – though not exclusive – role in this field. That function is the responsibility of the Political Department.

Particularly during the last two world wars mandates to protect interests were heaped upon us. There were a total of 173 in the 1939–45 war, a figure that needs no comment.

Since the subject finds little place in international law, it was at first necessary to find pragmatic solutions in carrying out our activities, applying the principle that «the function creates the organization». At present the mandates are legally based on three international conventions of general scope.

- the Geneva Convention of 27th July 1929 concerning the treatment of prisoners of war
- and the Vienna Conventions of 18th April 1961 and 24th April 1963 concerning diplomatic and consular relations respectively.

The first of these Conventions defines the tasks of the protecting power, which has the duty to ensure that prisoners of war enjoy all the safeguards that the signatories to the Red Cross conventions have undertaken to grant them. This means visiting the prison camps regularly, conversing freely with the prisoners, organizing exchanges of seriously injured and sick prisoners, obtaining food, medicines, books and sports equipment, checking that adequate medical care is being given and that prisoners can correspond with their families. These tasks are carried out in close collaboration with the International Committee of the Red Cross.

States which have entrusted their interests to Switzerland

		<i>Starting date</i>
Iran	in Israel	19th February 1958
United States of America	in Cuba	6th January 1961
Guatemala	in Cuba	20th March 1962
Great Britain	in Guatemala	23rd August 1963
Honduras	in Cuba	30th December 1963
Brazil	in Cuba	19th August 1964
Ecuador	in Cuba	19th August 1964
Israel	in Hungary	21st June 1967
Israel	in Sri Lanka	13th August 1970
Pakistan	in India	6th December 1971
India	in Pakistan	7th December 1971
Poland	in Chile	10th October 1973
Israel	in Madagascar	30th October 1973
Israel	in Ghana	8th November 1973
Israel	in Liberia	21st November 1973
Ivory Coast	in Israel	28th November 1973
Spain	in the German Democratic Republic	9th October 1975

On the other hand, it is the Vienna Conventions that define the mandates for the protection of interests where inter-state relations have been broken off but where the countries concerned are not at war. In such cases the repatriation of nationals of the country represented has to be arranged, the protection of both official and private property has to be ensured and interests generally have to be safeguarded in all those fields where this is shown to be necessary. It must be emphasized, however, that these activities can never include the transmission of political or military information: we are custodians, not suppliers of information. It might be thought that these activities, which involve a large number of officials both at headquarters and in foreign posts, are very costly for our administration. This is not so, for the countries which entrust their interests to us undertake to reimburse our expenses. Every three months an account is presented to them and is then settled, more or less promptly. That does not mean there are no problems: for a small diplomatic service like ours it is not easy to mobilize the necessary number of officials from one day to the next,

especially when an important country's interests have to be defended, for example, those of the United States in Cuba in January 1961 or those of India in Pakistan and vice versa in December 1971. Anyone who experienced those period of extreme tension in Berne, Havana, New Delhi or Islamabad will not easily forget them.

In a sphere where there are very few rules and precedents one has to be able to improvise. One has to know, too, how to adapt to usages which often do not accord with our own ideas and customs; moreover, our officials have to show flexibility, tact and understanding while never infringing certain limits placed upon them.

But it is pleasant to note, in closing, that the countries whose interests we have represented have remained very grateful to us and have appreciated our services. The testimony we receive is unanimous and most flattering. And these activities have evolved into an integral part of our country's «image» abroad, which to some extent imposes upon it a moral duty not to disregard such appeals.