1. Introduction

Switzerland is a small alpine state in the west of Europe and it seems today to be one of the most privileged countries in the world. In its history, Switzerland has survived successfully and remained independent when its neighbors were engaged in destructive conflicts. Nowadays, the country, with more than 8.4 million permanent residents\(^1\), enjoys one of the highest living standards among industrialized countries and the political stability of Switzerland is impressive. This article describes how it is possible that a country with four languages, two religions and different ethnic groups could achieve such a high level of political culture. However, it would be completely inaccurate to think of Switzerland as a country without historical, political or social unrest and armed confrontations. In Switzerland, direct democracy, as

a component to indirect democracy, was established in early 19th century and has been developed further since then. The right of citizens to be directly involved in political decision-making is the central part of the Swiss modern direct democracy. In Switzerland, direct democracy means that a popular vote process takes place either because a group of citizens demands it, or because it is stipulated in the constitution. In several hundreds of referendums since 19th century, Swiss citizens have learned to make decisions on important political issues, whether at the federal, cantonal or municipal levels.

In this time of globalization and international migration it seems that one of the most important problems, among others in Switzerland, is in dealing with the integration of thousands of immigrants and political refugees coming from different countries with different ethnic, cultural, racial, linguistic and religious backgrounds. The Swiss Confederation counts presently about 2.1 million foreigners or 25 percent of its population. In a modern democracy, the question of political integration of foreign permanent residents must be seriously discussed and fair solutions have to be found to prevent discrimination, injustice and social conflicts in the future.

2. Brief history of Switzerland

The Swiss Confederacy goes back to 1291 when the cantons of Uri, Schwyz and Unterwalden agreed to defend themselves against the Emperor Rudolf I of Habsburg. Their union is recorded in the Federal Charter (Bundesbrief). In the 14th century the Swiss defeated the Habsburg three times, at the battles of Morgarten in 1315, Sempach 1386 and Nafels 1388, gaining increased autonomy within the Holy Roman Empire. By 1353 the cantons of Glarus, Zug and the city states of Luzern, Zurich und Bern joined the old Confederation and in 1481 Fribourg and Solothurn followed. The members of the Confederation defended their independence for about two hundred years against a variety of opponents. Finally, after the Swiss victory in the Swabian war against the Swabian League of Emperor Maximilian I in 1499, the King agreed to a peace treaty. The treaty of Basel of 22 September 1499 granted the Confederacy far-reaching independence from the Holy Roman Empire and the House of Habsburg. By the year 1501 the two Basel (City and Land) and Schaffhausen joined the Confederation and in 1513 the two Appenzell (Inner- and Ausserrhoden) did as well.

In 1515, with the Swiss defeat in the battle of Marignano, the Old Swiss Confederacy suffered a setback and lost their reputation of invincibility. When the Reformation spread across Switzerland at first to Zurich in 1525 with Huldrych Zwingli, then to other areas and finally to Geneva in 1541 under John

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2 Federal Statistical Office: Foreign Population 2016. 2/3 of foreigners come from EU and EFTA countries. Most of the 2.1 Million foreigners come from Italy (15.1%), Germany (14.4%), Portugal (12.8%), France (6%), Kosovo (5.2%), Spain (4%), Serbia (3.3%), Turkey (3.3%) and 19.7% from other European countries. 16.2% come from outside of the European continent: 4.9% from Africa, 3.7% from North and South America and 7.6% from Asia, Oceania and other stateless persons.
Calvin, the country became divided along religious lines. The Reformation in some cantons led to inter-cantonal religious conflicts in 1529 and 1531. In 1648, under the Peace of Westphalia, European countries officially recognized Switzerland’s independence from the Holy Roman Empire and its neutrality. Disregarding this achievement, the internal conflict between Catholic and Protestant cantons continued until the early 18th century and led to two further battles in 1656 and 1712 (battles of Villmergen).

In 1798, the French Revolutionary Army under Napoleon Bonaparte conquered Switzerland and the old Confederation collapsed. The new Helvetic Republic (1789-1803) imposed a unified constitution and abolished cantonal sovereignty as well as all feudal rights. Liberty, Equality, Fraternity (Brotherhood); many Swiss resisted these progressive slogans of the French Revolution, particularly in the central areas of the country. To fight the French occupation army, the cantons of Uri, Schwyz and Nidwalden raised an army of about 10,000 men. After several confrontations the French and the Swiss agreed to a cease-fire. However, the French did not succeed in keeping their promises in respecting religious matters and there was another uprising. The growing instability in the Helvetic Republic reached its peak in the civil war in 1802-1803. High state debt together with local resistance finally caused the Helvetic Republic to collapse. In 1803, Napoleon Bonaparte dictated the Act of Mediation to Switzerland. The Act of Mediation abolished the previous Helvetic Republic and partially restored the sovereignty of the cantons. At the same time, the former tributary and allied territories of Aargau, Thurgau, Grisons (Graubünden), St. Gallen, Vaud and Ticino became cantons with equal rights. The Act of Mediation was a compromise between the Ancien Regime and a Republic and an important political victory for Napoleon Bonaparte. The period of the Helvetic Republic is still very controversial within Switzerland. It represents the first time that Switzerland existed as a unified state and the Alps country was just a few steps from a modern federal state.

After France’s defeat by the monarchist great European powers, the Congress of Vienna of 1815 fully reestablished Swiss independence and the victorious European powers agreed to recognize permanent Swiss neutrality. At that time, Valais, Neuchatel and Geneva joined Switzerland as new cantons. In the decades after 1815, the Swiss confederation lived through a period of internal polarization between two forces, the Conservatives and the Radicals. The Conservatives were Catholics from mainly rural regions and the Radicals were mainly Protestants from rapidly industrializing cantons. The conflict between these two parties led to an éclat when in 1847 the Catholic cantons left the Conference of Delegates. This was understood by the Protestant cantons as secession and led into a 26 day civil war, with the defeat of the Catholic cantons. Despite all these differences, a draft of a new federal constitution was elaborated and submitted to a popular vote in 1848, which the majority of the people and cantons accepted. The Federal Constitution of 1848 provided an institutional framework and was able to give unity to the nation. Especially, it promised to resolve conflicts peacefully between majorities and minorities as well as between religious and linguistic groups. But the cultural struggles did not cease and reached its culminating point around 1870 mainly because of the discussions around the draft of the new Federal
Constitution. The revision of the Federal Constitution in 1873-74 aimed at a fully secularized state and led to the elimination of the public functions of the church. As a result, the relations between state and church today vary from canton to canton. Usually there is no complete separation. The different churches are acknowledged as public institutions, called Landeskirchen national or regional churches. Nevertheless, one of the main achievements of the 1874 revision of the Federal Constitution was the introduction of the right of referendum. In addition to the referendum, in 1891 the popular initiative had been introduced as well.

In the course of the First World War (1914-1918), Switzerland surrounded by strong European powers maintained its neutrality and was not invaded. Despite Switzerland’s political neutrality, the country almost broke apart when the political upper-class opted for different sides in the conflict between its neighbors: the Swiss-German majority mainly identified themselves with the German Empire and Austro-Hungarian Empire whereas the Swiss-French minority sided with France. After the war, social conditions deteriorated rapidly. The economic inequalities and a class struggle developing between workers and capitalist entrepreneurs reached its summit in November 1918 in a nationwide general strike. The Federal government deployed the Swiss military against the protesters, and in the city of Grenchen three workers were shot to death and several were injured. Most of the workers’ demands were rejected, but among the gains of the strike was the limitation of working time to 48-hours a week. In 1920 Switzerland joined the League of Nations at Geneva, on condition that it would not be required to participate in any military campaigns. In November 1932, the Swiss army was again called to suppress an antifascist demonstration in Geneva which was caused by a rightwing meeting. The soldiers killed 13 demonstrators and wounded 65 others. This incident long damaged the army’s reputation, leading to persistent calls for its abolition among left-wing politicians.

During the difficult period of the Second World War (1939-1945), Switzerland survived unoccupied and the International Red Cross, based in Geneva, played an important part during the entire conflict. At the outbreak of the war in 1939, the Swiss government immediately began to mobilize for a possible invasion and fortified positions throughout the country. Under the command of General Henri Guisan, the total number of the Swiss army and militias reached almost 500,000 men of a total population of about 4 million. The strong determination to defend the country by all means, the economic and political concessions to Nazi Germany included, are some of the decisive reasons why Switzerland was able to remain independent.

As neutral state and Germany’s neighbor, Switzerland was easy for refugees from the Nazis to
reach. Over the course of the war, the Swiss accepted more than 300,000 refugees. Of these were about 21,000 Jews. Unfortunately, 24,500 refugees were barred from crossing the border to Switzerland and 14,500 other refugees did not receive the Swiss entry visa. Tragically, the most of them were Jews. The severe measures of the aliens’ police were only relaxed, writes Edgar Bonjour, from the moment when Germany ceased to score military victories and experienced serious defeats in Russia and the Axis was losing ground on all fronts. The strict immigration and asylum policies as well as the close economic and financial cooperation with Nazi Germany raised controversy, but the majority of the Swiss believed that the government policy was appropriate and in vital interest of their country, which was completely surrounded by enemy armies. Some others tended to call it pure opportunism. Still today a large part of the Swiss citizenry is convinced that the determination of the whole country to resist was the main reason why Adolf Hitler did not order an attack on their Fatherland.

After the war, the Swiss government distributed funds, gave monetary support to help rebuild European economies and even made a contribution to the Marshall Plan. However, in 1997 the Clinton administration accused Switzerland, in regard to Nazi gold received during the war, of prolonging Second World War by acting as banker to Nazi Germany. Switzerland rejected the accusation and termed Washington’s assessment “one-sided”. With the intention of safeguarding historical documents, the Swiss government at that time advised its banks to keep all remaining Second World War records. Regrettably, the Union Bank of Switzerland did not completely follow this advice. The controversy about Nazi gold together with destruction of bank records of Holocaust victims escalated. And finally, after persistent pressure from the US, and mainly after the city of New York considered boycotting Swiss Banks, the biggest three Swiss banks agreed to pay $1.25 billion to Holocaust survivors. The permanent criticism of Switzerland’s behavior during Second World War led the Swiss government on 12 December 1996 to form an Independent Commission of Experts (ICE). The commission, also known as the Bergier commission, presented its final report in March 2002. During its work, the ICE identified three areas where the Swiss government failed to carry out its responsibilities.

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8 Cantonal aliens’ police were part of the police. They distributed residence permissions and supervised foreigners who stayed in Switzerland. (Today: Cantonal foreign police = Fremdenpolizei des Kantons…).
10 Vuilleumier, Marc. Immigrants and Refugees in Switzerland.1989, p. 81.
12 Source: Frontline (online). A chronology of events surrounding the lost assets of victims of Nazi Germany.
13 Jean-Francois Bergier (1931 – 2009) was a Swiss historian and professor at the University of Geneva and the Swiss Federal Institute of Technology in Zurich. In December 1996, he was appointed president of the Independent Commission of Experts: Switzerland – Second World War.
1. Refugee policy (treatment of Jewish refugees)
2. Economic and financial policy in regard to the Axis powers\textsuperscript{15}
3. Restitution of Holocaust victims’ assets after the Second World War

In contrast to the strict refugee policy during Second World War, the Swiss widely opened their door after the Soviet intervention in Hungary in 1956 and they did the same after the Warsaw Pact invasion of Czechoslovakia in 1968. Thanks to this humanitarian open door policy, several ten thousands of refugees from these two countries could find new homes in liberty. In 1960, Switzerland became a founding member of the European Free Trade Association (EFTA) and in 1963 the Swiss Confederation joined the Council of Europe.

From 1950 to 1973 the Gross National Product (GNP) per capita in Switzerland almost doubled. The consequence of this economic boom was a massive influx of “Gastarbeiter” (foreign guest workers) from South European countries. Despite the undisputable advantages for the Swiss economy, social tensions due to fears about foreign infiltration have been growing.

Women’s suffrage was introduced at the federal level in 1971 and at the cantonal level for the first time in 1959 in canton of Vaud. But it took 34 years until the last canton Appenzell Innerrhoden, by decision of the Swiss Federal Supreme Court, was forced to accept women’s suffrage. Nowadays, Swiss women have in politics a respectable, but still low, representation (33% in National Council, 66 seats from 200 and 15.2 %, 7 seats from 66 in Council of States)\textsuperscript{16}. There are now three women Simonetta Sommaruga (SP), Karin Keller-Sutter (FDP) and Viola Amherd (CVP) and four men at the helm of the country’s political system\textsuperscript{17}.

As a member of the EFTA, Switzerland took part in negotiating the European Economic Area (EEA) agreement with the European Union in 1992 and submitted at the same time an application for admittance to the European Union (EU). However, a referendum held on 6 December 1992 rejected EEA membership. As a consequence, the Swiss government temporarily suspended any further negotiation about its EU membership and it started negotiations on bilateral agreement with the EU. The first package of seven agreements (Bilateral I) was accepted by the Swiss in a referendum on 21 May 2000 and the second one (Bilateral II) of nine agreements was accepted on 5 June 2005. Both agreements serve mainly to ease and improve Swiss-EU trade and economic relations. Among other things, the agreements include a vice-versa right, with some restrictions, of free movement of people. As result, several ten thousands of EU citizens immigrated to Switzerland. A high living-standard, low unemployment rate, excellent health

\textsuperscript{15} Axis Powers: Germany, Italy, Japan and a number of other countries joined the Axis powers: Hungary, Romania, Slovakia, Bulgaria, Croatia and Finland.

\textsuperscript{16} Das Schweizer Parlament. Zahlen zu den Ratsmitgliedern. Frauenanteil in den Räten (Stichtag: 15.06.2018).

system, neutrality and insignificant language and cultural barriers are just some of the reasons why people from the European Union, and in the last few years mostly from Germany, are choosing Switzerland as their new home.

In the meantime, the Swiss population and the cantons voted in favor of a completely revised federal constitution¹⁸ which was adopted on 18 April 1999. And in 2002 finally, in overcoming its fears of losing part of its neutrality, Switzerland became a full member of the United Nations.

Nowadays, the Swiss - EU relationship takes a central place in Swiss foreign policy¹⁹. A new framework agreement between Switzerland and the EU scheduled for 2019 is ready for approval. But under Switzerland’s system of direct democracy it must be a subject to a referendum.

3. Swiss federal system

There are 23 federal nations worldwide and Switzerland is the second oldest one after the United States of America. The Swiss people experienced a federal system for the first time in 1803, when the Mediation Act imposed by Napoleon restored cantonal powers in the former unitary Helvetic state. But only after the victory of the federation in the civil war in 1848 and the ratification of a federal constitution, Switzerland became the first modern federation in Europe and hereafter the first continuously functioning democracy. Since 1848 the Swiss federal system is based on three levels: the federation, the cantons and the communes, each having specific and limited powers. The Federal Constitution²⁰ obliged them to cooperate with each other, to guarantee democratic elections and furthermore to respect the principle of separation of powers. Therefore the Swiss are citizens not only of the federation, but also of their canton and their commune. They elect authorities and vote at all three levels. This means that they fulfill their duties and exercise their rights based on federal, cantonal and communal laws. In Switzerland the people are the supreme political authority. The people mean all adult men and women of at least 18 years of age who hold Swiss citizenship. Foreign nationals have no political rights at the federal level.

In the Confederation, there are three powers:

- Executive: Federal Council (government)
- Legislature: Federal Assembly with two Chambers:
  National Council (large chamber) and the Council of States (upper house)
- Judiciary: Federal Supreme Court

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¹⁸ Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 1 January 2018).
²⁰ Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 1 January 2018).
3.1 Federal Council

The Federal Council in Bern (capital of Switzerland) has seven members\(^\text{21}\); they are each elected by the United Federal Assembly to a four year term in office. The president is elected for one year only and is regarded when in office as first among equals\(^\text{22}\). The Federal Council is the supreme executive and governing authority of the country. Each Federal Councillor is a Head of one of the seven Departments: Federal Department of Home Affairs, Federal Department of Defense, Civil Protection and Sports, Federal Department of Finance, Federal Department of the Environment, Transport, Energy and Communications, Federal Department of Economic Affairs, Federal Department of Justice and Police and Federal Department of Foreign Affairs.

During its term of office, the Federal Council cannot be brought down by a vote of no confidence. In addition, the seven members of the Council are each elected individually. The principle of collegiality\(^\text{23}\) of the Federal Council does not extend to collective responsibility face to the electorate. The development of political power-sharing in the second half of the twentieth century has led to a multi-party government. Since 1959, the party political “magic formula” (Zauberformel)\(^\text{24}\) has ensured that the four biggest parties in parliament hold seats in the Federal Council in accordance with their shares of the popular vote.

3.2 Swiss Parliament

*The Federal Assembly, Switzerland’s parliament, is made up of two chambers, namely the National Council and the Council of States, each of which has the same powers. It is the supreme authority of the Swiss Confederation subject to the rights of the people and the cantons\(^\text{25}\).*

The National Council counts 200 members who represent the Swiss people. Each national councillor serves a four-year term. The cantons are represented in proportion to the number of their inhabitants.

The Council of States has 46 representatives of the cantons. Each canton has two members with the exception of the six smaller cantons\(^\text{26}\) (half-cantons), which have only one representative each. The members are elected for four-year terms. Both chambers together embody the legislative power of the federal state.

\(^{21}\) The seven members of the Federal Council since 2019 are: Alain Berset (SP), Ueli Maurer (SVP), Ignazio Cassis (FDP), Viola Amherd (CVP), Simonetta Sommaruga (SP) and Karin Keller-Sutter (FDP). Walter Thurnherr is Federal Chancellor.

\(^{22}\) First among equals = primus inter pares.


\(^{24}\) The formula is not a law, but an agreement amongst the four ruling parties.

\(^{25}\) The Federal Assembly. Source: http://www.parlament.ch/E/ORGANE-MITGLIEDER/Pages/default.aspx

\(^{26}\) Appenzell Ausserrhoden, Appenzell Innerrhoden, Basel-Landschaft, Basel-Stadt, Nidwalden and Obwalden.
The parliament is responsible for all political decisions of general importance as well as constitutional, legislative and regulatory acts. It sets the political agenda through parliamentary initiatives, motions and propositions, furthermore examines and modifies proposed legislations. Besides it supervises the activities of the Federal Council (government) and its agencies (departments). For this purpose it has established permanent commissions to carry out regular controls. In addition, the United Federal Assembly decides on budgets and finance and approves international treaties.

3.3 Supreme judicial authorities

The Swiss supreme judicial authorities are:

- Federal Supreme Court in Lausanne (38 judges and 30 part-time judges)
- Federal Insurance Court in Lucerne (11 judges and 11 substitute judges)
- Federal Criminal Court in Bellinzona and the Federal Administrative Court in Berne (11 judges).

The Federal Supreme Court judges, each affiliated to a political party, are appointed by the United Federal Assembly for a term of six years in office.

4. Division of powers between the federation, cantons and communes

The Swiss Confederation, which has the characteristic of a federation or federal state, has responsibilities in those areas where it is granted powers by the federal constitution, namely in foreign, security and defense policies, in customs and financial matters. The distribution of responsibilities between the federation and the cantons concern: traffic law, currency and monetary system, postal services and communications, mass media, railways, aviation, nuclear energy, utilization of water power, roads, trade, industry, labor legislation, public schools and education, taxes, protection of environment, agriculture, civil and criminal law, social security and insurances, police²⁷ and churches²⁸.

The next political units are the cantons, and under the Federal Constitution all 26 cantons (20 cantons and 6 half-cantons) have equal rights with a relatively high degree of independence, especially in health care, education and cultural policies. Further, each canton has its own constitution, parliament, government and courts. Direct democracy in the form of a People’s Assembly still exists only in Appenzell Innerrhoden and Glarus. In all other 24 cantons, the people vote exclusively at the ballot box.

Communes are the smallest political units in Switzerland. The country currently has 2,250 communes. About one of five communes, generally the bigger towns and cities, have their own parliaments. And

²⁷ The exclusive legislative power is by cantons.
²⁸ The exclusive legislative power is by cantons.
approximate four of five communes still make direct democratic decisions at the communal assembly, where all inhabitants who are entitled to vote may participate. However, the communes’ level of autonomy is basically determined by the individual cantons in accordance to cantonal law and can therefore vary from place to place. The responsibilities of the communes are: building and maintenance of local roads, local transport public system (only in urban communities), gas, electricity and water supply, local planning, election of teachers – building of schools and hospitals, budget responsibility, imposition of communal taxes and public welfare.

5. Swiss Armed Forces

The Swiss army functions according to a militia principle. All men liable for military service undergo basic training and broaden their knowledge and capabilities at regular intervals. According to the federal constitution\(^\text{29}\), the army’s tasks are to prevent war and contribute to the maintenance of peace. It supports civilian authorities when there are serious threats to internal security and during crises. Since the end of the Cold War, the army also participates in humanitarian and peace missions within an international framework\(^\text{30}\).

Switzerland’s militia armed forces system obliges most Swiss men to undertake basic military training at the age of 18 and then attend regular refresher courses. The training starts at the beginning of the year in which the men turn 18 and the training must be accomplished before or during the year the recruits turn 25 years old. The military service starts with an 18 to 21 week training course, followed by 6 to 7 annual three-weeks of follow up training and ends by the age of 30. The service can be extended for those who haven’t completed full military service by this age, and for those of certain rank and specialization. Switzerland had in 2017 about 158,435 - member armed forces\(^\text{31}\). This is only about 50,000 less than the NATO country Germany, which counts around ten times more inhabitants than Switzerland.

There is also a possibility of an alternative military service which can be compressed into a single intensive 10-month training period. Those deemed unfit for military service must pay a supplemental military tax of up to 3%. Currently, there is as well an option to choose non-military civil protection service\(^\text{32}\). Swiss citizens who choose this alternative must spend 50% longer doing it. The Civil Protection Service ends by the age of 40.


\(^\text{30}\) Militia army. (Sep 18, 2006).


\(^\text{32}\) The Civil Protection Service protects the Swiss population against disasters and emergencies. (Swiss Confederation. Bundesamt für Bevölkerungsschutz, BABS).
Military service is voluntary for Swiss women and there are nowadays more than 1,150 women currently serving, with more than half going on to complete officer training. But the proportion of women in the Swiss armed forces lies at only 0.73% (Germany 12% and Sweden 18%). However, the number of new female recruits has doubled in the last two years.\textsuperscript{33}

Military service undertaken by young foreign residents in Switzerland is still just a future possibility, not a requirement.\textsuperscript{34}

6. Political parties

The party landscape in Switzerland is as varied as the country itself but there are four strong political parties which usually constitute the government. The political parties represented in the Federal Council (government) and in the Federal Assembly (parliament) 2018 (after the National Council election in 2015) are\textsuperscript{35}:

- SVP, Schweizerische Volkspartei = Swiss People’s Party\textsuperscript{36} (Right-wing) has 2 Federal Councilors, 65 members in the National Council and 5 in the Council of States
- FDP, die Liberalen = the Liberals (Centre-right) has 2 Federal Councilors, 33 members in the National Council and 13 in the Council of States
- CVP, Christlichdemokratische Volkspartei = Christian Democrat People’s Party (Centre) has 1 Federal Councilor, 27 members in the National Council and 13 in the Council of States
- SP, Sozialdemokratische Partei der Schweiz = Swiss Social Democratic Party (Left-wing) has 2 Federal Councilors, 43 members in the National Council and 12 in the Council of States

Beside these governmental parties there are six other non-governmental parties\textsuperscript{37} represented in the Federal Assembly (National Council and the Council of States).

- GPS, Grüne Partei der Schweiz = Green Party of Switzerland (Left-wing) has 11 members in the National Council and 1 in the Council of States
- GLP, Grün Liberale Partei Schweiz = Green Liberal Party of Switzerland (Centre) has 7 members in the National Council
- BDP, Bürgerlich-Demokratische Partei der Schweiz = Conservative Democratic Party of Switzerland (Centre-right) which split from the SVP, has 7 members in the National Council and

\textsuperscript{33} More women opt for Swiss military service. SWI swissinfo.ch (Jan. 14, 2018)
\textsuperscript{34} Could foreigners be required to do Swiss military service? le News (13.7. 2016)
\textsuperscript{36} The SVP (Swiss People’s Party) has split in 2008. The splinter group has founded the BDP, Bürgerlich-Demokratische Partei der Schweiz (Conservative Democratic Party of Switzerland).
\textsuperscript{37} Status 2012.
1 in the Council of States
- EVP, Evangelische Volkspartei der Schweiz = Evangelical People’s Party of Switzerland (Centre) has 2 members in the National Council
- Lega die Ticinesi = Ticino League (Right-wing) has 2 members in the National Council
- MCG, Mouvement Citoyens Genevois = Geneva Citizens’ Movement (Right-wing) has 1 member in the National Council
- PdA, Partei der Arbeit = Swiss Party of Labour (Left-wing) has 1 member in the National Council

7. Initiative and the referendum

The Swiss citizens are provided with two important instruments of direct democracy: the initiative and the referendum. Both instruments allow voters to influence parliamentary decisions. Therefore they are a fundamental feature of Swiss political life.

The popular initiative or citizen’s initiative is a formal proposition which demands a constitutional amendment. The citizens have the right to make legislative proposals which must be decided in a referendum vote if the proposal gains the support of voters. It must be submitted to the vote of the people and cantons if the proposition is signed by at least 100,000 eligible Swiss citizens within 18 months. The citizens’ initiative allows a part of the electorate to place before the whole electorate issues which have not even occurred to parliament or that the parliament does not wish to deal with. Every citizen’s initiative which has been officially validated proceeds to the referendum vote regardless of the wishes of either the government or parliament. But in any case, before the popular vote, the Federal Council and the Federal Assembly give non-binding advice or recommendations on whether the proposal should be accepted or rejected and occasionally formulate a counterproposal.

The referendum is a constitutional right to force the federal authorities to submit major legislation or an important treaty for popular approval. In Switzerland there are two types of referendum:

1. The obligatory referendum. Proposals for constitutional amendments and important international treaties have to be approved or rejected in national referendum vote. These obligatory referenda require a double majority of the people and the cantons and are relatively frequent.

2. The optional referendum. Most parliamentary acts and regulations are subject to an optional referendum, which means that they have to receive final approval or rejection in a referendum vote. In such cases a parliamentary decision becomes law unless 50,000 persons eligible to vote or

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any eight cantons, within 100 days, request a popular vote. In that case, only the popular majority is required for its passage.

8. Participation in direct democracy

The relatively low participation of voters in direct democracy raises questions about the legitimacy of political decisions in Switzerland. First, the number of people who are qualified to vote is about 60 percent of the total population but not all those who do qualify take part in a vote. Over a period from 2011 to 2017, the participation figures show only an average participation of 46.4 percent (National Council election in 2015 only 42.8 percent).

Voting participation and number of going to the polls in Switzerland since 1990

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</tr>
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<td>2010</td>
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41 Lindner, Wolf. Swiss Democracy, p. 91.
42 Source, Swiss Confederation. Entwicklung der Stimmbeteiligung bei eidgenössischen Volksabstimmungen: https://www.bfs.admin.ch/bfs/de/home/statistiken/kataloge-datenbanken/tabellen.assetdetail.3602770.html
Switzerland’s Political System 2nd updated and enlarged edition (Miroslav Vurma)

2011  49.1  1
2012  38.4  4
2013  46.6  4
2014  52.4  4
2015  42.8  2
2016  49.6  4
2017  45.6  3

The official statistics clearly demonstrate herewith that decisions in direct democracy do not represent the majority of the people. Do not turnouts below 50 percent undermine the credibility of the elections or the whole voting system? The point is not to denounce direct democracy, but to prevent certain illusions or misunderstandings. The direct democracy in Switzerland does not rely on the will of the whole population but only on the expressed political preferences of a minority. In other words – only a minority of about 26 percent to 30 percent of all voters decides and influences the political directions of the whole nation. Certainly there is even a belief that a small deciding majority, which is in fact a minority of qualified voters, truly represent the will of the whole people, but this presumption of majority is also accepted for a parliamentary majority.

According to the FORS (Swiss Foundation for Research in Social Sciences), the Swiss national parliamentary elections are frequently considered “law salience” elections. However, we can see a growing interest in national elections in the early 1990s. The reasons might be the growing polarization of Swiss politics and the rise of the populist right that generated a new surge of interest in federal elections. Additionally, the VOX analyses\(^43\) draw an interesting picture of the voting behavior of citizens. Among other issues they show that the level of participation depends considerably on the attractiveness of the political topic to be voted on. Controversial subjects change the behavior of the voters. Popular initiatives, such as those to abolish the army\(^44\), limit the number of foreign residents\(^45\), amend the constitution in order to join the United Nation or all issues concerning the European Union\(^46\) attract the most voters. However, the Swiss are proud of their system of direct democracy but there are also critical voices. One criticism is that there are too many votes, and some of them are very complex. One example was the anti-minaret initiative to prevent the construction of minarets on mosques. The minaret controversy began 2005 about

\(^{43}\) VOX surveys are government-funded post vote analyses of national referendums and initiatives realized by the Swiss Society for Applied Social Research (GfS) and the University of Bern, Geneva and Zurich. (Vox: vox populi = voice of the people).

\(^{44}\) On 26 November 1989, 69.18% eligible voters participate in the federal voting on the popular initiative: ‘For a Switzerland without an army and a comprehensive peace policy’. The Swiss people rejected the initiative. 35.6% votes for the initiative and 64.4% contra.

\(^{45}\) On 7 June 1970, 74.72% eligible voters participate in the federal voting on the popular initiative: ‘Against the foreign infiltration’. The Swiss people rejected the initiative. 46% votes for the initiative and 54% contra.

\(^{46}\) On 6 December 1992, 78.4% eligible voters participate in the federal referendum: “EEA agreement”. The Swiss people rejected the agreement. 49.7% votes for the agreement and 50.3% contra.
a 6-metre-high minaret on the roof. The case was brought before the Administrative Court and later to
the Federal Supreme Court. The Federal Supreme Court affirmed the decision of the lower court and the
6-metre high minaret was erected in July 2009. The controversial discussion inspired a group of right
politicians to launch a federal popular initiative that sought a constitutional ban on minarets. Even the
Swiss government (Federal Council) in 2008 opposed a ban building of minarets on Mosques. And in
2009 as well the Parliament (Federal Assembly) rejected by 132 to 51 votes and 11 abstentions the minaret
ban initiative. Both political messages could not influence the voters’ final decision. In a referendum on
29 November 2009, the amendment, which needed a double majority to pass, was approved by 57.5% of
the voters and by 19½ cantons. Only the cantons of Geneva, Vaud, Neuchatel (French speaking cantons)
and Basel-City rejected the ban. That vote displayed a widespread anxiety about Islam and undermined
the country’s reputation for religious tolerance. A posteriori, the Swiss Government declared in Arabic
language that it would respect the vote and sought reassure the Muslim population that the minaret ban
was not a rejection of the Muslim community, religion or culture. Furthermore the justice minister,
Eveline Widmer-Schlumpf, said the result “reflects fears among the population of Islamic fundamentalist
tendencies.”

8.1 Political exclusion of foreigners

Additionally, there is another point of imperfection in the Swiss democracy. Switzerland’s 2.1 million
foreign residents representing 25 percent of the nation’s entire population of 8.4 million have no political
rights at the national level. Although generally considered as an important asset to the Swiss economy,
paying the same taxes as Swiss citizens, foreigners are largely excluded from political participation.
According to immigration expert Gianni d’Amato, head of the Swiss Forum for Migration and Population
Studies at the Neuchatel University, exclusion of foreigners from political process calls the nature of
democracy into question. In Switzerland, until today only a few of the 26 cantons have introduced
certain limited political rights for their foreign residents. These cantons in the French-speaking region are:
Neuchatel, Jura, Vaud, Geneva and Fribourg (which is half French and half German-speaking), and in the
German-speaking region: Grisons and Appenzell Ausserrhoden. Since July 2006, foreigners in the canton
of Basel City may vote in communal elections, specifically in Riehen and Bettingen but not in the city of
Basel.
In the canton of Neuchâtel\textsuperscript{54}, foreign resident’s voting rights at the communal level date back to 1849, and the voting rights at the cantonal level were provided by the new cantonal constitution in 2000 and come into force in 2002. To be able to vote at the communal and/or cantonal level, the following conditions must be fulfilled:

- Commune: one year of domicile in the canton of Neuchâtel
- Canton: five years of domicile in the canton of Neuchâtel

In the canton of Jura\textsuperscript{55}, the voting rights for foreigners were introduced at the time of its foundation in 1979. To be able to vote at the communal and/or cantonal level, the following conditions must be fulfilled:

- Commune: ten years of domicile in Switzerland, one year in the canton of Jura and 30 days in the commune
- Canton: ten years of domicile in Switzerland and one year in the canton of Jura\textsuperscript{56}

In the canton of Vaud\textsuperscript{57}, the voting rights for foreign citizens since 2002 are limited only on the communal level\textsuperscript{58}. To be able to vote, the following conditions must be fulfilled:

- Commune: at least ten years of domicile in Switzerland and at least three continuous years in the canton of Vaud\textsuperscript{59}

In the canton of Geneva\textsuperscript{60}, the voting rights for foreign citizens are since 2005 limited only on the communal level\textsuperscript{61}. To be able to vote, the following conditions must be fulfilled:

- Commune: at least eight years of domicile in Switzerland

In the canton of Fribourg\textsuperscript{62}, the voting rights for foreign citizens since 2006 are limited only on the communal level\textsuperscript{63}. To be able to vote, the following conditions must be fulfilled:

- Commune: at least five years of domicile in the canton of Fribourg and be a holder of a permanent

\textsuperscript{54} Population in canton Neuchâtel, total in December 2017: 177,862 (74.6% are Swiss citizens and 25.4% foreigners).
\textsuperscript{55} Population in canton Jura, total in December 2017: 73,277 (85.3% are Swiss citizens and 14.7% foreigners).
\textsuperscript{56} Droits politiques. Loi sur les droits politiques (Art. 71 de la Constitution jurassienne).
\textsuperscript{57} Population in canton Vaud, total in December 2017: 794,384 (69% are Swiss citizens and 33.7% foreigners).
\textsuperscript{58} Cantonal Constitution, article 142. Constitution du canton de Vaud.
\textsuperscript{59} Canton de Vaud. Droits politiques des personnes étrangères.
\textsuperscript{60} Population in canton Geneva, total in December 2017: 497,089 (59.6% are Swiss citizens and 40.4% foreigners).
\textsuperscript{61} Cantonal Constitution, article 42. Constitution de la République et canton de Genève.
\textsuperscript{62} Population in canton Fribourg, total in June 2018: 316,624 (77.5% are Swiss citizens and 22.5% foreigners).
\textsuperscript{63} Cantonal Constitution, article 48. Verfassung des Kantons Freiburg.
resident status card C

Two German speaking cantons, the canton of Grisons and the half-canton of Appenzell Ausserrhoden, do not provide voting rights for foreigners at the cantonal level, but they have authorized their communes to establish such rights at the communal level.

Thanks to article 9 of its new cantonal constitution, the canton of Grisons\(^65\), since 2004 accords political rights to foreign citizens at the local level\(^66\). Since then, twenty-three from hundred twenty five communes have granted voting rights to their non-Swiss-citizens. The conditions of local voting rights vary naturally according to their own regulations or needs.

In the half-canton of Appenzell Ausserrhoden the situation is similar to canton Grisons. Since 1995, according to article 105 of its cantonal constitution, the communes can decide for themselves whether they wish to introduce voting rights to their non-Swiss citizens\(^67\). Until today, three of twenty communes have chosen to use this privilege. The names of the communes are: Wald, Speicher and Trogen. To be able to vote, the following conditions must be fulfilled:

- Commune: ten years of domicile in Switzerland and the last five years in the half-canton of Appenzell Ausserrhoden

It is interesting to see the different positions regarding political rights of non-Swiss citizens between the French and the German speaking cantons\(^68\). The French-speaking west of Switzerland is traditionally a little bit more liberal minded and is more open to the world than the rather conservative German-speaking east. Not negligible is as well the fact that the French-speaking Swiss are a minority\(^69\) with a slight tendency to consider themselves as the less privileged part of the Swiss population. Therefore, there is a kind of solidarity between them and other minorities living in the same country. Likewise, in

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\(^64\) The permit “C” is a permanent residence card. Depending on your citizenship, you can obtain a “C” permit “after 5 or 10 years of residence in Switzerland. There are also “A” and “B” permits but they are annual permits with a lot of restrictions and have to be renewed every year. EU citizens will get a “CE” permit valid for an initial period of 5 years, which is a permit with more rights and less restrictions. For example – you are able to bring your family, buying Swiss real estate, moving within Switzerland without restrictions, becoming self-employed etc.

\(^65\) Population in canton Grisons, total in December 2017: 197,860 (83% are Swiss citizens and 17% foreigners).

\(^66\) Cantonal Constitution, article 9. Verfassung des Kantons Graubünden.

\(^67\) Cantonal Constitution, article 105. Verfassung des Kantons Appenzell Ausserrhoden.

\(^68\) In Switzerland they are 17 German-speaking cantons (Aargau, Appenzell-Ausserrhoden, Appenzell-Innerroden, Basel-City, Basel-Land, Glarus, Luzern, Nidwalden, Obwalden, Schaffhausen, Schwyz, Solothurn, St. Gallen, Thurgau, Uri, Zug and Zurich), 4 cantons (Geneva, Vaud, Neuchatel and Jura) are French-speaking, 3 cantons (Bern, Fribourg and Valais) are bilingual (German and French speaking), 1 canton (Grisons) is trilingual (German, Romansh and Italian) and the canton of Ticino is Italian-speaking.

\(^69\) In Switzerland, 62.8% of the population declares German as their main language, 22.9% French, 8.2% Italian, 0.5% Romansh, 5.1% English, 3.7% Portuguese, 3.1% Albanian, 2.3% Serbian and Croatian, 2.3% Spanish and 7.5% speaks different languages. The consulted inhabitants could declare two or more main languages.
Switzerland the political rights of foreigners are usually supported by the Swiss Social Democratic Party, trade unions and center left politicians. These political forces are generally stronger rooted in the French-speaking cantons and their efforts have proven more successful in this part of the country than in the German-speaking part. The complete issue of non-citizen voting rights seems to confirm once more the alleged political divide between the French and German-speaking parts of the country.

With regard to regional differences and different point of views in Swiss society, the authorities keep stressing how important it is for the foreign population to integrate into society, but the integration that they mean does not include the political one. Are the fears of “Überfremdung” foreign infiltration and the loss of national identity the phantoms? However, according to Gianni d’Amato, there are two different ways looking at the value and significance of voting participation. For some, participation is like the prize at the end of a long period of integration – in other words, getting civil rights depends on being naturalized. But you can also see it the other way round: that it is by participating – that you become integrated into society.

8.2 Brief comparison with Europe

Compared with other countries in Europe as far as political participation of foreigners is concerned, the French-speaking part of Switzerland is at the top. In Europe the Scandinavian countries namely: Sweden, Denmark and Finland are among the most advanced, and so are Belgium, Luxemburg, Netherlands, Lithuania and Slovenia. In Portugal the voting rights for non-citizens are based on the principle of reciprocity, and in the United Kingdom the voting rights are offered to all Commonwealth citizens without reciprocity. But there are other European countries where foreigners are given no voting rights at all!

Within the European Union, all EU-citizens have the right to vote at the local level and for the European parliament. Interesting is that even Swiss citizens established in Belgium, Denmark, Ireland, Netherland or Sweden may vote at the local level without reciprocity. The conditions vary naturally from country to country and depend on local regulations but generally they require three to five years of residency.

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70 In the first place, the communes and cantons are responsible for naturalization matters. The Federal Government lays down the relevant criteria. Citizenship in Switzerland may be obtained by a permanent resident who lived in Switzerland for at least 12 years (any years spent in Switzerland between the 10th and the 20th years of age count double) and lived in the country for 3 out of the last 5 years before applying for citizenship. One should be able to speak in at least one of German (preferably Swiss German), French, Italian or Romansh (depending on the community) and show the following: integration into the Swiss way of life; familiarity with Swiss habits, customs and traditions; compliance with the Swiss rule of law; no danger to Switzerland's internal or external security. Source: Swiss nationality law. http://en.wikipedia.org/wiki/Swiss_nationality_law

71 The Lisbon Treaty on the European Union, Part 2 (Non-discrimination and citizenship of the Union), Article 20b, Article 22.
9. Conclusion

The political system of Switzerland is an instructive example for the realization of political and social unity whilst maintaining large cultural diversity. Thanks to its federal system and its principle of dividing power between the federal, cantonal and communal authorities, backed by its constitutional guarantees to protect and maintain regional differences, the country has successfully reached a very high standard of social and political life among the free democratic countries in the world. Switzerland itself is not a member of the European Union; however, its political system continues to be a useful source of inspiration for many EU politicians who wish to build a more democratic and federal Europe.

But successful nation-building is a continuous process and investment in the future which is necessary to adjust to fast changing realities and demands. Switzerland is still a living model of the idea that different cultures, religions, languages and races can live peacefully together in one state. But do the Swiss authorities really do enough to prevent eventual future social or religious conflicts? Are their integration policies successful? In my opinion, they do a lot but not enough and on the whole not fast enough. As a result, the polarization between Swiss citizens and foreigners or between Christians and Muslims\footnote{Switzerland is a home to about 428,000 Muslims or 5.1\% of its population (2016). On 27 November 2009, Swiss voters have supported a referendum to ban the building of minarets. More than 57\% of voters and 22 out of 26 cantons voted for the ban.} is growing. The integration of refugees and other foreign citizens into Swiss society must be improved and accelerated at all levels including the political. Therefore the confederation should take the lead and grant political rights at the federal level\footnote{The article 39.1 of the Swiss Constitution gives the cantons the right to decide themselves if they want or not grant political rights to foreigners at the cantonal and/or communal level.} to all inhabitants of Switzerland after a period of five or six years of permanent residency, regardless of their nationalities. It would be a concrete step towards a real and just democracy and will help the Swiss authorities to make their integration policies in multicultural Switzerland truly credible. And most importantly, it will considerably increase political loyalty of immigrants towards their adopted country.

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