

Switzerland's political system

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1. Introduction
2. Brief history of Switzerland
3. Swiss federal system
 - 3.1 Federal Council
 - 3.2 Swiss parliament
 - 3.3 Supreme judicial authorities
4. Division of powers between the federation, cantons and communes
5. Political parties
6. Initiative and the referendum
7. Participation in direct democracy
 - 7.1 Political exclusion of foreigners
 - 7.2 Brief comparison with Europe
8. Conclusion
9. References

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 million residents, 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 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 1.8 million foreigners or 22.8 percent of its population¹. 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 Näfels 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 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,

1) 2/3 of foreigners come from EU and EFTA countries. Most of the 1.8 Million foreigners come from Italy (15.9%), Germany (15.2%), Portugal (12.3%) and Serbia (5.8%).

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.

During the period of the World War I (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 itself with the German Empire and Austro-Hungarian Empire whereas the Swiss-French minority 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.

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 Guisan², the total number of the Swiss army and militias reached almost 500,000 men by 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 27,000 Jews. Unfortunately, 24,000 Jews and 10,000 other refugees were refused entry. *The severe measures of the aliens' police*³ were only relaxed, writes Edgar Bonjour⁴, *from the moment when*

2) Henri Guisan (1874-1960) was a Swiss army officer and General during the World War II.

3) 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...).

4) Edgar Bonjour (1898-1991), famous Swiss historian. His nine-volume "History of the Swiss Neutrality," published from 1967 to 1970, became a standard reference work on Switzerland's foreign and defense policy before and during World War II.

*Germany ceased to score military victories and experienced serious defeats in Russia and the Axis was losing ground on all fronts*⁵. 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 WW II by acting as banker to Nazi Germany. Switzerland rejected the accusation and termed Washington's assessment "one-sided"⁶. In intention to safeguard historical documents, the Swiss government at that time advised its banks to keep all remaining Second World War records. Unfortunately, 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 a 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 survivors⁷.

In contrast to the strict refugee policy during WW II, 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, the Swiss government has female majority. There are now four women⁸ and three men at the helm of the

5) Vuilleumier, Marc. *Immigrants and Refugees in Switzerland*. 1989, p. 81.

6) *The New York Times*. 23 May, 1997. Alan Cowell, Swiss reject as one-sided study by US of Nazi ties.

7) Source: Frontline (online). *A chronology of events surrounding the lost assets of victims of Nazi Germany*.

8) Federal Councilors are: Eveline Widmer-Schlumpf (BDP), Doris Leuthard (CVP) and Simonetta Sommaruga (SP). Corina Casanova (CVP) is Federal Chancellor.

country's political system.

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 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. Nowadays, the Swiss - EU relationship takes a central place in Swiss foreign policy.

In the meantime, the Swiss population and the cantons voted in favor of a completely revised federal constitution⁹ 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.

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 Constitution 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.

9) Federal Constitution of the Swiss Confederation of 18 April 1999. Source: <http://www.admin.ch/ch/e/rs/1/101.en.pdf>

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

3.1 Federal Council

The Federal Council in Bern (capital of Switzerland) has seven members¹⁰; 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. The Federal Council is the supreme executive and governing authority of the country. Each Federal Councilor 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 collegiality¹¹ 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) 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 cantons¹².

10) The seven members of the Federal Council 2013 are: Eveline Widmer-Schlumpf (BDP), Ueli Maurer (SVP), Doris Leuthard (CVP), Didier Burkhalter (FDP), Simonetta Sommaruga (SP), Johann Schneider-Ammann (FDP) and Alain Berset (SP). Corina Casanova (CVP) is Federal Chancellor.

11) The principle of collegiality means consensus: the government must reach a compromise, even though it is composed of antagonistic parties. Source: SR 101 Art. 177 Kollegial- und Departementalprinzip. <http://www.admin.ch/ch/d/sr/101/a176.html>.

12) The Federal Assembly. Source: <http://www.parlament.ch/E/ORGANE-MITGLIEDER/Pages/default.aspx>

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 cantons¹³ (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.

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, police¹⁴ and churches¹⁵.

13) Appenzell Ausserrhoden, Appenzell Innerrhoden, Basel-Landschaft, Basel-Stadt, Nidwalden and Obwalden.

14) The exclusive legislative power is by cantons.

15) The exclusive legislative power is by cantons.

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 2,750 communes. About one of five communes, generally the bigger towns and cities, have their own parliaments. And 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, budget responsibility, imposition of communal taxes and public welfare.

5. 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) in 2012 are:

- SVP, Schweizerische Volkspartei = Swiss People's Party¹⁶ (Right-wing) has 1 Federal Councilor, 54 members in the National Council and 5 in the Council of States
- BDP, Bürgerlich-Demokratische Partei der Schweiz = Conservative Democratic Party of Switzerland (Centre-right) which split from the SVP, has 1 Federal Councilor, 9 members in the National Council and 1 in the Council of States
- FDP, die Liberalen = the Liberals (Centre-right) has 2 Federal Councilors, 30 members in the National Council and 12 in the Council of States
- CVP, Christlichdemokratische Volkspartei = Christian Democrat People's Party (Centre) has 1 Federal Councilor, 28 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, 46 members in the National Council and 11 in the Council of States

Beside these governmental parties there are six other non-governmental parties¹⁷ represented in the

16) 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).

17) Status 2012.

Federal Assembly (National Council and the Council of States).

- GPS, Grüne Partei der Schweiz = Green Party of Switzerland (Left-wing) has 15 members in the National Council and 2 in the Council of States
- GLP, Grün Liberale Partei Schweiz = Green Liberal Party of Switzerland (Centre) has 12 members in the National Council and 2 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
- CSP Obwalden, Christlich-Soziale Partei = Christian Social Party Obwalden (Centre) has 1 member in the National Council

6. 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 months¹⁸. 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 vote¹⁹. These obligatory referenda

18) SR 101 Art. 138 and 139, Popular initiative (Federal Constitution of the Swiss Confederation of 18 April 1999).

19) SR 101 Art. 140 Mandatory referendum (Federal Constitution of the Swiss Confederation of 18 April 1999).

require a double majority of the people and the cantons and are relatively frequent.

2. The optional referendum²⁰ 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 any eight cantons, within 100 days, request a popular vote. In that case, only the popular majority is required for its passage.

7. 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 population²¹ but not all those who do qualify take part in a vote. Over a period from 2001 to 2011, the participation figures show only an average participation of 45.4 percent²² (National election 2011: 48.5 percent).

Eligible voters and voting participation in Switzerland since 1990

Year	Eligible voters	Participation in percent	Number of going to the polls	Number of issues
1990	4.336.305	40.7	2	10
1991	4.424.960	32.2	2	4
1992	4.528.704	52.0	4	16
1993	4.557.564	48.0	4	16
1994	4.574.208	44.3	4	13
1995	4.587.863	39.1	2	7
1996	4.604.757	36.4	3	9
1997	4.617.373	38.1	2	5
1998	4.634.892	43.7	3	10
1999	4.643.610	39.9	3	10
2000	4.670.283	44.3	4	15
2001	4.699.814	45.3	3	11
2002	4.736.552	48.2	4	8
2003	4.760.181	39.2	2	11
2004	4.805.262	46.8	4	13
2005	4.849.474	51.2	3	5
2006	4.891.363	40.7	3	6
2007	4.921.794	41.2	2	2
2008	4.973.571	43.8	3	10
2009	5.020.372	46.2	4	8
2010	5.070.806	44.8	3	6
2011	5.092.212	49.2	1	1

20) SR 101 Art. 141 Optional referendum (Federal Constitution of the Swiss Confederation of 18 April 1999).

21) Lindner, Wolf. Swiss Democracy, p. 91.

22) Source, Swiss Confederation: <http://www.bfs.admin.ch/bfs/portal/de/index/themen/17/01/key.html>

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 analyses²³ 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 army²⁴, limit the number of foreign residents²⁵, amend the constitution in order to join the United Nation or all issues concerning the European Union²⁶ attract the most voters.

7.1 Political exclusion of foreigners

Additionally, there is another point of imperfection in the Swiss democracy. Switzerland’s 1.8 million foreign residents representing 22.8 percent of the nation’s entire population of 8 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*²⁷. In Switzerland, until today only a few of the 26 cantons

23) 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).

24) 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.

25) 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.

26) 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.

27) Ochsenbein, Gabi. The case for giving foreigners the vote, or not. In: Swissinfo.ch (Jul 20, 2012).

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, if the communes have agreed to it - but until today this permission has stayed unused.

In the canton of Neuchatel²⁸, 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 Neuchatel
- Canton: five years of domicile in the canton of Neuchatel

In the canton of Jura²⁹, the voting rights for foreigners were introduced at the time of its foundation in 1978. 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

In the canton of Vaud³⁰, the voting rights for foreign citizens are limited only on the communal level³¹. 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

In the canton of Geneva³², the voting rights for foreign citizens are limited only on the communal level³³. To be able to vote, the following conditions must be fulfilled:

- Commune: at least eight years of domicile in Switzerland and the last three continuous years in the canton of Geneva

28) Population in canton Neuchatel, total in December 2011: 173.009 (77% are Swiss citizens and 23% foreigners).

29) Population in canton Jura, total in December 2011: 70.164 (87.5% are Swiss citizens and 12.5% foreigners).

30) Population in canton Vaud, total in December 2011: 497.104 (69% are Swiss citizens and 31% foreigners).

31) Cantonal Constitution, article 142.

32) Population in canton Geneva, total in December 2011: 466.918 (60.2% are Swiss citizens and 39.8% foreigners).

33) Cantonal Constitution, article 42.

In the canton of Fribourg³⁴, the voting rights for foreign citizens are limited only on the communal level³⁵. 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 resident status card C³⁶

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 Grisons³⁷, since 2004 accords political rights to foreign citizens at the local level. Since then, nine communes: Bever, Bonaduz, Calfreisen, Cazis, Conters, Fideris, Lüen, Masein and Portein 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 1996, 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. 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 cantons³⁸. 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-

34) Population in canton Fribourg, total in December 2011: 284.668 (80.9% are Swiss citizens and 19.1% foreigners).

35) Cantonal Constitution, article 48.

36) 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.

37) Population in canton Grisons, total in December 2011: 193.388 (83.4% are Swiss citizens and 16.6% foreigners).

38) 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.

speaking east. Not negligible is as well the fact that the French-speaking Swiss are a minority³⁹ 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 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*⁴⁰. *But you can also see it the other way round: that it is by participating – that you become integrated into society.*

7.2 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 parliament⁴¹. Interesting is that even Swiss citizens established in Belgium, Denmark, Ireland,

39) In Switzerland: 63.7% is German-speaking, 20.4% French-speaking, 6.5% Italian-speaking, 0.5% Romansh-speaking and 8.9% speaks different languages.

40) 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

41) Treaty on the European Union, Title 2 (Provisions on democratic principles), Article 22.

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.

8. 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 Muslims⁴² 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 level⁴³ 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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42) Switzerland is a home to same 400,000 Muslims. 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.

43) 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.

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