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Embassy of Switzerland in Australia

Senator the Hon Kim Carr  
Chair, Legal and Constitutional Affairs  
References Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Your message of: 30.08.2019  
Our reference:  
Contact person: Daina Larsens

Canberra, 21.10.2019

## **Inquiry into nationhood, national identity and democracy – Submission by Switzerland**

Dear Senator Carr,

Thank you for the invitation to make a submission to this important inquiry. In Switzerland, trust in government is the highest of all OECD countries (80% in 2017, the OECD average being 42%). My following comments are an attempt to explain the rationale and reason of this strength. Should you have further questions or wish to discuss these issues, please do not hesitate contacting me again at a later stage.

### **Swiss democratic culture**

Switzerland has a strong and unique democratic tradition. Besides electing the parliaments on communal, cantonal and federal level, the Swiss People has the right to directly refuse or accept new laws passed by parliament, and to propose modifications to the Constitution. These elements of direct democracy (Mandatory Referendum, Optional Referendum, Popular Initiative) are fundamental features of Swiss public life and politics. They exist in different versions on the federal, the cantonal and the communal levels of Switzerland. The supreme political body of Switzerland is the People. The 26 Cantons and 2255 Communes are politically autonomous as far as practical. According to the fundamental principle of subsidiarity, only those public tasks which cannot be handled effectively on a lower level, are delegated to the next upper level. Each Commune and each Canton levy their own taxes and spend it according to their autonomous democratic decisions.

### **Mandatory and Optional Referendum – the People is the Opposition**

A popular vote must be held on any amendment to the Constitution (Mandatory Referendum). Amendments to the Constitution require the consent of a majority of the People and a majority of the Cantons as well (double majority).

A popular vote on a new or a revised federal law, however, is only held if the referendum is demanded by at least 8 cantons (out of 26) or by at least 50'000 citizens. **50,000 valid signatures** must be collected within 100 days after the official publication of the bill passed by parliament. The new law comes into force if the majority of voters vote in favour of it (simple majority). If the majority vote against, the current law continues to apply. Every Swiss citizen who is eligible to vote has the right to sign a request for a referendum, too. There is no compulsory voting.

The right to request a referendum to veto a new law is a crucial element in the checks and balances of Swiss democracy. In Switzerland, the role of the opposition in a Westminster system is effectively played directly by the People. All major parties are integrated into Government.

## **Popular Initiative – the People is the Sovereign**

Citizens can launch a popular initiative to demand a change to the Constitution – but not to a law. Every Swiss citizen who is eligible to vote has the right to sign a Popular Initiative. Any group of at least 7 citizens can form an Initiative Committee to launch their own Popular Initiative.

Before a vote is held on a Popular Initiative, the Initiative Committee must collect at least **100,000 valid signatures** in favour of the proposal within a period of 18 months. The Federal Council and Parliament will recommend whether a valid proposal should be accepted or rejected by the People. For the proposal to be accepted, a majority of both the People and the Cantons is needed (double majority). If the new constitutional provision is accepted, new legislation or an amendment to existing legislation is normally required for its implementation.

## **Federal elections**

The People elects Parliament which consists of two chambers: the **National Council** (200 members: the number of seats allocated to each canton is proportional to its population) and the **Council of States** (46 members: two seats per canton and one seat per half-canton). Federal elections are held every four years. The two councils have equal powers when sitting separately in the process of legislation. When sitting united, they form the United Federal Assembly which elects the 7 members of the Federal Council (government), the judges of the Federal Supreme Court, the Attorney General and, in times of war, the Commander-in-Chief of the armed forces (“the General”).

Switzerland has a “militia parliament”. MPs are meant to be part-time politicians and do not receive a full-time remuneration. Therefore, the majority of MPs pursue a professional career alongside their parliamentary mandates. The advantage of this system is that parliamentarians remain in touch with social realities as teachers, doctors, lawyers, farmers, entrepreneurs, or employees. Political authorities and citizens stay close. MPs keep a foothold in the economy outside of their political mandate and remain aware of real needs in daily business life. There is hardly any “Berne Bubble” detached from “ordinary citizens”. Depending on the chamber and obviously the individual MP, parliamentary duties will take up between 50 and 70 percent of a member’s worktime.

The militia principle has a long tradition in Switzerland's political and military system. It is fundamental on Federal, Cantonal and Communal levels as well as in the armed forces.

## **Initiative and Referendum in practice**

Since their establishment in 1874 (Referendum) and 1891 (Popular Initiative), these two key instruments of modern direct democracy have been used frequently in Switzerland to promote new ideas and to control the elected Parliament.

### ***Agenda setting***

An essential feature of the nationwide Popular Initiative process is the power to **set the political agenda of the country**, even if the proposal to change the constitution in the end is turned down. Out of 446 registered Popular Initiatives in Swiss history (numbers as of 1 February 2017), 324 have succeeded in gathering the required minimum of 100,000 signatures and 209 were the subject of a federal popular vote. Of these, only 22 were approved by a majority of both the voting citizens and the 26 cantons.

### ***Decision-making***

The right of Optional Referendum offers Swiss citizens the chance to control the legislative process. This direct-democratic right has important indirect effects: Parliament tries to avoid Referenda by

**including potentially critical positions during the law-making process as much as possible.** Due to this mechanism, only a small percentage of all the laws adopted by parliament are finally opposed by a referendum committee and subjected to the direct decision by the People. Since 1874, 183 Optional Referenda were held. In other 34 cases, the referendum committees were not successful in gathering the necessary support and handing in the required 50'000 signatures on time.

**If the essence of the Westminster political system is “rules and competition”, the essence of the Swiss political system is “rules and compromise”.**

Popular initiative and referendum rights are the essential tools to exercise popular sovereignty beyond Election Day. These rights ensure a **continuous dialogue between the citizens and their elected representatives** – a dialogue that helps making representative democracy more representative.

### ***Contented losers***

Most Popular Initiatives do not achieve the double majority requirement (People and Cantons), while about half of the Referenda are accepted, i.e. the People vetoes a new law. However, most **initiators of Popular Initiatives are quite content with the agenda-setting as such even if they lose the vote in the end**, since they had the opportunity to discuss their own proposals and ideas with the whole nation over a period of several years. A recent example is the Popular Initiative to introduce an unconditional basic income for all people domiciled in Switzerland. The Initiative was rejected by a three-quarters majority in May 2016. The losing side was still happy because their proposal received tremendous attention and was widely discussed – not only in Switzerland but across the whole world.

Popular Initiatives have gained popularity. During the first decade after its introduction in 1891, only five Popular Initiative were submitted. Between 2011 and 2017, however, 35 Initiatives were voted on. Every decade, a new record is set. The growing popularity of the tool has many reasons. Modern connectivity and the relatively low number of required signatures should be mentioned, but also the fact that some political parties, which are represented both in parliament and government, like to see the Popular Initiative not just as a tool for under-represented groups, but also as a way to set the political agenda themselves – and get public attention before elections.

Finally, the Initiative can also be used as a bargaining chip to get Parliament and the government to respond to the concern in some way, possibly with a counter-proposal which addresses the concern in a more moderate way. The Initiative Committee has the right to withdraw its Popular Initiative before the vote takes place. Thanks to this instrument, any political movement in Switzerland, whether represented in Parliament or not, can develop a meaningful influence.

### ***How often do the Swiss vote?***

Swiss voters are called to the ballot box four times a year on average. They receive ballots for Federal, Cantonal and Communal decisions or elections together in one envelope by mail. Every canton has its own constitution, based on similar principles. Typically, the more populated the city or the canton is you live in, the more often you will be asked to make your voice heard at the ballot box.

Since the year 2000, more than 150 different issues have been the subject of nationwide, federal votes: 81 Popular Initiatives to amend the Federal Constitution, 48 Optional Referenda (based on 50'000 signatures against a law) and 38 Mandatory Referenda (on constitutional changes proposed by Parliament). The top issues most often voted on are the **government system, transportation, social services, environmental issues and healthcare**. In more than two thirds of all cases, the People decided according to the recommendation issued by the Federal Council and Parliament.

The high frequency of popular voting requires a solid organisation and well stocked toolbox. While a number of Swiss still cherish the traditional walk to the polling station on Sunday morning, 9 out of 10 voters return their envelope by postal mail. A few cantons have launched successful trials with a third option: e-voting. However, since security measures have been increasing the costs year by year, online voting will be suspended by 2020.

The Swiss abroad – of which 25'500 live in Australia - continue to enjoy their political rights and participate in votes and elections via postal delivery, if they return their envelope in time before Voting Day. On average, the Swiss receive their ballot papers one month before Election or Voting Day.

### **Swiss turnout rates are low – but hard to compare**

In most international comparisons of political participation, Switzerland has a low turnout. Like in the United States, about 50% of Swiss voters participate in federal elections. However, federal elections are just one element of Swiss voter participation. Since there are plenty of opportunities to have a say – with four or more votes on political decisions each year – most Swiss voters participate selectively. According to a research by the University of Geneva, 90% of all eligible citizens participate at least once during a four-year period, almost 80% turn out at least once a year, and one-third of them cast their ballots in each and every local, regional and national vote. This makes Switzerland one of the frontrunners worldwide when it comes to formal political participation, given the fact that in many countries elections take place only every second, fourth or even fifth year. In summary, Switzerland has a low abstention rate (less than 10%); a large majority of selective voters and one third of ‘perpetual’ voters.

While the ‘perpetual’ voters are very interested in political affairs and mostly vote according to stable party preferences, selective voters are a very heterogeneous group, with a limited interest in politics and no strong party bonds. This group is sensitive to intense campaigns and can be mobilised when important issues are at stake. In such cases, turnouts can reach up to 80%, such as the Referendum on Switzerland’s entry into the European Economic Area in 1992.

### **High satisfaction with the Swiss system**

**Of all OECD countries, Switzerland enjoys the highest rate of trust in government (80% in 2017, the OECD average was 42%).**

According to the **European Social Survey**, Swiss citizens are generally highly satisfied with the way democracy works in their country, including the losers of popular votes. On a ten-point scale of **democratic satisfaction**, more than 66% give 7 or more points and only 7% choose a score between 0 and 3 points. In other highly developed European democracies, citizens express less content with their democracy: depending on the country, 24% to 37% gave a score between 7 and 10. 25% to 33% gave between 0 and 3 points.

To contextualise the high level of public trust in Switzerland, let me mention three factors.

First, research shows that trust tends to be higher when there is more political participation. There is hardly any second country where citizens can influence politics and policies as directly and decisively as in Switzerland.

Second, ‘those in power’ are, as a matter of fact, not very powerful in Switzerland. We do not even have a Prime Minister or a permanent President. We have a coalition government of seven Federal Councillors instead, with a yearly rotating Presidency among them. The President of the Swiss Confederation is hardly more than the chairperson of the Federal Council during one year only. The Federal Councillors form the Government. They jointly take all ‘Prime-Ministerial’ decisions by consensus or, if need be, by vote in a Federal Council meeting every Wednesday, comparable to a weekly Cabinet meeting. On the other hand, it is very rare that a Federal Councillor is not re-elected. On average, Members of the Federal Council stay in office for over 8 years and personally decide when they step down from their office. Needless to say that a Federal Councillor cannot be MP while he or she is in office (separation of powers).

Thirdly, the traditional media landscape in Switzerland has always been extremely varied. Compared to the powerful and politically influential media empires, as they exist in some Anglo-Saxon countries for example, the Swiss media business is diversified. As a result, Swiss mainstream media are not as heavily politicised and rarely as polemic as in some other countries. They are able to exercise a comparably sober control function and keep a sharp eye on those in power, true to their role as “fourth power”. However, it has to be mentioned that the traditional media landscape in Switzerland is rapidly changing and concentrating because of the fall in advertising revenue, due to internet and social media (see below).

Switzerland is a genuinely multicultural society. Classic European nationalism, the ideology that “one language forms one nation within one border” which plagued our continent for two centuries, was incompatible with the Swiss identity based on four national languages and “Unity in Diversity”. Today, 63.3% of inhabitants indicate (Swiss) German as their first language, while 22.7% identify French, 8.1% Italian and 0.5% Romansch as their mother tongue. In addition, Switzerland has many immigrant communities with other first languages today. Among Swiss passport holders, one person out of eight was born abroad and therefore has experience of migration.

In most parts of the world, there is a theoretical consensus today that the needs and wishes of minority groups need to be respected in the political system, in order to increase the chance of avoiding violent struggles. The Swiss political system has been very effective in integrating different groups and cultures into the political dialogue. The government ensures that proper support infrastructure is in place to help citizens from all national language groups to use the initiative and referendum process easily and effectively. The combined system of federalism and direct democracy ensures that minorities are heard at the institutional and at the political level. This is how grievances are addressed before political divisions can deepen severely in Switzerland. It also helps peace and stability that the lines and borders between different identity groups – language, religion, canton, urbanity, wealth, and political orientation, cultures and sub-cultures – never fully coincide in Switzerland. Therefore, there are no homogenous blocks of diverging interests in Swiss society, and the configuration of political minority and majority groupings changes from issue to issue.

There are more than 2 million foreigners living in Switzerland (25% of the total population), mostly of European origin. With the exception of rejected asylum seekers, resident non-citizens have the same social and economic rights and duties as Swiss citizens. But what about the political inclusion of this important minority group? The question has been discussed in Switzerland for more than a hundred years. At Federal level, foreigners have no political rights. The cantons of Jura and Neuchâtel, however, grant foreigners the right to vote in cantonal elections. Furthermore, 600 communes across six cantons not only grant foreigners the right to vote at the communal level, but also to stand for election.

Political stability is very high in Switzerland. In the Federal elections of yesterday 20 October 2019, the Green Party gained 17 additional seats in the National Council, the biggest increase in seats of a political party in a hundred years.

### **The role of modern media**

Quality media information is an important factor for the functioning of any democracy. With citizens having much more power in a direct democratic system, the role of the media is even more crucial. Freedom of the press is highly valued in Switzerland. While the print sector is dominated by private publishers, the major player of TV and radio at the national level is the publicly financed SRF Swiss Broadcasting Company. For the international public and Swiss abroad, the Swiss Broadcasting Company publishes in ten languages on the internet, [www.swissinfo.ch](http://www.swissinfo.ch). Ahead of popular votes, in addition, the federal government has a legal duty to inform citizens.

In recent years, the rise of free daily newspapers and internet-based social media has diminished the influence of the classic print and Radio/TV-broadcasters. Particularly among younger citizens, there seems to be a trend of serious 'news-deprivation', caused by social media where entertainment currently swamps out serious, fact-based information. This tendency is understood as a challenge to the good functioning of our democracy and widely discussed in Switzerland. On the other hand, these developments also offer new opportunities for direct democracy, as it becomes easier and less expensive for Initiative and Referendum groups to spread the word, and for political campaigns to create public momentum.

### **Direct democracy - Key factors for success**

In many countries around the world, direct democratic tools of participation come with many hurdles and restrictions such as short time frames for the gathering of signatures, the need for extensive documentation to validate signatures, high turnout quorums and non-binding decisions. These limitations ultimately undermine the legitimacy of direct democracy. Interestingly, many of these problems are absent in the Swiss design of the initiative and referendum process. All popular votes here are binding, the time frames offer plenty of opportunities even for less well-off citizens' groups to gain the support they need, and there are different ways citizens can cast their vote, at the polling station or by post.

The following conclusions may be drawn from Switzerland's long-standing experience with direct democracy:

- **Keep it low.** High signature requirements – such as more than 5% of the electorate – may hamper opportunities for smaller groups and thus limit the impact of direct democracy. In Switzerland the requirement is approximately 1% for a referendum and 2% for an initiative.
- **Keep it long.** Reasonable time limits ensure a more intense debate and a better chance to collect enough signatures; overly short time allowances limit the debate and the opportunities

for weaker groups. One has 18 months to gather the necessary signatures for a constitutional initiative – and 100 days for a referendum.

- **Keep it free.** There is no need for an official supervisor.
- **No voter turnout quorums.** Switzerland has no thresholds that require a certain level of turnout for a vote to be considered valid, since they tend to undermine the democratic process by counting 'no' and non-voters together, creating incentives to boycott a popular vote.
- **Few restrictions on subject matter.** In Switzerland there are very few restrictions on the topics people can consider. In principle, citizens can decide about the same range of topics as their elected representatives in Parliament.
- **Binding decisions only.** Direct democracy is about setting the agenda and making decisions, not about consulting the people in a top-down process. The latter are plebiscites rather than referenda.

I hope these considerations are useful inputs for your deliberations. If you would like to discuss these issues or others mentioned in your discussion paper any further, please do not hesitate to contact me again.

Yours sincerely,

The Ambassador of Switzerland

Pedro Zwahlen

Enclosure:  
Brochure *The Swiss Confederation 2019, A Brief Guide*