



Direct Democracy: a distinctive feature



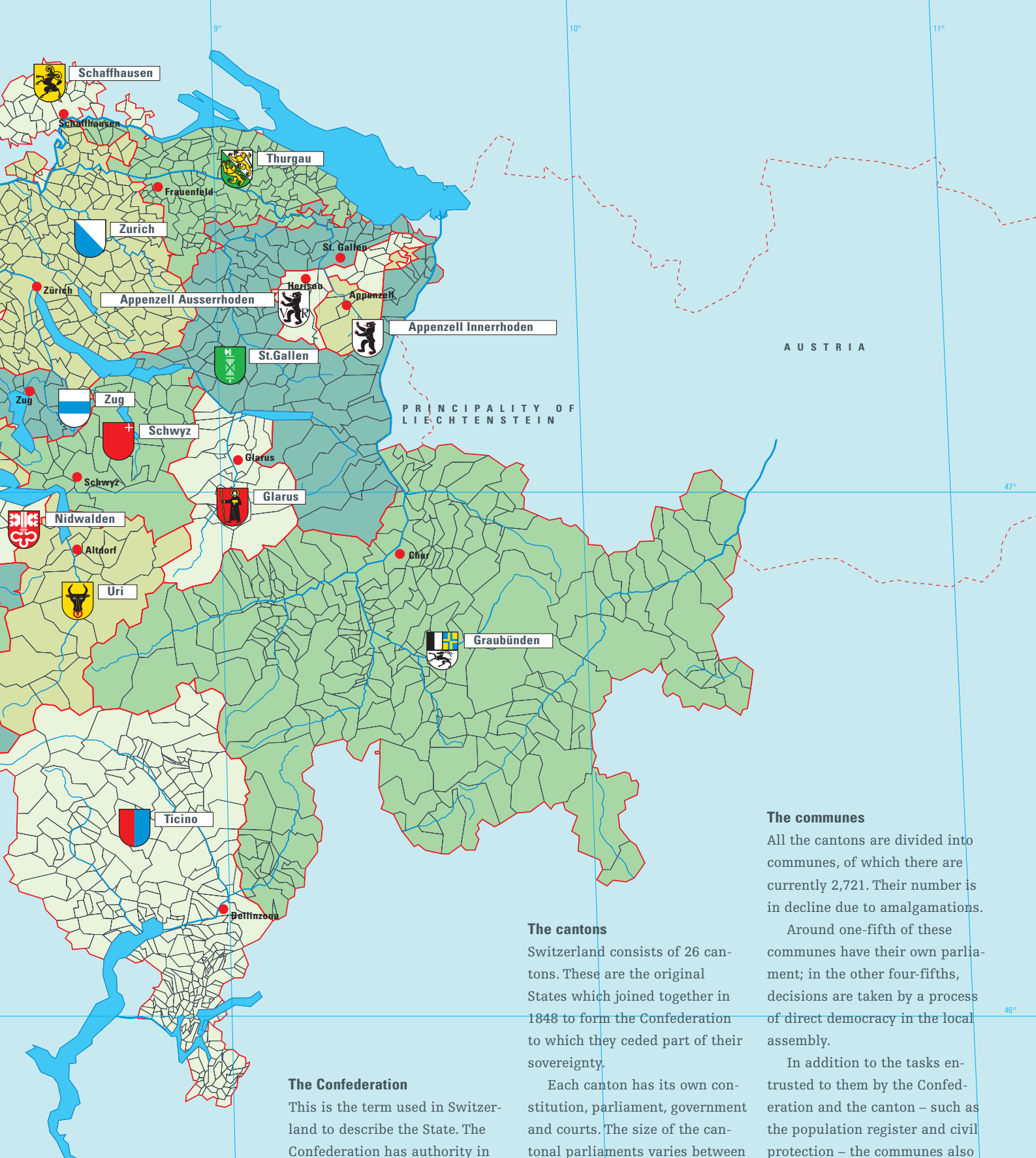
of Switzerland

National Council elections every four years, plus four annual dates for popular votes, and it is not uncommon for additional votes to be held at cantonal or communal level: citizens throughout Switzerland called up to count votes have plenty to keep them busy.



The political levels

Switzerland is a multi-ethnic, multilingual and multi-confessional nation shaped by the will of its people. It has been a federal State since 1848 – one of 23 in the world and the second oldest after the United States of America. Switzerland has a federal structure with three different political levels: the Confederation, the cantons and the communes.



The Confederation

This is the term used in Switzerland to describe the State. The Confederation has authority in all areas in which it is empowered by the Federal Constitution, such as in foreign and security policy, customs and monetary affairs, nationally applicable legislation and certain other areas. Tasks which do not expressly fall within the domain of the Confederation are matters for the cantons.

The cantons

Switzerland consists of 26 cantons. These are the original States which joined together in 1848 to form the Confederation to which they ceded part of their sovereignty.

Each canton has its own constitution, parliament, government and courts. The size of the cantonal parliaments varies between 58 and 200 seats, while the cantonal governments have 5, 7 or 9 members.

Direct democracy in the form of the "Landsgemeinde", or open-air people's assemblies, is now confined to Appenzell Innerrhoden and Glarus. In all other cantons the people cast their votes at the ballot box.

The communes

All the cantons are divided into communes, of which there are currently 2,721. Their number is in decline due to amalgamations.

Around one-fifth of these communes have their own parliament; in the other four-fifths, decisions are taken by a process of direct democracy in the local assembly.

In addition to the tasks entrusted to them by the Confederation and the canton – such as the population register and civil protection – the communes also have their own powers in the areas of education and social affairs, energy supply, road building, local planning, taxation, etc. To a large extent these powers are self-regulated.

The degree of autonomy granted to the communes is determined by the individual cantons and therefore varies considerably.

People's rights at federal level

There are very few countries in which the people have such far-reaching rights of co-determination as in Switzerland. The long democratic tradition, the comparatively small size, both in terms of geography and population, and ultimately also the high level of literacy and diversity of media are decisive in ensuring the proper functioning of this particular form of State.

Elections

All Swiss citizens over the age of 18 may take part in elections to the National Council both actively and passively: in other words, they may cast their votes and also stand for election themselves. Only federal civil servants are required to choose between their profession and elected office should they be elected.

Elections to the Council of States are not organised at federal level; they are governed by cantonal provisions.

Voting

Persons who are entitled to take part in parliamentary elections may also cast their vote in popular ballots, i.e. all citizens living at home or abroad over the age of eighteen, who have not been incapacitated on grounds of mental illness or mental debility.

A referendum is compulsory for all amendments to the Constitution and for membership to some international organisations. A vote must be held in such cases and a double majority is required for adoption: namely, a majority of the popular vote, the votes cast throughout the country, and a majority of the cantons, cantons in which the majority of voters adopted the proposal.

Amended or new laws and similar decisions of parliament as well as certain treaties in international law are only put to the vote if an optional referendum is sought. For such a proposal to be adopted only a simple majority of the popular vote is required.

People's initiatives

Citizens may seek a decision on an amendment they want to make to the Constitution. For such an initiative to take place, the signatures of 100 000 voters must be collected within 18 months.

A people's initiative may be formulated as a general proposal or – much more often – be presented as a precisely formulated text whose wording can no longer be altered by parliament or the government.

The authorities sometimes respond to such an initiative with a counter-proposal (generally less far-reaching) in the hope that the people and cantons will support that instead.

Since 1987, the possibility of a double "yes" vote has existed in ballots on people's initiatives: voters may approve both the initiative and the counter-proposal. A deciding question determines which of the two texts will enter into force if both secure a popular majority and a majority of the cantons.

People's initiatives do not originate from parliament or government, but rather from the people. They are regarded as the driving force behind direct democracy.

Referendums

The people are entitled to pronounce on parliamentary decisions after the event.

Federal laws, generally binding decisions of the Confederation and international treaties of indefinite duration are subject to an optional referendum: in this case, a popular ballot is held if 50 000 citizens so request. The signatures must be collected within 100 days of a decree's publication.

The referendum is similar to a veto and has the effect of delaying and safeguarding the political process by blocking amendments adopted by parliament or the government or delaying their effect – the referendum is therefore often described as a "brake" applied by the people.

Petition

All persons capable of forming judgements – so therefore not just those eligible to vote – are entitled to address written requests, suggestions and complaints to the authorities.

They in turn are required to take due note of such petitions and although it is not compulsory to provide an answer, in practice every petition is considered and does receive a reply.

The petition may relate to any activity of the State.

The political organisation of Switzerland

The People: the supreme authority

According to the Federal Constitution, the Swiss people are sovereign and ultimately the supreme political authority. The concept includes all Swiss adults who are eligible to vote – some 4.8 million citizens, equivalent to around 60 per cent of the resident population. Those under the age of 18 and foreign nationals have no political rights at federal level.

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Parliament: the legislative authority

The Swiss parliament consists of two chambers which, when in joint session, are known as the United Federal Assembly. It is the country's legislative authority.

The National Council, through its 200 members, represents the population of the country as a whole – the individual cantons are represented in proportion to the number of their inhabitants.

The Council of States represents the 26 cantons – 20 cantons are represented by two members while the six former half-cantons each send one representative to the 46-strong chamber.

Both chambers are directly elected by the people: the National Council is elected in accordance with federal rules and the Council of States according to provisions differing from canton to canton. In both cases, the cantons form the constituencies.

Separation of powers

In Switzerland legislative, executive and judicial powers may not be exercised by the same persons. In effect, no individual may simultaneously belong to more than one of the three federal authorities – parliament, government and Supreme Court. However, for practical reasons each of the three authorities performs tasks which, strictly speaking, fall under the jurisdiction of another authority.

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The government: the executive authority

The government of Switzerland consists of the seven members of the Federal Council, as well as the Federal Chancellor, and is elected by the United Federal Assembly for a four-year term.

The President of the Swiss Confederation is elected each year and is considered *Primus inter pares* or first among equals during that time. He or she chairs the sessions of the Federal Council and undertakes special ceremonial duties.

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The Federal Supreme Court: the judicial branch

The highest rulings in Switzerland are made by the Federal Supreme Court in Lausanne and in Lucerne. The Federal Supreme Court consists of 38 members and 19 substitute judges.

There are two courts of the first instance at federal level: the Federal Criminal Court in Bellinzona since 2004 and the Federal Administrative Court in Bern since 2007.