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Constitutional Article For The Swiss Abroad

MESSAGE PUBLISHED BY THE FEDERAL COUNCIL

“THE Confederation is authorised to further the relations of the Swiss abroad amongst themselves and with their homeland and to assist the institutions which serve this aim.

In consideration of the special position of the Swiss abroad, the Confederation can issue regulations requisite to the settlement of their rights and duties, particularly concerning the exercise of political franchise, liability of military service and assistance. The Cantons are to be consulted preliminarily.”

This is the text of the Constitutional Article 45 bis, which the Federal Council proposes to Parliament. The Message was published on 2nd July and consists of nearly seventy pages. It is signed by the President of the Confederation, Federal Councillor H. P. Tschudi, and Federal Chancellor Ch. Oser.

The first part of the Message considers the federal policy regarding emigration and gives an interesting historic survey of the reasons why Swiss settled in foreign countries from the fifteenth century onward—political, economic, social, religious and psychological. Statistics are given, going back to the time of Francis I. The attitude of the various Cantons in the past is described, and how emigration finally became a matter for the Confederation in the Constitution of 1874.

The next chapter is reserved to the importance of the Swiss abroad who numbered 319,000 (Swiss only) and 4,393 registered dual nationals in 1926 and 160,000 and 119,668 respectively last year.

Some revealing facts are given in the chapter on dual nationals and the legal implication of dual nationality. More figures show that the most numerous Swiss-only groups (end of 1964) are in France (38,385), German Federal Republic (21,134), U.S.A. (14,456), Italy (13,570), Great Britain (8,105), Canada (7,060), Argentine (4,671), Brazil (4,307), Belgium (3,918), Austria (3,566) and Spain (3,509). Of the 17,295 Swiss who left the country in 1964, 66% chose Europe and 19% the Americas. 8% left for Africa, 5% for Asia and 2% for Australasia. Within Europe, Great Britain attracted the largest number (3,123).

Next, the Message gives a general appreciation of the valuable activities of the Swiss abroad, in the economic, professional, educational and cultural fields, as well as in technical co-operation.

The following two pages are devoted to institutions in Switzerland, the Nouvelle Societe Helvetique with its important

"Auslandschweizerwerk," the Secretariat of the Swiss Abroad in Berne, its periodical "Echo," its Youth Service, and last but not least, the Commission of the Swiss Abroad which has been in being since 1920. In addition, there are the Foundation of the Swiss Abroad, the Schnyder von Wartensee Foundation, the "Home" at Duerrennaesch, the Committee for Swiss schools abroad, the Foundation Schweizerhilfe in aid of holidays at home for Swiss children from abroad and the education service (Ausbildungswerk). Reference is made to the shortwave service of the Swiss Radio, the Swiss Office for the Development of Trade and the valuable work done by "Pro Helvetia" and the Swiss Churches.

Well over five pages of the Federal Council's Message contain information regarding Swiss institutions abroad. This shows clearly that Swiss compatriots outside Switzerland remain active in the interests of their homeland in many fields. There are some 700 properly constituted societies with a variety of aims, patriotic, cultural, social, etc. Thirty rifle groups, forty sports societies, thirty choirs exist and a very large number of women's groups devoted to charitable and welfare work. About seventy Swiss societies are in France, fifty each in Germany and in and around New York, and about fifteen in Great Britain. There are Swiss houses, homes and centres, and many are the news bulletins published by Swiss communities, in addition to a number of periodicals on a larger scale. A most important contribution is made by the Swiss abroad by their welfare and benevolent institutions, their hostels and hospitals, around 150, many of whom the Confederation assists by subsidies. The Swiss schools, educational and cultural institutions, the Churches, Missions, Chambers of Commerce and similar organisations — all get a mention in this part of the Message. The Solidarity Fund of the Swiss Abroad takes up a whole page — 8,500 members by the end of 1964 and compensations of 2 million francs paid out to 215 members.

The next chapter refers to the organs of the Confederation dealing with the Swiss abroad, diplomatic and consular representation, the Federal Office for Industry, Trade and Labour, the Office for Social Insurance, Military Department, the Department for Justice and Police, and many others.

The second part of the Federal Council's Message to Parliament deals with the legal position and refers to the problems facing the Swiss abroad regarding his native country and the new country of adoption, i.e. the complexity of the principles of nationality and domicile. The whole field of civic rights, parentage and dual nationality, of residence and freedom of occupation, etc., cover three pages. The next chapter deals with the political rights, a subject which has occupied the Swiss living away from home for a long time. The demand made by Swiss in Milan and Muehlhausen in 1874 to vote in the plebiscite on

the revision of the Federal Constitution was refused by the Federal Council. On the other hand, the Swiss from abroad who joined the Army in 1914 were granted political rights for the elections to the National Council taking place during their active service. In 1935, the cantonal authorities agreed that Swiss temporarily resident in another Canton could take part in the plebiscite on the "Crisis Initiative." Without special reference to the Swiss abroad, this ruling was nevertheless used to include them, and some 600 of them availed themselves of this chance. Two years later, however, the Federal Council had to reverse the ruling, especially with regard to Swiss resident abroad. Ever since that time, the subject has come up again and again, particularly within the Swiss communities abroad. No fewer than five efforts have been made in Parliament considering the political rights of the Swiss abroad.

The next few pages of the Message deal with military service duties of the Swiss abroad and the international legal aspect of this question. Welfare, insurance, taxes, transfer of money and acquisition of land are covered in this context, and it is soon evident that the whole question is an extremely complex one.

In the third part of the Message, the Federal Council deals with the possible introduction of a Constitutional Article specifically for the Swiss abroad. Its history is related, including all the thorough work done by the Commission of the Swiss Abroad, various Swiss experts and parliamentarians, until the Federal Department was able to submit and the Federal Council to accept a draft on 9th December 1963.

All the Cantons except one answered, and they agreed in principle. The text was approved by all but one. The political parties and economic organisations, too, answered in a positive way.

The Federal Council's opinion is that the competent organisations of the Swiss abroad, especially the Commission, would in any case be consulted whenever it seemed advisable or possible, but their consultation should not be mentioned in the Article as proposed by the "Auslandschweizerkommission." In a similar way, the Federal Council considers inadvisable the Postulate by National Councillor Vontobel, in which the diplomatic protection of the Swiss abroad should be guaranteed in the new Article, especially with regard to international legal complications.

The chapter on political rights which would need constitutional ruling shows that there are great difficulties as to the method and place of any possible partaking in Swiss elections and plebiscites. The duty of military service has to be connected with the right to vote. As regards welfare assistance, the Fed-

eral Council agrees that this should be taken over by the Confederation and away from the Cantons. The large majority of the Cantons are in agreement with such a change. This would be desirable, especially with a view to levelling out inequalities in the granting of assistance.

Summing up, the Message says that if the Swiss abroad are to be given political rights, the Constitution must be altered accordingly. It is desirable, but not necessary to have a constitutional change regarding financial contributions and subsidies to institutions of the Swiss abroad, or for regulating military duties. Not necessary is a mention in the Constitution regarding the right of Swiss abroad to participate in federal affairs. To include the question of diplomatic protection would meet unsurpassable difficulties. So far the legal aspect. And it is merely from a legal point of view that the question whether the Swiss abroad should be anchored in the Constitution is to be judged, the Federal Council states. The importance of the Swiss abroad historically, politically and economically is beyond doubt and is accepted everywhere in Switzerland, and it is therefore justified, the Message says, that the "Fifth Switzerland" is not overlooked in the Constitution. The objections which could legitimately be brought against a special Article are, however, less valid than the positive reasons in favour of such an Article. The Federal Council is of the opinion that the aim would not be to give the Swiss abroad special privileges, but to create a clearcut basis for the Confederation to regulate important questions. This chapter ends with the words "By virtue of these considerations and in agreement with the bodies consulted, we should like to support the expressed wish for a change of the Constitution in favour of the Swiss abroad."

Following the publication of the Message, Federal Councillor Wahlen gave a Press Conference. He explained with clarity and great conviction the reasons which prompted the Federal Council to recommend such an Article. He talked of the valuable activities of the Swiss abroad, their attachment to the home country and said that they had given ample proof of their loyalty. He thought it only right and in the interest of the country that the relationship between Switzerland and her **enfants emigres** should be properly and closely regulated, and he hoped that the plebiscite would show convincingly that the country was in favour of a movement of solidarity, as had been demonstrated twenty-five years ago when Romansch was adopted as fourth national language.

Federal Councillor Wahlen then explained that Monsieur Jaccard had been entrusted with the historic presentation of facts and events leading up to the proposed Article. He underlined the part played by the Commission of the Swiss Abroad and the Secretariat.

Federal Councillor Wahlen expects one of the Chambers to deal with the Article in the December session and the other in March 1966. The federal plebiscite could then take place in the autumn next year.

At a Press Conference given by the Secretariat for the Swiss Abroad of the N.S.H., satisfaction was expressed, though the draft Article differs, mainly in formulation, from that submitted by the Commission. Provided it is accepted by Parliament, the Article will be a considerable milestone in the relations between Switzerland and her nationals abroad.

MM (From the Swiss Observer)

News of the Colony

Auckland Swiss Club (Rifle Section)

Bang, bang, it went at our opening and hunters competition. Quite a few thousand rounds of ammunition were shot and it did indicate quite clearly that shooting is still the No. 1 Swiss outdoor sport, and indoor I would say beyond doubt gastronomic pleasures in the indoor section if you can call it sport will win hands down, with the provision if you have the right ingredients.

Recipe is as follows: 1 1st grade Swiss chef; approximately 30 good size trout; 2 carcass of venison; French mayonaise, nussgipfel, coffee, and an assortment of good wines.

Surely you could not wish for anything better — the general request is another helping.

To our guests from Hamilton, many thanks and we wish to see you soon again for another friendly shooting match.

—Simi Hartmann.

AUSLANDSCHWEIZER-FERNSCHIESSEN, 30 Juni, 1965

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JAGDSCHIESSEN — 2, 3, 9 OCTOBER, 1965

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