

# The selling of Land

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## THE SELLING OF LAND

For some time the "Ausverkauf der Heimat" has been a much discussed topic. It was maintained that in several parts of the country too many foreigners bought too much property with a view to settling. The Italian part was the worst affected. In order to stem the flow of sales a federal decree was introduced on 23rd March 1961, according to which all persons from abroad wanting to buy land in Switzerland had to have a valid reason, to prove "justifiable interests" for doing so.

In August this year the "Tagesanzeiger", a much-read Swiss paper, maintained that in spite of "Lex von Moos" (named after Federal Councillor von Moos) the selling goes on happily. Apparently in German illustrated periodicals names of Ticinese lawyers were given through whom land purchases could be made without difficulties and with all the formalities attended to. In the latest parcel of news sheets received from Switzerland (A.T.S.) figures are given about land acquisitions by people from abroad. In June 1962 alone 132 permits were issued for a total area of 194,580 square metres to the value of 16.4 million francs. The Ticino heads all the other Cantons with 48 permits, followed by Grisons, Vaud and Geneva. 78 of the applicants are domiciled in Western Germany. Only six applications were refused. The figures for the first six months of 1962 show that 888 permits were given which covered applications for a total area of 3,358,335 square metres to the value of 107.3 million francs. Only 69 permits were refused. Whilst these figures are admittedly smaller than in the previous six months, when 1,025 permits were issued, the position is still less than satisfactory, even though the federal decree has probably reduced the overall extent of the transactions.

An unfortunate aspect of the permit question is that it also applies to the Swiss citizens living abroad. This discrimination has caused a great deal of ill-feeling and many Swiss abroad resented that the Organisation of the Swiss Abroad (ASO), its Commission (ASK) and Secretariat in Berne had not been consulted beforehand. Whilst accepting the fact that on account of international legality such a law could not create two different categories of people from abroad, it was strongly felt that a difference

between foreigner and Swiss citizen resident abroad could be made in the *application* of the law.

At the Assembly of the Swiss Abroad in St. Gall in 1961 a resolution was passed registering protest, but with no apparent result. The Swiss Colony in Italy therefore decided to put forward a

### PETITION

from this year's Assembly at Sion, appealing to the authorities for special consideration in the application of this decree when the permit was asked for by a Swiss citizen living abroad.

It was made clear that the Swiss abroad in no way wanted to create difficulties, but it was felt that any Swiss citizen abroad applying for a permit to buy land should be presumed to have sufficient "justifiable interests" *ipso facto* of his nationality. This would eliminate what the Italian Swiss call "the two classes of Swiss citizens", those with unlimited freedom of action at home and those living abroad whose rights have been curtailed by the decree of 23rd March 1961.

The petition was addressed to the Federal Council, signed by the Chairman of the Organisation of Swiss Societies in Italy and supported by one delegate of most of the countries represented at Sion. Originally it had been envisaged that the signing of the petition should take place at a plenary session of the Assembly in a solemn demonstration. That idea was dropped as it was felt it might have struck the wrong note. Whilst we Swiss abroad agree that the decree could be looked upon as an unfortunate discrimination against us, and willingly support the idea of our fellow countrymen in Italy, we feel nothing should be done to give us the reputation of being difficult, and above all nothing which would hamper the actions and efforts of the Commission whose importance is steadily gaining more and more weight.

Unfortunately it is only too true that some Swiss living abroad have been refused permission to buy land at home. The ASO has taken up their case and it shows once again that we have reason to be grateful for such an organisation at home actively defending our interests.

Mariann.