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SWISS NEWS

LUKEWARM REACTIONS TO THE REVISION OF THE CONSTITUTION

Former federal councillor, Dr. Fritz Wahlen presented the Swiss Press with some preliminary results of the enquiry which he had been commissioned by the Federal Council to undertake. His task was to fathom the feelings of the responsible sections of the population towards a proposed total revision of the Federal Constitution. Mr. Wahlen and his study committee had drafted an elaborate "questionnaire" and addressed it to the main political, religious and cultural institutions of the country. The Committee has spent 40 full days in sifting out the answers. They will be compiled and presented in a final report, due to be completed by 1971 and to be examined by the Federal Council. This report will synthesise the innumerable opinions gathered in the returned Wahlen questionnaire. Backed by these findings, the Federal Council will propose a total revision of the Constitution—this decision being duly sanctioned by Parliament. An enlarged Committee will then be appointed with the task of drafting the new constitution theoretically by 1974, the Centenary of the first constitution and the birth of modern Switzerland.

Speaking to the Press with some of his collaborators, who included Miss Josi Meyer, a Lucerne lawyer, Louis Guisan, State Councillor and "President" of the Swiss Abroad and Professor Kurt Eichenegger from Basle, Mr. Wahlen said that he had found no real popular and fundamental wish to see a renewal of the Constitution. The answers were, in the main, in favour of present institutions and only proposed marginal or formal changes. The "foundations" of the Swiss State, the institutions and the mechanism of democracy were never put into question by consulted groups. But many of them did wish to add a few improvements in the details. In general it was felt that the Constitution should be preceded by a catalogue of human rights (including female rights, since the principle of right of vote for women is now disputed by no one). A partial revision was desired in respect of the anti-Jesuit articles. The legislative initiative was fairly widely demanded. A more practical solution to the referendum on international affairs was sought although the ideal formula would be very difficult to find. The rights of aliens should be constitutionally established. The principles of a liberal economy were disputed by none of the consulted bodies, but it was felt that the State should have a greater control of the economy. The special statute of agriculture was accepted.

Few changes were demanded in the relations between the cantons and the Confederation. Most replies were in favour of a continued and enlivened federalism. Political institutions and the bicameral system should remain as they are. There were few supporters of direct elections of federal councillors by the people. Many replies referred to the necessary creation of a "constitutional court" and a natural economic council with purely consultative attributes.

The system of the "ombudsman" was widely accepted, but it should be adapted to Swiss way of life. There was a general refusal to yield certain rights to supranational institutions and a certain wariness towards European integration. Finally, neutrality should be mentioned in the Constitution not as a "principle" but as a means of safeguarding Swiss independence.

THE HOUSING PROBLEM

The Federal Council has addressed an important "message" to the Federal Assembly on the subject of Federal aid to cantons and private credit institutions in financing of housing projects. A law was passed in 1965 according to which 600 million francs were to be tagged for housing during the period to 1972. The money was, however, to be allocated in yearly instalments and the funds not used in one particular year could not be re-allocated the following year. This has had the result that total funds have been incompletely used so far, with only 180 million francs available for the remaining two years, and this at a time when the capital market is as dried up as it has ever been. But the 1965 law enabled the Federal Assembly to vote supplementary credits of 400 million francs, should the principal sum not cover the needs of housing. This is the first of two items proposed by the "message".

The other, of long-term effect, proposes to alter the way in which the Confederation has so far been helping the cantons in the field of housing. This consisted mainly in assistance with the repayment of building interests. But the scheme appeared too rigid and was unequally exploited by the different cantons. Parts of Switzerland made great use of Federal subsidies, others made no use of it at all. The Federal State will, according to the new proposals, give direct help to private individuals wishing to build or buy a house in a way which will take the growth of their revenue into account. The Government means to establish a "social housing" programme while at the same time taking account of the fact that with inflation and with inflated salaries, the borrower's benefit from Federal loans will be progressively better off. This should be reflected in the mode of repayment.

It is hoped to build 10,000 cheap flats in this way every year. The "mess-

age" also mentions forthcoming help by the Confederation towards the creation of old people's homes, invalid clinics and student houses. Basically the "message" is widening the influence on the Central State by yet another step—and this in the most important field of housing. So far "council homes" are unknown in Switzerland, and the "message" does not propose to create them. But a renewed direct participation of the Confederation in cheap housing is proposed and this is an original feature.

THE PROBLEM OF SCHOOL CO-ORDINATION

The domain *par excellence* where the Swiss pattern of Federalism must show is that of culture. Swiss culture is the result of varying local experiences and expressions of a highly diversified history. A corollary of this situation is that each canton has its own system of education. Go from one canton to another and you will find different syllabuses both in primary and secondary schools, different school books and conflicting programmes. This can mean that a schoolboy who would like to be sent by his parents across a cantonal border to a suitably-located school is refused admission on the grounds that the programme afforded to him in his previous school was incomplete.

This anachronistic situation has been felt for a long time and in October 1969 the young wing of the Peasant Party filed an initiative placing all education under Federal control. This was, of course, a giant step and one liable to hurt the sentiments of traditional federalists. Their fears are partly justified, since a German-speaking child cannot receive an identical education to a French or Latin-minded schoolboy. The terms of the initiative were however sufficiently general, and shorn of definite directives, to be acceptable to the majority of the Swiss people.

But the initiative will not for the time being, be translated into a Referendum. An agreement was drawn out at the time of the initiative following which the Federal Council would first produce a report on the matter and take ulterior steps on the basis of its findings. The Federal Council has not managed to produce the report, which, following the agreement, should have been completed within a year. It has consequently asked the Federal Assembly for a year's reprieve. The main reason for which the Council has not ventured to take any step in co-ordinating education was that the conference of cantonal educational authorities had not yet accomplished its work, which was aimed at reaching an inter-cantonal settlement on school co-ordination. There was no point in taking any decision on federal educational control as long as the present discussions between the cantons had not

brought forth any results, either negative or positive.

Considering that the necessity of school co-ordination has now become more or less universally recognised, if the cantons fail to reach an agreement between themselves, then the Confederation will have to step in and impinge on cantonal sovereignty. It appears that the cantonal experts now in session have the greatest difficulty in attuning their views, the resistance of routine being a high barrier to overcome. "Cantonalism", or what may be considered as the disintegrating element of the freely-willed federalism on which the Swiss political State rests has still got powerful roots. An inter-cantonal agreement will safeguard each canton's highly cherished right of being the master of its primary and secondary education. That is why the present educational conference can be considered as a kind of last chance to the cantons.

(Georges Perrin)

POLITICAL DUTIES FOR THE CITIZENS OF BASLE ON SEPTEMBER 28th

For the first time in six years, the people of Basle will go to the polls and remit voting slips containing their mark on the exceptional number of seven issues. There has been a late trend to space out polling week-ends, with the result that all the issues have to be decided in one go.

The first two issues are of a federal character. One of them, described in our *Comment* of last issue, seeks

the agreement of the people on a Constitutional paragraph on sports. The Federal State should encourage sports more effectively and give girls the right to enjoy more sports at school. The second referendum is the work of a "Popular Movement in Favour of Families" which launched an initiative claiming more federal intervention in stabilising the housing market. It sought to keep rates down by federal control and support, thus making sure that the poorer stratas of the population could enjoy decent housing. The guiding slogan of the Movement is "Accommodation for All!" Whereas the sports and gymnastics referendum had hardly raised a ripple in pre-voting debates, the housing issue has produced considerable controversy and one or two parties have declared themselves against the initiative. They say that housing control from on high has never succeeded in holding prices down to social levels. Rent control had been abolished a few years ago by general consensus and they felt it unnecessary to come back off these decisions. They are content with stepped-up building and stand behind the Federal Council's recent "message" on planned aid to housing. The Conservatives, who perhaps represent more house-owners than the other parties, have voted in favour of the initiative.

The remaining five issues concern purely local matters and illustrate the picturesque civic life of a large Swiss town.

The first matter for popular decision is whether Basle Transport should acquire a German-made or Swiss-made

tram engine. Some tram lines have been equipped recently by coaches manufactured in Dusseldorf, but as a Swiss firm has come up with a highly improved machine, there is scope for hesitation. Next, the people have to reply to the Progressive Students of Basle, who had launched an initiative against planned demolitions near Hewaage Viaduct and Spalendor to make way for the city's new circular road. The local Democrats had another complaint, they objected to the transformation by the Town Council of a row of buildings in the Münchereinerstrasse into a public secretarial school. They felt that the published project had too many deficiencies, that the real cost of rental, the disposal of garage space and the necessary size of the premises had been inadequately estimated. The Progressive Students (decidedly very active) stepped in again with an initiative against the projected use of Kohlenweg Nos. 25 and 27 into offices for the Official Prosecutor. They motivated their action with the lofty slogan "combating the oppressing machinery of the state". But most voters will guess that they are trying to hit at the town's judiciary in a gesture of vengeance for the severe sentences served on the tram demonstration of last year. They, the students, may also have an axe to grind against the increased incursions of Basle policemen on the look-out for drugs. Finally, the politically burdened citizens of Basle will have to submit a constitutional gimcrack by giving permission to the Great Council of placing "No Parking" signs in the centre of



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Basle, something which it has been doing for the past ten years. The forms of democracy just had to be upheld.

THE "SCHAFFNER CASE"

(The following appeared as a separate insert signed by the "Aktion für freie Meinungsbildung" in the *Basler Nachrichten*.)

"Mr. Hans Schaffner entered the Federal Office for Industry and Labour in 1938. He was a 30-year-old lawyer, then asked to draw up plans for the war economy. In 1941 he became head of the Central Office for War Economy. At the end of the war he was appointed as delegate for trade agreements and a fully-powered Minister. In 1954, the Federal Council called upon him to be Director of the important and mammoth Department of Public Economy. He was elected Federal Councillor in 1961, and up to the end of last year had assumed the heavy duties of head of the said Department with distinction. We have not always agreed with his decisions and sometimes with the way he skippered his boat, but this does in no way reduce our sincere admiration and respect for the huge contribution which he has given to the country in 31 years.

At 61, Mr. Hans Schaffner retired from his distinguished office and was immediately approached by many of our most prestigious export firms with an open invitation to a permanent seat in their boardrooms. There was no doubt that Mr. Schaffner, with his expert knowledge of international trade, would have been of great help to each one of these companies, and they know it. Between 30 and 40 per cent of our annual production comes from our exports—a clear cut indication of what our export business means to our everyday lives.

Thus Mr. Schaffner came to accept the presidency of the board of the country's largest machine company. This, however, was not to everybody's liking and the rantings of our Swiss *Neidgenossenschaft* soon made themselves heard. Critics could not accept that a man who had been earning a high salary in public office should be entitled to make yet more money upon his retirement. They were not ashamed of adopting such an attitude towards a man who had consistently rejected a surge of lucrative boardroom offers during his political life. All this because his name was Schaffner. They had only to switch it to Leuenberger, and realise that the former leader of Switzerland's trade unions never objected to a boardroom seat in important food and cigarette companies. Who has profited by Mr. Schaffner's resignation?

It is sufficiently difficult to get top-class people from official posts into the private sector as it is. The Schaffner case would be enough to frighten any higher civil servant from stepping into industry, lest he too fell

the victim of a slander campaign. The growing co-operation between private business and the State requires that the exchange of talent be carried out both ways. If the movement only goes from industry to the higher echelons of the state machinery, then the time will soon come when the civil service will appear as a quagmire offering no chances of promotion."

SCANDAL IN THE "GYMNASIUM" OF TROGEN

Six months after the expulsion from a St. Gallen secondary school of a schoolboy who had indulged in intimate relations with a girl of the same school, and the ensuing publicity given to the affair, a new scandal has erupted in the main school of Trogen, in the neighbouring canton of Appenzell. This time it's not sex, but drugs.

A teenager of the name of Urs received 20 grams of hashish mailed to him from his home in Winterthur. This consignment was seized and the supervisory commission of the school recommended that Urs be expelled. He had in fact worsened his case by his undisciplined behaviour at the school and the drug incident alone may not have been a sufficient reason for his expulsion. Neither had it ever been proved that he had actually used the drug or had knowledge of its dispatch. The youth counsel office of Winterthur accordingly recommended that Urs should be reintegrated in the school.

This fairly tepid affair may not have raised any dust had not some 20 other pupils of the school been suspected of smoking hashish too and subsequently interviewed by the school management.

This affair has revealed, as a by-product, unusual incidents for a school which prided itself on being a model establishment. On the eve of an examination for the commercial section, the students who were to sit at the exam built a man-high rampart of snow in front of the examination hall so as to make its access very difficult for the examiners. The warder of the premises saw this wall the next morning and notified the manager of the boarding house. He summoned the "sinners", remonstrated before them in the strongest language and smacked one of them on the ear with sufficient vigour as to burst his ear drum. Another teacher climbed on the snow barricade and was said to have abused his pupils by promising them that he would make them "piss" blood. The police do not come out of their interference in the school's problems any better. A policeman, searching for the culprit of a series of smashed windows in the school, took Urs and another suspect into a classroom and threatened to extort a confession with his truncheon.

The model school of Trogen may have some difficulties in brightening up its image.

OLTEN SEEKS TO BE ATTRACTIVE

The *Stadamman* of Olten, Dr. H. Derendinger, has composed a 36-page report containing the guidelines of a future drive at making Olten culturally and commercially more captivating. His efforts were the outcome of decisions by the town council to heighten the life-flow of the town, which was showing symptoms of stagnation. The report recommends the sale of communal land to commercial interests—but these sales must be carefully parcelled out and be kept within a goal-directed planning policy. The report also recommends the improvement of central parking facilities. The municipal museum should be backed by more publicity, the local theatre should be refurbished with seats and a new regular local bulletin containing all relevant information on local activities, both cultural and commercial, should be published regularly. The peers of the industrial town of Olten will consider these proposals very seriously. They have already taken the first step towards their implementation by forming an association for the growth policy of Olten.

(*Basler Nachrichten*)

THE RETIREMENT OF MR. PIERRE MICHELI

Mr. Micheli, Director of the Division of Political Affairs and Secretary of the Political Department, having reached the age limit of 65, will step into retirement after 35 years of outstanding service to Swiss diplomacy. His diplomatic career took him to many European capitals, among them Paris and the Hague, and to South America. He was in Japan during the war, working under particularly difficult conditions and became head of the Swiss Legation over there. In 1956, he was appointed Swiss Minister in Paris, to become a year later, Switzerland's first fully-fledged ambassador to France. He is noted for having done an excellent job at his Paris post. Having returned to Berne, he became the first collaborator of Mr. Wahlen, who in 1961 succeeded Mr. Petitpierre as head of the Political Department.

His successor is Mr. Ernesto Thalmann, former counsellor at the Swiss Embassy in Washington and accredited observer to the U.N. Mr. Thant sent him on a special mission to the Middle East immediately after the six day war.

(*ATS*)

DEATH OF A GENEVA LAWYER

The doyen of the Geneva Bar, Marcel Guinand, died last month at the age of 94. He was the founder of the *Academie Rhodannienne des Lettres*, and an authority in French law and insurance legislation. He held numerous French and British decorations. He was the editor of the *Bulletin*



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Juridique, the main Swiss case-law publication, for ten years. He was also known as a poet, as a personality of the world of sport and as a military judge. One of his two sons was President of the National Council, the other is present Chairman of French-speaking Swiss Broadcasting Corporation.

THE FEDERAL COUNCIL AND THE HIJACKS

The hijacks which struck a Swiss-air jet and three other airliners gave the Federal Council a number of sleepless nights. On Sunday, 7th September, at 12.39, Swissair flight SR 100 for New York started off from Kloten with 143 passengers. Minutes later, as the plane was overflying Mulhousen, a girl and a 14-year-old adolescent took control of the flight and ordered the pilot to swerve back toward the east. As the jet flew over Zurich again, the female hijacker radioed the airport to say that the plane was firmly under Palestinian control. The rest of the story, shared by the unfortunate passengers of two other airliners, is well known.

The Federal Council met that evening (in the surprising absence of Mr. Pierre Graber, head of the Political Department) and tried to devise a plan of action. Insufficiently informed, the meeting thought that the hijackers' primary target was Switzerland and the three Palestinians jailed in Zurich after their failed attack on an El Al airliner in Kloten last year. The Federal Councillors decided to send the Swiss ambassador back to Amman and wait for further precisions from the Jordanian Government, which they held legally responsible for the affair. They met again the next day and issued a communiqué, through the mouth of Mr. Pierre Graber, during the afternoon. Mr. Graber said that the Federal Council had decided to *accept* the exchange of the three Swiss-detained Palestinians for the passengers of *both* hijacked planes. Humanitarian considerations, he said, were more important than the letter of the law and the safety of the planes' passengers went before the rest.

This decision provoked a wave of indignation among the Swiss, whose anti-arabic feelings had been spurred by the hijacks. An officer was reported to have resigned from his post in protest. The "Nouvelliste du Rhone" compared Pierre Graber with Pilet-Golaz and called for his resignation. The "Neue Zürcher Zeitung" spoke of a "new Munich".

Pierre Graber naturally sought to defend himself. He said in a press conference that the hijacks had actually been foreseen and special security precautions taken at Kloten Airport. The Federal Council had come to an agreement with the Great Council of Zurich many weeks beforehand on the policy to be adopted in the event of a hijack against a Swiss airliner. They had agreed that they would give priority to

the safety of the hijacked passengers. Members of the Zurich government had in fact been proposing the surrender of the detained Palestinians for some time. This, they believed, was the only way of forestalling further hijacks.

The unfortunate Monday communiqué was actually outdated because the situation had developed very rapidly. By Monday, however, the decision had already been taken of sending the Red Cross to Jordan, with the purely humanitarian task of seeing that the passengers imprisoned in the desert were humanly treated. Mr. Graber summoned the ambassadors of Germany, Britain, America and Israel on Monday to inform them of Swiss decisions and to try to elaborate a concerted policy. The ambassadors were convoked again on Wednesday in order to get a round-up of the respective attitudes of their governments. By that time a concerted policy and global, unified terms of exchange had been agreed upon. The following day, the Swiss Government and the four ambassadors formed a "co-ordinating committee" synthesising the common stand of the five governments concerned toward the hijackers.

In Amman, André Rochat and his aides were trying to establish contact with the guerrillas. But chaos had broken loose over the Jordanian capital and he found it almost impossible to establish meaningful contacts with the leaders of the Popular Front for the Liberation of Palestine, the authors of the three desert hijacks. There were also some shortcomings in the communications between the Red Cross delegation and its Geneva headquarters, and President Marcel Naville actually wrote a warm letter to a woman who had allegedly given birth to a child in the desert. André Rochat and his team returned, having possibly been instrumental in the release of the main batch of passengers. The Red Cross in Geneva had suffered qualms over its mission and hesitated for over 24 hours after the Federal Council had asked it to send delegates to Amman. Red Cross managers were initially asking themselves whether they could accept responsibilities that were so obviously to have political implications.

A week later nothing had of course been settled, but the governments concerned had not abandoned their efforts towards a concerted action where the main difficulty lay in agreeing on how much each had to yield to the Arabs. The Israelis took the hardest stand in this matter. But the co-ordinating committee in Berne agreed to entrust the Red Cross with the mandate of arranging a solution and Pierre Boissier (known to members of the Anglo-Swiss Society for his talk on Florence Nightingale earlier this year) left for the war-torn capital of Jordan.

Security has been redoubled at Kloten since this hijacking frenzy and Swissair is to have a force of 150 armed guards on its strategic routes.