

# The programme at Zofingen, the revision of the constitution and how you can help achieve it

Autor(en): **M.M.**

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# The Programme at Zofingen, the Revision of the Constitution and how you can help achieve it by M.M.

The subject chosen for this year's Assembly of the Swiss Abroad at Zofingen (Aargau) is "The Total Revision of the Swiss Federal Constitution". Prior to the business meetings (Commission of the Swiss Abroad, Solidarity Council, etc.) there will be a choice of visits to various interesting establishments in the neighbourhood of Zofingen. The Mayor will give an official reception, and on Saturday morning the Solidarity Fund will have its Annual General Meeting. At 9.30 a.m., the former Federal Councillor F. T. Wahlen will address the first plenary session. He is particularly well qualified to deal with the main subject as he has been in charge of preliminary work with regard to the revision. Lunchtime, as has become traditional, will be given over to an ecumenical get-together.

A representative of the Federal Government will address the plenary session in the afternoon, with special reference to legislation under the *Auslandschweizerartikel*. In the evening, there will be a "Staedtlifest" in honour of the Swiss Abroad. And on Sunday, the traditional ecumenical service will be followed by an excursion to Castle Lenzburg.

*Please apply to the Secretariat, Alpenstrasse 26, 3000 Berne, as soon as possible. Registration must be in before the end of June.*

As regards the revision, those attending the Assembly at Zofingen—and we hope there will be a strong contingent from Great Britain—will not go there unprepared. Societies in Scotland and Manchester are studying the questionnaire prepared by the Secretariat in Berne, and the London Group of the Nouvelle Société Helvétique are holding a special meeting on 18th June devoted to the subject. (*Please see under Forthcoming Events*).

The first Swiss Federal Constitution came into force on 12th September 1848, passed by the Deity in which each Canton was represented by one delegate. With that act, the Federation of States became a Confederation. Many of its Articles and Institutions are still in use today.

During the following decades, changes were necessary, especially with regard to extending the rights of the people and strengthening the relationship between the Cantons.

A first draft for a total revision was rejected by the electorate in May 1872, but already two years later—on 18th April 1874, to be exact—a slightly modified draft was accepted by the voters, and that second Federal Constitution came into force on 29th May 1874. It is still valid today. It has been revised in parts many times, and up to date, 66 partial revisions were carried

out, of which 59 originated in Parliament and seven in popular Initiatives. In addition, several new Articles were added. Yet it must be said that the creators of the original Constitution did remarkably good work; of the original 121 Articles of 1874, 92 are still unaltered, 29 have been changed and 41 new ones added.

Several efforts were made for a total revision, but they never came to anything. A large majority rejected an Initiative in 1935. The Nouvelle Société Helvétique approached the Federal Council with a view to a total revision, but world events put a stop to that effort.

The Canton of Basel-Stadt took up the matter again by way of an Initiative in 1945, but popular opinion was against it, and Parliament did not recommend Basle's proposal.

In 1965, Councillor Obrecht and National Councillor Duerrenmatt introduced two Motions in which they asked the Government to have a special report made with regard to the desirability of a total revision.

The Federal Council accepted both Motions and set up a working group of 10 members headed by the former Federal Councillor Prof. Dr. F. T. Wahlen. Two members of the Commission of the Swiss Abroad are on the commission as well as two Federal Judges. It also includes a woman lawyer.

Their mandate was to approach the Cantons, the Political Parties and the universities and ask them for their views. A further number of organisations were consulted later, such as economic and Church bodies. These opinions, however, are not considered official, any more than those of the Swiss abroad.

It would naturally go too far if the full "Wahlen catalogue of questions" were sent to the Swiss abroad. The Secretariat of the Swiss Abroad in Berne has worked out a questionnaire in which questions of special interest to the Swiss living outside Switzerland are set out.

There are six questions regarding voting rights. Are we Swiss abroad in favour of limiting the right to vote of the Swiss citizen who has to go to the poll many times every year? Do we agree that women should have suffrage in federal matters? Should the age of voting majority be lowered as in Austria and Great Britain? And then comes the question of whether we Swiss living abroad should have the vote, and if so only during temporary residence in Switzerland or also while abroad, the voting to be done at Embassies and Consulates.

The questions are concerned with protection of minorities, one regarding language, the other religion.

The next four questions concern military service. Should compulsory military service be continued? Should it be extended to women provided, of course, they were given the vote? Should the military exemption tax be abolished or replaced by a flat rate?

Two questions next regarding the tax system. Should one go on paying communal, cantonal and federal taxes? Should—this is a particularly "hot" question for Swiss abroad—should special rules apply to us with regard to the withholding tax (*Verrechnungssteuer*)?

The following chapter deals with Confederation and Cantons and the distribution of tasks. What changes are suggested, i.e. should the Confederation be given more matters to deal with or should some be given back to the Cantons again, and which? At the moment, Cantons look after river corrections and forestry, road and bridge construction, education, social welfare, food control, Mixed concerns, i.e. tasks which are tackled jointly by Confederation and Cantons, are utilisation of rivers and lakes; hunting, shooting and fishing rights; legislation regarding alcohol; accident and sickness insurance; contagious diseases, emigration and residence of foreigners, naturalisation, agriculture, taxes, trade control.

The next chapter deals with federal authorities. Should Switzerland continue the two-Chamber system? Would a one-Chamber (like in Sweden after next autumn) be preferable and why? Should the Swiss abroad have their own representatives in Parliament? Should dual nationals also be considered in this? What practical suggestions could we make with regard to the method of election?

Should the Federal Council be enlarged from seven to how many members? Would a direct election by the people be preferable? (At present, the Government is elected by the Federal Assembly, i.e. the Council of States and National Council combined). Should Federal Judges be elected for life (six years at present with the right to be re-elected), in order to ensure their impartiality?

What do we think about a possible Economic Council, as exists in France and Italy? Should we have an ombudsman in Switzerland?

Neutrality. At the moment, it is only mentioned in the Federal Constitution as one of the concerns of Government and Parliament. Should it be definitely anchored in the Constitution? Should Switzerland's entry into UNO be put in the Constitution?

Next we are asked if we could suggest anything new for the Constitution, based, for instance, on institutions and laws existing in our country of residence.