

Official Communications

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The Swiss Abroad and their Institutions

The Nouvelle Société Helvétique's Organization of the Swiss Abroad

The Nouvelle Société Helvétique's Organization of the Swiss Abroad was founded in 1916. A few responsible persons realized that the NSH had a task to perform towards the Swiss communities abroad. At that time, these were particularly affected by the division which separated the German-speaking Swiss from their French-speaking compatriots due to the war. At that period, 400 000 Swiss lived abroad – a record number – and one has to admit that up to that time, their mother country had taken pretty little notice of its emigrants.

The NSH started from the basic idea that the Swiss living in other countries, too, should be kept abreast of affairs in their homeland. The second step was organizing assistance for Swiss abroad who were in need. It was soon realized that somebody in Switzerland had to be around who could look after the interests in Switzerland of the Swiss living abroad. Thus the Commission of the Swiss Abroad was created, and right from the beginning, well-known personalities lent their services to this body. The Commission of the Swiss Abroad consists of 100 members today, 76 delegated by the Swiss communities abroad, whilst 24 members from inside Switzerland represent political, cultural and economic spheres. The Commission is often called «Parliament of the Swiss Abroad». Naturally, the Commission also needed an office as a connecting link and executive organ. Towards

this end, the Secretariat of the Swiss Abroad was established in 1919. It proved, right from the beginning, a most necessary and effective instrument. The need of such a central office was shown for the first time in a concrete way when the returning emigrants from revolutionary Russia had to be looked after.



Seat of the Secretariat of the Swiss Abroad

No fewer than 600 societies and institutions of Swiss living outside Switzerland belong to the Organization of the Swiss Abroad. The OSA is consulted by the Swiss Confederation whenever questions and problems concerning Swiss Abroad are considered. Today, the Organization may look back with satisfaction on all that

has been achieved. It has played a considerable part in the improvement of the status of Swiss abroad and in making their ties with the homeland closer. The periodical «echo» published monthly plays a special part in this. In addition, there is the quarterly information magazine «Review» which is published in co-operation with the Federal Department of Foreign Affairs, sent free of charge to all registered Swiss abroad. Another important part in giving quick information is played by the shortwave services of «Swiss Radio International». All these means of information also impart news of the various activities of the Secretariat, such as lecture service, film service, newspaper service, book and reading services, youth camps and obviously also on the Assemblies of the Swiss Abroad.

The number of Swiss living abroad has been increasing again during the past two decades and now stands at about 340 000. But there has been a marked change in the composition of Swiss communities abroad. In former times, one emigrated intending to remain abroad for decades or even for the whole of one's life. The responsibility for this decision rested with oneself alone. Today one goes abroad for a specific time on the whole, and generally not of one's own will, but by order of an employer. Naturally, this has had its effect on the life of Swiss communities abroad. But the problems have not decreased by

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any means; on the contrary, increasing bureaucracy creates ever new problems, and the Swiss abroad have to face more and

more regulations and depend all the more on help from the Organization of the Swiss Abroad and its Secretariat.

**If you need advice,
please apply to the
NSH Secretariat of the
Swiss Abroad,
Alpenstrasse 26,
3000 Berne 16,
Switzerland.**

The Assemblies of the Swiss Abroad

Every year towards the end of August, Swiss from abroad traditionally meet in a different place in Switzerland in order to discuss with the federal authorities and administration their own problems as well as those that face Switzerland.

These get-togethers called Assemblies of the Swiss Abroad focus on a new central topic each time and represent the highlight of the work carried out by the Organization of the Swiss Abroad and its Secretariat. Thanks to personal contacts which make it possible to throw light on special concerns of our compatriots, the possibility is created to sensitize the people at home by means of

the mass media which always give valuable assistance.

In 1979, the 57th Assembly took place at Porrentruy in the recently created new Canton Jura. The first such meeting took place in Basle in 1919 at the time of the Swiss Industries Fair. Right through the twenties, the congress remained faithful to that first venue. After only eight years, it was decided to hold the assembly in a different place in Switzerland every year. It is a not unimportant fact that in the 61 years on which the Secretariat may look back, only three times was there no congress, and that was during the world economic crisis.

Usually no fewer than 500 Swiss from abroad are expected to take part in the congress during which they can express their opinions, speak their minds and take part in the plenary sessions. The latter achieve special importance by the presence of a representative of the Federal Council as well as of an official delegation of the Swiss Parliament.

Because of the steadily increasing importance of these get-togethers, it is recommended that every Swiss abroad should take part.

**Do attend the Assembly
of the Swiss Abroad**

Further Private Organizations in the Service of the Swiss Abroad

Apart from the Nouvelle Société Helvétique's Organization of the Swiss Abroad and its Secretariat in Berne, there are several other private or semi-official institutions whose activities are fully or partly in favour of Swiss abroad.

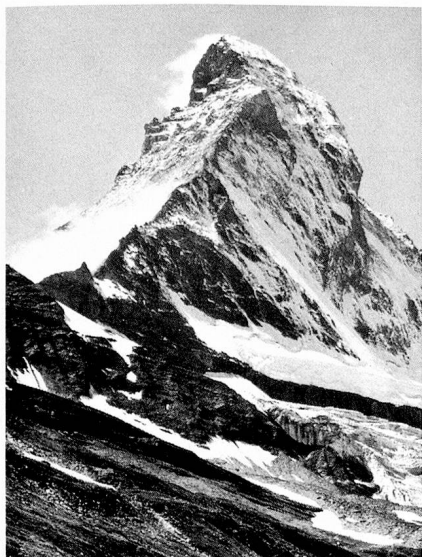
The **Foundation Swiss Aid** (Stiftung Schweizerhilfe) was founded in 1917 and had as its original aim the care of Swiss children from war-ravaged and crisis-shaken countries. With voluntary workers, it collects

funds every year in order to bring the homeland nearer to Swiss children abroad: through holidays, vocational training and in cases of sickness also medical treatment in Switzerland. On principle, all Swiss children living abroad may profit of this service. Where the parents are in a position to pay the cost of a stay in Switzerland, they are asked to do so; where they can pay only part of the cost, the Foundation will provide the rest; and where the means are lacking completely, Swiss Aid will take on the whole costs.

The Foundation Swiss Aid not only produces the funds, but it also looks after the children from abroad, together with Pro Juventute, and endeavours to bring the children closer to their homeland.

The **Educational Service for Young Swiss from Abroad** (Ausbildungswerk für junge Auslandschweizer AJAS) advises young compatriots from abroad and their parents on questions of schooling and vocational training in Switzerland. It helps them to

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The Matterhorn

prepare stays in Switzerland for schooling, vocational training and studies and, where necessary, to arrange scholarships and loans in order to secure the necessary finances.

The Educational Service gets its financial means for its work from the three supporting organizations (Foundation Swiss Aid, Pro Juventute and Secretariat of the Swiss Abroad), as well as by a subsidy from the Federal Department of Foreign Affairs.

The **Auxiliary Committee for Swiss Schools Abroad** is formed by the Foundation Swiss Aid and the NSH's Organization of the Swiss Abroad. This committee advises the 19 Swiss schools abroad (see chapter «The Swiss Schools Abroad»), its School Committee and the teaching staff and headmasters of the schools. In particular, it provides materials and teaching aids, organizes courses for leaders and teachers, as well as gives help in arranging holiday camps.

The **Schnyder von Wartensee Foundation** offers aid as far as

possible to Swiss abroad who have suffered as a result of natural catastrophes.

The **Heinrich Huber Foundation for Swiss Overseas** provides financial support and scholarships abroad to Swiss who, without fault of their own, suffer want in far-off countries.

A further Foundation is the **Kiefer-Hablitzel Stiftung** which puts part of its income at the disposal of Swiss in commercial pursuits overseas, who, without fault of their own, lose the basis of their livelihood and consequently have had to return to Switzerland.

The **Pro Juventute** takes care of Swiss children from abroad who stay in our country with the assistance of the above-mentioned Foundation Swiss Aid.

The **Swiss Evangelical Union of Churches** (Schweizerischer Evangelischer Kirchenbund) as well as the **Conference of Swiss Bishops** keep up an office each to look after the religious needs of Swiss abroad, to help with the choice of Ministers and Pastors, Youth Workers, etc.

The **Swiss Tropical Institute** in Basle, too, is of interest to Swiss abroad. Emigrants may use its information and documentation service. The clinic connected with it enables treatment of repatriated Swiss who suffer from tropical diseases. This is not free of charge.

The **Foundation Pro Helvetia** should also be mentioned; its cultural events organized abroad are of advantage to Swiss in foreign lands.

Some economic organizations, the **Swiss Office for the Development of Trade**, the **Union of Swiss Chambers of Commerce Abroad** and the **Swiss National Tourist Office** may render valuable service to Swiss abroad; they are connected to them through their agencies or Chambers of Commerce abroad.

Finally mention should be made of some important auxiliary organizations in Switzerland which will never fail in advising Swiss abroad; among them are Pro Infirmis, Pro Senectute, the Swiss Association for the Blind and Visually Handicapped, and the Society for Rheumatic Diseases.

A game of Jass



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Federal Offices and the Swiss Abroad

The Service for the Swiss Abroad in the Federal Department of Foreign Affairs

Various authorities in Switzerland at federal, cantonal and communal level are concerned with the Swiss living abroad. The reason for this is that those authorities who are in charge at home, remain responsible for the problems of our compatriots abroad. This arrangement has its advantages but also its drawbacks: advantages inasmuch as cases concerning Swiss abroad are largely dealt with according to the viewpoints prevailing in Switzerland; disadvantages inasmuch as the special situation of our compatriots abroad is not always appreciated sufficiently. This does not facilitate the coordination of the Confederation's policy regarding the Swiss abroad.

In the years after the last world war, a Service for the Swiss Abroad was created as part of the Federal Department of Foreign Affairs, the new name of the Federal Political Department since 1st June 1979. Its task is to prepare the Federal Council's policies regarding the Swiss abroad and to establish the necessary coordination between the various federal offices and other organizations which are concerned with the Swiss communities abroad.

In the past, the Service for the Swiss Abroad made great efforts to deal with the settlement of war damages. It also contributed to the foundation of the Solidarity Fund for the Swiss Abroad. Within the administration, it made the necessary preliminary preparations for

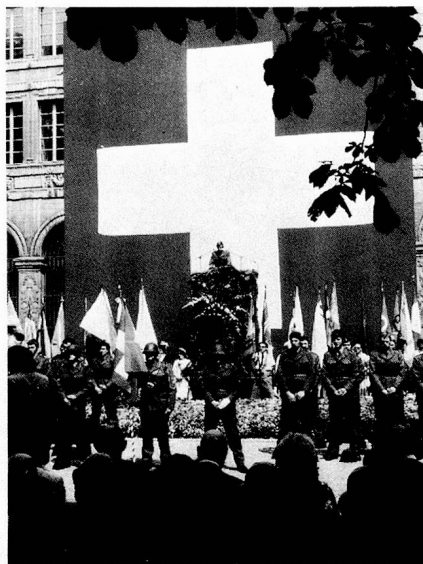
the realization of the Constitutional Article 45bis of the Swiss Abroad and subsequently helped in working out the various relevant decrees, such as the following federal laws: Social Assistance to the Swiss Abroad of 1973, Military exemption tax of the Swiss Abroad of the same year, Assistance to Swiss Schools Abroad of 4th October 1974, and Political rights of the Swiss Abroad of 19th December 1975. In future, too, the Service will have to deal with difficult problems. In the first place are the revision of the Civil Code and connected with it the legislation on citizenship. New developments regarding political rights will also require careful study. There are complicated questions relating to social insurance and the voluntary OAI/DI for Swiss abroad. The whole

administrative apparatus and especially the embassies and consulates abroad should be relieved by increased use of technical facilities; on the other hand, the question is being examined whether the special circumstances of the Swiss abroad could be taken into account more fully by making structural changes. The military control system of the Swiss abroad is being examined, which means long and difficult negotiations not only with the federal offices concerned, but also with the cantons. Measures to be taken by the Confederation in the financial sector, in the economic field – for example the policy regarding the sale of Swiss real estate to foreign nationals – are geared as far as possible to the interests of the Swiss abroad.

In all these undertakings, information of the Swiss living abroad plays a significant role. That is the reason why the Service for the Swiss Abroad cooperates closely with the Nouvelle Société Helvétique's Secretariat of the Swiss Abroad and publishes a bulletin four times a year especially for the Swiss resident abroad – the «Review» (see page 32).

Nevertheless it is important to remember that the Service for the Swiss Abroad is by no means a body representing the interests of our citizens residing outside of Switzerland, but an official office which tries to play a stabilizing part in the policies regarding the Swiss compatriots abroad. The aim is to create a balanced and

The Swiss National Day on 1st August



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healthy relationship between the interests of the Swiss at home and those abroad, so that neither side could be considered privileged. The Swiss abroad do not live in the same circumstances as the Swiss

at home; thus they cannot be treated in the same way. If different solutions from those valid for the Swiss at home have to be found for them, it is not a matter of favouritism. As the constitutional

article concerning the Swiss abroad clearly states, their special situation has to be taken into account. To attain this aim is the main purpose of the Service for the Swiss Abroad.

Other Federal Offices in the Service of the Swiss Abroad

1. Apart from the Service for the Swiss Abroad, one has to mention the **Federal Department of Foreign Affairs** as a whole, which looks after the interests of the Confederation abroad. It carries out this task in conjunction with the Swiss diplomatic and consular representations.

The activities of the consulates in this matter are of special interest to the Swiss abroad. The Consul is the mediator between the Federal Council and the Swiss citizens of a consular district. As far as possible, he looks after the interests of the Swiss living there and has to further all efforts designed to strengthen relationships amongst them and the ties with their homeland. The Consul supports all institutions created by and for the Swiss living abroad. Where possible, the Consulate has to assist Swiss citizens in legal matters. It has to apply regulations regarding military service, military exemption tax, issuing of passports and legalization of documents as well as the voluntary Old-Age and Survivors Insurance/Disability Insurance scheme (OAI/DI). The Consulate assists in settling problems of civil law and inheritance. It looks after welfare cases and promotes Swiss benevolent societies. In other words, the consulates have a great variety of tasks for which specialised administrative offices are competent in Switzerland.

2. The **Federal Office of Industry, Crafts and Labour**

(BIGA/OFIAMT) maintains a service for emigration, which, on application, gives information on labour and working conditions, requirements for immigration as well as on living standards abroad. The Office is also at the disposal of repatriated Swiss looking for work, and it is entrusted with carrying out the international agreements regarding the exchange of student trainees (stagiaires).

3. The **Federal Office of Culture** of the Federal Department of the Interior is concerned with support of the Swiss schools abroad.

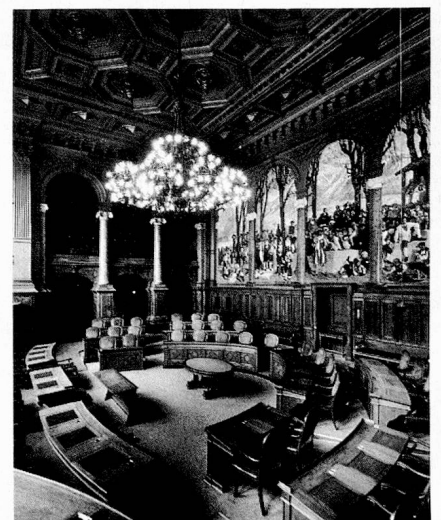
4. The **Federal Office of Social Insurance** supervises the voluntary Old-Age and Survivors Insurance / Disability Insurance scheme OAI/DI (AHV/IV in German and AVS/AI in French) for the Swiss abroad and, in conjunction with the Federal Department of Foreign Affairs, issues the necessary instructions for its execution. The Federal Office also prepares any revision of the laws on social insurance and negotiates international agreements on social insurance. Up to the present, 18 such agreements have been concluded.

For the technical administration of the voluntary OAI/DI scheme, the Swiss Compensation Office in Geneva is responsible.

5. The **Federal Office of Personnel Matters** of the Federal Military Department is in charge of military matters concerning Swiss citizens and dual nationals living abroad. This agency is responsible for the military control of the Swiss abroad and carries out the agreements with the USA, France, Argentina and Columbia regarding military service for dual nationals.

6. The **Federal Office of Justice** of the Federal Department of Justice and Police is concerned with matters of international private law, which are obviously most relevant to Swiss citizens abroad. Its activities, however, are confined to legal cases in which the administration is competent; in matters under dispute, the Courts have to decide. Frequently the

The Chambers of the Council of States in the Federal Parliament Buildings



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Office is consulted in cases of inheritance, where either the testator or the heirs are Swiss living abroad.

The **Federal Bureau of Civil Status** of the Federal Department of Justice and Police insures communication between the competent cantonal authorities and the Swiss diplomatic and consular representations abroad; it supervises all matters concerning civil status. Births, marriages, deaths and all other facts pertaining to personal and family status, are recorded in the registers at home. These records are the basis for issuing Swiss passports and other identity papers.

The Federal Office of Justice also supervises acquisition of real estate by persons resident abroad. Special mention must be made of the fact that Swiss citizens abroad,

although they live outside of Switzerland, do not require any permit.

7. The **Federal Office of Police Matters** and its subsidiary Offices of Welfare and Swiss Nationality of the Federal Department of Justice and Police look after interests of Swiss citizens abroad in various ways: such as legislation regarding nationality, issuing of Swiss passports, assistance to Swiss abroad who are in need, preparing and carrying out relief and welfare agreements.

8. The **Federal Office of Matters relating to Foreigners** of the Federal Department of Justice and Police is responsible for preparing and applying international agreements on entry and departure, as well as on permitting foreigners to stay temporarily or

permanently in our country. These treaties have implications not only for foreigners in Switzerland, but also for Swiss abroad. The Office keeps statistics of the Swiss abroad.

9. Under certain conditions, Swiss citizens abroad have to pay military exemption tax. Its collection by the cantons is supervised by the **Federal Tax Administration**.

The Tax Administration is also empowered to levy withholding tax (Verrechnungssteuer/impôt anticipé) and refunding it to Swiss residing abroad in virtue of double taxation agreements which Switzerland has concluded with other countries.

In addition, the Tax Administration is concerned with carrying out existing and preparing new agreements relating to the prevention of double taxation.

Who is a Swiss Citizen Abroad?

The Swiss Abroad and the Regulations regarding Acquisition and Loss of Swiss Nationality

This is an extremely complex subject which reflects in its dispositions the evolution of basic Swiss attitudes. In the course of decades, one repeatedly finds changes in the law which are closely connected with the problem of equality of man and woman. The new rules may not yet be completely satisfactory, and one will have to await the revision of the Civil Code, at present under way, before the options become clear, on which the Swiss people will have to decide in the years to come.

According to the principle at present in force, children of a Swiss married to their mother acquire Swiss nationality at birth. This also applies to children of a Swiss woman not married to their father. Since 1st January 1978, children of a Swiss mother and a foreign father acquire Swiss citizenship at birth (as well as the nationality of the father), provided the parents fulfil the two following conditions:

– the parents must have their legal **residence** in Switzerland at the time of the birth of the child

– the mother must be a Swiss citizen by origin

The Federal Law on Citizenship, in force since 1st January 1953, allows a Swiss woman who marries a foreigner to keep her Swiss nationality on condition that she makes a written declaration when the marriage is officially announced or celebrated. In addition, there are various regulations which enable Swiss women who lost their Swiss nationality on marriage, to regain Swiss citizenship. These regulations were supplemented in 1956 by

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Art. 58bis which allows renaturalization of women who had lost their Swiss citizenship before the law came into force, even if they were not Swiss citizens at birth.

II

Summary of the Federal Law of 29th September 1952 (BüG/LN)

1. Acquisition by law

The first part is devoted to the acquisition of Swiss nationality by law through parentage or marriage. It is noticeable that the foreign woman who marries a Swiss acquires Swiss nationality automatically, whilst the Swiss woman who marries a foreigner cannot transmit her citizenship to her husband. This state of affairs is causing a lot of discussions. According to certain opinions, the possibility of acquiring Swiss citizenship by marrying Swiss men should be curtailed for foreign women.

2. Loss by law

a) by marriage

As we have already seen, the Swiss woman loses her Swiss nationality on marrying a foreign national, unless she expressly declares her wish to retain it. The relevant declaration must be given in writing

- in Switzerland: to the civil registry official who makes the official publication or performs the marriage ceremony
- abroad: at the Swiss Consulate or Embassy **before** the marriage takes place

b) by forfeiture

The child born abroad of a Swiss citizen himself born in a foreign country, who has another nationality, forfeits Swiss citizenship on completion of the 22nd year, if he

or she has not made a declaration by that time that he or she wishes to retain Swiss nationality; this has to be done to a Swiss representation abroad or authority at home, either by personal call or in writing. The same ruling applies to children who have acquired the Swiss nationality of the mother at birth. Whoever for some reason could not make the declaration in due time can do so within one year after the hindrance has ceased to exist.

3. Acquisition of Swiss citizenship by decision of the authorities

a) Ordinary naturalization

Ordinary naturalization applies to foreigners who have lived in Switzerland for 12 years, of which three must have been during the five years immediately before an application is made. For the calculation of the 12 years, the time the applicant spent in Switzerland between the age of 10 and 20 or being married to a Swiss woman, counts double. Children who have been living with their foreign mother and her Swiss husband have the same advantage as regards the time spent in Switzerland before their 10th year. In

addition cantons and communes may make their own regulations regarding residence.

Once the federal naturalization permit has been given, Swiss nationality is acquired by getting citizenship of a canton and a commune. The competent cantonal and communal authorities are entitled to set fees and taxes which may amount to several thousand francs.

b) Renaturalization

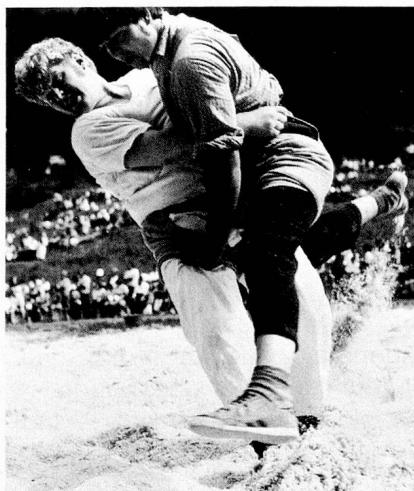
By contrast, renaturalization carries no fees except those covering registry expenses. As we have already seen, the law provides various ways of renaturalizing former Swiss women. There are two categories: women who lost their Swiss nationality through marriage before the law of 1952 came into force and whose marriage continues, may apply for renaturalization under Art. 58bis of the BüG/LN. Those who lost their Swiss nationality since 1st January 1953, may apply for renaturalization

aa) if the husband is dead or the marriage has been annulled or dissolved or if the spouses have been legally permanently separated or have been living apart for three years

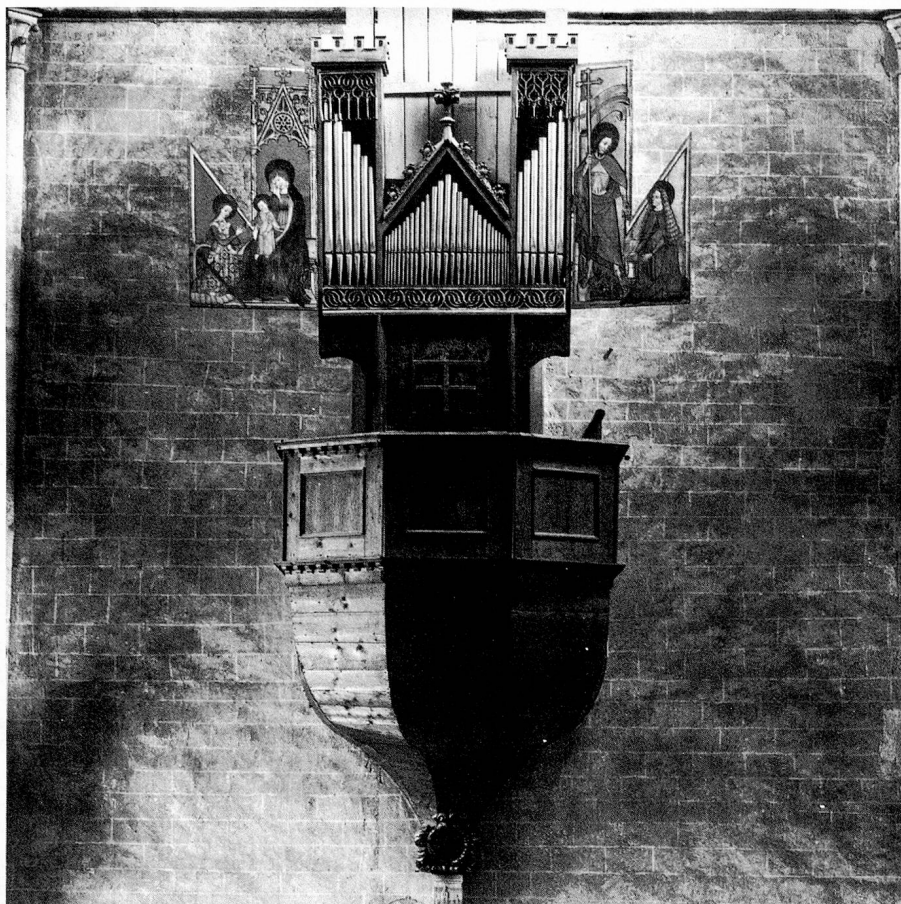
bb) if the woman had reasonable excuses for not making the declaration to retain Swiss citizenship

cc) if the woman is stateless
Applications under aa) must be made within 10 years after fulfilment of the requirements, and under bb) within one year of the grounds for excuses having ceased, but at the latest within 10 years of the marriage taking place. If a woman gets renaturalized under aa) her children under age may be included if they live in Switzerland. Under cc) they can be included if they themselves are stateless.

A national sport: «Schwingen»



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Valère at Sion where one finds one of the oldest organs in Europe (1390)

We thank the Swiss National Tourist Office for all pictures published in this issue.

c) Facilitated naturalization

Children of a Swiss-born woman who have lived in Switzerland for at least 10 years can benefit from facilitated naturalization if they are living in Switzerland and make the application before completion of their 22nd year. They then acquire the cantonal and communal citizenship of their mother free of charge, except for registry expenses.

Furthermore, children under age whose mother kept her Swiss nationality on marrying a foreigner can also benefit from facilitated naturalization if they are living in Switzerland and the father has died or the parent's marriage has been dissolved or annulled or if the spouses are legally separated or have been living apart for three years.

4. Loss of Swiss nationality by decision of the authorities

The law permits every Swiss to give up Swiss citizenship if he is not resident in Switzerland, is at least 20, has another nationality or is assured of one. A married woman can only give up the Swiss nationality together with her husband; she has to give her written consent. If she fails to do so her husband's application may be rejected. Finally, it should be pointed out that a Swiss woman married to a foreigner can be released from her Swiss citizenship as soon as she has a foreign nationality or is assured of one. Children under age are included in the release of the parents.

III

Final remarks

The new provisions of the citizenship law which came into force on 1st January 1978, may appear discriminative to some Swiss abroad, especially the ruling that a child can acquire its Swiss mother's nationality only if the parents live in Switzerland at the time of its birth. A more liberal solution was however not possible, since limits are set in this area by the Federal Constitution. Under its terms federal law can lay down that the Swiss nationality will be granted to children born of foreign parents only if the mother was originally Swiss and is resident in Switzerland with her foreign husband. The revision of the citizenship law which is at present being carried out endeavours to bring about equal rights for men and women. It seems reasonable to seek a solution by which children of a Swiss mother shall acquire Swiss citizenship on the same conditions as those of a Swiss father. Such a provision will require an amendment of the Federal Constitution. The whole procedure may take considerable time, and it is impossible to foresee how the people and the cantons will vote on the constitutional amendment.

* * *

If you have any questions regarding Swiss citizenship, please raise them with the Swiss representation where you are registered

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The Special Position of Dual Nationals

In the first place the Swiss abroad are subject to the laws of their country of residence. Each country has its own regulations on the acquisition of nationality by foreigners. There are states where nationality is acquired by birth (*ius soli*), as in France, Great Britain and most American countries.

Moreover, some Swiss living abroad may find it useful to apply for the citizenship of their countries of residence, for instance to hold a certain job or secure a livelihood. That is not prohibited by Swiss law, and does not result in automatic loss of the Swiss citizenship.

Many Swiss women who marry foreigners acquire their husbands' citizenship, and become dual nationals if they declare in writing before marriage their intention to retain their Swiss nationality. Not only Switzerland, but foreign countries too, now allow citizenship to pass on to children not only through the father but also through the mother, for instance the Federal German Republic and France. Thus many children born of Swiss fathers and of mothers from these foreign countries become dual nationals.

There are then several reasons for acquiring another citizenship. It is not surprising that the number of dual nationals grows year by year. In the period between 1974 and 1977 this number has increased by over 16000. At the end of 1977 there were abroad more dual nationals than purely Swiss citizens, the ratio being 52 to 48.

The status of the dual nationals is particularly complex. On the one hand they are subject to Swiss law by virtue of their Swiss citizenship, but on the other hand they are first of all subject to the law of their second homeland if resident there. The fact that the dual national who

is resident in Switzerland is in the first instance regarded as a Swiss, has consequences on citizenship and the rights and duties deriving from it, such as the rights to settle, to obtain a passport, to vote, to work, to benefit from social assistance, to acquire real estate or the duty to belong to OAI/DI (AHV/IV – AVS/AI) and do military service.

The reverse situation of a dual national residing in his other home country affects mainly military duties. That country can call him for military service without regard to his Swiss nationality. Serious conflicts may then arise, but a state may lessen them under its own law. Thus a Swiss dual national who has done military service in the other country can no longer be taken into or stay in the Swiss army. In certain circumstances these dual nationals do not have to pay military tax. They are not liable to punishment if, while resident in their second homeland, they do military service there. Dual nationals who are resident abroad cannot undergo initial military training (*Rekrutenschule/Ecole de recrues*) in Switzerland, even on a voluntary basis. The Confederation has concluded agreements on dual nationals' military service with some states, such as the USA, France, Argentina and Columbia. These are all countries applying the principle of **ius soli**. As regards the exercise of political rights, dual nationals abroad are on equal footing with purely Swiss citizens. They must however ascertain whether participation in Swiss referendums and elections is permitted by their second homeland. In certain cases that might be considered a violation of allegiance to the second country. Such could be the case, for instance, in Great Britain and the USA. With regard to social assis-

tance the principle is that the Confederation helps a Swiss dual national who is in need in his second homeland only if the Swiss citizenship is predominant. The main responsibility, however, always rests with the country of residence.

In the field of social insurance there are no restrictions for dual nationals. They too can join the OAI/DI (AHV/IV – AVS/AI), on a voluntary basis. The only exception applies to the generation subject to transitory arrangements; extraordinary benefits, that is without contributions having been paid, are granted only to those dual nationals whose Swiss citizenship is predominant and whose income is below a certain limit.

Dual nationals abroad are required, just as the purely Swiss, to register with Swiss Embassies and Consulates, this in their own interests. It must be pointed out, however, that as a rule diplomatic protection against the authorities of the second homeland cannot be

Saints of the Middle Ages in the Church of Munstair



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invoked, since that country regards these dual nationals in the first place as its own citizens.

The acquisition of a second nationality may at times prevent difficulties in finding work, strengthening prospects, holding a certain job, etc. Yet it must be recognized that dual nationality may in certain cases bring conflicts of interests. For this reason, the Council of Europe concluded on 6th May 1963 an agreement aiming at preventing the voluntary

acquisition of another nationality and thus reduce the occurrence of plurinationality. But it has been shown that member states go their different ways in national legislations; the latest example is the change in the Swiss citizenship law of 25th June, 1976, regarding children of foreigners living in Switzerland and of Swiss-born mothers.

It is not easy to make general regulations valid for all dual nationals. In each particular case

specific circumstances and national legislation must be taken into consideration. It is therefore advisable that dual nationals get in touch with Swiss Embassies and Consulates when they foresee difficulties, unless they prefer making inquiry with the authorities of their country of residence. Many dual nationals, however, attach importance to concealing their second nationality from the authorities of the country of residence whose citizens they are.

Diplomatic and Consular Protection of the Swiss Abroad

How their interests are taken care of has always preoccupied our compatriots living outside Switzerland – especially so at the Assemblies of the Swiss Abroad. As the heading shows, one must differentiate between diplomatic and consular protection.

1. Diplomatic Protection

When extending diplomatic protection, a state exercises its own laws. It uses its own judgment to decide whether and when to give diplomatic protection taking into account possibly higher interests. The individual has no legal rights to diplomatic protection by his country.

International public law holds the view that it is the home country that has been wronged by one of its citizens sustaining an injustice. A state can protect diplomatically only its own citizens. Therefore there must not be the slightest doubts about nationality (for instance in connection with problems of inheritance, assignments of claims, etc.).

Switzerland can grant diplomatic protection also to Swiss controlled companies, regardless of whether

they are domiciled in Switzerland or abroad. If there are any doubts regarding share holding, the company must supply the necessary information before any steps can be taken.

Measures which can be taken for the protection of economic interests of companies under foreign control, must be distinguished from diplomatic protection (for instance intervention on the strength of a bilateral agreement; participation in public tenders; granting of import quotas and similar matters). The condition, however, is that such companies are domiciled in Switzerland.

Resorting to diplomatic protection presupposes that another state has infringed a rule of international public law. Such an infringement exists for instance in the denial of legal rights (refusing legal proceedings, etc.) as well as under certain circumstances in expropriation and nationalization. The latter is permissible under international public law if it is done without discrimination and if immediate, adequate, and effective compensation is given. Where court proceedings are possible according to internal law or are already pending, all available

forms of appeal must have been used before diplomatic protection can be considered.

2. Consular Protection

When extending consular protection, the state neither acts according to its own law, nor asks for reparation for an infringement of international public law; it acts in the interest of the Swiss citizen concerned. Accordingly, conditions which have to be fulfilled before a consular representative can give consular protection are not as stringent, especially where dual nationals are concerned.

The Consulate gives assistance and advice in cases of arrest. The wish of the arrested citizen to get in touch with his country's representation must be notified immediately by the responsible authorities. Where there may be prolonged custody the imprisoned person is particularly in need of protection by his country's authorities, and the right to consular visits must be insisted upon. The Consulate will arrange for adequate legal counselling and oppose inhuman prison conditions, torture and corporal punishment.

Official Communications

Registration of the Swiss Abroad with Swiss Diplomatic and Consular Representations in Foreign Countries

The regulations issued by the Federal Council concerning the diplomatic and consular services lay down that a Swiss citizen has to register with the nearest Embassy or Consulate if he or she takes up residence in a consular district for more than 12 months. The consular register then includes the person concerned and the members of his family.

Why this duty which cannot be enforced abroad anyway? The Federal Council introduced the obligation in the first place in the interests of the Swiss abroad themselves. Properly registered, they are known to the competent authorities which can act for them in many different ways, for instance: changes in civil status through births, marriages or deaths; issue or renewal of passports; enrolment in the voluntary OAI/DI or in the Solidarity Fund; assistance in time of need to a Swiss resident abroad; application to be put on the voting register; exemption from military rights and duties; granting of diplomatic or consular protection; delivery of the «Review», etc. It is therefore to the advantage of every Swiss abroad, man or woman, to report to the appropriate Consulate on taking up residence in the consular district, on acquiring Swiss nationality by marriage or when there is an addition to the family.

Generally, the Swiss citizens prove their identity by producing their Swiss passport or other identification papers. An application for registration will, however, be accepted only if the Swiss in question has actually taken up residence in the consular district. Minors and people under guard-

ianship must register at the place of residence of the parents or guardians.

Withdrawal from the register is made either by application or automatically. If, for instance, a Swiss citizen reports his departure from the consular district, his name will be removed from the register. Removal from the register follows automatically when the person concerned no longer manifests himself and the mail addressed to him is returned repeatedly marked «addressee unknown», if he loses his Swiss nationality, on death, etc. A special procedure has been provided for young Swiss abroad who reach the age of majority (20 according to Swiss law) and have been on the registration card of their legal representatives. If these young people do not call at the Consulate de-

spite an invitation to do so, they too will be removed from the register.

Registration is an instrument of work necessary to the Swiss representations abroad; it enables them to render valuable services to Swiss nationals wherever possible. Obviously, this cannot happen without administrative formalities. These have been reduced to a minimum since introduction on 1st January 1979 of new regulations. In addition, no registration fees have been levied for some time, and that too, is a further measure in favour of the Swiss citizens abroad.

It is in your own interest to report to the appropriate Swiss Embassy or Consulate.

Viticulture in the Valais, the Fort of Valère

