THE INITIATIVE & REFERENDUM INSTITUTE EUROPE

Guidebook to Direct Democracy

IN SWITZERLAND AND BEYOND

2008 EDITION

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Discussing democracy means discussing the very essence of politics!

Preface by Swiss Federal Councillor Pascal Couchepin

Dear Reader,

You have in your hands the 2008 edition of the "Guidebook to Direct Democracy". The purpose of this book – which is published regularly in several languages – is to turn the spotlight on the elements of direct democracy within today's (largely indirect) democracies, and to show their effects on day-to-day politics.

Politics all too often concentrates on dealing with everyday practical issues without stopping to question the nature of the political system and the principles on which it is based. That is a pity. Discussing democracy means discussing the very essence of politics! That's why it is vital that there should be debates and discussions about the workings of the decision-making processes.

Democracy, as we know, comes in a wide variety of forms. All democratic systems have their advantages and disadvantages. That's a good thing, because every country can then compare itself constantly with others and ask itself whether its own decision-making systems is perfect, or whether it might not be opportune, or even necessary, to borrow some ideas and practices from other countries.

It is hardly surprising that we should be especially interested in the effects of direct-democratic elements on the decision-making process, since Switzerland is the country with the most extensive system of direct-democratic rights anywhere in the world, and to that extent represents a kind of reference case. Nonetheless, that does not mean that we are not continually asking ourselves whether it is still the best system for us. On the other hand, there is also the question as to whether and to what extent the Swiss form of democracy is exportable – or actually deserves to be exported.

We should not forget that "direct democracy" is not an end in itself. We need to know what its particular aims are and whether these are being realized. Within the overall concept of liberal democracy, a primary goal is of course to guarantee freedom. In this respect, however, all democracies – regardless of the particular form of democracy chosen – are exposed to certain dangers which merit our attention. I would like to highlight three of these:

The first danger is one which the celebrated journalist and politician Alexis de Tocqueville labeled the "pouvoir sociale". He pointed to the fact that if certain opinions, and even outright falsehoods, are continually repeated by the major media and by leading figures in politics and society, they can over time come to be seen as true. This process may go so far that opposing views can simply no longer be seen, or even end up being censored.

A second danger is that a majority could threaten the basic freedom of minorities. We should never allow a "dictatorship of the numerical majority". That is the reason why the Swiss political system is very decentralized, with power widely distributed between different organs, seen, for example, in the roles of the Parliament (in popular initiatives and referendums) and of the courts, in the fact that the members of the Federal Council are elected by Parliament, and in the bicameral parliamentary system.

A third problem concerns the role of special interest groups in a democracy. The sum of special interests does not necessarily equate with the common good. The concerns of those who do not have a lobby, and may not even have a right to vote, must not be neglected. We also have to answer the question: how do we guarantee that the interests of future generations are taken into account?

Examining such questions within the context of the debate about decision-making processes is a very worthwhile pursuit. The "Guidebook to Direct Democracy" makes an important contribution to that debate and examination.

I am sure that this 2008 edition will appeal to everyone interested in democracy, from whichever country they come!

Pascal Couchepin
Federal Councillor
Head of the Swiss Federal Department of the Interior

Initiatives & Referendums

Making democracy more truly representative

Dear reader,

Never before have so many people been able to vote on so many substantive issues as in recent years. Voters in Costa Rica approved in their first national referendum vote a free trade agreement with the United States; in Thailand and Zambia citizens had to vote on a new constitution, Latvians had the last word on a national security law and in a referendum in Romania voters rejected a call to impeach the president. In Italy, an initiative to reform the electoral system was signed by 821,000 citizens – almost twice the number needed to force a referendum – and in Brazil and Hong Kong civil society groups organized their own popular votes.

There were also vast numbers of popular decisions at regional and local levels – such as the referendum on a new electoral law in the most populous Canadian state of Ontario – and equally large numbers of popular initiatives in many cities and provinces throughout the world. Citizens also began to collect signatures for cross-border initiatives. Within the European Union, more than 20 transnational campaigns were launched (and some even concluded) to collect a million signatures on issues as diverse as GMO-free food and a pan-European referendum on the new Reform Treaty for the European Union.

The developments in direct democracy of 2006-2007 do not represent a new trend, but they do strongly reinforce an existing one. Since the millennium, more and more countries around the world have begun to use referendums in addition to elections, and more and more people now have the possibility of exerting an influence on the political agenda by means of a right of initiative. Throughout the world, representative democracy is being reformed and modernised. Existing indirect decision-making structures are being revitalised and given greater legitimacy by the addition of direct-democratic procedures and practice. Things looked very different not so many years ago.

As recently as 1980, it was still a minority of the world's population (46% in 54 countries) which was living in societies which enjoyed the minimum democratic standard of the rule of law, basic human rights, a choice of political parties and free elections. A quarter of a century later, more than 130 states now satisfy these requirements. This means that more than 70% of the people in the world now live under conditions which are to a greater or lesser extent "democratic". This significant progress has created the foundation for the next major step: the democratisation of democracy.

A much finer distribution of power

Direct democracy – the right of citizens to be directly involved in political decision-making – is a core element of this next step. Direct democracy implies a much finer distribution of power, making it not surprisingly just as controversial as the introduction of universal suffrage (voting rights for all men and women) once was. Those who oppose the extension of democracy often use arguments – such as that the citizens are not competent to make important political decisions, for example – which are in fundamental opposition to the democratic principle of popular sovereignty. After all, modern direct democracy is a way in which representative democracy can become truly representative.

It is the goal of the Initiative and Referendum Institute, Europe's first think-tank on modern direct democracy founded in 2001, to make a significant contribution to improving the knowledge of the history and practice of direct democracy – in the world in general, and especially in Europe.

That is why the IRI "Guidebook to Direct Democracy" focuses on the place where the tools which allow citizens to take part in political decision-making are the most extensive and have been used for the longest period of time – Switzerland. Over the past 150 years, citizens' rights have been continually extended and now cover all the levels of political life (national, cantonal and local) and all areas of politics (including foreign policy).

The IRI Europe "Guidebook to Direct Democracy" does not restrict itself to Switzerland, however, but places that country's rich experience within the European and global contexts, where the rights of political co-decision making are being extended to more and more people in more and more countries, going far beyond simply electing political parties and their representatives to include the possibility of influencing the political agenda by means of initiatives, and deciding important substantive issues through referendums.

The 2008 IRI Guidebook to Direct Democracy in Switzerland and beyond offers a variety of entry-points into the subject: the twelve introductory essays present the major contexts and challenges; the many factsheets serve to deepen the factual and analytical basis on a selection of specific themes; and the concluding surveys contain further materials, facts and links on the institutions and the practice of direct democracy around the world.

A complement to indirect democracy

Direct democracy, as a complement to indirect democracy, became established in Switzerland as early as in the 19th century and has been developed further since then. In hundreds of referendums over more than one hundred years, Swiss citizens have learned to make decisions on substantive political issues, whether at the national (federal) level, in the cantons or in the local municipalities. What does this mean in practice? What political tools are there for the citizens to use? How do they function? What are their direct and indirect effects? These and many other questions are answered in this book.

In Switzerland, direct democracy means that a referendum process takes place either because a group of voters demands it, or because it is stipulated in the constitution. The government cannot call a referendum: direct democracy implies the existence and use of tools for the sharing of political power which are in the hands of the citizens and serve their interests; direct democracy cannot be controlled for party-political or other vested interests by the government or parliament. There is no plebiscite in Switzerland i.e. there is no popular vote procedure which is initiated and executed at the exclusive discretion of the authorities, whether government, president or parliament.

There are three main procedures in Swiss direct democracy. Firstly, there is the obligatory referendum: if parliament wishes to add something to the constitution, or amend it, the constitution itself lays down that the draft amendment or supplement has to be approved (or rejected) in a national referendum vote. Secondly, there is the facultative, or optional, referendum: new laws or changes to laws, which have been passed by parliament, are subject to the facultative referendum, which means that they also have to receive final approval or rejection in a referendum vote – if 50,000 voters support a demand for this. Thirdly, there is the citizens' initiative: citizens have the right to make legislative proposals which must be decided in a referendum vote if the proposal gains the support of 100,000 voters.

This allows a part of the electorate to place before the whole electorate issues which parliament does not wish to deal with, or which have not even occurred to parliament. Officially validated citizens' initiatives (i.e. ones which

satisfy all the statutory requirements) will proceed to the referendum vote if that is what the initiative sponsors want, regardless of the wishes of either government or parliament.

Thus direct democracy and popular votes are not the same thing: not all popular vote procedures are direct-democratic. A plebiscite has a quite different effect than a real referendum. Direct democracy empowers the citizens; plebiscites are tools for the exercise of power by those in power. Much misunderstanding and confusion could be avoided if direct-democratic and plebiscitary procedures were clearly distinguished from one another, and even had different names.

Modern, efficient and peaceful

In our first essay we accompany a Swiss woman through a normal year of elections and referendums. This typical citizen has six elections and thirty referendums on her calendar. We gain an insight into the political life of a Swiss citizen and how she deals with direct democracy. The second essay portrays the course of a popular initiative (the "Disabled Initiative"), and a referendum (the "Army Reform Referendum"), the political processes connected with these, and their effects. Even though most citizens' initiative proposals are rejected in the referendum vote, they nonetheless have important effects. They can result in changes in society in line with the sponsors' aims, or they can block certain proposals, either temporarily or even permanently. It is a fundamental aspect of the principle of direct democracy in Switzerland that the most important political decisions are made – or can be subsequently controlled – by the voters themselves.

The third essay deals with how direct democracy came into being in Switzerland, its sources, and the differences between modern and pre-modern democracy. There are continuities in the development of Swiss democracy, but modern direct democracy did not emerge seamlessly and painlessly from the form of indirect democracy which came into being with the creation of the Swiss federal state after the French Revolution. The same difficulties presented themselves in the liberal Switzerland of 1848 as can be observed today in many states which claim the title of "democracy": the elected representatives fought – as they continue to fight today – against the introduction of a direct democracy which serves the interests of the citizens.

The Switzerland of 1848, formed from 25 small and tiny independent states, faced a very similar challenge as is faced today by the European Union, which now consists of 27 states. The 25 (now 26) cantons of Switzerland did not become a unitary state, but a federation in which the federal authorities have

only as much power as is ceded to them by the citizens and the cantons. Switzerland had to find a way of taking proper account of both the democratic rights of the citizens and the interests and independent status of the cantons, especially of the smaller ones against the larger ones. The fourth essay describes the interplay of direct democracy and federalism and the attempt to find a solution to that challenge: where possible, decisions ought to be taken locally and by those who will be affected by them; only if absolutely necessary should they be taken at a "trans-local" level (canton or federation). In other words, decision-making should be as decentralised as possible, and as centralised only as is genuinely necessary.

Popular initiatives and referendums have a multitude of direct and indirect effects and serve a variety of purposes. They function as supplementary means of contact between civil society and the political system, through which both fears and hopes, resistance to change and the bringing forward of new ideas, interests and needs can be transmitted from civil society to the political system. One of the most important functions of citizens' initiatives is to place those needs, interests and problems on the political agenda which the authorities and political parties have either neglected or deliberately ignored. Direct democracy measures the pulse of society, acts as an early warning system and a mirror for society and ties politicians more closely to civil society. How that happens, what issues are dealt with, who are the players, with what success and what consequences – these are the themes of the fifth essay.

Improving self-esteem and political competence

The sixth essay considers the effects of direct democracy on politics and the form of the state. The referendum has made a decisive contribution to the transformation of Swiss majority democracy into a consensus democracy. The right to force a referendum (by collecting signatures) on a law passed by parliament puts constant pressure on those in power to take into account the interests of as wide a spectrum of political forces as possible when they are making their decisions. At the same time, groups which are insufficiently integrated into society can use the tools of initiative and referendum to counter the lack of representation – provided that those groups have the necessary communication, organisational and campaigning skills.

The fact that the tools can be used at any time has an integrative effect, countering the danger that relationship conflicts between more and less powerful groups in society can degenerate into violence. The resolution of the conflict over the Jura region is an object lesson in how such conflicts can be resolved in modern societies through the tools of direct democracy.

In the seventh essay we move to the effects of direct democracy on the development of personality. The dominance of power by politicians in purely parliamentary democracies shapes the relationship between rulers and ruled, even to the very way they conceive of democracy. Direct democracy shatters that imbalance of power, with the result that the quality of the relationship between rulers and ruled is fundamentally altered. There is a corresponding alteration in the way both elected representatives and citizens see themselves – the image they have of their respective roles in political life. All in all, citizens' rights reinforce both the self-esteem and the political competence of the voters and counter feelings of alienation and powerlessness. That this kind of added-value can also accrue to the media is shown in our eighth essay. In a direct democracy, both media and authorities have to make a special effort to provide accurate and full information to the citizens and to enter into a continuing dialogue with them.

Recent research findings on the economic benefits of direct democracy have aroused considerable interest – and not a little astonishment. Conventional wisdom maintained that extensive rights of co-determination acted as a brake on innovation and economic growth. Empirical, comparative studies proved the exact opposite. Our ninth essay shows how the widespread use of direct-democratic procedures actually strengthens the economy, reduces tax avoidance and lowers the level of public debt.

The Globalisation of Direct Democracy

In the three final essays, we show that the positive effects of direct democracy which have been described earlier do not appear automatically, but are conditioned by numerous factors. One crucial factor – the design of direct democracy – is dealt with in essay ten. In order to function properly and fulfil its potential, including living up to public expectations, direct democracy has to be well-designed and carefully implemented. Any attempt to make direct democracy toothless and ineffective, or a failure to make it as user-friendly as possible, is merely a continuation of the age-old battle against civil rights. The Swiss procedures – at all political levels – do especially well in international comparisons precisely because of their user- and citizen-friendliness. However, when a comparison is made of all those Swiss cantons with well-developed procedures of citizen involvement in decision-making, it is apparent that the frequency of use of those procedures depends on a host of other factors. While good design is a sine qua non of a properly functioning direct democracy, by itself it is not enough. Our eleventh essay shows that if the fundamental conditions for democracy – the rule of law; respect for the constitution, basic human rights and international law; the renunciation of the use of force; a democratic press and media; transparency of decision-making;

openness to self-criticism; the commitment of all those involved to observe the principles of democracy – are not met, if the public and the political parties are not prepared to hold to the principle of democracy, then direct-democratic procedures will not be able to function, no matter how well-designed they are.

The final essay looks beyond the borders of Switzerland to Europe and the World, where the next few years present the prospect of the most extensive use of direct-democratic tools to date – in the context of European integration and the global trend towards more participatory decision-making processes. In addition to the proposed pan-European referendum on the new Reform Treaty in 2009, the legal implementation of the very first transnational citizens' right – the European Citizens' Initiative – will politically mainstream a series of issues developed in this Guidebook. The European Citizens' Initiative will offer at least one million European citizens the right to propose a new law – thus giving to 0.2% of the EU electorate the same right which the directly-elected European Parliament has enjoyed since 1979.

In 2008 several international governmental and non-governmental organisations will start start a unique cooperation on citizen-friendly participatory procedures and practices by launching new recommendations, educational materials and training tools at the first world conference on direct democracy, to take place in Lucerne/Switzerland. This premier global (direct) democracy forum offers, in our view, enormous opportunities for new public-private partnerships in order to make representative democracy more truly representative!

The IRI Guidebook is available in several languages. The contents represent the results of years of painstaking work on the part of the authors and editorial team. Many individuals and institutions have been involved, both directly and indirectly, in this work.

Dear reader, we hope that what we have brought together here will both inspire, assist and encourage you in your work and activities, and to think critically about the issues raised. We welcome your feedback and suggestions for forthcoming editions of our IRI Europe "Guidebook to Direct Democracy".

Bruno Kaufmann, Rolf Büchi and Nadja Braun

Marburg/Brussels, October 2007

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The year of decisions

Astrid R. lives in Zurich. As a resident and voter of this city, Astrid took part in six elections and 30 referendums in a single year. For her, this is not too demanding. She is happy to shoulder the responsibility that direct democracy needs. Follow the annual political life of one woman in Switzerland's biggest city.

It is a real challenge and one which requires some preparation. On referendum day a citizen may decide on a variety of issues such as fair rents, affordable health insurance, four car-free days per year, equal rights for the disabled and non-nuclear electric power.

"We get two daily papers, I watch the news and political programmes on TV and I like listening to the car radio on my way to work. But what I find especially important are the discussions I have with my female friends and with Spyros, my husband. At home we talk about politics a lot and our political discussions have become much more intense since our daughter reached voting age."

On a Sunday in May, Astrid was able to vote on nine federal, one cantonal and two local issues. There were also elections for office holders in the church authorities. This was a particularly intense day of decisions, even for the election- and referendum-hardened Swiss.

In the press and from a number of commentators there was talk of too much being asked of the voters. It wasn't realistic, they said, to expect that the voters would be able to judge for themselves and decide on nine complex issues. Putting so many issues to a popular vote on the same day was only over-burdening an already demanding direct democracy.

Astrid doesn't share at all this scepticism about the voters' capabilities. "It's not a burden", she states emphatically, "it's living politics." There was just as little panic in evidence in the voting offices of the Swiss towns and municipalities on that Sunday in May; rather the mood was relaxed, with a confidence born of long experience that the vote counting would not cause any particular problems.

The results of the popular votes confirmed an established trend: all seven citizens' initiatives were rejected by a clear majority, both of the total voters and of the cantons. "A defeat for the political Left," agreed the papers the next day.

A nation of idiots?

"Seven intelligent initiatives, seven resounding 'Noes': why do the Swiss vote against their own interests?," asked Constantin Seibt from the left-wing "Wochenzeitung", clearly puzzled at the way citizens had voted. "The question is why a majority of people obstinately vote against proposals which would benefit them socially, and even against their down-to-earth selfish interests. Are Swiss voters simply idiots?"

If we were to follow Seibt's way of thinking, we would have to conclude that the Swiss are 1) politically incompetent, 2) bribable or easily manipulated by propaganda from financially powerful interests, 3) easily led, like sheep and, 4) they have always been like that:

Out of the total of 162 popular initiatives only 15 (up to 21.05.2007), and mainly symbolic and toothless ones, have been approved.

That brings us to one of the big challenges of Swiss direct democracy: isn't it annoying that the majority of voters repeatedly vote differently from the way they ought to vote – at least in the opinion of those who believe that they know better? Isn't it annoying that people want to and are able to decide for themselves what they are concerned about and what not? Fair rents, affordable health insurance, four car-free days per year, equal rights for the disabled, non-nuclear electric power, a renewal of the moratorium on building new nuclear power stations, a better choice of professional training for young people: the "Wochenzeitung" had recommended a "Yes" vote on all seven issues – and both the people and the cantons gave a resounding "No" to all seven.

Most Swiss voters support the "bourgeois" parties. They are cautious about change, especially if it costs money – and nearly everything costs money, as everyone knows. Not all the losers quarrelled with the verdicts on May 18th: "To put it simply, we on the Left ought to accept the defeats of last Sunday like a football team: we just weren't good enough in the second half", is how one Zurich city politician from the "alternative list" expressed it.

Astrid R. is very familiar with the sense of frustration which comes when the majority has once again voted against what she considered to be right. All Swiss citizens have experienced political defeat, everyone has been part of a minority many times: there is no majority position which can be predicted in advance. "People voted 'No' to the popular initiative 'equal rights for the disabled' because they didn't feel concerned, or because they thought it was going to cost too much money. That doesn't mean that the initiative was a waste of time. There has been a lot of debate, which made people more aware of the issue; something has been achieved."

Highly valued citizens

The 18th May was not the first test which politicians had had to face that year. The first elections and popular votes were on 9th February. As always, three to four weeks before the vote every citizen had received the appropriate official documents in the post. At the federal (national) level, the votes were about an extension of direct democracy and one other issue.

Astrid R.: "I think it's good in principle that we can vote. The government always makes its own recommendations, it talks to the people and tells them how they should vote – but what happens is, of course, what is decided in

the popular vote. The government has to bow to the people's decisions. So no-one can say that we citizens do not have a say in political decision-making. I don't feel overloaded by the fact that there are more and more popular votes; I don't think that there are too many. I can very well decide for myself whether I want to vote on a particular issue or not; no-one is standing with a gun to my head and telling me what to do. We can vote if we want to, if we feel that we ought to. That's why I think that here in Switzerland we are more down-to-earth about politics. Your opinion is really valued, you get the ballot paper and referendum booklet in an envelope with your name on it and you can decide what you think."

Her husband Spyros finds big differences between the political systems in Greece and Switzerland, even at the structural level: "Greece has only had a more or less functioning parliamentary system since 1974. So despite their ancient inheritance, the Greeks cannot look back on a long tradition of democracy. The political parties still play far too great a role in the political process. The state is still far too centralised and there are hardly any direct-democratic rights."

The referendum debate on the proposed reform of civil rights had not made waves. The very low turnout (29%) showed that citizens put a relatively low value on the importance of this reform. On the other hand, the clear "Yes" to the increase in citizens' rights – the introduction of a "general initiative" (which, however, later turned out to be too complicated to be implemented, cf. Factsheet 19) and an extension to the optional referendum on international treaties – showed how well-rooted direct democracy is in Switzerland.

On this occasion, only the most conscientious voters took part – such as Astrid R. and particularly Spyros, who always votes on principle ("If I believe in the democratic system, then I must exercise my democratic rights"). But the strong support for the increase in citizens' rights came from all social strata, and was especially marked in women voters and in voters from the rural areas.

In addition to the two federal proposals which went to referendum vote on 9th February, voters also had to decide on a number of other substantive issues at the local (City of Zurich) and cantonal (Canton Zurich) levels. As so often, it was about the spending of public money. As a voter of the city of Zurich, Astrid was able to vote on a proposal to borrow money to upgrade the city's power station; as a voter of the canton of Zurich, she was being asked to vote on a cantonal subsidy to the Glattal railway. There were also Justices of the Peace to be elected.

"I only vote when I'm happy that I know enough about the issue and have made up my own mind on it. I listen to others, but I form my own opinion. I don't follow any particular party line, but I am, of course, influenced by what the parties say. If I haven't come to any clear view, then I don't go to vote – as with the Justices of the Peace, for example. I don't know the people, don't know if they're good or not, so I didn't vote," explains Astrid.

Elections in the canton...

April 6th was the day for the elections to the cantonal parliament ("Kantonsrat") and the cantonal government ("Regierungsrat"). They took place in a society and a party-political landscape which had changed a great deal since the end of the Cold War. On the centre-right of the political spectrum, the FDP (Radical Democratic Party) – which had traditionally been the dominant party – had been losing ground steadily since 1990, while the SVP (Swiss People's Party) – further to the right than the FDP – had previously been a rather small party, but had increased in strength to become what is today the largest party. On the left, the SP (Social Democratic Party), with particularly strong roots in Winterthur and Zurich, had succeeded in consolidating its position. While the SVP had been able to increase its number of seats in Zurich's city parliament (municipality council) and the cantonal parliament in successive elections, it had not been able to make a corresponding increase in its share of power in the city and cantonal governments. In the cantonal government, two of the seven members are from the SVP. In the city government ("Stadtrat"), the SVP is not represented at all. It had managed to gain extra seats on the city parliament the previous year, but in the elections for city government it had once again come away empty-handed. In the city of Zurich, the social-democratic SP, which regularly gets 35% of the votes, had effectively become the party of government. Since 1990, the direction of politics has been determined by a Left/Green majority in government and the FDP.

The May "mega-vote" was followed by what was, for Switzerland, an exceptionally hot summer. There was a break from politics and people enjoyed their holidays: a refreshing swim in a lake or a cold beer in the shade. But soon the political caravan resumed its progress: the election campaigns for the federal parliamentary elections in October started up. As the canton with the largest population, Zurich sends 34 members to the 200-member National Council. In the Council of States, by contrast, all 20 full cantons – big and small alike – are represented by two deputies each. The former six "half cantons" (Basel City, Basel Country, Obwalden, Nidwalden, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes), have one representative each.

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The National Council (the "Big Chamber") and the Council of States (the "Small Chamber") have the same status and rights and together form the federal parliament – the Federal Assembly.

...and in the Confederation

At the parliamentary elections the developments which became visible already in the 1990s continued. Voter turnout at these elections had risen steadily over the preceding ten years. The results show that changes in society are transforming the party system in Switzerland too – national developments corresponded to developments in the canton Zurich. The most significant changes in the distribution of power between the parties were not between Right and Left, but between the parties of the "bourgeois" majority, which, under the influence of the European question and the reawakened struggle for national identity, split into the centre-right FDP and CVP (Christian Democratic Party) and the nationalistically oriented right-wing SVP. The SVP became the most powerful party in the national parliament, which had a knock-on effect on the composition of the federal government's college of seven, elected in December 2003. For the first time in 131 years, one of the federal councillors was not confirmed, and the "magic formula" for deciding the distribution of seats in the federal government (2 FDP, 2 CVP, 2 SP, 1 SVP) which had stood since 1959 had to be changed.

Astrid R. followed these developments – the consequences of the October elections – with interest. She also had the opportunity to vote on nine more cantonal issues on 30th November: some of them non-controversial (such as the division of responsibilities between the canton and the local authorities) and others contested (such as a change in the relationship between church and state). Astrid R. is happy with her right to be involved in political decision-making – even if many issues are hard nuts to crack. But it's the same for almost everyone in this country at the heart of Europe, in which every year is a year of decisions.

Related information [F=Factsheet, S=Survey, G=Glossary]

F1 Election and referendum diary Canton Zurich: 2003
F2 Cantonal popular (referendum) votes: 1970–2003
F11 Voting behaviour in initiatives & referendums
S   World Survey: The Global Participation Challenge
G   Glossary of direct-democracy terms

2

Citizens centre stage in politics

When the people put their collective foot on the accelerator — or on the brake — important decisions are made. Read about how initiatives and referendums are used in Switzerland, and understand what happens when citizens no longer play the bit parts, but take the lead role in the political drama.

Popular initiatives cannot be put to the vote from one day to the next. They are part of a longer-term process which it may take up to a decade to complete. At the beginning is usually an idea for radical change.

The two main pillars of direct democracy are the popular initiative and the referendum. The initiative is the more dynamic instrument. It allows a minority of the voters to place an issue of their own choosing on the political agenda and to have it decided by referendum. Eligible voters thus have the right to participate directly in legislation, regardless of whether the government or parliament likes it or not. At the federal level in Switzerland there is the constitutional initiative, and at the cantonal level the legislative initiative. 100,000 eligible voters can demand an amendment to or revision of the federal constitution. If the Federal Parliament rejects the initiative, the proposal is submitted to popular vote, unless the proposers withdraw their initiative.

Popular initiative "Equal Rights for the Disabled"

Let us take one typical example: a few years ago (in May 2003), the Swiss electorate of just below five million was able to vote in the federal referendum on the popular initiative "Equal Rights for the Disabled," which was proposing the addition of a new article to the federal constitution:

"The law guarantees equal rights for disabled people. It provides for measures for removing and compensating for existing disadvantages. Access to buildings and other facilities and the use of institutions and services intended for the general public will be guaranteed, as long as the costs are within reasonable limits." (Art. 8 § 4)

Between August 1998 and June 1999, more than 120,000 signatures had been collected by no fewer than 35 organisations for the disabled. In the four years between the official submission of the initiative and the deciding referendum, the proposal had been debated by the Swiss government (the Federal Council) and by both chambers of the federal parliament (the Federal Assembly) – but had been rejected by both of these, primarily on economic grounds.

In its recommendation that the voters also reject the initiative proposal – included in the referendum booklet sent to all registered voters before the vote – the government argued that: "A right of direct access to buildings would have significant financial consequences for both the public and private spheres." The government also pointed out that the new law on the disabled, which was adopted almost unanimously by the parliament in December 2003, and which came into force on 1st January 2004, would remove the existing disadvantages.

The popular initiative "Equal Rights for the Disabled" didn't have the slightest chance of success in the referendum vote on 18th May 2003. On a turnout of exactly 50%, 62.3% of the voters (1,439,893) voted against the proposal, 37.7% (870,249) in favour. The free access for the disabled to all areas of public life, for which the initiative had campaigned, was approved by only 3 of the 26 cantons – Geneva (59%), Jura (54.9%) and Ticino (54%). For the initiative to have been accepted, a majority of the cantons would also have had to vote in favour and not merely a simple majority of the total electorate, as is prescribed in Switzerland for all constitutional amendments: the result was thus even further away from the goal the initiative had to reach.

As the example of the "Disabled Initiative" shows, popular initiatives cannot be put to the vote from one day to the next. They are part of a long-term process which may take up to a decade to complete. At the beginning is usually an idea for radical change – for example, redressing the inequality of opportunity of people with disabilities. At the provisional end of a long initiative process such as this, the usual result is a referendum defeat for the proposal (fewer than one out of ten initiatives is accepted). Yet in many cases, the parliament goes some way to meeting the initiative's aims with either a direct (where both proposals are voted on at the same time) or indirect (as in the case of the initiative on the disabled) counter-proposal.

"It's true – we lost today," admitted Mark Zumbühl, spokesman for the Pro Infirmis charity for the disabled, on Sunday evening, "but at the same time, we have also made progress through the political battle which we fought over months and years: the unsatisfactory state of affairs which currently faces disabled people in Switzerland has been brought to the attention of the wider public."

Popular referendum "Army XXI"

At the same time as the vote on the "Disabled Initiative" on 18th May, Swiss voters were also able to vote on a reform package relating to national defence. In October the year before, a large majority in parliament had approved an amendment to the law on the military, creating the foundations for the so-called "Army XXI" (21st-century army). Opposing the proposed reduction of the armed forces by a third, former professional soldiers used the facultative referendum option to demand a referendum on the amendment.

On 23rd January 2003, they submitted 64,196 valid signatures to the Federal Chancellery – the central administrative office for political rights in Bern. However, when the issue was voted on in the May 18th referendum, only 541,577 voters (24% of the total vote) shared the scepticism of those who opposed the reform. 76% of those who voted (1,718,452 voters) approved the law passed by parliament, and it came into force on January 1st 2004.

The popular initiative gives citizens the chance to step on the gas pedal to accelerate political development and to introduce reforms. It's just the other way round with the popular referendum. It serves as an instrument to control government and parliament, and gives citizens the chance to apply the brakes. It gives a minority of eligible voters the right to force a referendum on a decision passed by parliament.

In Switzerland, a minimum of 50,000 eligible voters have the right to demand a popular vote on a new federal law (facultative referendum). The referendum must be held, if the required number of signatures are collected within 100 days after the official announcement of the new law. The new law becomes effective if the majority of the votes were given in favour of it.

With regard to the facultative referendum it is worth mentioning that of the more than 2,200 laws passed by parliament since 1874, only 7% have been subjected to referendum. In other words, in 93% of cases the citizens thought that the legislative proposals of their parliament were good enough not to be opposed.

More direct democracy in the cantons

Ballots are usually divided between four Sundays a year. But in years with parliamentary elections, just three or even two Sundays are reserved for nationwide referendum votes. Back in 2003, the government (Federal Council) decided that all the proposals which were ready to be voted on should come forward on 18th May. That's why, in addition to the "Disabled Initiative" and the "Army Reform Referendum," there were no fewer than seven other proposals to be decided on (six popular initiatives and one referendum). And that wasn't all! The instruments of initiative and referendum are available to Swiss voters not only at the national (federal) level, but at the cantonal (regional) and municipal (local) levels too. And because each canton can choose its own way of allowing citizens to participate, there are even extra possibilities here: in addition to the constitutional initiative and the legislative referendum, all the cantons except Vaud also have the so-called finance referendum.

In the canton with the largest surface area, Graubünden, any non-recurring expenditure in excess of 10 million Swiss francs has to be approved by the voters in a ballot. Any expenditure from 1–10 million Swiss francs can be challenged by the voters in a optional referendum if they can gather at least 1,500 signatures (about 1.2% of the total cantonal electorate). Similarly, for recurrent new expenditure – an annual subsidy to an opera house or arts festival, for example – there is an obligatory finance referendum where the sum exceeds one million francs. Once again, 1,500 voters can choose to call a vote if the sum exceeds 300,000 Swiss francs for regularly recurrent new expenditure.

Another important instrument of direct democracy in the cantons is the obligatory legislative referendum, and in the municipalities the administrative referendum. Some cantons and municipalities have the referendum with a counter-proposal and in the canton of Zürich there is also the individual initiative. In addition, citizens in several cantons have the right of recall of the administration. In other words: the lower the political level, the more opportunities citizens have to be directly involved in decision-making.

Varied utilization of direct democracy

This multiplicity of direct-democratic possibilities can occasionally lead to voting days with a large bundle of separate issues to be decided. On 18th May 2003, voters in the municipality of Freienbach by Lake Zurich (part of the canton of Schwyz) could write "Yes" or "No" (or leave it blank) on 23 different voting slips. As well as the nine federal issues, there were also three cantonal and three municipal issues – and eight applications for citizenship – to be decided on. The numbers of popular votes has increased significantly in recent decades: not only in Switzerland, but also across Europe and the world. There was an increase of around 35% in Switzerland and more than 100% in Europe between 1992 and 2007.

In the cantons and the municipalities of Switzerland, the number of popular votes has been stable at a high level in the last three decades. However, there are big differences between individual cantons and municipalities. For example, voters in the canton of Zurich were able to vote on no fewer than 475 separate issues between 1970 and 2003. Over the same period, only 64 cantonal issues came to the vote in the canton of Ticino. Municipal voting patterns reveal even more extreme differences. Between 1990 and 2000, 848 issues were voted on in the municipalities of the canton of Bern: right next door in the canton of Fribourg (Freiburg), only 4 issues came to the vote in the same ten years.

Despite the extraordinary degree of commonality in its forms – such as the universally practised popular initiative, popular referendum and obligatory referendum – the overall system of direct democracy in Switzerland reflects the considerable cultural, linguistic and institutional variety of the country. With a few exceptions, citizens' rights are more fully developed in the German-speaking cantons than in the French-speaking ones or the single Italian-speaking canton of Ticino. This has to do not least with the historical circumstance that the German-speaking cantons confer much greater autonomy on their municipalities than is the case in the other language areas.

Accessibility and openness of the instruments are decisive for their usability and important for the extent of their use. For example: if in canton A 1,000 signatures are required to validate an optional referendum, while in the similarly-sized canton B the requirement is for 10,000 signatures, then it is fair to assume that there will be more referendum votes in canton A than in canton B. Besides the signature quorums, the amount of time allowed for the collection of signatures also plays a significant role in the ease of use and frequency of initiatives and referendums. Overall, the trend in recent years in Switzerland is for an opening up of the rules of direct democracy i.e. for hurdles to be lowered.

The citizens as the main actors

In the past, a favourite spot for collecting signatures was outside the polling stations on voting days, because one could be sure of catching most of the politically active voters there within a few hours. Since the introduction of unrestricted postal voting in 1996, the number of those who still go to the polling station in person has steadily decreased: in some municipalities it is as low as 10%.

The example of postal voting shows how the conditions for the exercise of direct democracy in Switzerland are subject to change, a process which will undoubtedly continue – through the introduction of electronic voting and voting by SMS. On the one hand, such reforms can make public participation in referendum votes easier – as can be seen in the slightly higher average turnout figures since postal voting was introduced. On the other hand, however, voting from home creates new problems for a system in which direct personal contact and political dialogue between citizens continue to play a key role.

For regardless of whether citizens are pressing the reform accelerator by means of the popular initiative – or alternatively using the referendum to activate the emergency brake – by virtue of the tools of direct democracy, they take their place on the political stage alongside the organs of the state, such as the government and parliament. In contrast to almost every other country in the world, alterations to the constitution are decided upon by the people as the sovereign power: in these questions, the function of both government and parliament is to advise the citizens.

So when the Swiss voters said "No" to the "Disabled Initiative" and "Yes" to the reform of the army, they were not playing the bit parts, but the lead roles in the national political drama.

Ja
Oui
SI

Nein
Non
No

Enth.
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3

Back to the future

Modern direct democracy has had a profound impact on the character and history of the Swiss and of Switzerland. Nothing unites people more than knowing the fundamental value of their direct-democratic rights. Together, they can preserve the freedom of every citizen and foster peaceful coexistence in a multicultural state. Here is the story of a democratic revolution in Europe's heart.

The constitutional referendum found its way from France to Switzerland and later spread across Europe, and at present there is a struggle to implement it at the European level in the context of the approval of the new Reform Treaty for the European Union.

"The people are no longer willing to be governed from above; they demand their share in the making of laws and the exercise of power (…) they demand that self-government finally means what it says," wrote Florian Gengel, editor of the Bern newspaper "Der Bund," in August 1862.

In Switzerland, the liberal movement succeeded in achieving what it failed to achieve elsewhere: the creation of a nation-state and modern democracy. The half-century between 1798 and 1848 – full of conflict and occasionally descending into chaos – can be seen as a period of foundation. It began with the "Helvetic Republic," the shortlived attempt to transform the loose federation of states of the old confederation into a unitary state on the French model. Subsequently, the old order was partially restored in two stages (1803 Acts of Mediation; 1815 new federal treaty) and Switzerland was converted back into a conservative league of states.

However, economic and social development proceeded in a contrary direction to that of the Restoration. In 1830/31, there were democratic revolutions in twelve cantons; the old ruling order was replaced by modern, democratic institutions – though for the time being citizens still had no direct participation in law-making. All cantons, with the sole exception of the canton of Fribourg, approved their new constitutions in popular votes. These changes laid the foundations for the Swiss political and constitutional system which still exists today. The Swiss federal state of 1848 was born out of bitter struggles and civil war.

The 1848 federal constitution institutionalised a new state order on the model of the liberal-democratic cantons. It was designed from the start to be open to revision and already included the right of popular initiative for total revision of the constitution, in addition to the obligatory constitutional referendum. It created a framework for the bourgeois-liberal government and its modernising policies. At the same time, it can be seen as a declaration of intent: national democracy, the nation and the Swiss people, the nation-state and the federal state were at that time imagined goals rather than present reality.

There was dissatisfaction with the new democracy almost from the beginning, but opposition demands for greater participatory rights were at first resisted. It required a second democratic revolution before direct democracy could be added to representative democracy, against the resistance of the ruling liberal elite, and a new quality of democracy brought to the relationship between the rulers and the ruled. This second revolution was carried out by the Democratic Movement of the 1860s.

It defeated the ruling liberal elite and in the canton of Zurich made the decisive breakthrough to modern direct democracy. The new constitution of 1869 in the canton of Zurich brought together a series of participatory rights (the constitutional and legislative initiatives, the obligatory legislative and constitutional referendums, the finance referendum), institutionalizing a degree of modern direct (though exclusively male) democracy which had never existed anywhere else before that time. It served as a model for the change in the political system from indirect to direct democracy in other cantons and in the federation.

The introduction of direct democracy – as with other changes, both before and after – took place first in the cantons and only later (and in a weaker form) in the federation. At the federal level, the facultative referendum was instituted in 1874. In 1891, the popular initiative was introduced. The referendum meant that constitutional development was placed on a different footing – with considerable consequences for the entire political system. From representative government and majoritarian democracy arose Swiss "referendum democracy" – a consociational democracy whose basic features continue to this day and which is accepted as legitimate by the citizens.

After 1891 direct democracy was further extended. The introduction (in 1918) of a proportional system for the election of the National Council made it possible for smaller groups to gain representation in parliament. The referendum on international treaties (introduced in 1921, extended in 1977 and 2003) allowed citizens to be involved in decisions on foreign policy. The creation of the so-called "resolutive" referendum in 1949 restricted the ability of the Federal Assembly to protect decisions from exposure to referendum by declaring them to be "emergency measures" (in the 1930s the government had used the emergency clause to systematically avoid referendums). In every case, these innovations were introduced through a national citizens' initiative – proof that direct democracy can use the initiative right to extend (or also restrict) itself.

Popular sovereignty disputed

The Liberals agreed in principle that sovereignty resides in the people, but after 1830 disagreements over how the principle was to be embodied in the institutions of state produced a split between liberal and radical democrats. For the liberal establishment, popular sovereignty was in practice limited to an elective democracy in which the representatives exercised political power on behalf of the people. It rejected a direct participation of the citizens in legislation. This view was reflected in the first democratic cantonal

constitutions and in the 1848 federal constitution. Article 1 of the Zurich constitution of 1831 illustrates this: "Sovereignty resides in the people as a whole. It is exercised in accordance with the constitution by the Great Council as the representative of the people."

The ruling liberals justified their model of democracy on the grounds of the political immaturity and incompetence of the common citizen. In their view a person without property and education was not capable of making political decisions based on sound reason and an understanding of the common good. They were afraid that incompetent citizens would make the wrong decisions and endanger progress.

For the radical democrats who opposed them, by contrast, popular sovereignty did not mean that citizens should hand over their sovereignty to their elected representatives, but, quite the contrary, that they should have the last word in the legislative process. It was on this fundamental principle that the radical democrats based their opposition and demanded the appropriate extension of popular rights.

For the radical democrats, the model of indirect democracy simply did not live up to its claim to represent reason and the common good in the best possible way, but rather served to create and extend a new order of privilege for the rich and well-educated, which disadvantaged and even excluded large sections of the population. In the radicals' view, a purely representative system of government primarily served the vested interests of the liberal establishment, and to change this situation required that the citizens be given more political power.

The Democratic Movement forces a change in the system

It took quite a long time before early criticism of the existing ruling order finally coalesced, with the Democratic Movement, into a critique of the "system." The opposition in the constitutional debates of 1830–31 and the popular movements of 1839–41 had demanded the right of veto. The veto can be seen as an institutional precursor of the referendum. It had been institutionalized for the very first time as early as 1831 in the canton St. Gallen, as a concession to protesting farmers and as a means of blocking more wide-ranging demands for participation by the democrats. As an instrument of democracy, however, the veto was hardly user-friendly and presented no threat to the liberal parliamentary democracy; the democratic opposition was still too weak for that. The situation did not change until the 1860s, when the general public had finally become convinced that a just society was impossible without a move to "pure democracy" i.e. through the addition of direct democracy to

the existing indirect, representative form of democracy. It now became possible for the Democratic Movement to secure direct democracy.

The Democratic Movement drew its power from the dissatisfaction of large sections of the population with the existing political, social and economic conditions. It accused the government of furthering the interests of the rich instead of the general good. It complained that powerful financial and commercial interests were having a deleterious effect on politics. It demanded direct democracy as a remedy, not solely in order to have greater control over the government, but in order to create greater social and economic equality: "The upwardly striving plutocracy can now be held in check only by shifting the centre of gravity of the legislative process further out, to encompass the entire people; for a few hundred cantonal councillors, i.e. representative democracy, are not powerful enough to resist corruption." With these words, Karl Bürkli expressed the feelings of the whole Democratic Movement.

As with other political changes both before and after, the change of the political system to "pure democracy" was described and legitimated, not as a break with the past, but as the continuation of an ancient tradition of freedom. It was easier to accept something new that came in the guise of venerable tradition. There was, nonetheless, an awareness of the historic importance of the event, as the following quotation from Friedrich Albert Lange reveals: "The 18th April 1869 has given the canton of Zurich a constitution which must be considered as one of the most significant phenomena in the field of recent institutions of state. It is, in short, the first consistent attempt to implement the idea of pure popular rule in a form which is appropriate to the modern cultural conditions, and to replace the venerable, but cumbersome, 'Landsgemeinde' (the annual, sovereign assembly of all male citizens who had the right to vote), which is suited only to small-scale situations, by an institution whose cornerstone is the ballot vote in the local municipalities."

The second democratic revolution – like the first one of 1830-1831 – was largely free of violence. Government and opposition continued to speak to one another. Thousands of citizens came together in "Landsgemeinden" (traditional popular assemblies), putting pressure on those in power by presenting similar lists of demands, and forced through a fundamental change in the system of democracy – clearly expressed in the first article of the new cantonal constitution: "The power of the state resides in the people as a whole. It is exercised directly by those citizens who are entitled to vote, and indirectly by the authorities and the officials." Using modern terminology, it could be described as a victory of those who are victims of modernisation against those who stand to gain from modernisation.

Today, more than 130 years later, direct democracy has become more topical and relevant than ever, not only at the local and national levels, but also – and that is something fundamentally new – at the level of the European Union.

Sources of Swiss direct democracy

The experience and the ideas of the American and (to an even greater extent) French Revolutions represented vital sources of inspiration for the development of Swiss direct democracy. French revolutionary law contained many of the direct-democratic instruments which would subsequently be adopted in Switzerland and was carefully studied there.

French ideas on direct democracy had a strong influence on the democratisation of Switzerland, even if this was not openly admitted at the time. However, those ideas were never implemented in France itself, where a plebiscitarian tradition developed which serves the interests of those in power. There was one exception: the constitutional referendum, an import from North America, was there to stay. It found its way from France to Switzerland and later spread across Europe, and at present there is a struggle to implement it at the European level in the context of the approval of the Reform Treaty for the European Union. There is a growing conviction that a constitution which has not been explicitly approved by the citizens is simply undemocratic.

The process of introducing modern direct democracy was also inspired by the experience of pre-modern forms of democracy. The Swiss cantons were bound together by a strongly rooted republican tradition, which set them apart from their monarchical neighbours. There was a living culture of the popular assembly democracy ("Landsgemeindedemokratie") and the federal referendum which went back to the Middle Ages. When the old confederation collapsed, many saw their "home-made" assembly democracy as a more attractive form of democracy and a more secure guarantee of freedom than French-style indirect democracy. This is clearly evidenced by the short-lived "Landsgemeindefrühling" (the "Assembly Democracy Spring") of 1798, as also by the fact that it was only the inhabitants of cantons where the popular assembly was practised (Glarus, Schwyz and Nidwalden) who offered fierce resistance when the troops of the French revolutionary army entered the country.

People were familiar with and trusted their own form of popular assembly democracy. Even more importantly, a shift from the traditional popular assembly ("Landsgemeinde") to a modern representative system meant a loss both of rights of political participation and of material advantages. Both considerations contributed to making popular assembly democracy more attractive.

Social movements repeatedly and consciously hark back to the tradition of assembly democracy and organise their public protests in the form of a "Landsgemeinde". For example, on 22nd November 1830, the liberals organised a popular assembly in Uster to campaign for "the restoration of lost rights of the People" and on 13th December 1867 the Democratic Movement held popular assemblies in Uster, Bülach, Winterthur and Zurich. The Uster assembly of 1830 is still commemorated every year.

Continuity and rupture

Modern direct democracy can be understood as a mixture of completely new ideas and institutions with an old tradition of participation. What is entirely new is the way in which modern democracy has been thought of since the American and French Revolutions. Democracy and freedom are no longer presented as the historic privilege of a particular group which had its origin in the resistance to an unjust tyranny (William Tell) – but as a natural right of every individual. The ideal of modern democracy – that all people should be free and equal – is irreconcilable with any situation in which some are subject to the will of others. The pre-modern form of democracy, which was seen as a group privilege, did not exclude the possibility of oppressing others, something which was quite common in the old confederation.

What is quite old is the conviction that a citizen's freedom depends on his or her ability and desire to participate in political decision-making. It is one of the central ideas of republicanism and corresponds to the practice of popular assembly democracy. Unlike the purely parliamentarian democracy, modern direct democracy continues this centuries-old tradition of the pre-modern democracy. It does so this with the new instruments of the initiative and the referendum.

Related information [F=Factsheet, G=Glossary]
F3 Differences between pre-modern and modern democracy
F9 Constitutional extracts from 1798, 1848, 1874 and 1999
F10 On the development of direct democracy at the level of the Swiss federal state
F25 The expectations of the Swiss direct democracy movement in the 19th century
F30 Defining modern direct democracy
G   Glossary of direct-democracy terms

4

As centralised as necessary, as decentralised as possible

In a democracy, every vote has the same value. In the Swiss federal system, each canton's vote has the same value. Taken together, these two facts mean that in the smaller cantons the citizens' votes have greater weight. Look at the long battle over the protection of water resources. This shows the interplay between federalism and direct democracy, and that differences of opinion do not have to divide people: on the contrary.

Compared with other European countries, Switzerland is seen as having particularly progressive legislation on water protection — thanks not least to the legislative process set in train by the popular initiative.

On 17th May 1992, Swiss voters were able to vote on seven federal proposals. For example, they voted in favour of Swiss accession to the "Bretton Woods" international financial institutions (World Bank and IMF) and supported the introduction of a civil alternative to compulsory military service. They also had to decide on a popular initiative launched by environmental groups to "Save our Water Resources", and on the revised law on the protection of the same, which had been passed by the government and parliament, but was being opposed by the owners of small electricity generating stations, who were using the facultative referendum option to challenge the new law.

Water is an extremely precious resource – one of the most important resources for humans, animals and plants. Formal protection of water sources had been written into the federal constitution in 1953 and had come under statutory federal regulation two years later in the form of a federal law. In 1975, Art. 24bis created the constitutional basis for the conservation of water stocks and especially for ensuring that there were adequate water reserves in Switzerland. This article (Art. 76 in the new Swiss constitution) requires that all the various – and often competing – interests in a specific water resource (river, lake) be taken into account.

The Swiss federal constitution permits the central organs of the state (such as the government and parliament) to issue general guidelines, but leaves it to the 26 individual cantons to decide on their own specific legal provisions – thus giving them considerable power to determine the way they wish to handle matters. The Federation principally takes on those tasks which require uniformity of provision. The rest is within the power of the cantons themselves. Put another way: Swiss government is (only) as centralised as is necessary – and as decentralised as is possible. The decisive distinction between the Swiss concept of federalism and the so-called "principle of subsidiarity" in the European Union is that in Switzerland the central state power can only impose as a uniform rule what has previously been approved by a majority of the citizens and of the cantons in an obligatory constitutional referendum.

It is especially true in the case of water usage that the cantons – many of which have their own hydro-electric power stations – have a considerable interest in keeping restrictions to a minimum. It is this background – of the clash of interests between those who want to protect water resources and those who want to exploit them, and between the powers of the Federation and those of the cantons – which makes the history of the "Save our Water Resources" popular initiative and the controversial revision of the law on

protection of water such an instructive lesson on federalism and direct democracy. The main actors in the drama come from the environmental and water conservation camp on the one hand, and from the water users – in this instance the owners of the small hydro-power stations – on the other. In addition, the interests of the mountain cantons in particular also played an important role.

The environmentalists launched their "Save Our Water Resources" initiative in the summer of 1983. The initiative committee included representatives of nine national environmental and commercial fishing organisations. Within 18 months, they had collected sufficient signatures to proceed: the initiative was formally presented with 176,887 supporting signatures on 9ᵗʰ October 1984 (the rules require a minimum of 100,000 signatures to be gathered within 18 months).

What is the division of powers between Federation and cantons?

In the case of the "Save Our Water Resources" initiative, the initiative committee had produced a detailed draft law which was to add an Art. 24 to the federal constitution. The government responded in April 1987, recommending that the initiative be rejected. Although it viewed the goals of the initiative as fundamentally right in principle, it found that the exclusive focus on protection – with its considerable economic repercussions – meant that other important interests, especially those of water users, were given insufficient weight. The government presented proposals for a revision of the law on the protection of water resources as an indirect counter-proposal to the initiative. To a large extent, the revised law simply provided general guidelines and left it to the cantons to work out their own detailed legislative measures. The government's draft law was then debated in both chambers of the Swiss Parliament.

Parliament did not find it at all easy to deal with the initiative and the proposed new law. Both chambers extended the period of evaluation of the initiative by a year, in order to allow time to first debate the revision of the existing law on water protection which was to be presented as an indirect counter-proposal. It was the intention to take some of the initiative's concerns into account in drafting the amended law. The new (revised) law on the protection of water resources was passed by the Council of States, as the first of the two chambers, in October 1988.

The Council of States, with 46 members, is the smaller of the two chambers and represents the cantons. Twenty of the cantons – regardless of how big or small they are (as big as Zurich, with more than 1.2 million inhabitants;

or as small as Uri, with only 35,000) – have exactly the same number of representatives (two each), while for historical reasons six cantons (Basel City, Basel Country, Obwalden, Nidwalden, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes) have one representative each. This is a "federalistic" way of supplementing the basic principle of "one man, one vote" and the simple majority rule in favour of the smaller units.

The larger chamber – the National Council – has 200 members and represents "the People" i.e. Swiss citizens in general. Here, the most highly populated canton, Zurich, has 34 representatives and the least populated, Uri, only one. Both chambers have identical powers and responsibilities and normally handle parliamentary business (federal laws, budgetary decrees, conclusion of international treaties etc.) separately. A parliamentary decree or statute is valid only if both chambers have approved it.

In the case in question, there was disagreement over the real heart of the matter – changes to the law on water reserves. A proposal by representatives of the mountain cantons to abolish the Federation's right to prescribe minimum reserve levels and to delegate regulation of the restrictions on water usage to the cantonal authorities failed to win sufficient support and the Council of States ultimately approved the government's plans. However, the prescriptions on minimum quantities of water reserves were reduced to mere guidelines. Two proposals for compensatory payments (known as the "Landschaftrappen" – the "Countryside Penny"), in cases where a municipality was prepared voluntarily to refrain from exploiting water power in the interests of the environment, were viewed favourably by all parties. However, the Council of States decided not to make a decision on this matter at the time. In the 1989 summer session of parliament, the National Council attached significant amendments: the "Landschaftsrappen" should be used to compensate mountainous areas which refrained from exploiting hydroelectric power on environmental grounds.

Seeking the middle way
At the second reading of the law on protection of water in December 1989, the Council of States voted by a majority to stand by its earlier decisions. The "Landschaftsrappen" – even in a watered-down form – was once again rejected. In March 1990, the National Council stuck to its guns as regards the central issues of the minimum reserve quantity and the retention of the Landschaftsrappen. After further significant differences of opinion between the two Councils had been expressed in a third reading, a breakthrough was finally achieved in November 1990 at the fourth reading of the law in the Council of States, which abandoned its opposition to the inclusion

of hard-and-fast water reserve prescriptions in the water protection law. In addition, it now expressed support for compensatory payments from the Federation to those municipalities which refrained from exploiting water for power on environmental grounds. As a response to the Council of States' compromise, the National Council dropped the last major stumbling block – the proposal for the "Landschaftsrappen". After more than two years of negotiations, the two Councils were finally able to agree on the wording of the amendment of the water protection law – thereby creating the indirect counter-proposal to the original initiative.

In the view of the initiative committee, however, this counter-proposal simply did not go far enough: they therefore decided not to use the option of withdrawing their original proposal. At the other end of the spectrum of interests, the ISKB (the association of owners of small power stations) viewed the proposed amendments to the law as going too far – in particular in relation to the fixing of minimum water reserves – and availed themselves of the option of the facultative (optional) legislative referendum. The power station owners claimed that if the law were to be implemented, most of the power stations producing less than 300 KW would have to close down. This kind of referendum is directly connected to representative democracy, because the referendum vote is on decisions which have been reached by parliament, and which have to be either approved or rejected.

This political battle – lasting for over a decade – on the protection of water shows just how difficult it can be to reconcile such conflicting interests as those of the environmentalists, the cantons and the commercial users. In this instance, reconciliation proved so difficult that when the issue finally came to the decisive vote on 17th May 1992, there were two parallel ballots on the same subject. The popular initiative "Save our Water Resources" failed to win a majority of the votes in any of the cantons and was rejected by 62.9% of the voters overall. For it to have been accepted would have required a double majority of both cantons and registered voters. By contrast, the ballot on the amendment to the water protection law had it comparatively easy: a simple majority of the total vote was all that was required, and the new law was passed by a clear majority of just over 66% of the voters. It came into force on 1st January 1993. As a consequence, the cantons had to adjust their regulations to the new guidelines. Compared with other European countries, Switzerland is seen as having particularly progressive legislation on water protection – thanks not least to the legislative process set in train by the popular initiative. On the other hand, the cantons are still having difficulties implementing the provisions of the new legislation. Commercial interests often carry more weight than environmental considerations.

Co-determination instead of veto

Although the individual cantons play a very strong role within the Swiss Confederation, no canton has a right of veto over decisions made collectively – as is quite common in the EU. The consensus rule was abandoned as long ago as 1848, when the modern state of Switzerland came into being: 15 1/2 cantons approved the new constitution, 6 1/2 rejected it. Despite this, the constitutional assembly of the time – the Diète – decided to implement the new federal constitution, thus replacing the principle of uniformity by that of the double majority for constitutional referendums.

The principle of dual legitimacy (people and cantons) was retained during the subsequent development of the instruments of direct democracy. The first total revision of the federal constitution in 1874 introduced both the so-called popular referendum for federal laws, and also the cantonal referendum. Whereas the popular referendum requires the collecting of at least 50,000 signatures within 100 days of the official announcement of a new law, the cantonal referendum requires the signatures of at least eight cantonal governments.

It was to be more than a century, however, before the first canton actually submitted a cantonal referendum, in 1981. The canton of Ticino was opposed to a planned change in penal law. Of all the cantons it approached to sup-port its opposition, it received a response from only one: but the parliament of Basel City missed the deadline for a legally effective response.

Another 22 years were to pass before the instrument would finally be used. The first cantonal referendum to satisfy all the criteria and actually go ahead was against the package of tax measures approved by parliament in summer 2003, which would have produced losses in cantonal income of about 510 million Swiss francs. The finance minister of the canton of Vaud, Pascal Broulis – one of the spokespersons of the group of cantons opposed to the plans – declared: "If the Federation wants to lower its own taxes, that's its own business; but if the Federation wants to lower the cantonal taxes, that's something else altogether – a first in the history of the Confederation." But before that there was a different kind of premiere: by the end of September 2003, no fewer than 11 cantons had signed the referendum: Basel-City, Bern, Glarus, Graubünden, Jura, Obwalden, Schaffhausen, Solothurn, St. Gallen, Wallis and Vaud. On 16th May 2004 more than two thirds of the participating voters (67.2%) turned down the tax package proposal.

Protecting minorities, promoting compromise

Decisive for the practice of Swiss federalism is the way that the decisions taken by government and parliament at various levels are pegged back to the democratic principle. Thanks to the tools of direct democracy, in the most important cases it is the citizens who have the last word. This helps to promote greater respect for the citizens among the organs of the state and the elected politicians. At the same time, the processes of direct democracy are embedded in a national political system which protects minorities, promotes compromise and fosters collective learning processes.

The example of the conflict over the protection of water resources shows clearly that differences of opinion do not have to divide people. On the contrary: a society which is always prepared to reconsider and debate even what everyone seems to agree on will always be able to integrate opposing views and reach agreements on what needs to be done for the immediate future – at least on a provisional basis. The institutions and procedures which make this possible in Switzerland are federalism and direct democracy.

Related information [F=Factsheet, G=Glossary]
F4   How the cantons can influence the writing of a new law
F5   Five stages in the genesis of a new law
F23 The law on the protection of water resources (1983–92)
G   Glossary of direct-democracy terms

5

The land of the contented losers

Direct democracy reveals where in society the shoe pinches. Although the government wins most referendums on the national level, the authorities have a harder time of it in the cantons, and even more so in the municipalities. And yet, take note, the system produces on the whole contented losers.

Direct democracy is far less a disrupting element in politics than it is a way of enlivening it and keeping it on its toes. Much more is expected of all parts of society than in a purely parliamentary system.

It's late afternoon on the Sunday of a national referendum day. Happy faces all around. Representatives of the government are holding a press conference to explain the reasons why the vote went their way. "This is a victory for the Centre," say the Justice Minister and the Economy Minister, both from the Christian Democratic Party at this time, after the voters had accepted – by a clear two to one majority – both a reform of citizens' rights and a hospital finance bill. Three months later, the voters' support for the government's recommendations was even more striking: they rejected no fewer than seven of the popular initiatives coming from the Left-Green camp, while approving the proposed reform of security policy. Not only that: as Pascal Couchepin, Federal President for that year, noted: "The above-average high turnout shows that citizens do not feel over-burdened." What also pleased the Liberal Couchepin was the fact that the voting figures for the nine ballots were almost identical across the cantons.

There was no trace of pleasure, let alone schadenfreude, at the ballot debacle of their political opponents in the comments of the government representatives. After the clear rejection of the two nuclear power initiatives – the one aimed at extending the moratorium on the building of new nuclear power stations by a further ten years, the other demanding a change in energy policy and the progressive decommissioning of all the existing nuclear stations – Energy Minister Moritz Leuenberger pointed out that the "No" vote on the two initiatives should really be seen as a "Yes" vote on the government's indirect counter-proposals. The new law on nuclear power would offer more public involvement in decisions on new nuclear power stations and a halt to the reprocessing of fuel rods. Justice Minister Ruth Metzler argued along the same lines in respect of the "No" vote on the "Disabled Initiative": the rejection of the initiative should not be seen as a rejection of the concerns of disabled people. She praised the "losers", saying: "You achieved a lot with your initiative," and drew attention to the new law on the disabled which had the same aim of bringing about equality of treatment – only not quite so comprehensively or expensively.

After so much praise and encouragement from the government, even those on the losing side – a few at first, then in increasing numbers – expressed their satisfaction with the results. "The government now has a good basis for instituting a car-free Sunday," said Rahel Häsler, co-president of the Sunday Initiative, whose demand for four car-free Sundays per year had been supported by 37.6% of the voters. Adrian Schmid, director of traffic policies at the Swiss Verkehrsclub – a trans-

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port association committed to environmentally-friendly principles – reinforced this view: "Parliament must now accept the electorate's desire for more public space free from private motor traffic."

Direct democracy is not a disturbing element

Although nine out of ten citizens' initiatives fail at the ballot box, new initiatives are constantly being launched. This stirs up the daily round of politics, challenging the majority consensus and stimulating public debate. Initiative sponsors know from experience that they can achieve an effect, even if their proposal is ultimately defeated in the referendum. Citizens' initiatives are not zero-sum games in which one side gets everything and the other nothing. Opinion polls show that 9 out of 10 Swiss citizens are not prepared to have their statutory direct-democratic rights to participate in decision-making curtailed in any way.

If a party backs the "wrong" side in an initiative and "loses" the referendum, that doesn't affect their chances of being elected. In fact, those who win elections have frequently been on the losing side in important referendums. Losing a referendum seems to give political parties a clear profile which fixes them in the mind of the voters.

The truth is that direct democracy in Switzerland is not a disrupting element in politics: rather it is a way of enlivening it and keeping it on its toes. Much more is expected of all parts of society than in a purely parliamentary system: the authorities cannot count on a general background level of popular support between elections, but have to be able to get majorities on a number of specific substantive issues. This increases the pressure on government and parliament to provide information and explain their policies. Regular popular ballots on specific issues promote a political culture which is characterised by participation.

This in turn leads to an increased level of interest in politics – including in the media – and to greater levels of political awareness and competence among the general public. When citizens involve themselves with legislation or amendments to the constitution, they increase their knowledge of the law. Ultimately, direct democracy increases the legitimacy of political decision-making. The possibility of launching initiatives and referendums and forcing votes on real issues also serves as a kind of mirror to society, giving it a sense of itself and revealing where the shoe pinches.

One thing which becomes clear from a longer-term historical perspective is that at times of greater economic difficulty (for example between the two World Wars and at the end of the 20th century), issues of social policy and immigration quite frequently feature as the subject of popular initiatives. Votes on the form of the state and the shape of democracy have been a regular part of the calendar, as have policies on national security and issues relating to the family.

Over the last three decades, an increasing number of initiatives have concerned environmental and traffic policy issues and it was in these areas that popular initiatives have been able to record their most significant direct successes. Recent examples include the initiative for the protection of the upland moors (primarily directed against the creation of a military training area near Rothenturm in the canton of Schwyz) which in 1987 won majorities of both the voters and the cantons. Seven years later, double majorities were again recorded for the so-called "Alpine Initiative", which made it a constitutional stipulation that goods transit traffic through Switzerland would be transferred completely to the more environmentally-friendly rail by 2010 at the latest. On the other hand, other environmental and traffic initiatives, as well as proposals to reduce the number of foreigners or tighten asylum policy, were rejected. The evidence is that even those issues which are of considerable concern and which might be expected to command majorities often attract only minority support at the ballot box due to the particular (often very radical) solutions being proposed.

Federal authorities win most of the citizens' initiative referendums

544 popular votes were held on the federal level from 1848 to 2007: 162 popular initiatives, 188 obligatory referendums, 161 popular referendums and 33 counter proposals of the parliament. If one considers the whole period from 1848 to 2007 and compares it with the period from 1990 to 2007 the following picture arises: Out of 162 popular initiatives only 15 (9%) were approved. From 1990 to 2007 only 5 out of 62 popular initiatives (8%) were approved. Among them was the initiative "For Switzerland's membership of the United Nations", which was supported by government and parliament. In addition to the citizens' initiatives, any amendment to the constitution proposed by the government or parliament must be put to referendum. Of the 188 obligatory referendums held so far, 140 were approved by the voters and by a majority of the cantons. Thus the voters agreed with the parliament in 74% of cases. Only 7 of the 38 obligatory referendums held between 1990 and 2006 were rejected, the remainder (82%) being accepted.

The situation is different with the facultative or popular referendums, which are the most difficult for the authorities to control. Of the total of 162 popular referendums, 88 (54%) have been accepted and 73 rejected. Since 1990, the authorities' "success rate" has significantly improved: of the 59 popular referendums held between 1990 and 2007, the official proposal was accepted on 43 occasions (73%).

In recent years, the referendum has been used to oppose the bilateral agreements with the European Union, the deployment of Swiss soldiers in other countries, army reform and the liberalisation of the electricity market, among other issues. Of these, only the new electricity market law failed.

If one takes all the parliamentary referendums, including counter-proposals, across the whole period from 1848 to 2007, the voters agreed with the authorities in 64% of the votes; between 1990 and 2007 the percentage even rose to 72%. The evidence clearly suggests that the gap between voters and the authorities is narrowing further.

IT'S EASIER FOR INITIATIVES IN THE CANTONS

The long-term comparison of success rates for initiatives and referendums at the federal level produces some interesting differences – and especially if one then compares these figures with the results in the 26 cantons and approximately 2725 municipalities (local authority areas). Big differences are apparent here. In the early years of direct democracy, four out of every five ballots were lost (from the point of view of the government and parliament). By the middle of the 20th century, successes and failures were about equal. These developments reflect changes in the composition of the Swiss government, which until 1891 was composed entirely of Liberal members of parliament. Gradually, representatives of other groups in society – such as Catholics, farmers and social democrats – were able to gain seats. The introduction of the "magic formula" – 2:2:2:1 – which has decided the apportioning of places in the government since 1959 laid the foundation for a more successful (from the point of view of the authorities) handling of citizens' rights. The "magic formula", an element of Swiss consensus democracy, says that the composition of the government must correspond to the relative strength of the parties in the Federal Assembly. So from 1959 to 2003, the government was made up of two representatives each from the FDP (Radical Democratic Party), the CVP (Christian Democratic Party) and the SP (Social Democratic Party), and one from the SVP (Swiss People's Party). In 2004, this composition had to be adjusted to the changed relative strengths of the parties and the CVP lost one seat to the SVP.

The authorities have a harder time of it in the cantons, and even more so in the municipalities, than at the federal level – although the picture across Switzerland is extremely varied. In Graubünden, for example, voters follow the recommendations of the authorities in 88% of all ballots, but in Fribourg the figure is only 60%. The largest general difference between the national and cantonal levels relates to the success rate for popular initiatives. At the national level, only 9% of all popular initiatives have been successful, whereas the proportion in the cantons is 23%. Citizens' initiatives are especially successful in Western Switzerland and Ticino, where 40% of initiatives have been accepted. In these parts of Switzerland, where the use of direct democracy is below average, the authorities appear to have the hardest time. The differences are even greater at the municipal level, where the results suggest that the more chances citizens have of using the tools of direct democracy, the more they will actually use them – not least in order to throw a spoke in the authorities' wheels.

The introduction of direct democracy quite unequivocally represents democratic progress. The number of issues which can be dealt with publicly is far greater. Public debate allows compromises to be worked out and agreed (for example, by means of indirect or direct counter-proposals). The number of those who can get their voices heard in the political process is far greater.

These are all advantages of direct democracy by comparison with purely parliamentary systems – regardless both of one's political point of view and of the likelihood of securing a majority with a particular political stance. This is the necessary insight – drawn from experience – which contains the secret of the land of the contented losers.

6

Jura:
democracy, not nationalism

The centuries-old Jura conflict, and the creation of the new canton of Jura, illustrate the influence of direct democracy on politics and the state. The history of the separatist movement in the Jura demonstrates that quarrels between minorities and majorities which differ politically and culturally from one another do not need to descend into violence. There is a direct-democratic way of dealing with such problems.

The creation of the canton of Jura is a victory for a model of social integration through the sharing of power. It shows that there is a democratic alternative to nationalism, which has proven itself incapable of solving the relationship problems with minorities.

> "When it became clear that the vote for founding the canton of Jura had been won, the rejoicing knew no bounds. People were dancing in the castle courtyard; they were all embracing each other and kissing each other; car horns sounded a fanfare; musicians wandered through the town with drums and trumpets and all the church bells began to ring."
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> *Schwander, Marcel: Jura. Konfliktstoff für Jahrzehnte*
> *(Jura: Object of Decades-long Strife), Zürich / Köln 1977*

The Jura conflict began after the former Episcopal principality of Basel was merged with the canton of Bern at the Congress of Vienna in 1815. The French-speaking, Catholic population of the Jura formed a minority within the mainly German-speaking, Protestant canton of Bern. For most of its life the conflict remained a smouldering fire, from which flames would occasionally leap up; but it did not spread beyond the region.

It was only after the Second World War that the separatist movement in the Jura became a serious problem for the canton of Bern, and ultimately for the whole of Switzerland. The three northern (of the six) Jura districts founded the canton of Jura in 1979 and the three southern Jura districts remained with the canton of Bern. This development became possible after the failure of all attempts to integrate the minority Jura population socially into the canton of Bern, and when separatism was the only solution left. The foundation of the canton of Jura represented a significant victory for the much-maligned separatist movement, which still continues to campaign for a unified Jura.

The Jura conflict was never, nor is it today, the problem of a minority, but rather a problem of social relations between a more powerful majority and a weaker minority. It is a typical conflict of 20th century and present-day Europe, but in the case of the Jura, the descent into violence was avoided, not least thanks to direct democracy. The creation of the canton of Jura is thus also a victory for a model of social integration through the sharing of power, a model which has a long and successful pedigree in Switzerland. It shows that there is a democratic alternative to nationalism, which has proven itself incapable of solving the relationship problems with minorities.

The failure of regional integration

The five Jura protest movements which arose between 1815 and the Second World War were all short-lived. They were unable to mobilise sufficient support because other conflicts took precedence. Despite this, there did emerge a minority awareness in the Jura and a number of associations were formed which fostered and transmitted this awareness. It was out of this tradition of protest that the separatist movement came into being.

According to the separatists, the people of the Jura were experiencing discrimination as a result of their dependence on the canton of Bern, and therefore separation was the solution. After the Second World War, the economic marginalisation of the Jura region added significant credibility to this interpretation.

The Jura protest movement really came to life in the post-war period after the Moeckli affair in 1947 (Georges Moeckli was a politician from the Jura, whose appointment to run one of the ministries was blocked by the Bernese parliament solely on the grounds that his mother-tongue was French). Those who wanted autonomy for the Jura while remaining within the canton of Bern joined the Comité de Moutier. The Mouvement Séparatiste Jurassien (renamed the Rassemblement Jurassien in 1951) represented those who were campaigning for complete separation from Bern.

Bern rejected a federalisation of the canton, but did make concessions to the demands for autonomy from the Jura. These included constitutional recognition of the separate identity of the people of the Jura, confirmed in a cantonal referendum in 1950. In this initial phase, the conflict between Bern and the Jura was perceived publicly as a regional problem and the separatists were excluded from official negotiations, separation being completely unacceptable to Bern.

Direct democracy makes up for the deficiencies of representation

In September 1957, the Rassemblement Jurassien (RJ) launched a cantonal initiative to ascertain what the people of the Jura thought about the idea of creating a separate canton Jura. The initiative proposal asked: "Do you want the Jura to be given the status of a sovereign canton of the Confederation?" The initiative allowed the separatists to move their campaign on to the political stage and force the media to report it and comment on it. The separatists and their political platform could no longer be ignored. The numerous media reports dealing with the background of the movement focused a great deal of public attention on the RJ, and its existence as a sig-

nificant player in the Jura issue had to be acknowledged ("The movement is strong and widespread", the Neue Zürcher Zeitung, 15.7.1957). When the initiative finally went to referendum ballot in July 1959, it was approved by a clear majority only in the three French-speaking, Catholic districts of the North Jura, whereas the three French-speaking, but majority Protestant, districts of the South Jura and the German-speaking, Catholic Laufental remained loyal to Bern. The newspaper headlines declared the death of separatism: "The RJ dream is over!" (Basler Nachrichten, 6.7.1959); "Separatism condemned to die" (Tagwacht, 6.7.1959).

But instead of obliging their critics and falling into their own graves, the separatists changed their tactics and their arguments. In future, they would speak of the unity, not of the whole Jura region, but only of the French-speaking areas and they would abandon the idea that geography and a shared history constituted the basis of their Jura identity and instead emphasize ethnic origin and the French language.

The separatists' "nation" based on language and ethnicity is a pre-political "natural community" which is in stark contrast with the idea of the Swiss nation as a political community. The fear was expressed publicly that the separatists' nationalism would undermine the idea of Switzerland as a nation based not on a common ethnicity or language, but forged out of an active will to unite despite differences ("Willensnation Schweiz"). The separatists sought support for their vision both at home and abroad, discovering a powerful ally in General de Gaulle and his vision of a "Europe des patries".

"No place for violence in politics"
The separatists fed the public with protest actions cleverly staged for maximum media effect and became the main focus of opposition to Bern, which failed in the attempt to silence the separatist cause by sidelining it. Between 1962 and 1964, a small separatist group calling itself the Jura Liberation Front (FLJ) carried out a number of bomb and arson attacks on army barracks and the houses of prominent anti-separatists. But these actions of a few militants actually created less public furore than the "Les Rangiers affair", when – at an event commemorating the Swiss army – the separatists prevented Bernese government minister Virgile Moine and federal government minister Paul Chaudet from speaking.

The scandal created by this protest had a long-lasting effect and marked the turning-point in the public perception of the Jura conflict. Where physical violence had failed (because it cuts off dialogue), symbolic violence succeeded. It challenged the national self-understanding of a now rattled

Switzerland and transformed the Jura conflict from a regional issue into a national one. Although it is true that Switzerland's prevailing national self-understanding was deeply challenged by the separatist movement, the fact is that the movement was not engaged in a struggle against the Swiss state. It was not campaigning for secession and did not want to say goodbye to Switzerland, but only to the canton of Bern. In their opinion, the separatists were arguing for a better Switzerland than their opponents. That they had renounced violence as a means of achieving their aims also showed that they did not wish to cut themselves off entirely from the common ground of politics. As Roger Schaffter, leader of the separatist movement along with the charismatic Roland Béguelin, stated: "Violence is not a legitimate tool of politics in Switzerland."

The creation of the new canton did not occur in a single step; it proceeded through several stages and was by no means a foregone conclusion. Once it was realised that separatism as such could not be defeated, there was a greater willingness to ask the people of the Jura region what they thought about a possible separation from Bern. The first stage was to create the legal basis for such a move. The cantonal parliament ("Grosser Rat") of Bern drew up a supplementary article to the Bernese cantonal constitution which provided for both a referendum procedure ("Volksbefragung") and a direct-democratic separation process. The amendment to the constitution was accepted in a cantonal popular vote on 1st March 1970, paving the way for self-determination for the Jura.

The referendum of 23ʳᵈ June 1974

The next stage saw the government in Bern deciding to ask the people of the Jura to vote on the question of separation in a referendum. The question put before them was: "Do you wish to form a new canton?" The popular vote took place on 23rd June 1974. To the surprise of many, the separatists won the vote with 36,802 votes in favour to 34,057 against, on a turnout of 88.7%.

In line with the constitutional amendment of 1970, initiatives in favour of remaining in the canton of Bern were now submitted, first in the districts of South Jura and Laufental, subsequently also in a number of municipalities along the proposed new cantonal border. The results of the popular votes which took place in March and September of 1975 were as expected: the South Jura districts of Courtelary, Moutier and Neuenstadt voted for Bern. There followed referendums in 13 border municipalities: 5 majority Protestant districts voted to remain with Bern, but 8 majority Catholic districts opted for the Jura. Laufental initially decided in favour of Bern, but subsequently opted to join Basel Country.

The Jura was now officially split. Voters in the new canton approved a new constitution. After that it was the turn of voters throughout Switzerland to cast their votes. In his New Year address, Swiss federal president Willy Ritschard appealed to his fellow citizens: "On 24ᵗʰ September, a region will be asking the Swiss people for the right to become a separate canton. We want to show that we know how to act as democrats. Democrats respect minorities. They resolve their conflicts in a peaceful and sensible way. I ask you all to give a joyous 'Yes' to the new canton." When it came to the popular vote, all the cantons and a large majority of Swiss voters approved the accession of the new canton to the Confederation.

The history of the separatist movement in the Jura demonstrates that the relationship problems of cultural minorities do not need to descend into violence and that there is a democratic way of dealing with such problems. With the help of direct democracy, the separatists were able to generate a public debate on their political platform and thus compensate for their lack of representation. This directly lessened the likelihood of violence, because it is a well-known fact that it is the lack of a voice and the lack of representation which can easily lead minorities to resort to violence. It was a combination of direct democracy and federalism which made possible the creation of the new canton.

Saying "No" to nationalism

The founding of the Republic and canton of Jura was on the one hand, a great success for the separatist movement, which possessed those attributes which are essential for the effective use of direct democracy: a clearly-defined cause and the ability to fight for it, to organize and to communicate. On the other hand, it was a rejection of the separatists' nationalism and a victory instead for the principles of democracy and federalism.

Bern had not only recognised the existence of a people of the Jura and a claim to self-determination, but in its constitutional amendment of 1970 had even set out the conditions under which a process of separation might take place: "The right to demand a referendum ('Volksbefragung') or to take part in it belongs to those citizens who are entitled to vote on cantonal matters and who have their place of residence in a municipality situated within the area in which the referendum is carried out (…)". This formulation defines the people of the Jura, with their right to self-determination, not as an ethnic community or "ethnos", as the separatists had claimed, but as citizens of a state society or "demos".

According to the separatists, this definition of the people violated the fundamental principles of national self-determination. Within the context of a popular vote on the separation of the Jura from Bern, the answer to the question: "Who belongs to the Jura people?" was, of course, important. The expectation was that the separatists' chances would be increased by a nationalistic definition of the people, and reduced by a democratic one.

On the other hand, we know from experience that the use of nationalistic concepts to divide the population into "natural communities" and grant to each of these peoples its own territory and its own state does not solve the relationship problems of minorities, but rather tends to perpetuate them by creating and excluding new minorities. The greater the fantasy content of these concepts, i.e. the more "ethnically" mixed a population in reality is, the greater will be the amount of force and violence needed to implement them. The break-up of the former Yugoslavia shows to what this can lead.

It makes a decisive difference what sources nourish the "we-feeling" of a state society: whether people derive their sense of belonging from active participation in the political decision-making (which allows them to say "We in Switzerland"), or from a belief in a given, pre-political nation (which makes them say "We Swiss"), whose existence must be secured by a continual separation of all that is "one's own" from all that is "foreign".

The existence of Switzerland is fundamentally based on a mixture of unity and diversity. Many factors have contributed to ensuring the success – so far – of this unity in diversity. One of those factors is certainly the policy of the sharing of power, which relies on the institutions and procedures of federalism and of direct democracy. It was these procedures, and not separatist nationalism, which made possible the peaceful separation of the Jura from Bern a quarter of a century ago.

7

The myth of
the incompetent citizen

In a direct democracy the division of political rights is different from that in a purely representative democracy. The exercise of direct democratic rights changes the relationship between politicians and citizens. It influences the political character and habits of both groups. The track record of direct democracy shows that voters can take political decisions as competently as members of parliament can. Political incompetence is not a cause, but an effect, of the fact that in purely representative democracies citizens are not allowed to participate directly in political decision-making on substantive issues.

Direct democracy is currently experiencing a new surge in popularity in Europe. Once again, it is being resisted on the same old grounds by those in power. Ordinary citizens are supposedly incapable of making decisions on complex political issues.

In 1851 the Zurich radical, Johann Jakob Treichler, presented in his newspaper a critique of liberal "representative democracy" and in a 19-point programme demanded a transition to a "pure democracy" by supplementing representative democracy with direct democracy. "What the 'Volksblatt' (Treichler's paper) wants," he wrote, "is the greatest possible happiness of the people through the people themselves, the full and entire rule by the people; the first principle must be: Everything for, everything through the people."

At the suggestion of Alfred Escher (politician, railway entrepreneur and cofounder of what later became Credit Suisse), Escher's colleague Jakob Dubs composed a response to Treichler's critique which was published in the "Der Landbote" (Winterthur). As representatives of the liberal establishment, Dubs and Escher were no friends of direct democracy. They shared the view of those liberals who held that people without property or formal education were incapable of making use of extended political rights. In this view these people simply lacked everything which the exercise of political governance required: a sense of responsibility (which only those with property and wealth acquire), a knowledge of justice and laws, far-sightedness, a sense for the common good, education, culture and sound judgement.

The image of the uneducated, disinterested and politically immature "common people", driven by their passions and not guided by the cool light of reason, has accompanied and held back the growth of democracy since its beginnings. Again and again, the image of the politically incompetent ordinary citizen has been used by the powerful and their allies to resist demands for greater democracy. But though the forward march of democracy was slowed, it could not be halted.

Direct democracy is experiencing a new surge in popularity in Europe and across the world. Once again, it is being resisted on the same old grounds by those in power. Ordinary citizens are supposedly incapable of making decisions on complex political issues. Not infrequently, Switzerland is held up as an example of the dangers of too much "popular vote democracy."

Politics for the people, not with the people
In the mid-19th century, Dubs was already expressing the fear that direct involvement of the people in the making of laws would lead to a flood of bad laws characterized by the selfish interests and the narrow horizons of the common citizen. "Let those who wish drink from this magic beaker of the democratic programme; we are not able to do it; it is in any case not the

kind of democracy in which we believe; not the kind of freedom we revere; and least of all is it that true, free humanity to which the future belongs."

Although the Liberals had come to power through the people, they wanted to govern only for the people, and not with it. In their view, ordinary people were immature and incapable of direct participation in political decision-making. From the very beginning, this argument served as a justification for a purely parliamentary democracy. It remained effective in Switzerland until the 1860s; elsewhere it is still being used.

Today, there is a demand for direct democracy to be introduced, not only at the level of the individual nation-state, but also at the transnational European level. There are currently, for example, lively debates in many countries about the possibility of an Europe-wide referendum on the new Reform Treaty, and in these debates popular participation is frequently contested with the same arguments which the defenders of purely representative democracy have always used.

For example, Göran Djupsund, professor of political science in Turku (Finland), wrote "that direct democracy does not always produce (…) good results. We can imagine a situation in which there is a popular vote to decide on issues which have hurt the people. The results of public opinion polls would lead one to expect the reintroduction of the death penalty, a reduction in the number of asylum seekers being admitted, and a drastic cut in fuel duties. One might also expect an explosive expansion of the public sector (…) while parts of it would be shrunk to nothing, for example, museum activities, city orchestras and opera houses".

Today's debates appear as variations and reformulations in a long and repetitive cycle of the same arguments for and against participative democracy. The faith in the ability of all people to reach sound political judgements is opposed by the contention that this faith is naïve and unrealistic.

In the 19th and 20th centuries, the incompetence argument was used also against democracy and against the extension of the male franchise, as well as against equal political rights for women. The general right to elect representatives and equality of political rights for women are now no longer open to question. But old ideas and arguments continue to be effective in the case of the general right to vote on issues i.e. direct democracy.

The argument of incompetence can be sustained only by those who ignore the evidence which contradicts it. If it were true, the stable direct democracy which has been alive in Switzerland for more than 100 years could not exist, because a referendum democracy should be self-destructive; it would – according to Giovanni Sartori's prediction – have come to a rapid and catastrophic end on the reefs of cognitive incapacity.

The technological and educational preconditions for democracy have probably never before been as well satisfied as they are today. There are no reasonable grounds for maintaining that one category of people (politicians or the political elite) is better equipped to decide public affairs than the other (the so-called "ordinary citizens"). Despite this, the idea persists: not only does it explain nothing; it is itself in need of explanation.

Parliamentary and direct democracy

Citizens and politicians in a purely indirect democracy do not have access to the same political tools, nor do they fulfil the same roles, as in a modern direct democracy. The relationship between politicians and citizens is different in the two systems. For both politicians and citizens the freedom to act politically and the opportunities to learn how to play the political game and to become good players vary in the two systems. To exercise politics contributes to the shaping of personality. However, parliamentary democracy shapes the personality of politicians and citizens in a different way than direct democracy does. For a better understanding of these differences the political organisation of democracy and the relationship between politicians and citizens can be usefully seen in terms of relations between those who are established and those who are outsiders.

The specific dynamic of such relations derives from the way in which two groups, the established and the outsiders, are in fact inter-related and mutually dependent on each other. Established-outsiders relations can be observed not only between politicians and citizens but everywhere and at all times, for example between groups categorized as men and women, blacks and whites, national citizens and foreigners, settled and newcomers.

Though there are many differences, certain regularities can be observed in all the various manifestations. The established groups always seek to monopolise the opportunities for power and status which are important to them. There is a typical tendency to stigmatise (and counter-stigmatise in return): i.e. the more powerful groups tend to perceive the outsiders who are dependent on them as of lesser worth than they themselves are – and to treat them accordingly. Cause and effect are routinely confused.

At the heart of every established-outsiders relationship is, according to Norbert Elias, an imbalance of power, with its resultant social tensions. This is the decisive factor which allows an established group to stigmatise an outsider group. The freedom to stigmatise persists as long as the established retain the monopoly of power. As soon as the balance of power shifts towards the outsiders, the established group's freedom to stigmatise begins to be lost.

Monopolising substantive decisions

It is evident that established politicians form a group which can profit from its superior position of power. The collective images they have of themselves and of others can produce different results. They can be used to justify the status quo. They enhance the self-esteem of those who see themselves as the "elite" and lower the self-esteem of the so-called "ordinary citizens", who are classified as not belonging to the charmed circle of the "elite."

In a purely parliamentary democracy, the politicians enjoy a monopoly over a series of important sources of power – above all, the right to make decisions on substantive issues and to determine the political agenda. It is their exclusive access to these sources of power which provides the basis for the imbalance of power between the politicians and the citizens. Their relationship is one of institutionalised categorical inequality. It determines the practical division of roles: citizens elect and politicians decide. It even affects the use of language, as an example from Finland shows: in Finnish, the words for "citizen" (kansalainen) and "decision-maker" (päättäjä) describe two mutually exclusive categories of people.

The image of the politically incompetent citizen can be understood as an expression of the superior power of politicians over "ordinary citizens". In a purely parliamentary democracy, the individual citizen's access to political decisions is not really denied because of his/her individual lack of political skills and competence, but because he/she belongs to that group of people who are categorized as ordinary citizens. The question, whether in reality citizens are politically competent or not, does not matter in this context. The important question is: under what conditions do politicians feel the need and are able to represent and treat citizens as incompetent outsiders?

What the Swiss writer Iris von Roten wrote about the relationship between men and women before equal political rights were established can be seen as applying equally to the relationship between citizens and politicians in a parliamentary democracy, and therefore as an answer to that question: "Without equal political rights for both sexes, men are held to be more

important than women, are able – at the expense of women – to enjoy more of worldly life, and naturally wish to continue to be and to get more. For regardless of whether we are talking of power, influence, freedom, wealth and possessions, self-confidence, prestige and comfort – however much control is handed over to women must represent an equivalent loss to men. And men want to avoid that at all costs."

In a direct democracy, citizens and politicians are inter-connected and interdependent in a fundamentally different way than in a purely parliamentary democracy. In a direct democracy, citizens share in decision-making and often have the final word. They repeatedly have opportunities to act in effect as politicians and to become what Max Weber called "occasional politicians". Thanks to their rights to initiative and referendum, voters have access to political decision-making and to determining the political agenda. The elected politicians are unable to monopolise the power to make political decisions, but have to share it with the citizens. The concentration of political capital or political sources of power in the hands of a small minority of established politicians is thus severely restricted.

In turn, the more even balance of power affects the way politicians and citizens are viewed. The old image of the incompetent citizen fades into the past and is replaced by an image of the citizen as someone who is more mature, more responsible, more politically competent and more self-confident. At the same time the image of the politicians also changes; from nobler spheres they are brought down to share the same earthly reality with everyone else. Politicians can potentially experience this change not only as a loss of power and status, but also as a gain in empathy and humanity.

In the Swiss system of direct democracy, the institutionalised relationship between citizens and politicians is different from that in purely parliamentary democracies. The absence of the categorical inequality referred to earlier also comes to expression in the language. The concept of the "citizen" very much includes the idea of the right to direct involvement in political decisions. Citizens and legislators cannot be seen as two opposing principles – for it is the citizens who are the sovereign power.

"Learning by doing"
It is common knowledge that we learn by doing. The skills required to be a legislator are best learned by being involved in the legislative process. The referendum and initiative procedures in a direct democracy make it easier to do this here than in a representative democracy, where the lack of suitable

procedures prevents people from developing the sort of political skills they need as legislators.

Matthias Benz and Alois Stutzer, two political scientists at the University of Zurich, have shown that citizens who have greater rights of participation are also better informed politically. The referendum and initiative rights enjoyed by Swiss citizens give them a decision-making power which is independent of government and which allows them not only to object and resist but to participate constructively in the shaping of state and society, and to overcome log-jams in the representative system. Direct-democratic procedures empower voters and serve (together with federalism and proportional representation) as mechanisms of power-sharing. This is especially important for those minorities whose interests are represented either inadequately or not at all through the representative organs i.e. government and parliament.

To be sure, citizens have to organise themselves and work together if they want to achieve something. They can, for example, launch an initiative. In doing so, they develop their self-organisational skills and learn how to run a referendum campaign, with everything which that involves: getting resources (financial, human and physical), information, publicity, public debates, dissent, forming alliances, reaching compromises, collective learning, dealing with political power, winning and losing and much more. Direct democracy means hard political work and people can get involved in a variety of different ways and with whatever level of commitment they wish to give to it.

Direct democracy gives citizens additional possibilities of making proposals and of political control, independently of the wishes of government and parliament. It is thus better equipped to ensure that "lies are exposed and contracts adhered to, favouritism prevented and emergencies met". This builds up mutual trust between citizens and helps to strengthen social cohesion. In short, direct democracy is also an institutionalised way of creating political trust between citizens. It belongs among those basic institutions whose vital "reinforcement and defence" remains, according to Claus Offe, a "challenge to democracy and the precondition for its continued existence".

8

Out loud

When the daily papers make lots more space available for readers' letters, when the volume of conversation rises steadily in restaurants, when complete strangers suddenly start talking to each other in trains and buses — and when, finally, the official "voters' booklet" lands in the letter box — then you know that the country is once again heading for a referendum.

Direct democracy has important implications for the behaviour of the media. Referendum campaigns differ from elections in that a much larger number of interested parties are trying to get across their point of view. Instead of presenting the various electoral manifestos, they are focused on putting forward specific proposals for resolving specific problems.

Hair-stylist Andrea G. is always happy when she finds the referendum booklet from the government in her letterbox: "That means there's going to be another referendum," says the 27-year-old from Bern. She gets as much information as she can on all the referendum issues from all the available media and regularly arranges special referendum dinners. "We always meet in a larger group before every vote to discuss the forthcoming referendum questions. I don't feel that I can come to a clear decision for myself until I have checked my views against everyone else's."

Andrea G. is not an exception. In surveys of Swiss citizens conducted by the University of Bern, 60% of those asked described themselves as "well informed" politically. That doesn't mean that everyone always goes to vote; but the confidence in being well-informed reflects the degree to which every citizen is taken seriously by the institutions of state in Swiss democracy. It is clear that this is more likely to happen in a democracy which has been strengthened by the addition of instruments of direct democracy than in one in which the citizens' involvement is limited to voting in parliamentary elections: in Austria, for example, only around 30% of citizens consider themselves to be "well-informed".

The ancient Greeks already knew of this difference. Writing 2,500 years ago, Pericles observed: "In a democracy, public debate does not serve as a brake on politics, but is rather the indispensable prerequisite for all wise decisions." Face-to-face debate with friends and acquaintances remains a most important source of information: in a recent survey in Switzerland, 24% named this as their primary source. The media in general were placed only second in importance – by 22% of those asked. After that came the recommendations of the political parties and the official "referendum booklet", in which both the authorities (at the federal level, the parliament and government) and the initiative and referendum committees are able to present their main arguments. Last but not least, the Internet; with its growing numbers of blogs and interactive capabilities, is playing a growing role in public debate and opinion-building.

However the official referendum booklet is the only source of information which is guaranteed to reach every voter before a referendum. This is not surprising, since in the majority of cantons the modest little booklet is mailed out to all registered voters, together with the voting slips and the certificate of entitlement to vote, three to four weeks before every referendum ballot. In addition to the federal booklet, more than 5 million copies of which are printed in four different languages (Italian, French, German and Rhaeto-Romanic), there are often cantonal and municipal referendum book-

lets, which might contain the regional or local authorities' annual budget proposals or the design sketches for a new local hospital. The history of the referendum booklet – officially known as the "Government's Explanations" – goes back to the 19th-century official "proclamations" by the authorities before referendums on a complete revision of the constitution. But it took another 100 years for the referendum booklet to become a firm and statutorily guaranteed institution. It was in 1972 that the government first decided to summarise and explain to non-specialists the text of a 1,500-page free trade agreement.

The right to oppose

For the first two decades in the life of this new medium of information, it was the government which summarised the arguments both for and against a proposal. In practice since 1983, and in law since 1994, initiative and referendum committees have been able to draft their own arguments and have them included in the booklet. The government can intervene only if the text is defamatory or too long. There is, however, no equivalent right to object to the government's arguments – whether or not they are defamatory, untrue or too long! Fortunately, crass errors – such as that which occurred in 1993, when, in the run-up to a national referendum vote on which canton the Laufental should belong to, the government got the borders between France, Germany and Switzerland wrong – are rare.

The practice of direct democracy presents not only a didactic challenge for government, but also tests the ability of politicians to communicate successfully and persuade voters to agree with them. In the run-up to referendum votes, the elected representatives often form themselves into cross-party committees, write newspaper articles and appear as panel members in public debates on the referendum issues. The political parties organise public debates in restaurants and sports centres. The print and electronic media go out of their way to shed light on the most varied aspects of the referendum proposals in as professional, open and balanced a way as possible – not least for quite selfish reasons, since they want to hold on to their customer base, whatever the outcome of the vote.

Well-informed citizens

The public broadcasting stations are in a rather special position as regards their reporting of referendums: unlike in the private media, the chief editors of the three national radio and TV stations make no specific recommendations. Although there is no advertising at all on public radio, TV is partially financed by advertising. But in Switzerland – in contrast to the USA, for example – political adverts are banned. In their dealings with initiatives and

referendums, the public broadcast media follow an internally devised code of conduct – the "handbook of journalism" – which is designed to ensure accuracy, impartiality and fairness. Direct democracy has important implications for the behaviour of the media. Referendum campaigns differ from elections in that a much larger number of interested parties are trying to get across their point of view. Instead of presenting the various electoral manifestos, they are focused on putting forward specific proposals for resolving specific problems. Citizens' expectations also differ: whereas after elections the concern is only to ensure that electoral promises are kept, after referendum votes citizens expect approved measures to be incorporated into law and fully implemented.

In a modern direct democracy there are far greater incentives, for both providers and users of information, to communicate and/or take it up. Everyone benefits, everyone's knowledge and skill are increased. The result is that the average Swiss voter is better and more comprehensively informed when he or she comes to vote on an issue than the average German member of parliament, who is after all paid to do the job – a rather sobering finding for all those who routinely assert the technical superiority of a purely parliamentary democracy over a direct democracy. In short, in a modern direct democracy there is not only a greater demand for political information, but a far richer and more competently provided supply. When we compare the various forms of media, we find that the editorial sections of the print press are of primary importance as a source of information for the individual voter. After that come the referendum booklet and the electronic media. Readers' letters are surprisingly highly rated: a survey found that around 25% of voters view them as an important source of information. The role of the political parties should also not be underestimated: the parties' voting recommendations are significant for about 12% of all voters. It is also clear that citizens are increasingly using the Internet as a source of information and place for deliberation. The interactive opportunities offered by Web 2.0 and predominantly used by bloggers have introduced an important additional channel.

The wooing of the Swiss abroad

Efforts are being made by the authorities, the media and the political parties to include registered Swiss voters abroad in the process of opinion-forming before elections and referendum votes. About a fifth of the roughly 645,000 Swiss citizens living abroad who are entitled to vote take advantage of the option of postal voting. Swiss voters abroad repeatedly play a decisive role in certain highly contested issues. In addition to the referendum booklet, they have access to special foreign editions of the major daily newspapers and can also view special Web pages devoted to the referendums. If they wish, expatriate Swiss can have a special mailing and SMS alerts sent to them

before a vote, giving them information on the current referendum debate and advising them of forthcoming voting days. In the last parliamentary elections in October 2007, a number of parties produced separate lists of Swiss voters abroad.

In debates on the options for the expansion or improvement of democracy, people regularly point to the absence of the necessary preconditions: the voters are supposedly ill-equipped, the media too superficial, the political class averse to or incapable of discussing issues with citizens on an equal footing. The Swiss example shows that the relationship between those preconditions and the growth of democracy is not a one-way street: an increase in democracy can improve the preconditions for democracy. The tools and the practice of direct democracy can help to increase the knowledge and skill levels of the voters, promote the need for high-quality, informative media and force politicians and political parties to take voters seriously all the time, and not just before elections. The connection between the development of democracy and the preconditions for democracy is especially important for highly complex, multilingual communities such as the European Union.

The Swiss experience also shows that not every citizen is equally engaged in the political decision-forming process. Political scientist Claude Longchamp from Bern distinguishes five different types of citizens: the isolated ones, who are completely cut off; the passive consumers of the mass media; the debaters, who also get involved in public discussion; the "media multiplicators", who are actively engaged in making up their own minds; and the "agenda setters", who also generate issues. Newspapers, radio and TV – all of them play an important role in Swiss direct democracy. But not even the best media productions are sufficient by themselves: what is of greatest importance is open debate and the face-to-face/blog-to-blog sharing of views between citizens. In the run-up to the referendum vote – the decisive phase in every initiative and referendum process – such crucial meetings take place at special referendum dinners, around the kitchen table, in the workplace, on the train, in cafés and restaurants. Many Swiss know that they will be able to decide what they themselves think only once they have also listened to what others think – out loud.

9

Added-value voting

For years, direct democracy was accused of putting a brake on economic progress. We now know that initiatives and referendums promote economic growth, strengthen society, and so help to make people happier. A system in which citizens have a direct influence on the making of major decisions produces much more pragmatic and cost-efficient results than a purely parliamentary democracy where powerful groups may realize their particular interests more easily, and at the cost of the general public.

In the debate on the potential and the limitations of direct democracy, it is often argued that the general public is incapable of balancing (short-term) costs against (longer-term) benefits when it comes to public finances. Swiss experience contradicts this contention.

The Swiss were amazed when, in 2002, economiesuisse, the umbrella organisation for Swiss business, produced a position paper on public finance in which this most influential body stated clearly and simply: "Direct democracy should be promoted at all levels of the state." The amazement came from the fact that leading industry spokespersons and financial experts had until then consistently claimed that the wide-ranging rights of participation enjoyed by Swiss citizens stifled innovation and damaged the economy. At the close of the 20th century, Walter Wittman, Professor of Economics at Fribourg University, had written that "Switzerland must abandon its direct democracy and turn to parliamentary democracy, just like other countries". If it failed to do so, "direct democracy in general, and the referendum in particular, will ruin the Swiss economy".

There were repeated calls during the 1990s for Switzerland to "get real" about its direct democracy: i.e. to restrict participatory rights by, for example, raising the signature quorum for initiatives and optional referendums and excluding certain issues – such as public finances – from being put to referendum. A significant number of leading figures in the economy had allied themselves to this position after what they had seen as referendum "defeats" in the 1992 decision not to join the EEC and the rejection of liberalised employment law. The then head of the major bank Credit Suisse, Lukas Mühlemann, had demanded as late as 2001 "a restriction of direct-democratic rights". Less than a year later, it appeared that business leaders – under the mantle of economiesuisse – had changed their minds and now believed that the tools of direct democracy were worthy of support because they actually benefited the economy. What had caused this volte-face?

At the end of the 1990s, the routine criticism of direct democracy coming from both academic and business circles had inspired a series of leading academics to have a closer, more empirical, look at the links between direct democracy and economic growth. These academics were able to examine evidence from the USA, where initiatives and referendums have been enthusiastically used for around 100 years in many of the individual states; but they found in Switzerland itself an ideal source of data for comparative research – ideal, because there are significant differences between the various cantons and municipalities in the way that direct democracy is instituted and practised, i.e. in its relative user-friendliness. Thus, every canton except Vaud uses the finance referendum, which requires all decisions on public spending, loans and other expenditure above certain levels to be submitted to either obligatory or optional referendum. Some of the other important variables are the signature quorums for popular initiatives and referendums – which vary between 0.9% (in Basel Country) and 5.7% (in Neuchâtel) of

the total electorate – and the length of time allowed to the initiative committees for the collection of signatures, ranging from 2 months in Ticino to an unlimited period of time in Basel Country. The range of variability in the possibilities for direct-democratic participation is even greater at the local (municipal) level – between extensive participatory rights and virtually none at all.

Cheaper, more honest, better off

A study by Zurich University economists Bruno Frey and Alois Stutzer showed that the cantons of Aargau, Basel Country, Glarus, Zurich and the two Appenzell cantons are among the most democratic in Switzerland. In 2003, Geneva-based lawyers Michael Bützer and Sébastien Micotti produced a comparative study of direct democracy at the local (municipal) level. It concluded that municipalities in eastern and central Switzerland enjoy considerably greater institutional autonomy than those in western Switzerland and Ticino.

Including earlier research in their investigation, St. Gallen economists Gebhard Kirchgässner and Lars Feld – now a professor at Heidelberg University in Germany – made a statistical analysis of the influence of direct democracy on economic growth. The results were striking:

1. In cantons with stronger rights of participation on financial issues, economic performance is 15% higher (in terms of GDP per head).

2. In cantons where citizens can vote on the budget, there is 30% less tax-avoidance – on average 1,500 Swiss francs per taxpayer. Cantonal debt is correspondingly lower. The possible explanation: people are more prepared to support public expenditure when they are involved in deciding how their money is spent.

3. In municipalities where the budget has to be approved by referendum, public expenditure is 10% lower per head than in places where residents have no such rights. It appears that citizens are more careful with the money taken from them in taxes than the politicians are.

4. Municipalities which have the finance referendum have 25% lower public debt (5,800 Swiss francs per taxpayer) – the direct result of lower expenditure and greater tax income.

5. Public services cost less in towns and cities with direct democracy: refuse disposal is almost 20% cheaper.

Professor Kirchgässner and his colleagues conclude: "In economic terms, everything is in favour of direct democracy – nothing against." They therefore argue that direct democracy should be extended, rather than restricted. In their view, direct democracy is "up-to-date, successful, exportable and has the potential for further development".

The results of public opinion polls support these conclusions. When the Swiss cantons were compared, it was found that the more people were involved directly in politics through initiatives and referendums, the more contented they were with their lives. According to a study by Frey and Stutzer, the degree of political participation was "even more significant than the level of personal income." This rather tends to undermine the common claim that people are primarily interested in earning money.

Citizens in favour of specific tax increases

In the debate on the potential and the limitations of direct democracy, it is often argued – especially outside Switzerland – that the general public is incapable of balancing (short-term) costs against (longer-term) benefits when it comes to public finances. Swiss experience contradicts this contention, not only in the cantons and municipalities, where people have a closer relationship with political affairs, but even at the federal level.

In a referendum on 7th March 1993, 54.5% of voters approved an increase in the price of petrol and diesel of 21 Swiss cents [about 13 Euro cents] per litre. The main issue in the referendum campaign was not environmental protection, but the need to bolster the public purse. Five years later, more than 57% voted in favour of introducing a distance-related heavy vehicle duty which would increase the cost of transporting goods by road. Again in 1993, two-thirds of voters had agreed to introduce national VAT and to use a future rise to benefit old-age pensions. Similar proposals by both government and parliament between 1977 and 1991 had been rejected, because voters had been asked to approve whole packages of measures rather than specific individual proposals. When the politicians finally came clean and explained to people why there was a need to raise extra money, they were able to secure public approval not only for the change in the system, but also for the tax rise.

The costs of direct democracy have not so far been an issue in cost-conscious Switzerland. That has to do on the one hand with the country's political culture, where active public participation is accepted as a fundamental right, and on the other with the wide-ranging benefits for society (including the economic ones) of direct democracy. As there are referendum votes every

three or four months at local, cantonal and federal levels, it would be difficult to assess the cost to the administration of its referendum-related work.

There has been much more debate in recent years over the financing of referendum campaigns. According to political scientist Claude Longchamp, it takes "around 10 million francs" to organise a professional national citizens' initiative from the initial launch through the campaign to tying up all the loose ends after the vote. On the other hand, the example of the "Sunday Initiative" shows that it can be done with considerably less money: though the group campaigning for "four car-free Sundays per year" had no more than 50,000 francs to play with, they still managed to get 37.6% of the votes. The same day saw a vote on putting a stop to Switzerland's nuclear power programme. The environmental organisation campaigning for this had managed to raise 3.5 million francs – but only got 33.7% of the vote. In Longchamp's view, this clearly shows that in Switzerland referendum results cannot be bought. Another example which shows that success and modest financial resources are not mutually exclusive is the initiative on "Life-long custody for non-curable, extremely dangerous sex offenders and violent criminals," which was accepted in the referendum in 2004.

Money alone is not enough

Even in those cases where wealthy interest groups are involved, there is no evidence that money can directly influence referendum results in Switzerland. Quite the opposite: there are plenty of cases where, despite the spending of large amounts of money, voters went against the majority of the political or financial elites. This was so in the case of the price monitoring initiative of 1982, which was accepted against the wishes of the authorities and the business world. Likewise with the introduction of the heavy goods vehicle duty and the motorway card (an annual fee for using motorways), which had been opposed by such influential and wealthy groups as the Touring Club of Switzerland, the Business Federation and tour operators. EEC accession was rejected in 1993, even though the commercial world had spent millions in promoting it.

In larger political entities with direct-democratic instruments – such as the American state of California (population 36.5 million) – extensive studies have shown that having greater financial resources is not usually sufficient to win over voters. It can, however, be an effective means of wrecking a proposal.

Political scientist Elisabeth R. Gerber from the University of San Diego found that citizens' groups appeared to do better overall in initiatives and referendums than wealthy interest groups. For example, Californians voted for a ban on smoking in all closed public areas, despite the multi-million dollar campaign waged by the tobacco companies.

From an economic point of view, therefore, there are virtually no arguments against direct democracy. Rather is it the case that a form of politics based on the principle of consensus, in which citizens have a direct influence on the making of decisions on substantive issues, produces much more pragmatic results than the kind of knee-jerk response common in purely parliamentary democracies, where the response is often excessive and has to be undone later at great cost. It remains to critically monitor the growing role of money in electoral campaigns, including direct democracy processes such as those in Switzerland.

10

Design determines the quality

The quality of direct democracy is determined by the design of the procedures: Who is able to control them? Are they citizen-friendly? What is their scope? More important than the number of popular votes is the way in which they come about. Only a reasonably well-designed direct democracy can fulfill its tasks and have the desired effects.

In a direct democracy, the constitution and the law clearly define when it is mandatory for the citizens to be consulted, and when they can decide for themselves that they have to be consulted. The quality of the direct-democratic procedures in place is crucially important for the use of direct democracy and for the quality of the decisions reached.

A popular initiative or a referendum process is launched every week somewhere in Switzerland. In the Upper Engadine (a county within the canton of Graubünden), for example, on 11th November 2003, at 11.11 in the morning, a 27-member initiative committee began the collection of signatures for a district initiative aimed at "limiting the number of second homes being built". At the presentation of the initiative in Samedan, not far from the well-known winter sports resort of St. Moritz, committee member Romedi Arquint explained the reason for the campaign: "We want to put pressure on politicians to finally take the issue seriously." In recent years, numerous financial institutions have invested part of their funds in property in such holiday regions as the Upper Engadine – sparking off not only a building boom, but an above-average increase in the price of land.

This has adversely affected the local people, who hope to reverse the trend through their popular initiative and restrict new building to 100 second homes a year. 800 signatures were required to validate the initiative. This took a few months. Subsequently the initiative was placed on the ballot and in June 2005 the voters of the Upper Engadine accepted the proposal by an approval rate of more than 71%.

Wide diversity of form

Switzerland is a political entity with very marked diversity. This is true especially of direct democracy, both in its practice and also in the way participatory rights are designed. For instance, the number of signatures required to validate an initiative ranges from 0.9% of the registered voters in the canton of Aargau, to 5.7% – six times as many – in the canton of Neuchâtel. For federal initiatives, around 2% are required. If we look beyond the borders of Switzerland, the range is far greater. In the Free State of Bavaria of the German Federal Republic, for example, a minimum of 10% of the electorate must give their signatures in support of a popular initiative (in Germany called "Volksbegehren", popular demand), and in Saarland the signature threshold is even 20%. It is no surprise, therefore, that with preconditions such as these very few initiatives ever get as far as the ballot box: despite the fact that the right of initiative is inscribed in the constitutions of all 16 federal states of Germany, since 1945 there have been only 13 popular votes at this level, triggered by the citizens.

When we come to consider how initiative and referendum rights are formulated, it isn't just a question of the "admission price" (the number of signatures required), but also of the amount of time the initiative group has in which to collect the signatures. In Switzerland, the time allowed for initiatives is generally longer than that for referendums. At the federal level,

initive committees are allowed 18 months to collect the 100,000 signatures required; referendum committees, on the other hand, must speed up to obtain at least 50,000 signatures within 100 days after the publication of the parliamentary bill. At the cantonal level, the requirements vary considerably. In the canton of Ticino, initiatives are given two months to collect signatures, whereas referendum requests have to be submitted within 30 days. In the canton of Aargau, initiatives have a full 12 months and referendums 90 days. There are no time limits at all for initiatives in the canton of Schaffhausen.

Quite different signature collection periods exist in other states. In the Free State of Bavaria, nearly 1 million signatures (10% of the electorate) have to be collected within 14 days – and not just anywhere, but only in state offices. In Austria, anyone wanting to submit an initiative to parliament has only seven days to collect 100,000 signatures (according to §10 of the 1973 law on citizens' initiatives, those wishing to sign can do so only in specified places and at specified times). In Venezuela, the people who wanted to remove the incumbent President Hugo Chavez in 2004 had only four days to obtain the signatures of 20% of the entire electorate. Under such extreme conditions, it is only very rarely – as in the case of Venezuela – that the instrument of initiative and referendum is able to be used.

The design of direct democracy is somewhat more user-friendly in the states of the USA and in Italy. In the United States, signature thresholds vary from a high of 15% of qualified voters (based on the votes cast in the last general election) in Wyoming to a low of 2% of the state's resident population in North Dakota; in Italy, 500,000 signatures are enough to secure a national referendum to repeal a law. However, such referendums are valid only if at least 50% of the electorate actually turns out to vote.

An international comparison of citizens' rights also reveals significant differences in their legal consequences. Whereas in Austria a "citizens demand" never leads to a popular vote, the Swiss citizens' initiative always leads to a binding popular vote, provided the initiative committee does not withdraw the initiative.

Protection of minorities and communication

It is clear from Swiss experience that the benefits which can accrue from direct democracy materialise only if the procedures are regularly used in political practice. However, it is also true that under democratic conditions the mere existence of well-designed direct-democratic procedures has a positive effect. How often these procedures are used in practice depends

on a number of different factors. The benefits of regularly practised direct democracy, judged by democratic principles, can – as Andreas Gross has shown in "Direkte Demokratie" (Schiller/Mittendorf, 2002) – be summarised as follows:

- Direct democracy implies a more even distribution of political power. It reinforces the principle of equal participation in politics, brings politicians and citizens closer together and lends a new quality to their relationship. Direct-democratic rights raise the status of citizens to that of "occasional politicians".

- Direct democracy gives minorities the right to a public hearing and the opportunity to exercise that right, reducing the risk of people resorting to violence in cases of conflict. It acts as a sensor for unresolved social problems and conflicts, increases the legitimacy of political decisions and furthers social integration.

- Respect for fundamental and human rights is one of the basic premises of any democracy. The exercise of direct democratic rights reinforces the democratic attitudes and dispositions of the citizens and thus makes it more likely that human rights will be protected and preserved. People who are used to thinking and acting in a democratic way are less likely to be susceptible to the temptations of authoritarian politics.

- Direct democracy gives citizens more effective control of governments and parliaments, allowing them independent influence – both restraining and innovating – on politics in its three fundamental dimensions (the institutions, political processes and substantive political issues). Direct democracy is a dynamic factor which counters the drift towards oligarchy and helps to prevent the political institutions from shutting themselves off from the "outside world".

- Direct democracy makes politics more communicative and political decisions more transparent, and improves the quality of the public sphere – as an entity to which all the dealings of the representative state are accountable. The citizens' initiative, as "a proposal by the people to the people", embodies the idea of a dialogue, one in which the executive and the parliament are included.

- Well-developed direct democracy puts procedures and rights in the hands of citizens which allow them to go beyond mere resistance, to offer constructive challenge and innovation.

- Efficiency must not be confused with speed: a broadly-based decision-making process is a better safeguard against major policy errors, and the greater legitimacy it offers to the decisions reached paves the way for a more efficient implementation. Direct democracy is a means for increasing the institutional legitimacy of the entire political system.

The plebiscite – or what defines direct democracy

Before we can look more closely at the design of direct democracy, we have to consider by what parameters it is necessary to distinguish direct-democratic procedures from other ones, which may also include a popular vote. Two criteria help us in this. First, direct democracy makes decisions about substantive issues, not about people. Second, direct-democratic procedures serve to empower citizens and spread power more widely; they are not initiated and controlled "from above" ("top-down"), but "from below" ("bottom-up"). "From below" means two things: a) that a portion of the electorate has the right to submit an initiative or demand a referendum and that the initiative committee has control over the decision to call a popular vote; or b) that the calling of a referendum is prescribed by the constitution. In this view, plebiscites or popular vote procedures which are initiated and controlled "from above" do not count as part of direct democracy; neither does recall nor the direct election of representatives.

In a plebiscite, the "powers that be" – usually the president or the head of government – decide when and on what issue(s) the people shall be consulted. And indeed, such plebiscites are frequently merely consultative; juridically they are not binding on parliament or the government. Plebiscites are instruments of power in the hands of the rulers who seek the approval of the people in order to consolidate or salvage their power. The aim is not to implement democracy, but to provide legitimacy for the decisions of those in power.

Unfortunately, plebiscitary and direct-democratic popular vote procedures are often confused, as can be illustrated by the fact that the common term "referendum" is used to describe both of these fundamentally different procedures. By doing so, we obscure the concept of direct democracy and in addition to that, perhaps unintentionally, discredit direct democracy by association with the use of plebiscites by all kinds of dictators and authoritarian regimes.

The quoting of bad experiences with plebiscites, often done in a ritual and repetitive manner, is not a valid argument against direct democracy.

On the contrary, the fact that all kinds of dictators have used the plebiscite to justify their use of power ought to be a warning to us that plebiscites can be used to turn democracy into its opposite.

Failing to distinguish between democracy and dictatorship is a fatal error. Good democracy – and especially direct democracy – hardly allows tyrants of Hitler's ilk to flourish. On the contrary: dictatorships and totalitarianism can only flourish where democracy does not exist or has ceased to exist. Germany at the time of Hitler's accession to power is a striking example of this.

The design of direct democracy

In a genuine direct democracy, the constitution and the law clearly define when it is mandatory for the citizens to be consulted, and when they can decide for themselves that they have to be consulted. The quality of the direct-democratic procedures in place is crucially important for the use of direct democracy and for the quality of the decisions reached. When initiative and referendum procedures are being drawn up, a number of factors have to be taken into account:

- SIGNATURE THRESHOLDS: how many voters' signatures are required in order to trigger a citizens' initiative or a referendum?

- TIME ALLOWANCES: how much time is allowed for each stage of the process (collection of signatures, government response, parliamentary debate including a possible counter-proposal, referendum campaign)?

- HOW THE SIGNATURES ARE COLLECTED: can signatures be freely collected (on the street, for example) and thereby generate discussions, or are discussions prevented by restrictive collection rules (e.g. that signatures can be given only in designated official centres)?

- HOW WELL DIRECT DEMOCRACY IS EMBEDDED IN THE OVERALL POLITICAL SYSTEM: what rules exist for the involvement of government and parliament?

- MAJORITY REQUIREMENTS AND MINIMUM TURNOUT QUORUMS: is there a prescribed minimum "Yes" vote or turnout quorum (as a percentage of the electorate) in addition to the simple majority rule?

- Information for citizens and public debate: are citizens properly, objectively and adequately informed? How is public debate promoted and supported?

- Restriction of subject-matter: what issues are citizens NOT allowed to decide direct-democratically?

- Legal consequences: what are the legal consequences of a valid citizens' initiative (i.e. one which has satisfied the legal requirements)?

- The process as a whole: do the direct-democratic procedures form a coherent whole which cannot be subverted by the authorities, government or parliament?

The number of popular votes has increased significantly in recent decades: during the 1990s, on the national level, there was an increase of around 35% in Switzerland and more than 100% in Europe as a whole. There are even more impressive figures at the local level: in Bavaria alone, more than 1,000 popular votes took place within a ten-year period. Worldwide, more and more people are now able to vote on an increasing number of issues.

After this quantitative breakthrough towards direct democracy since 1989, the future of direct democracy now depends on qualitative improvements, in Switzerland as elsewhere, and there is a need to bid farewell once and for all to all plebiscitary procedures.

Guidelines for (more) democracy

In order to get an (even) better design of direct-democratic procedures, the following guidelines would need to be taken into account:

The procedures of direct democracy should be so designed as to encourage, rather than prevent, unimpeded communication at all levels. Setting thresholds for participation (turnout) and approval only encourages those who want to preserve the status quo to avoid communication. It is often easier to prevent supporters of a reform from reaching a quorum by blocking debate and persuading people not to vote than by securing an honest majority in the referendum ballot.

Reflection, discussion, meetings and interactions all need time. So do efforts to reach mutual understanding or compromise between those representing differing interests and organisations.

If the necessary time is not granted, the procedures tend to favour the established interests, who generally want to avoid being challenged in any case – quite apart from the fact that without sufficient time it is impossible to strengthen social integration. So the amount of time allowed for each stage of the process should be arranged with these considerations in mind. If only 14 days are allowed for the collection of what is in any case usually too large a number of signatures, then organisations which are not already established and well-organised are scarcely able to make successful use of the direct-democratic instruments designed primarily for them. It would be much more helpful to allow a collection period for signatures of between at least six months and a year.

The same applies to the time allowances and procedures granted to the administration, the organised interests and their associations, the political parties and parliament. Citizens' initiatives in California bypass parliament completely, whereas in Switzerland, once the required number of signatures has been handed in, a very diverse and extensive process of consultation and negotiation begins. If the system is to produce a high quality of discussion, with a genuine attempt to reach an understanding of each other's different positions, then it is vital not to hold the referendum vote too soon, perhaps only six months after the signatures have been handed in. The institutions should be allowed a minimum of a year, perhaps even 18 months.

This has nothing to do with stalling or dragging one's heels; it is an attempt to take those who launch initiatives seriously and to increase the reasonableness of the system and its procedures as well as the chances of finding an acceptable compromise. Direct democracy is much more than a "fast food", opinion-poll pseudo-democracy based on knee-jerk, emotional reactions to the concerns of the moment. What people are prepared to accept and be bound by has to be worked out democratically every time anew for each new issue.

Improving and guaranteeing the quality of direct democracy is not an end in itself. Only well-motivated and self-confident citizens, who have had a positive experience of politics at local, regional and national levels, will have the courage and confidence to demand elements of direct-democracy where they are most needed – in relation to the ongoing process of globalization.

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The democratisation of democracy

Over the past 150 years, direct democracy in Switzerland has gradually become more mature and more sophisticated. But there have also been setbacks. Current weaknesses include criticism, both at home and abroad, of how the country deals with the political integration of foreigners, of its relationship with the European Union, and of a lack of civic education in schools. And what about the fairness of the political process in Switzerland?

Direct democracy plays a central role in Swiss people's attitude to European integration. Many people consider that citizens' rights would be threatened if Switzerland were to join the EU. Others view accession as a chance to bring direct democracy to the European level, where many of today's political decisions are being made.

In spring 2005, the voters of the canton of Geneva (where 38% of the population are foreigners) decided to give the right to vote - but not the right to be elected - to foreigners who have been residents of the canton for at least 8 years. Geneva thus became the seventh Swiss canton to introduce voting rights for foreigners at the municipal level, joining the cantons of Neuchâtel, Jura, Appenzell Outer-Rhodes, Vaud, Graubünden and Fribourg. But the seven cantons are still the exception: in the past, attempts in numerous Swiss municipalities and cantons to introduce voting rights for residents who do not hold a Swiss passport have failed to get majority support in the referendum ballots. There is also currently a wide-ranging political and legal debate on what to do with the applications of those foreign residents who wish to acquire Swiss citizenship. One thing is certain: Switzerland is still making heavy weather of the issue of integration at home. Citizens' rights play a central role in this. They are the tools which those who already enjoy full rights of political participation can use to integrate those others who are still partly excluded – or not, as the case may be.

But the instruments of direct democracy are also the means by which direct democracy itself is reformed. Popular initiatives dealing with direct democracy are regularly launched at all levels – local, cantonal and federal – and proposals for the reform of citizens' rights are regularly voted on in referendum ballots. As with the issues of voting rights and citizenship, such reforms can be very challenging, as recent developments on initiative rights demonstrate. Although a constitutional amendment for a so-called "General Popular Initiative" was approved in a referendum vote in 2003, it ultimately proved to be impossible to implement the new instrument.

Other reforms had mixed fortunes – some were accepted, others rejected. In 1987, for example, both people and cantons voted to introduce the "double yes" for popular initiatives where there is an official counter-proposal. However, a citizens' initiative which went to ballot in 2000 and which aimed at giving citizens the right to present a counter-proposal (the so-called "constructive referendum") was rejected.

There have also been repeated attempts in recent years to dismantle citizens' rights. The government proposed a raising of the signature quorums for initiatives and referendums, and initiative committees demanded a shortening of the time allowed to the authorities to process initiatives. Although the proposal to cut the time allowances suffered a clear defeat at the ballot box, the plan to increase the signature quorums

did not even get through parliament. Although the signature quorum remained the same, it has not become any easier to collect the 100,000 signatures required for a national citizens' initiative. Quite the opposite: it has actually become harder. Hans-Urs Wili, civil rights expert at the Federal Chancellery, is convinced that "the trend towards more postal voting has adversely affected the traditional collection of signatures outside the voting centres". This perhaps explains why the number of popular initiatives making it to the ballot has been halved in the last ten-year period compared with the previous decade. However, in cantons like Zurich, where the number of signatures required was lowered as recently as 2006, the number of initiatives actually grew instead.

The Federal Court can intervene

Swiss-style direct democracy is not an unassailable absolute value; it has to be in harmony with international human rights and survive scrutiny by the judiciary. So the highest court of the land has intervened in the past when the implementation of direct-democratic rights called into question other fundamental rights embedded in the constitution. In 1991, for example, the Lausanne-based court prohibited the voters of Appenzell Inner-Rhodes from continuing their exclusion of women from the vote. In summer 2003, it made it illegal for decisions on acquiring Swiss citizenship to be made by secret referendum vote – thereby initiating an important public debate on the options and limits of direct democracy. "Granting citizenship is not a political decision, but an administrative act," declared the Federal Court. It criticised the fact that when decisions on citizenship were made through the ballot box, there was no obligation to provide an explanation.

The judges' ruling brought about changes in the handling of citizenship applications throughout Switzerland. Many decisions on citizenship were simply shelved until the matter was finally resolved. As a reaction to these legal decisions, the right-wing Swiss People's Party (SVP) launched several citizens' initiatives, which among other things sought to establish a constitutional right to a popular decision as to which organ should decide on citizenship. Ultimately, the SVP wants to establish a right to decide citizenship by popular ballot. The Council of States – the smaller of the two chambers of parliament – wants it to be left to the cantons to decide for themselves how they deal with applications for citizenship.

The public debate on the most recent reform of direct democracy has shown that although most Swiss like their citizens' rights, they are also constantly arguing about them. There is an obvious dividing line between those (minority) forces which see direct democracy in terms of a pre-modern concept of popular sovereignty operated by a clearly defined national community, and those who want to balance individual self-determination with internationally established human rights and the challenges linked to globalization. There has even been an intense debate around this dividing line within the Swiss federal government, in which both viewpoints are represented. Whereas, for instance, the Justice Minister, Christoph Blocher, favours a very restrictive policy on foreigners and criticizes the role of international law, his liberal colleague, Pascal Couchepin, has proposed that Swiss citizenship should be automatically acquired by all those born in the country ("ius soli").

In terms of the modernisation of direct democracy, the government is looking especially at the possibility of using the Internet. The first regular referendum ballot at which e-voting was allowed took place in 2003 in the small municipality of Anières in the canton of Geneva. In a vote on the renovation of a public building, 44% of voters used the Internet, 46% voted by post – and only 10% went to vote in person. A year later, the first e-vote on national referendums took place in several municipalities in the same canton. Subsequently, the cantons of Neuchâtel and Zurich also introduced e-voting schemes for both elections and referendum votes. Based on an assessment by the Federal Council, the Swiss Parliament decided in March 2007 to progressively extend the e-voting trials and also to take the necessary measures to allow expatriate Swiss voters to be included in the trials.

The cantons and municipalities of Switzerland also have a tradition of reforming their citizens' rights. The instruments of direct democracy are used even more at the cantonal level than at the national level to increase direct-democratic rights. As Adrian Vatter notes in his "Kantonale Demokratien im Vergleich" ("A Comparison of Democracy in the Cantons"), citizens' initiatives aimed at introducing voting rights for foreigners and for reducing the voting age to 18 were particularly common in the cantons. There were also many initiatives which demanded greater public involvement in important decisions on such matters as the building of new roads and nuclear power stations. Most of these initiatives failed to get a majority in the referendum vote.

Who belongs to "the people"?

This question has always played a central role in the history of Swiss democracy. Before women were finally given the right to vote in national elections and referendums in 1971, men had voted against this long-overdue measure in numerous national and cantonal ballots. Since then, there have been many referendum ballots on voting rights for citizens who are not Swiss nationals and on the means by which foreign residents can acquire Swiss citizenship. Both these cases are a reminder of the contrast between the pre-modern understanding of the right to vote as a privilege, and the modern conception of it as a human right. As with the question of women's voting rights, there are big differences between the cantons on voting rights for foreigners and on naturalisation. The government is proposing a new reform measure whereby all those who were born in Switzerland, but who for various reasons do not yet have a Swiss passport, would be able to vote.

In addition to the battles over the strengthening or dismantling of direct democracy, the question of the fairness of the political process has come more and more to the fore in recent years. Questions are being asked about

- the money, from various sources, used in the direct-democratic process
- the honesty of the arguments used in referendum campaigns
- the role of the government in the whole process

On the first point, there is a debate on whether to make disclosure of all monies spent on referendum campaigns mandatory. As regards the second point, proposals have been put forward for an ombudsman's office which would publicise any clearly false information – but would have no power to impose any legal sanction. And on the third question, a citizens' initiative was launched early in 2003 under the slogan: "People's sovereignty instead of authorities' propaganda."

What about political education in schools?

One of the weaknesses in Swiss democracy is the absence of political education in primary and secondary schools. Young people under 16 in Switzerland fall below the average internationally in this respect. They have a very clear idea of democracy, but their knowledge of politics and their willingness to be involved practically in democracy are very weak. These are the findings of a comparative study by the "International Association

for the Evaluation of Educational Achievement" (IEA), which questioned 90,000 14- and 15-year olds in 28 countries. For Fribourg University professors Fritz Oser and Horst Biedermann, the sobering analysis points up the widespread lack of political education in Swiss schools. Urgent action would seem to be necessary.

As a matter of fact, direct democracy also plays a central role in Swiss people's attitude to European integration. Many consider that citizens' rights would be threatened if Switzerland were to join the EU. Others, however, view accession as a chance to bring direct democracy to the European level, where many of today's political decisions are being made.

A study by Professor Dietrich Schindler from the University of Zurich found that three of the 40 bills and citizens' initiatives subject to mandatory referendum would have been entirely covered by EU law and 14 popular referendums would have "partially" affected EU law. Overall, Schindler believes that around 10% of the national referendum ballots would have been impossible under EU law (at least in part). The loss of civil rights would have been even less at the cantonal and municipal levels. This puts into perspective the claim that European integration would inevitably bring about a wholesale loss of popular rights. Looking into the future, initiatives and referendums are about to play an increasing role in many countries across Europe and the wider world, as well as specifically within the European integration process: by mid-2007 more than twenty transnational citizens' initiatives had been launched in the EU, and the new Reform Treaty will be scrutinized by the citizens in referendum votes in at least some of the EU member states.

The development of Swiss citizens' rights shows that the democratisation of democracy is not a one-way street. Sometimes there is progress, sometimes there are setbacks. In the words of the former UN Secretary-General Kofi Annan: "Obstacles to democracy have little to do with culture or religion, and much more to do with the desire of those in power to maintain their positions at any cost."

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Utopia becomes reality

Initiatives and referendums are playing a growing role almost everywhere. Since 1991, the number of national referendums and plebiscites around the world has doubled. From Canada to New Zealand and from Taiwan to Costa Rica, modern direct democracy is being strengthened at both the national and the local level. Now we are heading into a new era of transnational integration, where representative democracy must be strengthened by participatory rights in order to survive. An overview.

The 21st century will see the part-time democracy of the past replaced by a full democracy, in which citizens will have the right to have their say on substantive issues. This is the only way for representative democracy to become truly representative. Citizens' rights can turn the utopia of yesterday into the reality of tomorrow.

Jean Jacques Rousseau's idea was as simple as can be imagined: people need laws to govern public life; if everyone is involved in drawing up those laws, then in the final analysis, everyone has to obey only himself/herself. The result: self-regulation instead of the dominance of some over others.

This utopian dream of yesterday is more and more becoming the reality of today. In fact it isn't so long ago that only a minority of the world's population was living in countries with basic democratic rights. In 1980, only 46% of the world's population, in 54 countries, enjoyed the benefits of democracy. Today, more than two-thirds of people – 72%, in 133 countries – belong to the "democratic" world. This process of democratisation applies especially to Europe, where it is now only in Belarus that "democracy" remains a swear word.

In a recent report the United Nations Development Programme (UNDP) described the democratisation of societies as one of the most important positive trends. At the same time, the UN experts define the further democratisation of democracy as the greatest challenge of our time and make it clear that: "True democratisation means more than elections. People's dignity requires that they be free – and able – to participate in the formation and stewardship of the rules and institutions that govern them."

The Swiss had realised this as early as the 19th century and had successfully fought for the introduction of direct democracy. The rest of Europe and the world are now catching up: since 1991, the number of national referendums and plebiscites has more than doubled. Of the total of 585 documented national popular votes worldwide between 1991 and 2006, 100 were in the Americas, 64 in Africa, 40 in Asia and 31 in Oceania. By far the largest number – 350 – were in Europe. In the preceding fifteen years (1975-1990), the total was 235.

Three developments in particular highlight this clear trend towards more (direct) democracy. First, the democratic revolutions in Eastern Europe led to no fewer than 27 new constitutions, most of which were approved by the people in referendums. Second, the acceleration of integration within the EU opened the floodgates to a wave of direct democracy with transnational implications: 38 of the 45 national popular votes in Europe and about Europe have happened since 1991. Third, the establishment and growing use of direct-democratic mechanisms in the southern hemisphere, including primarily almost all the Latin-American countries, plus many African and a few Asian states.

The institution of the constitutional referendum was born in revolutionary America. The first vote took place in 1639, in the then independent American colony of Connecticut. However, the constitution-making efforts in Massachusetts and New Hampshire of 1778-1780 were of a particularly formative importance.

In Europe, it was the French who took up this American invention. The National Assembly declared that a constitution has to be decided by the people. In August 1793, six million French voters were asked to decide on the new democratic national constitution (the Montagnard constitution). Almost 90% of them voted in favour of the revolutionary new rules, which included the right of 10% of the electorate to demand a referendum.

Direct popular rights were developed further in Switzerland and not in France, where they did not survive Napoleon. From Europe they returned to the Americas: in the late 19th century to the north-western states of the USA and at the beginning of the 20th century to Uruguay. It was only after the Second World War that instruments of direct democracy became important in many other countries of the world – in Italy, Australia, South Africa and Ecuador, for example. Over the last 200 years, 1430 national referendums have been held worldwide – as we have seen, a large part of them in the last 15 years.

Direct democracy as a complement to indirect democracy is neither a silly idealistic notion from the past, nor the hobby-horse of a small group of out-of-touch fantasists. It has shown itself to be, on the contrary, an extremely practical idea – not least at the local level. In 2006, almost 10,000 referendums were recorded in American communities alone, and since the introduction of the local referendum in the southern German state of Bavaria in 1995, there have been more than 1,200 popular ballots. There is obviously no shortage of either issues or active citizens in Bavaria: local politics has been invigorated, as a member of the Bavarian parliament, Klaus Hahnzog, documented in his collection of essays entitled: "Mehr Demokratie wagen" ("Let's go for more democracy").

The metamorphosis of Europe

Let's go for more democracy: that's especially true for certain subjects. Across the world, referendums and plebiscites are being held on an enormous range of issues: the growth of the state, the constitution, road-building projects, moral issues, town planning, taxes. But the one issue which dominates above all is the question of European integration. No-one could have predicted it.

The founding fathers of the EU didn't think much of the idea of involving citizens directly in decision-making at the European political level. It was less the experience of the 1939–1945 war than the growing threat from the Cold War which meant that the ideas for a democratic European federation developed in the 1940s were initially consigned to the waste-paper bin. The process of integration during the 1950s was dominated by questions of economy and bureaucracy: the Monnet system did not provide for the direct involvement of the citizen.

It was another great Frenchman – President Charles de Gaulle – who was the first to formulate the challenge of a European referendum at the beginning of the 1960s: "Europe will be born on the day on which the different peoples fundamentally decide to join. It will not suffice for members of parliaments to vote for ratification. It will require popular referendums, preferably held on the same day in all the countries concerned."

Ten years later de Gaulle's successor, Georges Pompidou, finally dared to make a start and let the citizens of his country be the first Europeans to take part in a plebiscite on Europe. On 23rd March 1972, a two-thirds majority voted in favour of extending the then European Community northwards to include Denmark, Great Britain, Ireland and Norway. In retrospect, this decision did not only open the door to the north, but also to more (direct) democracy in Europe. In the same year, voters in both the Irish Republic (10th May) and Denmark (2nd October) decided in favour of joining the EC. That was not the end of the matter: there were popular votes on Europe in both Norway and Switzerland. On September 26th, the Norwegians voted narrowly against accession and on 10th December the Swiss voted massively in favour of a free trade treaty with the EEC, with 72.5% of voters saying "Yes."

This first great year of referendums in the history of the European integration process already clearly revealed the great disparity between popular vote procedures in the different countries: whereas the French plebiscite was called by the French president and the result was merely advisory, the Irish popular decision on accession was prescribed in the constitution and was binding on the political leadership of that country. In Denmark, transfers of sovereignty to international organizations have to be put to referendum only when there is no 5/6ths majority in the national parliament. In Norway and Switzerland, finally, it was parliament (in the former case) and the government (in the latter case) which voluntarily decided to submit the issue of accession to the EC (Norway) and to the EEC Free Trade Treaty (Switzerland) to popular vote.

We have now reached the stage where citizens in 22 of the now 27 member states of the EU have had at least one chance of voting directly on the EU.

Minimum requirements that really work

In many states popular voting procedures show a lack in quality. In Europe, the (full) popular initiative and/or referendum exists only in the following eight countries: Hungary, Italy, Latvia, Liechtenstein, Lithuania, Switzerland and Slovakia (see our survey). The constitutions of the Netherlands, Austria, Poland, Portugal, Romania, Albania and Spain contain an agenda-initiative. Popular votes in the form of plebiscites exist in Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Great Britain, Greece, Luxembourg, Norway, Sweden and Turkey, and de facto also in the Czech Republic. In these countries the organisation of a popular vote depends exclusively on the will of those in power. In Germany and Malta there are (as yet) no constitutional provisions for a popular vote.

The future of direct democracy in Europe and across the world depends on the free expression and fair use of citizens' rights. The following represent the minimum requirements which must be met:

• Citizens must have the right to launch a popular initiative and referendum process themselves.
• Popular referendums must be binding. Non-binding consultations are often ambiguous; instead of solving problems, they create new ones.
• There must be no minimum turnout quorums: these permit non-voting to be used tactically and increase the likelihood of referendums being declared invalid.

It should also be a requirement for:
• all donations and campaign funds used in the run-up to referendums to be declared in the interests of transparency.
• both sides in a referendum campaign to be given space and time in the media.
• the role of government and of public debates in referendum campaigns to be clearly defined.

Many reforms which are "sold" to citizens as "participatory" or "direct" democracy only reveal their true character when they are measured against the six requirements listed above. For example, the government in Sweden recently proposed the introduction of a new initiative right, which would, however, proceed to a (consultative) referendum only if 10% of the residents of a community and one-third of the members of the local parliament

requested it. On the other side of the globe, the Taiwanese parliament passed a referendum law which is so complicated and user-unfriendly that one commentator in this country with a population of 23 million declared that it "actually prevents people from having a say". When popular rights are being drawn up, particular attention must be paid to design flaws – whether intentional or unintentional – because any negative experience with direct democracy can result in it being rejected for a long time to come.

Test case: the European Citizens' Initiative

It is for this reason that the envisaged introduction of the "European Citizens' Initiative" will be such an interesting, but also tricky, test case. The 2004 Draft Treaty establishing a Constitution for Europe included a provision for "no less than one million" citizens to "invite the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution (…)". The option of proposing a new article of the "constitution", an amendment to a law or merely a new regulation will place citizens on a par with the members of the European Parliament and is part of the new EU Reform Treaty.

Compared with the national rights of initiative, which in some countries are well-developed, the EU provision of an agenda initiative may appear rather modest, for the formal right of initiative will remain with the EU Commission. Nonetheless, there will be enormous indirect consequences, as the new citizens' initiative right allows trade unions and other organizations to mobilize millions of people in support of their concerns, whether it is to bring about a new law or new regulations. Merely the declared intention to implement a legal right to such pan-European initiatives has already motivated people all over Europe to test the new instrument: by the end of 2007 more than 20 European citizens' initiatives had been launched (see survey).

"This direct-democratic instrument enables citizens to become players at the transnational level," says Jürgen Meyer, a former German parliament representative in the European Conventions. Meyer and other experts from the Marburg-based Initiative and Referendum Institute Europe are now acting as consultants to the Commission and the member states on the new initiative right in order to ensure, as Meyer puts it, that "the whole thing comes out in as citizen-friendly a form as possible".

The 21st century challenge to established nation-state based representative democracies is enormous: in a recent survey, "The Economist" in London predicted that direct democracy would be "the next big step for mankind". The 21st century will see the "part-time democracy" of the past replaced by a "full democracy", in which citizens will have the right to have their say on substantive issues much more often than in the past. This is the only way for representative democracy to become truly representative. Citizens' rights can turn the utopia of yesterday into the reality of tomorrow.

Resources

Elections 2003

Level of state		Body elected
Municipality	9 Feb	Renewal of office, Justices of the Peace 2003–2009
Canton	6 Apr	Cantonal council (parliament) 2003–2007
	6 Apr	Governing council (Executive) 2003–2007 (4 women 3 men)
	18 May	Church synods 2003–2007
Federation	19 Oct	National council 2003–2007
	19 Oct	Zurich members of Council of States (2) 2003–2007

Municipality (city of Zurich): Referendum votes 2003

		Proposal	Result
9 Feb	1	Loan of 75 million francs for buildings for the "Energy Services" division of the Zurich city electricity generating station	**accepted** (78.13%) turnout: 31.27%
18 May	2	Reconstruction and renovation of the indoor stadium involving the purchase of land costing 31,448,000 francs, building permit, loan of a maximum 20 million francs and portion of increase in share capital	**accepted** (73.5%) turnout: 49.55%
18 May	3	Public design plan for "Sechseläutenplatz-Theaterplatz"	**accepted** (69.31%) turnout: 49.68%
7 Sept	4	Subsidy for residential building and pension fund, insurance against potential losses on loan to city of Zurich pension fund, supplement to decision of municipality dated 31st August 1924	**accepted** (79.69%) turnout: 32.33%
7 Sept	5	Private development plan for the Zurich stadium with environmental impact study	**accepted** (63.26%) turnout: 32.44%

Municipality (city of Zurich): Referendum votes 2003

		Proposal	Result
7 Sept	6	Approval of 47,666,500 francs for a share in the Zurich Stadium Co. responsible for creating infrastructure for the football stadium. www.stadion-zuerich.ch	**ACCEPTED** (59.19%) TURNOUT: 33.25%
7 Sept	7	Definitive introduction of block-lessons in the lower classes of the primary school from the 2005/2006 school year, approval of annual recurrent expenditure of 3,650,000 francs	**ACCEPTED** (72.04%) TURNOUT: 32.72%

Canton Zurich: Referendum votes 2003

		Referendum Question (Cantonal and Executive council recommendation)	Result
9 Feb	1	Do you want to accept the following proposal? Introductory law to the Swiss civil code (amendment) (YES)	**ACCEPTED** (56.5%) TURNOUT: 32.7% MUNICIPALITIES: YES: 169 / NO: 13
9 Feb	2	Do you want to accept the following proposal? Decision of the cantonal council on approval of a loan for a cantonal contribution to the building of the Glattal railway and also for road building and modification in the central Glattal (YES)	**ACCEPTED** (66.6%) TURNOUT: 32.9% MUNICIPALITIES: YES: 170 / NO: 12
18 May	3	Do you want to accept the popular initiative "Lower taxes for lower incomes (popular initiative for greater tax fairness in the canton Zurich)" ? (NO)	**REJECTED** (63.9%) TURNOUT: 50.1%
30 Nov	4	Do you want to accept the change in the cantonal constitution regarding the division of duties between canton/municipalities? (YES)	**ACCEPTED** (83.42%) TURNOUT: 40.0% MUNICIPALITIES: YES: 182 / NO: 0

Canton Zurich: Referendum votes 2003

		Referendum Question (Cantonal and Executive council recommendation)	Result
30 Nov	5	Do you want to accept the change in the cantonal constitution to reform the relationship between church and state? (yes)	**REJECTED** (55.01%) turnout: 40.2% Municipalities: yes: 14 / no: 168
30 Nov	6	Do you want to accept the law on churches? (yes)	**REJECTED** (54.18%) turnout: 40.2% Municipalities: yes: 16 / no: 166
30 Nov	7	Do you want to accept the law on the recognition of religious communities? (yes)	**REJECTED** (64.06%) turnout: 40.4% Municipalities: yes: 8 / no: 174
30 Nov	8	Do you want to accept the law on a police and judicial center for Zurich? (yes)	**ACCEPTED** (55.70%) turnout: 40.3% Municipalities: yes: 110 / no: 74
30 Nov	9	Do you want to accept the amendment to the health law relating to the handing over of medicines? (yes)	**REJECTED** (58.88%) turnout: 40.8% Municipalities: yes: 14 / no: 168
30 Nov	10	Do you want to accept the law on the partial revision of the procedure in criminal cases? (yes)	**ACCEPTED** (76.27%) turnout: 39.8% Municipalities: yes: 182 / no: 0
30 Nov	11	Do you want to accept the popular initiative "The right of the people to have a say on tax matters"? (maximum tax rate of 98% in the constitution) (no)	**REJECTED** (63.77%) turnout: 40.3% Municipalities: yes: 11 / no: 171
30 Nov	12	Do you want to accept the popular initiative "An end to the official raising of housing costs for tenants and owners"? (Abolition of the tax when properties change hands) (Cantonal council: yes / Executive council: No)	**ACCEPTED** (52.06%) turnout: 40.4% Municipalities: yes: 155 / no: 27

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FEDERATION: REFERENDUM VOTES 2003

		PROPOSAL	RESULT
9 FEB	1	Federal decree on amendment to citizens' rights	**ACCEPTED** (70.4%) TURNOUT: 28%
9 FEB	2	Federal law on adjusting canton's contributions to hospital costs	**ACCEPTED** (77.4%) TURNOUT: 28%
18 MAY	3	Amendment to federal law on the army and military administration	**ACCEPTED** (76.0%) TURNOUT: 50%
18 MAY	4	Federal law on civil protection	**ACCEPTED** (80.6%) TURNOUT: 50%
18 MAY	5	Popular initiative "Yes to fair rents for tenants"	**REJECTED** (67.3%) TURNOUT: 50% CANTONS: YES: 1 / NO: 19 6/2
18 MAY	6	Popular initiative "For one car-free Sunday per season – a 4-year trial (Sunday Initiative)"	**REJECTED** (62.4%) TURNOUT: 50% CANTONS: YES: 0 / NO: 20 6/2
18 MAY	7	Popular initiative "Healthcare must be affordable (Health Initiative)"	**REJECTED** (72.9%) TURNOUT: 50% CANTONS: YES: 0 / NO: 20 6/2
18 MAY	8	Popular initiative "Equal rights for the disabled"	**REJECTED** (62.3%) TURNOUT: 50% CANTONS: YES: 3 / NO: 17 6/2
18 MAY	9	Popular initiative "Non-nuclear energy – for a change in energy policy and the gradual decommissioning of nuclear power plants (Non-nuclear energy)"	**REJECTED** (66.3%) TURNOUT: 50% CANTONS: YES: 1/2 (BS) / NO: 20 5/2

Federation: Referendum votes 2003

	Proposal	Result
18 May	10 Popular initiative "Moratorium Plus – for an extension of the moratorium on nuclear power plant construction and a limitation of the nuclear risk (MoratoriumPlus)"	**REJECTED** (58.4%) TURNOUT: 50% CANTONS: YES: 2/2 / NO: 20 4/2
18 May	11 Popular initiative "For adequate vocational training (Apprenticeship Initiative)"	**REJECTED** (68.4%) TURNOUT: 50% CANTONS: YES: 0 / NO: 20 6/2

Cantonal referendum votes in 21 cantons

Canton	Total votes 1970-2003	1997–2003
Zurich	457	77
Solothurn	316	47
Basel Country	282	74
Schaffhausen	272	52
Graubünden	262	69
Basel City	242	22
Bern	222	22
Uri	183	29
Aargau	183	50
Thurgau	163	17
Geneva	150	30
Schwyz	142	26
Valais	136	8
Neuchâtel	121	6
St. Gallen	121	20
Lucerne	99	21
Zug	97	25
Vaud	86	23
Fribourg	85	11
Ticino	53	12
Jura (since 1979)	45	4
TOTAL	3,709	645

SOURCE: C2D Research Centre on Direct Democracy, Aarau (www.c2d.ch)

	PRE-MODERN	MODERN
Concept	Classical direct democracy.	Modern direct democracy.
Model	"Associational democracy": Assembly democracy ("Lands-gemeinde" or just "Gemeinde" [popular assembly]).	"Individualistic democracy": Referendum and Initiative as a complement to representative democracy.
Counter concept	Aristocracy, monarchy.	Representative democracy.
Political culture, citizens' rights	Group consciousness: democracy, popular sovereignty, freedom, equality for "us" as members of a particular, privileged collective; historical justification for a collective particularism.	Individualism: democracy, popular sovereignty, freedom, equality for "all" as an inalienable human right; individual human rights based on natural law.
Basis or justification	Democracy as the historical privilege of a certain group; origin in resistance to unjust tyranny (William Tell).	Democracy as a natural right.
Democracy	Reconcilable with domination of some by others.	Irreconcilable with domination of some by others.
Freedom	Associational/community or collective freedom.	Individual freedom.
Equality	Equality between the members of a particular collective.	Equality of all humans.

	PRE-MODERN	MODERN
Political equality	The most important governmental, administrative and judicial posts occupied everywhere by members of eminent families (so-called "heads"), who were clearly distinct from the "common man" economically, socially and culturally – though not legally.	Formal equality linked to inequality in the actual practice of participation in politics.
Political practice	Purchase of official posts and votes as a form of social equalization or political participation.	Purchase of official posts and votes held to be corrupt; social equalization through the medium of the welfare state.

Switzerland is a federal state which emerged out of an earlier confederation of separate, independent states – the cantons. The cantons – frequently referred to in Switzerland as the "Stände", or "states" – are the original states which joined together in a confederation (the "Bund") in 1848, seceding to the confederation a portion of their own sovereignty. The Swiss political system acknowledges this fact by giving the cantons a high degree of autonomy and by involving them deeply in all the stages of political decision-making.

Swiss federalism is distinguished by five elements:

1 The cantons enjoy a substantial number of powers and competences
2 There is extensive cooperation between the "Bund" – the central power – and the cantons; but also between the cantons themselves
3 The cantons enjoy a certain autonomy in the raising and spending of public finances
4 The cantons are autonomous in respect of organisation and procedures
5 The cantons enjoy statutory rights of co-decision making in fundamental decisions of the central power.

Article 3 of the federal constitution states:
"The cantons are sovereign, insofar as their sovereignty is not limited by the federal constitution; they exercise all those rights which are not ceded to the Bund."

Switzerland consists of 26 cantons, of which 6 – for historical reasons – have rights which are in certain respects reduced. Each canton has its own constitution, its own parliament, its own government and its own courts. Every canton sends two representatives to the "Council of States", except for Basel City, Basel Country, Obwalden, Nidwalden, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes, all of which send only one.

How the cantons can influence
the creation of a new law[1]
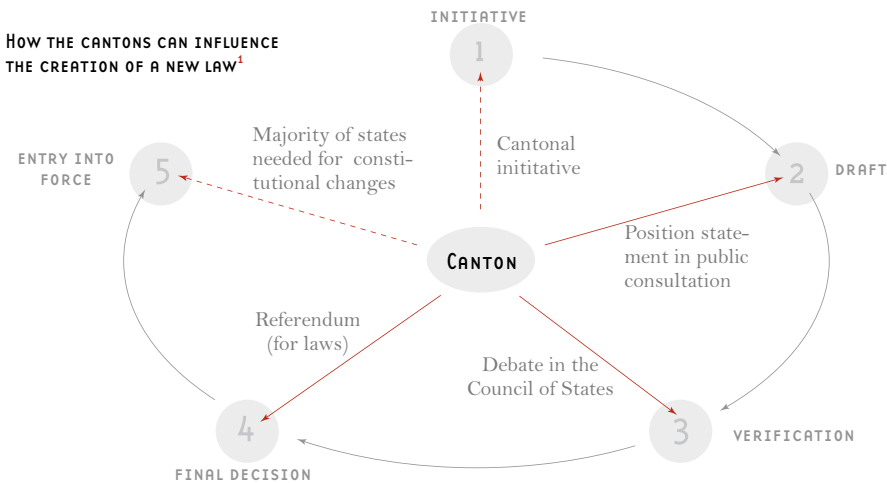
[1] For more information on the 5 phases, see Factsheet 5: Five stages in the genesis of a new law

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The genesis of a law is a complex and often also a lengthy affair. The process takes a minimum of twelve months, but in extreme cases can last for more than a dozen years. Despite this, the number of new laws has increased markedly in recent years. Currently, new laws enter into force at the rate of one per week on average.

The path towards a new law can be divided into five stages:

1   The initial trigger can come, for example, from individual voters or interest groups launching a popular initiative. But it can also come from members of parliament or sections of the administration, from cantons or from the Federal Council.

2   In the second stage, a preliminary draft of the law is worked out. The Federal Council often appoints for this purpose a 10–20 member committee which includes representatives of those who have an interest in the new law. The preliminary draft is then sent out for consultation to the cantons, the political parties, the unions and to other special interest groups. All of these can express a formal opinion on the proposal and also propose changes to it. On the basis of the feedback from the consultation, the federal administration revises the draft law and passes it on to the Federal Council. The Federal Council checks the text and passes it – together with an explanatory memorandum – on to the National Council and the Council of States for parliamentary consideration.

3   The third stage is the parliamentary stage, in which the draft law is debated. The presidents of the two Councils decide in which of the two chambers the draft new law will be debated first. An advisory committee of the chosen council debates the text and then presents it together with its own opinion to the whole council (e.g. the National Council). This procedure is repeated in the second chamber (in this case, the Council of States): the text agreed by the National Council is first debated by an advisory committee of the Council of States.

If the National Council and the Council of States should come to different decisions, the so-called "resolution of differences" procedure comes into play. The advisory committee of the first chamber examines the individual differences and then makes a proposal to its chamber – to accept the Council of States' version on one point, for example, but to insist on their own version on another point. After the revised draft has been debated and agreed in the first council, the advisory committee of the second council deals with any remaining differences and makes its own proposal to its chamber.

If after three rounds of debate there are still differences in the agreed drafts, the so-called "agreement conference" is called in order to seek a compromise solution. It consists of members of the two committees of the National Council and the Council of States. The compromise formula goes to both Councils for a final vote.

4   At the next stage, the electorate has the opportunity to express its opinion on the proposed law. The draft law is subject to the facultative, or optional, referendum i.e. 50,000 eligible voters or eight cantons can demand a popular referendum vote on the law. The demand for a referendum vote must be made within 100 days of the draft law being published. (Changes to the constitution are subject to obligatory referendum).

5   The new law enters into force if 100 days pass without a referendum being called, or if a majority of the voters approves it in the popular vote resulting from the facultative referendum.

WAYS IN WHICH ELIGIBLE VOTERS CAN INFLUENCE THE GENESIS OF A NEW LAW
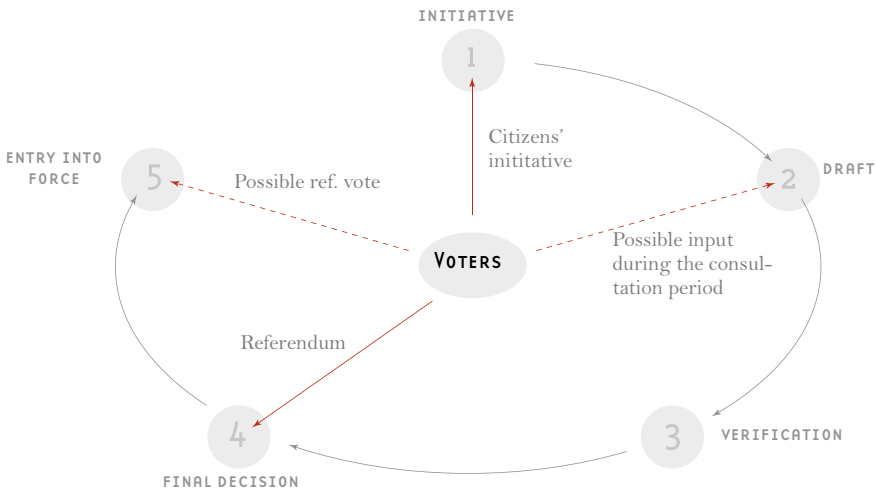
SOURCE: Swiss Federal Chancellery: The Path Towards a New Law (www.bk.admin.ch/themen/gesetz)

Since 1994 it has been a principle in Switzerland that every voter can decide freely whether to vote in person, or whether to vote by post in federal referendums[1]. Postal voting is easier both in terms of space and time. People who are away from home can mail their vote from anywhere, even from abroad. One is able to vote by post after one has received the documents required under cantonal law to enable one to vote[2]. The specific procedure for postal voting is determined by the cantons. They have to ensure that the process is straightforward and especially that it guarantees control of the entitlement to vote, voting secrecy and the recording of all votes, and that it prevents abuse[3].

There are two different systems of postal voting in Switzerland: the simplified system and the system of postal voting on request. The first of the two systems – the general, or simplified, postal vote – is more common. Voters receive an official mailing of the material for the postal vote. The second system, that of postal voting on request, is now only practised in one canton. Voters can apply to the relevant authorities for permission to vote by post. The application can be for one referendum ballot, for the whole of a legislative session, or for all forthcoming referendum ballots.

Postal voting has become very popular. On average, more than 80% of those voting now give their votes by post. But the share of postal voting still varies widely from canton to canton[4].

[1] Federal Law on political rights (BPR) Art. 5 § 3 (www.admin.ch/ch/e/rs/c161_1.html)
[2] BPR Art. 8 § 2
[3] BPR Art. 8 § 1
[4] Further information (in German):
· Swiss Federal Chancellery: Survey on postal voting, Bern 1998 (www.admin.ch/ch/d/pore/va/doku/pdf/enquete_bsa.pdf)
· Longchamp, Claude: Popular postal voting – Main results of the VOX-Analyses of postal voting at federal citizens' referendum ballots, 1998 (www.polittrends.ch/partizipation/postgang.php)
· Von Arx, Nicolas: Postal Democracy, Postal voting in Switzerland (Aktuelle Juristische Praxis 1998, pages 933–950)
· Swiss Federal Chancellery: Postal Voting – Analysis of the popular vote of 27th November 2005, Bern 2006 (www.bk.admin.ch/dokumentation/publikationen/00284/02526).

Introduction of simplified Postal voting according to canton[5]:

Canton	Current legal basis (as of 20.08.2004)	Since
Zurich	Law on political rights, § 69 www.zhlex.zh.ch/	1994
Bern	Law on political rights, Articles 10 and 11 www.sta.be.ch/belex/d/1/141_1.html	1991
Lucerne	Law on voting rights, § 61–63 www.lu.ch/rechtssammlung.htm	1994
Uri	Law on secret elections, referendum ballots and citizens' rights, Articles 19–23 www.ur.ch/rechtsbuch/start.htm	1995
Schwyz	Law on elections and referendum ballots, § 28 www.sz.ch/gesetze/G100/120_100.pdf	2000
Obwalden	Law on the exercise of political rights, Articles 29 and 30 http://ilz.ow.ch/gessamml/pdf/122100.pdf	1995
Nidwalden	Introductory ruling on federal law on political rights, § 32–36 www.navigator.ch/nw	1994
Glarus	Law on elections and referendum ballots, Articles 13, 15–17 http://gs.gl.ch/pdf/i/gs_i_d_22_2.pdf	1995
Zug	Law on elections and referendum ballots, § 13, 23, 30–35 www.zug.ch/bgs/data/131-1.pdf	1997
Fribourg	Law on the exercise of political rights, Article 18 www.fr.ch/ofl_bdlf/de/plan_sys/default.htm	1995
Solothurn	Law on political rights, § 78–85 www.so.ch/extappl/bgs/daten/113/111.pdf	1980

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[5] Further information on ways of making voting easier in the cantons (in German/French/Italian):
www.admin.ch/ch/d/pore/nrw07/ste/kt_index.html

Introduction of simplified Postal voting according to canton[5]:

Canton	Current legal basis (as of 20.08.2004)	Since
Basel City	Law on elections and referendum ballots, § 6, 8 www.gesetzessammlung.bs.ch/sgmain/default.html	1995
Basel Country	Law on political rights, § 7, 10 www.baselland.ch/docs/recht/sgs_1-1/120.0.htm	1978
Schaffhausen	Law on popular referendum ballots and elections and on the exercise of citizens' rights, Articles 14, 50, 53bis–53quater www.rechtsbuch.sh.ch/default.htm	1995
Appenzell Outer-Rhodes	Law on political rights, Articles 13–15 www.bgs.ar.ch/	1988
Appenzell Inner-Rhodes	Ruling by the Great Council concerning political rights, Articles 12–14, 17 www2.ai.ch/_download/lexdb/121.pdf	1979
St. Gallen	Law on voting by ballot, Articles 16–16ter www.gallex.ch/gallex/1/fs125.3.html	1979
Graubünden	Law on political rights in the canton Graubünden, Articles 24, 25, 34 www.navigator.ch/gr	1995
Aargau	Law on political rights, § 17 www.ag.ch/sar/output/default.htm?/sar/output/131-100.htm	1993
Thurgau	Law on the right to vote in referendums and elections, § 10 www.rechtsbuch.tg.ch/pdf/100/161_1Zneu.pdf	1985
Ticino	Law on the exercise of political rights, Articles 32–34 www.ti.ch/CAN/temi/rl *(Postal voting on request since 1987)	*

[5] Further information on ways of making voting easier in the cantons (in German/French/Italian):
www.admin.ch/ch/d/pore/nrw07/ste/kt_index.html

Introduction of simplified Postal voting according to canton[5]:

Canton	Current legal basis (as of 20.08.2004)	Since
Vaud	Law on the exercise of political rights, Articles 17b, 18, 20, 24 www.rsv.vd.ch/dire-cocoon/rsv_site/index.xsp	2002
Valais	Law on political rights, Articles 25 and 26 www.vs.ch/home2/etatVS/vs_public/public_lois/fr/loishtml/160.1.htm	2004
Neuchâtel	Law on political rights, Articles 9a, 10, 20 http://rsn.ne.ch/ajour/default.html?141.htm	2003
Geneva	Law on the exercise of political rights, Articles 61, 62, 67 www.ge.ch/legislation/rsg/f/rsg_a5_05.html	1995
Jura	Law on political rights, Articles 18, 19, 21 http://rsju.jura.ch/extranet/groups/public/documents/rsju_page/loi_161.1.hcsp	1999

[5] Further information on ways of making voting easier in the cantons (in German/French/Italian): www.admin.ch/ch/d/pore/nrw07/ste/kt_index.html

What is e-voting?

E-voting is short for "electronic voting" and refers to the option of using electronic means (i.e. the Internet, e-mail) to vote in referendums and elections, give signatures for initiatives and referendums and acquire information on elections and referendums from the authorities. In Switzerland, it is planned to use e-voting to complement conventional procedures (voting in person by ballot and postal voting), but not to replace them.

The starting point

A number of proposals were directed by parliament to the Federal Council, asking it to look into whether and how direct democracy in Switzerland could be reinforced by the new information and communication technologies. As a result, the Federal Council commissioned the Federal Chancellery in August 2000 with the task of examining the feasibility of e-voting. To this end, the Chancellery set up a working party composed of federal and cantonal representatives and known as the "Preliminary Project on e-voting", which has delivered a first report on the options, risks and feasibility of e-voting to the Federal Council.[1] The report was approved by the Federal Council in January 2002 and noted in subsequent sessions of parliament. The working party continues to monitor the pilot projects supported by the Chancellery in the cantons of Geneva, Neuchâtel and Zurich, which are designed to clarify the main considerations which would arise if e-voting were to be introduced in Switzerland.

Pros and cons of e-voting

Both supporters and opponents of e-voting list a series of weighty arguments. On the one hand there are the opportunities which the electronic exercise of political rights might bring. E-voting can make voting in elections and referendums easier for many people. The considerable mobility of the Swiss population, the change in communication habits and the daily information overload could further reduce participation in political decision-making. But one might also think of those who are blind or visually impaired, who at present have only limited opportunities of exercising their right to vote in secrecy; or of the Swiss who live abroad, who are often excluded from voting by distance and slow postal services. There is disagreement among experts as to whether e-voting would actually encourage more people to vote or not.

On the other hand, there are potential risks in e-voting, primarily in terms of the possible abuse of the system. Critics fear the unauthorised intervention of third parties in the voting process. There is no guarantee, given the current state of information technology, that a programme could not be manipulated to allow someone to store and print out a different form or document from the one appearing on the screen. With electronic voting it is more difficult to detect and find the source of errors, technical breakdowns etc. than with conventional procedures, and public checking of recounts is less easy. If public doubts about the reliability of electronic forms of voting cannot be removed, the whole functioning of the democratic system may be brought into question.

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[1] Report on e-voting: options, risks and feasibility of the electronic exercise of political rights, BBl 2002 645. The report, together with addenda and submissions from experts, is available at: www.bk.admin.ch/themen/pore/evoting (in German, French and Italian)

The pilot projects in Geneva, Neuchâtel and Zurich

A consultation exercise carried out in all the cantons showed that many cantons would like to be involved in the pilot projects which are being partly financed by the Federation[2]. To date, agreements have been reached with Geneva, Neuchâtel and Zurich.

One particular criterion was decisive in the selection of the pilot projects. The three pilot cantons form a set which covers those factors relative to the requirements for e-voting which are of central importance for all the cantons. The canton Geneva[3], for example, already has a centralised administrative structure and a central register of voters. This has still to be created in the canton Zurich[4]. The canton Neuchâtel is examining the implementation of e-voting as an integral part of its "Guichet unique" ("one stop e-counter"), an electronic public office for all cantonal authority matters[5]. The differing requirements and goals, as well as the staggering of the three pilot projects over time will allow the gradual build-up of the know-how necessary for a nationwide solution.

A variety of tests has been carried out in the cantons Geneva, Neuchâtel and Zurich:

Date	Canton	Municipalities	Number of voters with the opportunity of using e-voting	Number of voters having actually used e-voting	Level of referendum/election
19.01.2003	Geneva	Anières	1,162	323	municipal referendum
30.11.2003	Geneva	Cologny	2,521	432	municipal referendum
18.04.2004	Geneva	Carouge	9,049	1,024	municipal referendum
13.06.2004	Geneva	Meyrin	9,170	788	municipal referendum
26.09.2004	Geneva	Anières, Carouge, Cologny, Meyrin	22,137	2,723	national and cantonal referendums
24.10.2004	Geneva	Vandoeuvres	1,382	240	municipal referendum

[2] The survey is available (in German, French and Italian) at www.bk.admin.ch/themen/pore/evoting
[3] Further information: www.geneve.ch/evoting/english/welcome.asp
[4] Further information on the Zurich pilot project (in German): https://evoting.zh.ch/
[5] Further information on the Neuchâtel pilot project (in French): www.ne.ch/gvu

Date	Canton	MUNICIPALITIES	NUMBER OF VOTERS WITH THE OPPORTUNITY OF USING E-VOTING	NUMBER OF VOTERS HAVING ACTUALLY USED E-VOTING	Level of referendum/election
28.11.2004	Geneva	Anières, Carouge, Cologny, Collonge-Belle-rive, Meyrin, Onex, Vandoeu-vres, Versoix	41,431	3,755	national and cantonal referendums
24.04.2005	Geneva	Anières, Bernex, Carouge, Chêne-Bourg, Collonge-Bellerive, Cologny, Grand-Saconnex, Lancy, Meyrin, Onex, Thonex, Vandoeuvres, Vernier, Versoix	88,082	7,911	cantonal referendum
25.09.2005	Neuchâtel	users of the "Guichet Unique"	1,732	1,178	national and municipal referendums
30.10.2005	Neuchâtel	users of the "Guichet Unique"	2,209	1,194	cantonal election
30.10.2005	Zurich	Bülach	3,919	1,461	municipal referendum
27.11.2005	Zurich	Bertschikon, Bülach, Schlieren	16,726	1,397	national, cantonal and municipal referendums and municipal election
27.11.2005	Neuchâtel	users of the "Guichet Unique"	2,469	1,345	national referendum
02.04.2006	Zurich	Bülach	9,601	728	municipal elections
26.11.2006	Zurich	Bertschikon, Bülach, Schlieren	17,344	1,309	national and cantonal referendum

Date	Canton	MUNICIPALITIES	NUMBER OF VOTERS WITH THE OPPORTUNITY OF USING E-VOTING	NUMBER OF VOTERS HAVING ACTUALLY USED E-VOTING	LEVEL OF REFERENDUM/ ELECTION
26.11.2006	Neuchâtel	users of the "Guichet unique"	3,554	1,311	national and municipal referendum
11.03.2007	Neuchâtel	users of the "Guichet unique"	3,757	1,538	national and municipal referendums
17.06.2007	Neuchâtel	users of the "Guichet unique"	4,151	1,494	national, cantonal and municipal referendums
17.06.2007	Zurich	Bertschikon, Bülach, Schlieren	17,292	902	national, cantonal and municipal referendums

Legal basis

Federal law on political rights[6] and the related, similarly-worded decree[7] had to be supplemented in order to give the Federal Council the legal means to permit legally binding studies at the federal level. The legal basis and the practical regulations came into force on 1st January 2003. From then on it was possible for the Federal Council to permit a canton, if it so requested, to carry out e-voting pilot studies limited as to time, place and subject matter.

The federal constitution inscribes the right to free decision-making and secure voting free from counterfeiting. From this result a series of requirements for e-voting which are set out in Articles 27a-27q of the Federal Decree on Political Rights. Voters must be informed about the organisation, the technology used and the temporal sequence of the process of electronic voting. It must be possible to change one's mind and/or to cancel one's vote before it is finally sent off; there must be no on-screen advertising which could influence voters in any way; and there must be a perfectly clear visual indication on the computer or machine being used to register the vote that the vote has been transmitted.

[6] www.admin.ch/ch/e/rs/c161_1.html
[7] www.admin.ch/ch/d/sr/c161_11.html

In order to maintain voting secrecy, the electronic vote has to be encoded from the moment of sending until the moment of arrival; it must remain fully anonymous and must not be traceable to the voter. The possibility of a vote getting lost must be technically ruled out, even in the case of a fault or failure in the system. It must be possible to reconstruct every individual use of the system and every vote given even if there is a system crash.

Future prospects

The pilot projects in Geneva, Neuchâtel and Zurich have now been evaluated[8]. On the basis of this evaluation Parliament decided in March 2007 to build step by step on the successful trials of e-voting and also to create the necessary prerequisites so that the Swiss abroad can be given the chance to vote electronically.

Further information on e-voting (in german, french and italian):
www.bk.admin.ch/themen/pore/evoting

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[8] Report on e-voting pilot projects, BBl 2006 5459. The report, together with addenda, is available at: www.bk.admin.ch/themen/pore/evoting/00776 (in German, French and Italian)

Overview of selected types of cantonal initiatives and referendums

[o]=obligatory / [f]= facultative (Constitutional referendum is obligatory for all cantons)

Canton	Subject of referendum	Popular initiatives *	Collection period	Facultative referendums *	Collection period
Aargau	Laws [o+f] Finances [f]	0.9	12 months	0.9	90 days
Appenzell Inner-Rhodes	Laws [o+f] Finances [f]	Popular assembly			
Appenzell Outer-Rhodes	Laws [o+f] Finances [o+f]	2		2	60 days
Basel Country	Laws [o+f] Finances [f] Admin. [o]	0.9		0.9	56 days
Basel City	Laws [f] Finances [f]	3.2		1.6	42 days
Bern	Laws [f] Finances [f] Admin. [f]	2.2	6 months	1.5	90 days
Fribourg	Laws [f] Finances [o+f]	3.9	3 months	3.9	90 days
Geneva	Laws [f] Finances [f] Admin. [f]	4.8	4 months	3.4	40 days

* Minimum number of signatures, as a percentage of the electorate

Overview of selected types of cantonal initiatives and referendums

[o]=obligatory / [f]= facultative (Constitutional referendum is obligatory for all cantons)

Canton	Subject of referendum	Popular initiatives *	Collection period	Facultative referendums *	Collection period
Glarus	Laws [o] Finances [o] Admin. [o]	Popular assembly			
Graubünden	Laws [o+f] Finances [o+f] Admin. [o]	4.0	12 months	2.4	90 days
Jura	Laws [f] Finances [o+f] Admin. [o]	3.9	12 months	3.9	60 days
Lucerne	Laws [f] Finances [o+f]	2.2	12 months	1.3	60 days
Neuchâtel	Laws [f] Finances [o] Admin. [o]	5.7	6 months	5.7	40 days
Nidwalden	Laws [f] Finances [o+f] Admin. [o]	1.9	2 months	1.0	30 days
Obwalden	Laws [o+f] Finances [o+f]	2.3		0.5	30 days

* Minimum number of signatures, as a percentage of the electorate

Source: Vatter Adrian: Kantonale Demokratien im Vergleich (Opladen 2002), p. 226f.

Overview of selected types of cantonal initiatives and referendums

[o]=obligatory / [f]= facultative (Constitutional referendum is obligatory for all cantons)

Canton	Subject of referendum	Popular initiatives *	Collection period	Facultative referendums *	Collection period
St. Gallen	Laws [f] Finances [o+f]	2.8	3—6 months	1.4	30 days
Schaffhausen	Laws [o+f] Finances [o+f] Admin. [o]	2.1		2.1	90 days
Schwyz	Laws [o+f] Finances [o]	2.4		2.4	30 days
Solothurn	Laws [o+f] Finances [o+f] Admin. [o]	1.8	18 months	0.9	90 days
Thurgau	Laws [f] Finances [o+f]	2.9	6 months	1.4	90 days
Ticino	Laws [f] Finances [f]	5.3	2 months	3.7	30 days
Uri	Laws [o+f] Finances [o+f]	2.4		1.8	90 days
Valais	Laws [f] Finances [f] Admin. [o]	3.3	12 months	1.7	90 days

* Minimum number of signatures, as a percentage of the electorate

Overview of selected types of cantonal initiatives and referendums

[o]=obligatory / [f]= facultative (Constitutional referendum is obligatory for all cantons)

Canton	Subject of referendum	Popular initiatives *	Collection period	Facultative referendums *	Collection period
Vaud	Laws [f] Admin. [o]	3.3	3 months	1.7	40 days
Zug	Laws [f] Finances [o]	3.2		2.4	60 days
Zurich	Laws [o] Finances [o+f] Admin. [o]	1.3 Individual initiative	6 months	0.6	60 days

* Minimum number of signatures, as a percentage of the electorate

Source: Vatter Adrian: Kantonale Demokratien im Vergleich (Opladen 2002), p. 226f.

The first Helvetic constitution of 12th April 1798

(Drafted by Peter Ochs and accepted without debate at Aarau on 12th April 1798, in part tempo-rarily suspended by the decrees of 5th November 1798, 15th February 1799 and 18th May 1799, de facto annulled by the coup d'état of 7th January 1800).
Source: Hilty, Carl: Öffentliche Vorlesungen über die Helvetik (Bern 1878), p.731ff.

Title 1. Main principles.

Art 1   The Helvetic Republic constitutes a single, indivisible state. There are no longer any bor-ders between the cantons and the subject territories, nor between one canton and another. The unity of the fatherland and the general interest will henceforth replace the weak bond which held together strange, dissimilar, unrelated, small-minded localities and areas sub-ject to indigenous prejudices and led them without a clear sense of direction. For as long as all the separate parts were weak, the whole could not help but be weak also. The united strength of all will henceforth generate a common strength.

Art 2   The totality of the citizens is the sovereign or overlord. No part, nor any single right of overlordship can be detached from the whole to become the property of any individual. The form of government, even if it should be altered, shall always remain that of repre-sentative democracy.
(…)

Title 3. The political status of the citizens.

Art 19   All those who are currently genuine citizens of a governing town or municipality, of a subject or free village, become Swiss citizens by virtue of the present constitution. This applies equally to those who had the right of tenancy in perpetuity ("Hintersässrecht") , and to all tenants ("Hintersässen") born in Switzerland.

Art 20   A foreigner becomes a citizen after he has lived for 20 consecutive years in Switzerland, if he has made himself useful, and if he can show favourable testimonials to his behaviour and morals. He must, however – for himself and his descendants – renounce all other citizens' rights, he must swear the civic oath and his name will be inscribed in the register of Swiss citizens which is retained in the National Archive.
(…)

Title 4. On the primary and elective assemblies

Art 28   The primary assemblies consist of the citizens and the sons of citizens who have lived in the same commune for five years, reckoned from the date when they declared their inten-tion of settling there. There are cases, however, where the legislative councils may accept only the place of birth – whether of the citizen himself, or of his father, if he was not born in Switzerland – as the place of residence. To be able to vote in a primary or elective as-sembly, one must have reached the age of 21.

Art 29   Every village or place which can count 100 citizens entitled to vote constitutes a primary assembly.

Art 30   The citizens of every village or place which does not contain at least 100 citizens entitled to vote will join together with the citizens of the nearest place or village.

Art 31   The towns and cities have a primary assembly in each district. The legislative councils will determine the number of citizens.

Art 32   The primary assemblies take place:
1) in order to accept or reject the state constitution
2) in order to nominate every year the members of the elective assembly of the canton

Art 33   One elector is nominated for every 100 persons who possess the required qualification to be citizens.
(…)

Title 11. Amending the constitution

Art 106   The Senate proposes these amendments; however, the proposed changes do not acquire the force of a formal decision until they have twice been decreed, and a period of five years must elapse between the first and second decree. The decisions of the Senate must then be either rejected or accepted by the Great Council; in the latter case, they are then sent to the primary assemblies to be accepted or rejected.

Art 107   If the primary assemblies accept them, they then become new basic laws of the state constitution.

Swiss federal constitution of 1848

Source: Offizielle Sammlung der das schweizerische Staatsrecht betreffenden Aktenstücke, Bundesgesetze, Verträge und Verordnungen seit der Einführung der neuen Bundesverfassung vom 12. September 1848 bis 8. Mai 1850, 2. Aufl., Bern 1850, S. 3 ff.

Part I.

General provisions.

Art 1   The peoples of the 22 sovereign cantons joined together by the present alliance, to wit: Zurich, Bern, Lucerne, Ury, Schwyz, Unterwalden (ob and nid dem Wald), Glarus, Zug, Fribourg, Solothurn, Basel (City and Country), Schaffhausen, Appenzell (both Rhodens), St. Gallen, Graubünden, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel and Geneva, form in their totality the Swiss Confederation.

Art 2   The purpose of the alliance is: maintenance of the independence of the fatherland against external threat, the management of peace and order internally, the protection of the freedom and the rights of Swiss citizens and the promotion of their common welfare.

Art 3   The cantons are sovereign insofar as their sovereignty is not limited by the federal constitution; as such, they exercise all those rights which have not been transferred to the power of the Federation.

Art 4   All Swiss citizens are equal before the law. In Switzerland no-one is subject to any other and there are no privileges either of place, of birth, of family or of person.

Art 5   The Federation guarantees to the cantons their territory, their sovereignty within the limits of Article 3, the constitutions, freedom, rights of the people and the constitutional rights of the citizens, as well as the rights and powers which the people has transferred to the authorities.

Art 6   The cantons are obliged to formally request the Federation for guarantees for their constitutions. The Federation will issue such guarantees insofar as:
a. they contain nothing which runs counter to the rules of the federal constitution;
b. they ensure the exercise of political rights according to republican – representative or democratic – models;
c. they have been accepted by the people and can be revised if an absolute majority of the people demand it.

Art 42 Every citizen of a canton is a Swiss citizen. As such he can exercise his political rights on federal and cantonal matters in any canton in which he is established. However, he can only exercise these rights under the same conditions as the citizens of the canton and, in respect of cantonal matters, only after having lived in the canton for a longer period of time, the length of which will be determined by cantonal legislation, but which must not be longer than two years.

No-one may exercise political rights in more than one canton.

SECTION 3.
Revision of the federal constitution.

Art 111   The federal constitution can be revised at any time.
Art 112   The revision shall be carried out in accordance with the forms laid down for federal legislation.
Art 113   If one part of the federal assembly decides on a revision and the other part does not agree, or if fifty thousand Swiss citizens entitled to vote demand a revision of the constitution, the question as to whether a revision shall be carried out or not must in both cases be

submitted to the Swiss people for decision in a vote.

If in either of these cases the majority of the Swiss citizens casting a vote give an affirmative answer, both Councils shall be elected anew in order to undertake the revision.

Art 114 The revised federal constitution enters into force if it is approved by a majority of the Swiss citizens casting a vote and a majority of the cantons.

Swiss federal constitution of 1874
Source: http://servat.unibe.ch/verfg/ch/1874_bundesverfassung.php

Section 1. General provisions

Art 43 [Citizenship, Right to Vote]
(1) Every citizen of a canton is a Swiss citizen.
(2) In this capacity, he may take part in all federal elections and votes at his domicile after having duly proved his right to vote.
(3) No one may exercise political rights in more than one canton.
(4) The established Swiss citizen shall enjoy at his domicile all the rights of the citizens of that canton and, with these, all the rights of the citizens of that Commune. However, sharing in property belonging in common to local citizens or to corporations and the right to vote in matters exclusively regarding local citizens are excepted unless cantonal legislation should provide otherwise.
(5) He acquires voting rights on communal affairs within the canton after he has been resident for three months.
(6) The cantonal laws relating to residency and the voting rights of residents in the Communes are subject to the approval of the Federal Council.

Art 89 [Federal Assembly Legislation]
(1) Federal laws and federal decrees must be approved by both Councils.
(2) Federal laws and non-urgent generally binding federal decrees must besubmitted to the people for approval or rejection if 30,000 Swiss citizens entitled to vote or eight cantons so demand.

Art 90 [Federal Assembly Legislation Formalities]
Federal legislation shall lay down the necessary rules concerning the formalities and time-limits for popular votes.

Title 3. Revision of the constitution

Art 118 [Constitutional Revision]
At any time, the Federal Constitution may be revised.

Art 119 [Constitutional Revision]
The revision shall be carried out in accordance with the forms laid down for federal legislation.

Art 120 [Constitutional Revision Procedures]
(1) If one chamber of the Federal Assembly decides on a revision of the Federal Constitution and the other does not consent or if 50,000 Swiss citizens entitled to vote demand the revision of the Federal Constitution, the question whether such a revision should take place or not must be submitted in both cases to the vote of the Swiss people.
(2) If in either of these cases the majority of the Swiss citizens casting a vote give an affirmative answer, both Councils shall be elected anew in order to undertake the revision.

Art 121 [Constitutional Revision Approval]
(1) The revised Federal Constitution shall enter into force if it has been approved by the majority of the Swiss citizens casting a vote and the majority of the cantons.
(2) In order to determine the majority of the cantons, the vote of each half-canton is counted as half a vote.
(3) The result of the popular vote in each canton is considered to be the vote of that canton.

Swiss federal constitution of 1999 (as of 18ᵀᴴ April 1999)

SOURCE: Amtliche Sammlung 1999, S. 2556-2611 (AS 1999 2556)
(www.admin.ch/ch/d/as/1999/2556.pdf)

Title 2 Fundamental Rights, Citizenship and Social Goals
Chapter 1 Fundamental Rights

Art 34 Political rights
(1) Political rights are guaranteed
(2) Guarantees of political rights protect the free formation of opinion by citizens and the true and certain expression of their will

Title 4 People and cantons
Chapter 1 General Provisions

Art 136 Political Rights

(1) All Swiss citizens who are 18 years or older, and are not under guardianship because of mental illness or weakness, shall have political rights in federal matters. All shall have the same political rights and obligations.

(2) They may participate in elections to the House of Representatives and in federal votes and may launch and sign popular initiatives and referenda in federal matters.

Art 137 Political Parties
The political parties shall contribute to the forming of the opinion and the will of the People.

CHAPTER 2 INITIATIVE AND REFERENDUM

Art 138 Popular Initiative for Total Revision of the Federal Constitution
(1) 100,000 citizens entitled to vote may propose a total revision of the Federal Constitution.
(2) This proposal has to be submitted to the people by referendum.

Art 139 Popular Initiative for Partial Revision of the Federal Constitution
(1) 100,000 citizens entitled to vote may propose a partial revision of the Federal Constitution.
(2) The popular initiative for a partial revision of the Federal Constitution may be in the form of a general suggestion or a formulated draft.
(3) If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal parliament shall declare the initiative invalid, in whole or in part.
(4) If the Federal parliament approves an initiative in the form of a general suggestion, it shall prepare a partial revision in the sense of the initiative, and submit it to the vote of the people and the cantons. If it rejects the initiative, it shall submit it to the vote of the People; the People shall decide whether the initiative should be followed. If the People approves the initiative, the Federal parliament shall formulate a corresponding draft.
(5) An initiative in the form of a formulated draft shall be submitted to the vote of the People and the cantons. The Federal Parliament shall recommend its approval or its rejection. If it recommends its rejection, it may submit its own counter-draft.
(6) The People and the cantons shall vote simultaneously on the initiative and the counter-draft. The voters may approve both drafts. They may indicate which draft they prefer, should both be approved; should one of the drafts obtain the majority of the People's votes and the other the majority of the votes of the cantons, neither of them shall come into force.

Art 140 Mandatory Referendum
(1) The following shall be submitted to the vote of the People and the cantons:
    a. Revisions of the Federal Constitution;

b. The entry into organizations for collective security or into supranational communities;

c. Federal Statutes declared urgent which have no constitutional basis and whose validity exceeds one year; such Federal Statutes must be submitted to the vote within one year after their adoption by the Federal Parliament.

(2) The following shall be submitted to the vote of the People:

a. Popular initiatives for total revision of the Federal Constitution;

b. Popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament;

c. The question whether a total revision of the Constitution should be carried out if both Chambers disagree.

Art 141 Optional Referendum

(1) The following are submitted to the vote of the People at the request of 50,000 citizens entitled to vote, or of eight cantons:

a. Federal Statutes;

b. Federal Statutes declared urgent with a validity exceeding one year;

c. Federal decrees to the extent the Constitution or the statute foresee this;

d. International treaties which:

1. are of unlimited duration and may not be terminated;

2. provide for the entry into an international organization;

3. involve a multilateral unification of law.

(2) The Federal Parliament may submit further international treaties to optional referendum.

Art 142 Required Majorities

(1) Proposals submitted to the vote of the People shall be accepted if the majority of those voting approves them.

(2) Proposals submitted to the vote of the People and the cantons shall be accepted if the majority of those voting and the majority of the cantons approve them.

(3) The result of a popular vote in a canton determines the vote of that canton.

(4) The cantons of Obwalden, Nidwalden, Basel City, Basel Country, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes have each one half of a cantonal vote.

10 FACTSHEET
On the development of direct democracy
at the level of the Swiss federal state

Origins

1848	Federal constitution of 1848: the initiative for a total revision of the constitution and the obligatory constitutional referendum.
1872 and 1961	Introduction of the legislative initiative rejected.
1874	Completely revised federal constitution of 1874: Citizens' rights extended by addition of the facultative legislative referendum
1891	Introduction of the popular initiative for a partial revision of the constitution

Development since 1891

Once the popular initiative is introduced, direct democracy becomes a subject for itself – which may lead to it being developed and extended, or to being dismantled. Reforms can of course also be initiated by the authorities. Among the elements which were added after 1891 belong

a) the introduction and extension of the referendum on international treaties, which gives voters a direct say on foreign policy (1921, 1977, 2003);
b) the "double yes" option with a deciding question where there is an initiative and a counter-proposal (1987, 2003);
c) the introduction of the general popular initiative (2003).

The Swiss federal constitution provides that in the case of accession to "organisations for collective security or supranational communities", the people will have the final word. So Swiss voters first of all rejected accession to the UN (in 1986) and then voted in favour of it in a second referendum held in 2002. They also voted against joining the European Economic Area in 1992. If there had been no referendum on international treaties, the people would not have been asked and Switzerland might now be a member of the EU.

In February 2003, at the suggestion of the government and parliament, the referendum on international treaties was extended once more. The rationale was that voters must be able to be involved in deciding on important issues, and that international law and international treaties were raising such issues more and more frequently. The introduction of (in 1921), and the first extension to (in 1977), the referendum on international treaties had come about as a result of the pressure of popular movements and popular initiatives.

National democracies become less important when, as a result of globalisation and European integration, political decision-making more and more takes place outside the sphere of democracy. The appropriate response to this challenge would be to extend democracy beyond the national boundaries. For Switzerland, there is the added question as to whether accession to the EU would inevitably bring about the gradual dismantling of direct democracy. The threat could be diminished by introducing direct democracy into the European Union.

Attempts to expand direct democracy at the federal level have repeatedly been rejected. Thus, the finance referendum was rejected in 1956, the legislative initiative in 1961, the right to have a say on motorway building in 1978 and on the granting of licences for nuclear power stations in 1979, the referendum on armaments in 1987 and the constructive referendum in 2000.

There have also been attempts to dismantle direct democracy, all of them unsuccessful so far. In 1935, the new right-wing forces, which dreamed of replacing democracy with an authoritarian order, were sent packing. The "March 2000 initiative" which wanted the "speeding up of direct democracy" (by shortening the period of time allowed for processing a citizens' initiative presented as a detailed proposal) was decisively rejected, preventing even more radical attempts to weaken direct democracy under the pretext of making it more practical.

1918	introduction of proportional voting for elections to the National Council at the third attempt (after earlier attempts in 1900 and 1910).
1910 and 1942	direct popular election of the Federal Council rejected.
1956	attempt to introduce the finance referendum at the federal level fails.
1921	introduction of the facultative referendum on international treaties (initially restricted to open-ended international treaties; simple majority of the voters), which is supplemented in 1977 by the obligatory referendum on international treaties (with a "double majority" of the people and the cantons) for accession to international organisations.
2003	extension of the facultative referendum on international treaties.
1949	introduction of the obligatory referendum for urgent, general federal decrees which are not based on the constitution. Such decrees have to be submitted to popular referendum vote within a year after they have entered into force. If a majority of voters oppose them, they are annulled. If they are based on the constitution, the facultative referendum applies.
1971	introduction of voting rights (elections and referendums) for women (rejected in 1959).
1973	repeal of Articles 51 & 52 of the constitution concerning Jesuits and monasteries (the "confessional exceptional articles").
1977	increase of signature quorums for initiative and referendum.
1978	rejection of the popular initiative "Enhancing parliamentary and popular participation in decision-making on matters of highway construction".
1981	incorporation into the constitution of an article: "Equal rights for men and women".
1987	initiative aimed at giving voters a say on military expenditure fails to win a majority in the referendum.

10 FACTSHEET
**0n the development of direct democracy
at the level of the Swiss federal state**

1987	the "double Yes" for popular referendum votes where there is an initiative and a counter-proposal is accepted.
2003	"double Yes" refined.
1991	voting age reduced to 18 (rejected in 1976).
1999	on 18th April, the federal decree on a completely revised federal constitution was accepted in a popular vote. The new constitution came into force on 1st Januray 2000.
12.3.2000	rejection of the popular initiative "For speeding up direct democracy (processing times for popular initiatives in the form of a specific draft)", which wanted to reduce the period of time between the handing in of the initiative and the referendum vote to 12 months.
24.9.2000	rejection of the popular initiative "Increased citizens' rights through referendums with counter-proposals (Constructive referendum)".
12.3.2000	rejection of the popular initiative "For a fair representation of women in the federal authorities (3rd March initiative)", which demanded a proper representation of women in all the federal authorities – in the national council, in the council of states, in the Federal Council and in the Federal Court.
9.2.2003	introduction of the general popular initiative[1], the extension of the facultative referendum on international treaties and a refined version of the "double Yes".

[1] In March 2007 Parliament turned down the implementation of the general popular initiative, on the grounds that it was too complex and difficult to apply. At the same time it decided to submit to a popular vote the question as to whether the general popular initiative should be removed from the Constitution.

Swiss voters generally vote the way the authorities – the government (Federal Council) and parliament (National Council and Council of States) – wish. Exceptions such as the three referendum ballots of 8th February 2004, which all went against what the authorities had wanted, only confirm the rule.

Evolution

The evolution of voting behaviour is especially interesting. Up to the mid-1900s, popular referendum votes which went the authorities' way were still the exception: only one in five results matched the authorities' recommendations. But since then, the majority opinion of Swiss voters has more and more approached that of the Federal Council and parliament: the percentage of ballots which support the authorities' wishes has risen from less than 20% to more than 80%. This trend parallels the growth in the number of popular referendum votes in the second half of the 20th century. In other words, it seems that the authorities were more than able to meet the increased challenge of direct democracy.

Institutional differences

If we look at the success of the authorities in relation to the three main institutions – the obligatory referendum, the facultative (optional) referendum and the initiative – we find big differences: while the authorities' success rate in the obligatory referendum has steadily grown, their experience of the facultative referendum has been something of a roller-coaster ride. In the 19th century, the facultative referendum was a big problem for the authorities: two out of three proposals were rejected by the people. But in the first twenty years of the 20th century, there was a turnaround in the authorities' fortunes: during this period they could count on getting the citizens' support on two out of three occasions. During the 1920s and 1930s, the Federal Council and parliament lost four out of five referendum ballots. Since the 1970s, the authorities' chances of getting the result they want in a facultative referendum have once again risen to over 50%. Nonetheless, from the point of view of the authorities, the facultative referendum remains "the most dangerous" popular right.

Non-threatening initiatives?

Popular initiatives present much less of a threat to government and parliament than facultative referendums. In nine out of ten cases, initiative results go the way the authorities wanted. Popular initiatives almost always demand something which goes further than the elected institutions are prepared to go. So the authorities recommend the rejection of the initiative, but have the option of presenting either a direct or an indirect (in the form of a law) counter-proposal. Since the reform of popular rights on 9th February 2003, parliament can also suggest a counter-proposal which takes a wider view of the issue . Historically, there was only a short period (between 1910 and 1920) when an equal number of initiatives succeeded and were rejected (2 each) at the final hurdle of the popular vote. Since 1940, nine out of every ten initiatives have been rejected by the voters, although in retrospect most initiative groups reckon they have scored an indirect success, because their intentions were introduced in part or in a watered-down form in the legislation.

Why are the authorities so successful?

The primary reasons for the relative success of the authorities are probably the government's principle of concordance and parliament's aim of achieving maximum consensus. In other words, the more closely the major political forces have to work together in government and the greater the consensus in parliament for a particular proposal, the better are the Federal Council's and parliament's chances of winning a popular referendum vote. But if the Federal Council fails to convince on a particular issue and parliament cannot find a large majority in favour, things can become very tricky for the authorities at the ballot box. That's what happened on 8th February 2004, when 63% of those who voted rejected the proposed extension of the road network (the "Avanti counter-proposal"), 56% of voters accepted a citizens' initiative for "lifelong detention for the perpetrators of sexual or violent crimes who are judged to be highly dangerous and untreatable" which the authorities had opposed, and 64% rejected a proposed new right for tenants.

Source: Trechsel, Alexander: Feuerwerk der Volksrechte (Basel 2000)

Date of popular vote	Title	People YES (NO)	Cantons ACCEPT (REJECT)	Remarks
20.08.1893	1 "Prohibition of ritual slaughter without prior anaesthetisation" (Federal constitution (FC) Art. 25bis)	191,527 (127,101)	10 3/2 (9 3/2)	BBl 1893 IV 399–403, AS NF XIII 1020; formally in force legislatively
05.07.1908	2 "Ban on absinthe" (FC Art. 31b and Art. 32ter)	241,078 (138,669)	17 6/2 (2)	BBl 1908 IV 572, AS XXIV 879; formally repealed
13.10.1918	3 "Proportional election of the National Council" (FC Art. 73)	299,550 (149,035)	17 5/2 (2 1/2)	BBl 1918 V 100, AS 34 1219; formally in force
21.03.1920	4 "Prohibition on the setting up of casinos" (FC Art. 35)	271,947 (241,441)	11 2/2 (8 4/2)	BBl 1921 II 302f, AS 37 301; cf. No. 6: formally repealed
30.01.1921	5 "For the introduction of a referendum on treaties with unlimited duration or with a duration of more than 15 years (Referendum on international treaties)" (FC Art. 89)	398,538 (160,004)	17 6/2 (2)	BBl 1921 I 424, AS 37 303; formally repealed
02.12.1928	6 "Casinos" (FC Art. 35)	296,395 (274,528)	13 3/2 (6 3/2)	BBl 1929 I 94, AS 45 68; modified version, formally in force
11.09.1949	7 "Return to direct democracy" (abrogation of war law) (FC Art. 89bis)	280,755 (272,599)	11 3/2 (8 3/2)	BBl 1949 II 582, AS 1949 511; formally in force
28.11.1982	8 "Prevention of false pricing" (FC Art. 31septies)	730,938 (530,498)	16 2/2 (4 4/2)	BBl 1983 I 928, AS 1983 240; formally in force
06.12.1987	9 "Rothenthurm" initiative for the protection of moorland (FC Art. 24sexies Abs. 5 and transitional provisions)	1,153,448 (843,555)	17 6/2 (3)	BBl 1988 I 572, AS 1988 352; formally in force

Date of popular vote	Title	People YES (NO)	Cantons ACCEPT (REJECT)	Remarks
23.09.1990	10 "Moratorium on nuclear power station construction" (FC transitional provisions Art. 19)	946,077 (789,209)	17 5/2 (3 1/2)	BBl 1991 I 309, AS 1991 247; formally expired, no longer in force
26.09.1993	11 "For a federal work-free holiday on 1 August (1st August Initiative)" (FC Art. 116bis and transitional provisions Art. 20)	1,492,285 (289,122)	20 6/2 (0)	BBl 1993 IV 266 and 269, AS 1993 3041; formally in force
20.02.1994	12 "To protect the Alpine region from transit traffic" (FC Art. 36sexies and transitional provisions Art. 22)	954,491 (884,362)	13 6/2 (7)	BBl 1994 II 701, AS 1994 1101; formally in force
03.03.2002	13 "For Switzerland's membership of the United Nations (UN)" (FC Art. 197 Ziff. 1)	1,489,110 (1,237,629)	11 2/2 (9 4/2)	BBl 2002 3690; AS 2002 885; formally in force
08.02.2004	14 "Lifelong detention for perpetrators of sexual or violent crimes who are judged to be highly dangerous and untreatable" (FC Art. 123a)	1,198,751 (934,576)	19 5/2 (1 1/2)	BBl 2004 2199
27.11.2005	15 "For food grown without genetic modification" (FC Art. 197 Ziff. 7)	1,125,835 (896,482)	20 6/2 (0)	BBl 2006 1061

SOURCE: Swiss Federal Chancellery, political rights section (www.bk.admin.ch/themen/pore)

	Purely representative democracy	Well developed direct democracy
Image of the human being	Politically "immature" citizens, "mature" politicians	"Mature" citizens as politicians
Relationship between citizens and politicians	Established-outsiders relationship, institutionalised categorical inequality	More even distribution of power: no categorical inequality; citizens enjoy independent possibilities of controlling the political process and of making proposals
Distribution of the resources of political power	Politicians monopolise: 1) the right to make substantive political decisions 2) the right to determine the political agenda 3) access to important information	Politicians have no monopoly on substantive political decisions or agenda setting
Political rights of citizens	Voting in elections	Voting in elections and referendums
Participatory procedures	Elections, plebiscites, possibly obligatory constitutional referendums	Elections, popular initiatives, popular referendums, obligatory constitutional referendums and obligatory referendums on issues which are defined in the constitution (for example, accession to international organisations and supranational communities)
Citizen's role	Voter, passive citizen, outsider, elects people and parties, makes no substantive decisions, offers opinions to politicians, political external regulation	Voter, occasional politician, active citizen, makes the important decisions, elects the political office-holders, political self-regulation
Politician's role	Decision-maker, governs for citizens, receives citizens' opinion, active citizen, member of the established group	Decision-maker, governs together with other citizens, advises citizens, active citizen
Freedom	Negative freedom, renunciation of freedom as autonomy	Positive freedom, freedom as autonomy

1950   In the referendum vote in the canton Bern on 29th October 1950 the Jura Statute was accepted by 69,089 "Yes"-votes to 7,289 "No"-votes on a turnout of around 31%. The proposal was accepted in all districts, even more clearly in the Jura districts than in the old part of the canton.

1959   On 5th July 1959, the initiative of the Rassemblement Jurassien was rejected across the canton by 80,141 "No"-votes to 23,130 "Yes"-votes, and in the seven Jura districts by 16,352 "No"-votes to 15,159 "Yes"-votes. However, the Jura region was divided: Franches-Montagnes, Delémont and Porrentruy approved the proposal with "Yes"-votes of between 66% and 76%. Courtelary, Laufen, Moutier and Neuenstadt rejected the proposal with "No"-votes of between 65% and 75%. Turnout was 85% for the Jura and 31% for the old part of the canton.

1970   The "Supplement to the constitution of the canton Bern in respect of the Jura region", which conceded the right of self-determination to the Jura districts, was accepted in the referendum vote on 1st March 1970 by 90,358 "Yes"-votes to 14,133 "No"-votes. Turnout was around 60% in the Jura and 38% across the whole canton. The constitutional amendment was approved in all districts, especially clearly in those of the Jura.

1974   23rd June 1974: Consultative referendum of eligible voters in the Jura region: "Do you wish to form a new canton?"

District	Yes	No	Invalid/blank	Turnout (%)
Courtelary	3,123	10,260	288	90.03
Delémont	11,070	2,948	509	92.50
Franches-Montagnes	3,573	1,058	76	93.48
Laufen	1,433	4,119	51	73.16
Moutier	7,069	9,330	383	91.48
Neuenstadt	931	1,776	41	86.47
Porrentruy	9,603	4,566	404	93.62
Jura	36,802	34,057	1,752	88.67

1975   16th March 1975: Consultative referendums in three districts:
"Do you wish to continue to belong to the canton Bern?"

District	Yes	No	Invalid/blank	Turnout (%)
Courtelary	10,802	3,268	115	92.13
Moutier	9,947	7,740	113	96.02
Neuenstadt	1,927	997	28	91.48

1978   24th September 1978: Federal popular referendum vote on recognition of the new, 26th Swiss canton. The proposal was accepted by all the cantons and by a majority of the people, with 1,309,841 "Yes"-votes to 281,873 "No"-votes. Voter turnout was 42%.

1815   At the Congress of Vienna, the canton Bern receives the former principality of Basel, now known as the Jura region, in compensation for the loss of Vaud and the Aargau.

1815–1945   5 protest movements in the Jura: 1826–31, 1834–36, 1838–39, 1867–69, 1913–19. They are all of short duration and fail to mobilize the people. Other lines of conflict, which divide the Jura rather than uniting it, take precedence.

1947   The Moeckli affair. Georges Moeckli, government member from the Jura, is denied the ministry of public works by the parliament in Bern on the grounds of his supposed "defective knowledge of German". Two thousand demonstrators protest in Delémont. The Comité de Moutier is formed. Its goal: autonomy within the canton Bern. The Mouvement séparatiste jurassien (MSJ) is founded. In its newspaper "Jura libre", it demands the separation of the Jura from Bern.

1948   The Comité de Moutier addresses a 21-point memorandum to the cantonal government in Bern; it demands autonomy for the Jura und the federalisation of the canton Bern. The government in Bern is prepared to make only some less wide-ranging concessions.

1949   The cantonal government in Bern approves the first report on the Jura drawn up by Markus Feldmann.

29.10.1950   A referendum vote endorses a change to the Bern cantonal constitution – the Jura Statute – by a clear majority. In the new constitution, the existence of a "people of the Jura" – separate from the people of the old part of the canton – is explicitly recognized.

1951   The cantonal government in Bern recognizes the Jura coat of arms. The MSJ renames itself the Rassemblement Jurassien (RJ)

1952   The Comité de Moutier is wound up. The anti-separatists form the Union des Patriotes Jurassiens (UPJ).

1957   The RJ launches an initiative aimed at determining what the people of the Jura think about founding a new canton Jura.

5.7.1959   Referendum vote – the RJ initiative is rejected.

1961   The separatists submit 4 popular initiative proposals. The referendum ballot takes place on 27.5.1962.

1962   The "Béliers" youth wing of the RJ is founded. The "Berberat" case: first lieutenant Romain Berberat is punished for declaring – at a separatist carnival at which he is wearing civilian clothes – Bern to be "an autocratic dictatorship of politicians who have never understood us".

1963   The "Front de libération jurassien" (FLJ – Jura Liberation Front) admits carrying out arson and bomb attacks. It consists of three men who acted independently of the RJ.

1964	The "Les Rangiers" affair: separatist demonstrators interrupt a service of commemoration for the Swiss Army.
1967	The Bern government appoints the "Commission of the 24" to study the Jura issue. Its report outlines three options for the people of the Jura: status quo, autonomy, separation.
1968	At the suggestion of the Federal Council, Bern appoints the "Good Services Commission"; it is meant to mediate between the different parties and produces its "First Report" on 13.5.1969.
1.3.1970	Popular referendum vote on the "Supplement to the constitution of the canton Bern in respect of the Jura region", which grants the right of self-determination to the Jura districts. Efforts to formulate an autonomous status fail.
23.6.1974	Popular consultation among Jura electorate: "Do you wish to form a new canton?". A slim majority votes "Yes".
16.3.1975	Popular consultations in the districts of Courtelary, Moutier and Neuenstadt: "Do you want to continue to belong to the canton Bern?". A majority in all the districts votes to remain with Bern.
7 and 14.9.1975	Popular consultations in border municipalities about which canton they want to belong to. Moutier, Grandval, Perrefitte, Rebévelier and Schelten – all municipalities with a Protestant majority – vote to remain with Bern. Châtillon, Corban, Courchapoix, Courrendlin, Lajoux, Les Genevez, Mervelier and Rossemaison (all with a Catholic majority) decide to join the canton Jura.
14.9.1975	Popular consultation: Laufental rejects accession to Bern. A law passed in November 1975 permits the Laufental to seek accession to a different, neighbouring canton. A treaty of accession to Basel Country is made, but this is rejected in 1983 by the voters of Laufental. This decision is later declared invalid, and on 12.11.1989 Laufental decides to join Basel Country.
19.10.1975	The municipality of Roggenburg (Catholic, German-speaking) decides to remain with the district of Laufen.
21.3.1976	Election of a constitutional assembly in the Jura.
20.3.1977	Approval of the constitution of the new canton Jura in a popular referendum vote.
24.9.1978	The Swiss electorate agrees to the canton Jura being accepted into the Federation (popular referendum on an appropriate change to the constitution).
1.1.1979	The "République et canton du Jura" (the Republic and the canton Jura) is proclaimed. This raises the number of Swiss cantons to 26.
1980	A convention of the RJ in the municipality of Cortébert (in the Bernese Jura) is violently disrupted. Subsequently, violence gradually diminishes.

1990   The canton Bern applies to the Federal Court for the annulment of a popular initiative "Unite" launched by the RJ to create a law on the unity of the Jura. Two years later, the court decides in favour of Bern. In 1994, the canton Jura formally repeals the "Unite" law passed by the cantonal parliament.

8.3.1993   Dominique Haenni presents to the cantonal government his report on "The French speakers in the canton Bern", which he drew up as a result of the Pétermann proposal of 7.9.1989. Haenni recommended a process of increasing autonomy for the French-speaking ("Jura") areas of the canton Bern, as a means of improving the relationship between them and the canton. As a result (see following)

19.1.1994   On the 19th January 1994 the Bernese parliament passes the "Law on the strengthening of political participation of the Bernese Jura and of the French-speaking population of the municipality of Biel", which continues to govern the position of the French-speaking minority in the canton Bern.

6.6.1993   The new Bernese cantonal constitution is approved in a referendum ballot. It enters into force on 1.1.1995. Uniquely, the Bernese Jura is granted special regional status (cf. Art. 5) within the canton. The three districts of the Bernese Jura are French-speaking and the roughly 51,000 inhabitants (5.4% of the total cantonal population) form a relatively small minority.
Art. 5 (of the Bernese cantonal constitution) The Bernese Jura
1) Special status is accorded to the Bernese Jura, consisting of the districts of Courtelary, Moutier and La Neuveville. This should enable it to preserve its identity and its special linguistic and cultural character and to take an active part in cantonal politics.
2) The canton will adopt measures to strengthen the links between the Bernese Jura and the rest of the canton.

25.3.1994   An agreement between the federation and the cantons of Jura and Bern formalises dialogue between the Jura proper and the Bernese Jura and creates the Assemblée interjurassienne (AIJ) – the Inter-Jura Assembly. The Federal Council maintains regular contact with the governments of Bern and the Jura. The basic idea of the agreement is that the Jura region should produce its own proposals for solving its problems.

1.1.1994   Laufental joins the canton Basel Country.

10.3.1996   Federal popular referendum vote: the municipality of Vellerat joins the canton Jura.

27.9.2000   Report of the regional council (conseil régional Jura bernois et Bienne romande) on how increased autonomy for the Bernese Jura can be implemented.

20.12.2000   Resolution No. 44 of the Inter-Jura Assembly (AIJ) on how the Jura issue is to be addressed politically. It provides for a two-stage process: during the first two to three years, ways and means of creating cooperation between the canton Jura and the Bernese Jura are to be put in place. In the second, four-year, phase the practical results of the cooperation should be seen. There is a plan for a regional parliament with its own executive.

2003   The "Mouvement autonomiste jurassien" (Movement for the Autonomy of the Jura) (MAJ) launches the initiative "Un seul Jura" (One Jura). Their goal is a form of re-unification of the Jura: the three districts of the Bernese Jura are to be offered shared sovereignty across the whole territory of the six French-speaking districts of the Jura.

17.11.2004   The parliament of the canton Jura accepts the initiative "Un seul Jura" although the government had proposed to reject it mostly on legal grounds.

1.1.2006   The law on the special statute for the Bernese Jura and the French-speaking minority in the district of Biel (Special Statute Law, SstG) come into force. It is designed to enable the population of the Bernese Jura "to retain their identity within the canton, to maintain their linguistic and cultural individuality and to play an active part in the political life of the canton".

1.7.2006   The law "Un seul Jura" comes into force. It provides a legal framework for a possible political resolution of the Jura conflict. It is the task of the Inter-Jura Assembly to provide a study for the reconstitution of a new canton Jura of the six districts. On the basis of this study, planned to be ready in August 2008, a proposition for sharing sovereignty on the territory of the six districts will be made by the government of the canton Jura.

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· Website of the canton Jura: www.ju.ch [in French]
· Website of the Conseil régional Jura bernois et Bienne romande (www.conseilregional-jb.ch/)

Federal law on the army and military administration ("Militärgesetz: MG"), amendment.
The proposal was accepted

Electorate	Total eligible voters:		4,764,888
	Of which Swiss living or staying abroad:		84,216
Turnout	Voting slips received:		2,361,382
	Turnout:		50%
Voting slips disregarded	Blank slips:		90,232
	Invalid slips:		11,121
Voting slips taken into account	Valid slips:		2,260,029
	"Yes" votes:	(76.0%)	1,718,452
	"No" votes:	(24.0%)	541,577

The text of the popular initiative reads:

"The federal constitution shall be amended as follows:

Art. 4bis (new)
1 No-one shall be discriminated against on grounds either of country of origin, race, gender, language, age, position in society, way of life, religious, philosophical or political conviction, or because they are subject to any physical, mental or psychological disablement.

2 The law guarantees equality of rights for disabled people. It provides for measures to remove and compensate for existing discrimination.

3 Access to public buildings and facilities, and the right to make use of utilities and services intended for public use, shall be guaranteed as long as this does not incur unreasonable expense."

Stages in the popular initiative:

	Chronology	Source
18.05.2003	Referendum vote *The proposal was rejected*	BBl 2003 5164 (www.admin.ch/ch/d/ff/2003/5164.pdf)
13.12.2002	Decision of parliament *Recommendation: rejection*	BBl 2002 8152 (www.admin.ch/ch/d/ff/2002/8152.pdf)
11.12.2000	Statement by the Federal Council	BBl 2001 1715 (www.admin.ch/ch/d/ff/2001/1715.pdf)
04.02.2000	End of signature collection period	
04.08.1999	Officially validated	BBl 1999 7312 (www.admin.ch/ch/d/ff/1999/7312.pdf)
14.06.1999	Signatures handed in	
04.08.1998	Start of signature collection period	
21.07.1998	Preliminary check	BBl 1998 3964

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Referendum ballot of 18.5.2003
on the citizens' initiative "Equal rights for the disabled"
The initiative was rejected by the people and the cantons.

Electorate	Total eligible voters:	4,764,888
	Of which Swiss living or staying abroad:	84,216
Turnout	Voting slips received:	2,367,883
	Turnout:	50%
Voting slips disregarded	Blank slips:	47,178
	Invalid slips:	10,563
Voting slips taken into account	Valid slips:	1,738,070
	"Yes" votes:	(37.7%) 870,249
	"No" votes:	(62.3%) 1,439,893
Cantons	Number of cantons supporting the proposal	3
	Number of cantons rejecting the proposal	17 6/2

Probably no other country in the world has such extensive rights of political co-determination as Switzerland. Swiss citizens enjoy the following political rights at the federal (national) level:

1) VOTING IN ELECTIONS

ACTIVE VOTING RIGHT	PASSIVE VOTING RIGHT
Elections to the National Council	Eligibility to be elected to the National Council, the Federal Council and the Federal Court
All adult Swiss citizens who have reached the age of 18 are entitled to elect representatives to the National Council	All adult Swiss citizens who have reached the age of 18 are entitled to put themselves up for election.

2) VOTING IN REFERENDUM VOTES (GENERAL VOTING RIGHTS)

All Swiss citizens, whether living in Switzerland or abroad, who have reached the age of 18 and who are not disqualified on grounds of mental illness or mental handicap are entitled to vote. The term "Stimmrecht" ("the right to vote") means the right to take part – literally to "have a say" – in citizens' referendum votes. However, the term is also understood more widely to mean the right to take up one's political rights or to exercise one's citizens' rights. The right to vote includes the right to take part in elections and referendum votes, to sign referendum demands and popular initiatives and to exercise other democratic rights.

3) THE RIGHT OF INITIATIVE

At the federal level, Swiss citizens can demand a referendum vote on a change which they wish to have made to the constitution. Before an initiative can be officially validated, the signatures of 100,000 citizens who are entitled to vote have to be gathered within 18 months. An initiative can be formulated as a general proposal or be presented as a fully worked-out text.

4) THE RIGHT TO REFERENDUM

"The people" (i.e. all those with the right to vote) has the right to decide in retrospect on decisions made by parliament. Federal laws, federal decrees, open-ended international treaties and treaties which provide for accession to international organisations are subject to the facultative i.e. optional referendum. This means that if 50,000 citizens request it (by giving their signatures), the matter must be referred to a referendum vote. The signatures must be handed in to the authorities within 100 days of the official publication of the parliamentary decision. (All amendments to the constitution and accession to certain international organisations are subject to the obligatory referendum i.e. a referendum vote must take place).

5) The right of petition

All persons of sound mind – not only those who have the right to vote – are entitled to direct written requests, proposals and complaints to the authorities. The latter must take note of such petitions. The authorities are not bound to respond, but in practice, all petitions are dealt with and responses given. Any activity of the state can be the subject of a petition.

Source: Swiss Federal Chancellery, political rights section (www.bk.admin.ch/themen/pore)

Background

The most recent moves to reform citizens' rights date back to the reform of the constitution. At the time, the federal government's proposals for a comprehensive reform of citizens' rights were not accepted by Parliament – because of the proposed raising of the signature quorums for initiatives and referendums – and were therefore not included in the constitutional reform package. Parliament later took up those proposals which could command a majority – including the introduction of the so-called "general popular initiative".

What was the aim of the General Popular Initiative?

The "General Popular Initiative" was intended to replace the previous popular initiative submitted in the form of a general proposal. Its main characteristics are as follows:

• The General Popular Initiative is both a constitutional and a legislative initiative. It can be used to propose changes not only to the federal constitution, but also to federal laws (Art. 139a (1), Federal Constitution). Parliament decides on the appropriate level of jurisdiction for the implementation of the initiative. (Art. 139a, (3), Fed. Const.).

• If the initiative committee believes that the content or purpose of its initiative has been misunderstood or inappropriately coverted (into legislation) by Parliament, it can appeal to the Federal Court (Art. 189, (1bis) Fed. Const.).

• Parliament can present its own counter-proposal as an alternative to the general popular initiative proposal (Art. 139a, (4) Fed. Const.). However, in contradistinction to the formulated popular initiative, such a counter-proposal is only possible when Parliament has expressed its consent in principle to the general popular initiative (Art. 139a (4) and (5) Fed. Const.).

• The law includes provision for the legislative to issue directives in order to prevent the implementation of a general popular initiative which has been approved by the people from being blocked because the two houses of parliament cannot reach agreement (Art. 156 (3) Bst. b BV).

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Initial enthusiasm followed by disenchantment

On 9th February 2003, there was a clear vote from both the people and the cantons in favour of introducing the general popular initiative. Implementation of the general popular initiative would have required adjustments to the federal law of 17 Dec 1976 on political rights (BPR, SR 161.1), to the federal law of 13 December 2002 on the Federal Assembly (Parlamentsgesetz, ParlG, SR 171.1), and to the federal law of 17 June 2005 on the Federal Court (Bundesgerichtsgesetz, BGG, BBl 2005 4045). On 31 May 2006, the Federal Council submitted to Parliament the relevant draft legislative amendments, accompanied by an explanatory text.

However, it became clear during the attempted implementation of the new provision that the general popular initiative was a popular right which was both complex and not at all citizen-friendly. Parliament therefore decided not to act upon the proposal for implementation. In addition, the Political Institutions Committees of both houses of parliament launched a committees' initiative aimed at abrogating the general popular initiative. The proposed abrogation puts the ball back in the court of the people and the cantons – who will have to decide in a referendum whether they agree with the proposal to remove the general popular initiative from the constitution.

Reasons for the failure to implement the general popular initiative

All the problems which were highlighted in the introductory debates on the federal law to implement the general popular initiative are ultimately traceable to the the design of the initiative at the constitutional level. The following points were made in the parliamentary debates:

- that the general popular initiative was a "paper tiger" – it was too complex and required too many procedural steps – in particular for the following reasons:
    - the bicameral parliament with full equality of rights for both chambers, leading to the purely practical impossibility of preventing constitutionally disallowed inconclusive outcomes;
    - the option for counter-proposals to general popular initiatives – both legislative and constitutional – with the resulting complexity of the referendum process;
    - the possibility of an appeal to the Federal Court (described variously as "a clear change of style", "the Fall", "the first decisive step in the direction of a federal constitutional court" and "a massive paradigm shift").
- the lengthy procedure – from submission to adoption by parliament, or to a popular decision in a referendum; and finally
- that for the same "price" (100,000 signatures) there was already a more suitable instrument i.e. the properly formulated constitutional initiative.

The main arguments of those in favour of going ahead with the implementation of the general popular initiative were:
- that the general popular initiative had already been approved by the double majority of the people and the cantons and it should therefore be implemented; and
- that most of the arguments against the general popular initiative – such as the possibility of an appeal to the Federal Court – were already known at the time the constitutional changes were being debated.

The arguments about the complexity of implementing the general popular initiative are not new. Similar arguments had been put forward in the context of the discussion about the so-called "unitary initiative". The Federal Council also discussed them in its official commentary on the general popular initiative, in which it adopted a pragmatic position based on the assumption that the Federal Assembly (Parliament) would only rarely adopt a general popular initiative and that consequently the putting forward of a counter-proposal would also be a rare occurrence.

The Federal Council also considered that the risk of an implementation directive failing after a general popular initiative had been approved by the people was very slight. Despite this, in order to fulfil the constitutional need to make provision also for the less likely eventualities in implementing the general popular initiative, a complex ruling was required. It was ultimately on this complexity that the implementation of the general popular initiative foundered.

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20 FACTSHEET
The major initiators of
popular initiatives & referendums

The major initiators of "popular demands" (popular initiatives and facultative referendums) in the cantons between 1979–2000

1 Political parties initiate 37% of all popular demands
 · Share: 60% Green/Left camp, 40% "bourgeois" camp
 · Major subjects: system of state organisation, finances/taxation, social welfare/ health
2 Ad-hoc initiative committees initiate 30% of all popular demands
 · Emphasis on transport policies, democracy
3 Combined sponsorship
4 Interest groups initiate 10% of all popular demands
 · The most active groups: environmental, trade unions, tenants, employers, house owners
 · Emphasis on financial, environmental and educational issues
5 New social movements and individuals initiate 7% of all popular demands
 · Emphasis on the system of government, energy and the environment.

The major trends in the sponsorship of popular demands

1 At the beginning of the 21st century, the most successful initiatives do not originate in either left-wing or right-wing political circles, but in the political centre-ground, which has always done badly in parliamentary elections in recent years.
2 An increasing number of popular demands (initiatives and referendums) are launched by established groups. The citizens' movements which stood behind many popular initiatives during the 1990s have been less prominent of late.
3 The maxim that people from the Left and Green camps primarily turn to the popular initiative (the "gas pedal"), while bourgeois and right-wing circles tend to use the facultative referendum (the "brake"), is no longer true.

Source: Gross, Andreas: Trendwende bei den Volksrechten? (NZZ, 12.01.2004)

The 3 major subject areas covered by national popular initiatives since 1951

	1	2	3
1951–1960	Social welfare	The economy	Peace
1961–1970	Social welfare	The economy	Peace
1971–1980	Social welfare	The economy	The environment
1981–1990	The environment	The economy	Social welfare
1991–2000	The environment	Social welfare	Peace
2001–2003	Social welfare	The environment	Social integration policies

The three major subject areas for popular initiatives and facultative referendums in the cantons since 1979

Governance: the state & democracy	Distribution: finances & social welfare	The Environment: energy & transport
Fribourg	Basel Country	Aargau
Graubünden	Basel City	Basel Country
Jura	Geneva	Bern
Obwalden	Lucerne	Jura
Schwyz	Neuchâtel	Lucerne
Uri	St. Gallen	Solothurn
	Schaffhausen	Zug
	Thurgau	
	Ticino	
	Valais	
	Vaud	
	Zurich	

Sources:
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NATURALIZATION, RESIDENCE, CITIZENS' RIGHTS, LAW ON FOREIGNERS, ASYLUM LAW

DATE	SUBJECT	OUTCOME [PEOPLE] / [CANTONS]
14.01.1866	Equal domiciliary rights for Jews and naturalized citizens	ACCEPTED [P] / [C]
14.01.1866	Permanent residents' right to vote on municipality matters	REJECTED [P] / [C]
14.01.1866	Tax and civil rights in relation to permanent residents	REJECTED [P] / [C]
14.01.1866	Permanent residents' right to vote on cantonal matters	REJECTED [P] / [C]
21.10.1877	Federal law on the political rights of permanent and temporary residents and the loss of political rights of Swiss citizens	REJECTED
11.06.1922	Popular initiative "Naturalization"	REJECTED [P] / [C]
11.06.1922	Popular initiative "Expulsion of foreigners"	REJECTED [P] / [C]
25.10.1925	Federal decree concerning temporary and permanent residence of foreigners	ACCEPTED [P] / [C]
20.05.1928	Federal decree on revision of Art. 44 of the federal constitution (measures to limit number of foreigners)	ACCEPTED [P] / [C]
07.06.1970	Popular initiative "Foreigners, reduction of number"	REJECTED [P] / [C]
20.10.1974	Popular initiative "Foreigners, reduction of number"	REJECTED [P] / [C]
13.03.1977	Popular initiative "Foreigners, reduction of number (N° 4)"	REJECTED [P] / [C]
13.03.1977	Popular initiative "Restriction on naturalization of foreigners"	REJECTED [P] / [C]
05.04.1981	Popular initiative "New, friendlier policy towards foreign residents"	REJECTED [P] / [C]
06.06.1982	Law on foreigners (AuG)	REJECTED
04.12.1983	Federal decree on changes to citizenship rules in the constitution	ACCEPTED [P] / [C]
04.12.1983	Federal decree on making naturalization easier in certain cases	REJECTED [P] / [C]
05.04.1987	Asylum law, amendment of 20th June 1986	ACCEPTED

22 Referendum votes on issues relating to foreigners in the federation

Naturalization, residence, citizens' rights, law on foreigners, asylum law

Date	Subject	Outcome [people] / [cantons]
05.04.1987	Federal law on rights of stay and domicile of foreigners, revision of 20.6.1986	ACCEPTED
04.12.1988	Popular initiative "On restriction of immigration"	REJECTED [P] / [C]
12.06.1994	Federal decree on the revision of the rules on citizens' rights in the federal constitution (easier acquisition of citizenship for young foreigners)	FAILED TO WIN A MAJORITY OF CANTONS
04.12.1994	Federal law on compulsory measures in the law on foreigners	ACCEPTED
01.12.1996	Federal decree on the popular initiative "against illegal immigration" (counter-proposal)	REJECTED [P] / [C]
13.06.1999	Asylum law (AsylG)	ACCEPTED
13.06.1999	Federal decree on urgent measures in the area of asylum and foreigners (BMA)	ACCEPTED
24.09.2000	Popular initiative "for regulation of immigration"	REJECTED [P] / [C]
24.11.2002	Popular initiative "against the abuse of asylum rights"	FAILED TO WIN A MAJORITY OF POPULAR VOTES
26.09.2004	Federal decree of 3rd October 2003 on the proper handling of naturalisations, as well as easier naturalisation for young, second-generation foreigners	REJECTED [P] / [C]
26.09.2004	Federal decree of 3rd October 2003 on the acquisition of citizenship by third-generation foreigners	REJECTED [P] / [C]
24.09.2006	Federal law of 16th December 2005 on foreigners	ACCEPTED
24.09.2006	Asylum law, revision of 16th December 2005	ACCEPTED

Federal Law of 24.1.1991
on the protection of lakes and rivers (Gewässerschutzgesetz, GSchG)

	Chronology	Source
1 Nov 1992	Entry into force	AS 1992 1860
17 May 1992	Referendum vote	BBl 1992 V 455
14 Jun 1991	Referendum officially validated	BBl 1991 II 1575
24 Jan 1991	Decision of parliament	BBl 1991 I 250
29 Apr 1987	Statement by the Federal Council	BBl 1987 II 1061

The proposal was accepted at the Referendum vote of 17.5.1992
on the Federal Law on the protection of lakes and rivers (Gewässerschutzgesetz, GSchG)

Electorate	Total eligible voters:		4,516,994
	Of which Swiss living or staying abroad:		14,361
Turnout	Voting slips received:		1,771,843
	Turnout:		39,22%
Voting slips disregarded	Blank slips:		26,233
	Invalid slips:		2,664
Voting slips taken into account	Valid slips:		1,742,946
	"Yes" votes:	(66.1%)	1,151,706
	"No" votes:	(33.9%)	591,240

Federal popular initiative: "Save our lakes and rivers"
The text of the citizens' initiative is as follows:

The federal constitution shall be amended as follows:

Art. 24octies (new)

1 Natural water courses and sections of such which are still largely in an original state, together with the adjacent riverbanks, are to be subject to comprehensive protection.

2 Interventions to parts of water courses which are close to a natural state, which despite existing pressures have largely retained their original appearance and ecological functions, are to be locally restricted. Intervention for purposes of exploitation which either directly or indirectly alters the ecological or scenic character of sections of water courses which are close to a natural state or of larger sections which are subject to considerable environmental pressure.

3 Water courses or sections thereof which are same term as above. are to be rehabilitated along with their riparian borders, taking into account also their tributaries and feeder channels, wherever restoration to a natural state is justified for ecological or scenic reasons. The free movement of fishes and the natural reproductive activity of animals are to be ensured.

4 Any work carried out on water courses and the adjacent riverbanks is to be done with care and limited to what is absolutely essential.

5 The intervention of the hydraulic engineering police is only to be permitted if it is imperative to protect human life and health or sizeable material assets.

6 In the case of new and existing damming measures and extraction of water, a sufficient flow is to be ensured continually and along the entire length of the watercourse. The flow is deemed to be sufficient when, in particular, it ensures the continued existence of the local animal and plant communities; does not seriously damage countryside worthy of protection or valuable elements of the countryside or the quantity and quality of groundwater; ensures that effluent is adequately diluted and the fertility of the ground is maintained

7 Any diminution of legitimate rights will be compensated for in line with Article 22ter. The Federation will establish a fund, paid for by the owners of hydro-electric stations, to provide compensation for restrictions to property rights which have a legitimate claim to such compensation.

8 Organisations involved in the protection of nature, the countryside and the environment shall be accorded the status of a party that is entitled to launch a complaint.

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9 Where objections and complaints are directed against actions aimed at the exploitation of water courses, such actions will be deferred.

Transitional arrangements

1 Plans for which valid concessions or approvals already exist are to count as new interventions, if essential building work has not yet begun at the point when Art. 24octies is approved.

2 Until such time as the legal provisions are created, the government shall issue the necessary rules and in particular manage the process of issuing permits and arranging restoration work. If these rules have not been issued within two years after acceptance of Article 24octies, no work is to be permitted other than by the hydraulic engineering police.

3 Article 24octies and the aforementioned provisions enter into force when they have been approved by the people and the cantons."

Stages of the citizens' initiative:

	Chronology	Source
17.05.1992	Referendum vote. *The proposal was rejected*	BBl 1992 V 459
06.10.1989	Decision of the parliament *Recommendation: rejection of the initiative, indirect counter-proposal*	BBl 1989 III 900
29.04.1987	Statement by the Federal Council	BBl 1987 II 1061
08.11.1984	Officially validated	BBl 1984 III 994
01.12.1984	End of signature collection period	
09.10.1984	Signatures handed in	
31.05.1983	Start of signature collection period	
17.05.1983	Preliminary check	BBl 1983 II 354

Referendum ballot of 17.5.1992
on the federal popular initiative "Save our lakes and rivers"
The proposal was rejected by the people and the cantons

Electorate	Total eligible voters:		4,516,994
	Of which Swiss living or staying abroad:		14,361
Turnout	Voting slips received:		1,771,722
	Turnout:		39%
Voting slips disregarded	Blank slips:		31,086
	Invalid slips:		2,566
Voting slips taken into account	Valid slips:		1,738,070
	"Yes" votes:	(37.1%)	644,083
	"No" votes:	(62.9%)	1,093,987
Cantons	Number of cantons supporting the proposal		0
	Number of cantons rejecting the proposal		20 6/2

2 4

FACTSHEET
Restrictions on the
constitutional initiative in Switzerland

Article 192, § 1 of the federal constitution states that the constitution may be subjected to a total or partial revision at any time. In the case of a total revision, the proposers (the initiative committee) are only allowed to demand that a referendum vote be held to decide whether the constitution should be revised or not (Art. 138 federal constitution (FC)). In the case of an initiative for a partial revision of the federal constitution, on the other hand, the initiative committee can propose a specific change in content. However, the proposers do not have an entirely free hand: they must bear in mind certain restrictions on what can be proposed arising from national and international law.

Article 139 § 3 of the federal constitution states that in the case of a popular initiative for a partial revision of that constitution: "If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament shall declare the initiative invalid, in whole or in part." If an initiative is declared invalid, no referendum vote is held.

Violation of the principle of unity of form
Initiatives for a partial revision of the federal constitution can be presented in the form either of a general proposal, or of a detailed, precisely worded draft. It is only permitted to choose one or the other form. If the proposal contains a mixture of forms, the initiative will violate the principle of unity of form.

Violation of the principle of unity of subject matter
In order that the voters can vote freely on the issue, the proposal for a partial revision of the federal constitution must restrict itself to a specific subject matter. There must therefore be a material connection between the various parts of the initiative proposal (Art. 75 § 2 Federal Law on Political Rights). If the proposers wish to present materially distinct proposals, they must present these as separate initiatives. There is no provision for an initiative to be split up into different components, because it would not be possible to ascertain whether the various individual parts had secured the required number of signatures.

Violation of mandatory rules of international law
In the case of a popular initiative proposal which violates the mandatory rules of international law, the federal constitution specifies that it – or that part of it which violates ius cogens – must be declared invalid (Art. 139 § 2 for the current popular initiative; Art. 139a § 2 FC for the "general initiative" which is being introduced). However, the mandatory rules of international law are binding not only on the proposers of popular initiatives, but equally on the members of the federal parliament (Art. 193 § 4 and Art. 194 § 2 FC).

Switzerland bound itself to the mandatory rules of international law by ratifying the Vienna Convention on the Law of Treaties (SR 0.111 = AS 1990 1112), which standardized the relevant principle (Art. 53). The Convention was signed on 23.5.1969 and ratified by Switzerland on 7.5.1990 (AS 1990 1111 and 1144). It was as a result of this ratification that the federal popular initiative "For a sensible asylum policy" – which violated the principle of non-refoulement i.e. non-expulsion of refugees (BBI 1994 III 1492–1500) – had to be declared invalid (BBI 1996 I 1355).

The Federal Council, in its statement of 20th November 1996 on the reform of the constitution (BBI 1997 I 362), defined what was covered by the mandatory rules of international law. In the same way

24 FACTSHEET
Restrictions on the
constitutional initiative in Switzerland

that the essence of fundamental human rights must be inviolable (Art. 36 § 4 FC), the international community protects certain minimal rules of behaviour between states; any state which "legitimises" crimes against humanity places itself outside the community of nations. Genocide, slavery and torture, the compulsory return of refugees to the country persecuting them on grounds of race or religious or philosophical beliefs, the violation of the most basic internationally agreed humanitarian rules for the conduct of war, or of the ban on the use of violence and aggression, or the absolute guarantees of the European Convention on Human Rights – all these violate such fundamental rules, according to the current widespread view of justice in the European community of nations. The mandatory norms of international law include:

- the European Convention on the Protection of Human Rights and Fundamental Freedoms of 4th November 1950 (entry into force in Switzerland 28th November 1974, SR 0.101 = AS 1974 2151, Art. 2,3,4 § 1,7,and 15 § 2);
- the UN Pact of 16th December 1966 on Civil and Political Rights (entry into force in Switzerland on 18th September 1992, SR 0.103.2 = AS 1993 750; BBl 1991 I 1189–1247; Art. 4 § 2,6,7,8 § 1 and 2,11,15,16 and 18; cf. also in a preliminary form the UN General Declaration of Human Rights of 10th December 1948 [reproduced in BBl 1982 II 791–797] Arts. 4,5,6,9 and 28);
- the UN Convention of 10th December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entry into force in Switzerland 26th June 1987, SR 0.105 = AS 1987 1307; BBl 1985 III 301–314, Art. 2 § 2 and 3 and Art. 3);
- the Geneva Convention of 28th July 1951 on the Status of Refugees (entry into force in Switzerland on 21st April 1955, SR 0.142.30 = AS 1955 443, Art. 33).

It is not unlikely that the international community will elaborate further such basic rules and that these will become universally accepted norms.

Unwritten material restrictions on constitutional revision

What happens when the content of an initiative violates law or is impermissible? The specific consequences in such an instance are regulated neither in the constitution nor in legislation – with the exception of the case in which the proposal violates non-mandatory international law: in such cases, an initiative may not be declared invalid. There has been a controversy lasting decades over whether Swiss constitutional law contains any further limits to constitutional revision. For example, some maintain that certain fundamental principles of the Swiss form of state (federalism, the separation of powers etc.) may not be altered. In practice, the only unwritten material restriction which has so far been accepted is one relating to the temporal impossibility of executing the initiative proposal, viz. the case of the popular initiative "Temporary reduction of military expenditure (moratorium on new acquisitions of arms)", which demanded the cutting of expenditure for years which would already have elapsed when the ruling came into force (BBl 1955 II 325).

Four cases of invalidity

To date, the Federal Assembly has declared a popular initiative invalid on four occasions:

1 Federal popular initiative:
Temporary reduction of military expenditure (moratorium on new acquisitions of arms)".
Declared invalid by parliament on 15.12.1955 (BBI 1955 II 1463).
Reason: Temporal inexecutability.
Statement by the Federal Council: BBI 1955 I 527, II 325

2 Federal popular initiative:
"Against rising prices and inflation".
Declared invalid by parliament on 16.12.1977 (BBI 1977 III 919).
Reason: violation of unity of subject matter.
Statement by the Federal Council: BBI 1977 II 501

3 Federal popular initiative:
"For less military expenditure and more investment in policies for peace".
Declared invalid by parliament on 20.06.1995 (BBI 1995 III 570).
Reason: violation of unity of subject matter.
Statement by the Federal Council: BBI 1994 III 1201

4 Federal popular initiative:
"For a sensible asylum policy".
Declared invalid by parliament on 14.03.1996 (BBI 1996 I 1355).
Reason: violation of mandatory rules of international law.
Statement by the Federal Council: BBI 1994 III 1486

25 FACTSHEET
**The expectations of the
Swiss direct democracy movement in the 19ᵀᴴ century**

The introduction of citizens' direct law-making was accompanied by the following claims and expectations:

- "The decisive control and use of political power should be transferred from the hands of the few onto the broad shoulders of the many"
- "Republican life depends on the continuous steady balancing of opposing tendencies"
- "The people should acquire wider political knowledge and opinions"
- "The authorities, statesmen and representatives will try much harder to acquaint ordinary people with their thoughts and convictions"
- "The people will approach them with the clear and genuine expression of their needs and preferences"
- "The moral-spiritual-intellectual life of the people" should be stimulated by "being deeply involved with the great issues of the common public weal"
- "We are taking into our own hands the decisions which affect the destiny of our country; in some way or other we wish to have the final word on these matters"
- "The will of the people and the spirit of the times, the understanding of the common man and the great thoughts of the statesmen should be peacefully negotiated and reconciled";
- "The creation of popular rule in happy union with representation"

The spokesmen of what was in effect a democratic revolution and which between 1867 and 1869 put a system of direct democracy in place of the former liberal rule in the canton Zurich identified two fundamental elements of "the heart of the democratic movement":

"In our view [the heart of the movement] consists in the people being able by constitutional means to win respect for its own faculty of judgment, which the elected representatives have arrogantly and bluntly denied it on all too many occasions"

"We protest against the debasement and belittlement of the people of Zurich, which consists in their being declared incompetent to recognize true progress and to make the necessary sacrifices [to achieve it]. We see in this false evaluation of the people the main seeds of the present movement"

Before voting day

- Be aware of the plebiscite trap!
  The origin of a popular vote is important. An exclusively presidentially or governmentally triggered process (a plebiscite) tends to be much more "unfree" and unfair than a constitutionally or citizen-triggered referendum vote.
- The democratic debate needs time!
  The gap between the announcement of the popular vote and voting day itself is critical and should be at least six months in duration.
- Money matters!
  Without complete financial transparency during the campaign, unequal opportunities and unfair practices may prevail. Disclosure rules are extremely important; spending limits and state contributions can also be useful.
- The campaign needs guidance!
  Equal access to media sources (principally public and electronic) as well as the balanced dissemination of information (e.g. a general referendum pamphlet to all voters) are vital aspects of fair referendum campaigns. These may be supervised by an independent body.

On voting day

- Avoid referendum votes on election day!
  Having a referendum on the same day as a general election tends to mix up party-politics and issue-politics. This should definitely be avoided, especially if a country is not used to referendums.
- Expand the voting "day" to a "period"!
  Since a referendum is a process with various phases, the voting phase should be longer than just a single day. In order to make participation as easy as possible, citizens should be able to vote by ballot box or postal mail over a two weeks period.
- Keep it secret!
  During the voting period, everybody has the right to express his / her will freely. This means in absolute secrecy and without briefings on events as they develop.

After voting day

- Avoid unnecessary and special majority requirements!
  A democratic decision is based on a simple majority of the votes cast. Turnout thresholds exceeding 25% of the electorate tend to provoke boycott strategies.
- Non-binding decisions are non-decisions!
  In many countries a popular vote result is non-binding. This is a democratic contradiction in terms and creates an uncertain and unfair process. The role of parliament and government in the implementation of the result must be limited. A referendum decision can only be changed by another referendum decision.
- Guarantee a free and fair post-referendum period!
  It is vital to have judicial safeguards in place. For example, each citizen could have the opportunity to appeal against a referendum decision in a court.

In order to study whether direct democracy makes a difference to the outcomes of the political process, a natural starting point is to look at public expenditure and revenues. Fiscal decisions are the central activities of most governments and policy priorities are to a large extent formed in the budgeting process. In a sample of 132 large Swiss towns carried out in 1990, the authors replicated their examination of the mandatory referendum on budget deficits. In cities where a budget deficit has to be approved by the citizenry, expenditure and revenue, on average, are lower by about 20%, while public debt is reduced by about 30%.

Purely representative democracies are less efficient

The cost-efficient use of public money under different institutional settings can be directly studied for single publicly provided goods. In a careful study of refuse collection (Pommerehne 1990) finds that this service is provided at the lowest cost in Swiss towns which have extended direct-democratic rights of participation and choose a private company to provide the service. If the service is provided by the municipality instead of by a private company, costs are about 10% higher. Efficiency losses are about 20% in municipalities with purely representative democracy (compared to direct democratic ones). The average cost of refuse collection is highest in municipalities which rely on representative democratic decision-making only, as well as on publicly organized collection (about 30% higher than in the most efficient case).

A hint as to the efficiency of public services comes from a study that relates fiscal referendums to economic performance in Swiss cantons (Feld and Savioz 1997). For the years 1984 to 1993, a neo-classical production function is estimated which includes the number of employees in all sectors, cantonal government expenditure for education, including grants, as well as a proxy for capital based on investments in building and construction. The production function is then extended by a dummy variable that identifies cantons with extended direct-democratic participation rights in financial issues at the local level. Total productivity – as measured by the cantonal GDP per capital – is estimated to be 5% higher in cantons with extended direct democracy, compared to cantons where these instruments are not available.

Based on an aggregate growth equation, Blomberg et al. (2004) analyze to what extent public capital (utilities, roads, education, etc.) is productively provided and whether there is a difference between initiative and non-initiative states in the US. The data on gross state product, private and public capital, employment and population are for 48 US states between 1969 and 1986. They find that non-initiative states are only about 82% as effective as states with the initiative right in providing productive capital services, i.e. approximately 20% more government expenditure is wasted where citizens have no possibility to launch initiatives, compared to states where this institution is installed.

Initiative right reduces corruption

The misuse of public office for private gains is measured based on a survey of reporters' perception of public corruption. It is found that, in addition to a number of control variables, there is a statistically significant effect of voter initiatives on perceived corruption. In initiative states, corruption is lower than in non-initiative states, and this effect is the larger, the lower the signature requirement to launch an initiative.

In a study for Switzerland in the early 1990s, the effect of direct-democratic participation rights on people's reported satisfaction with life is empirically analyzed (Frey and Stutzer 2002). Survey

answers are from more than 6,000 interviews. The proxy measure for individual utility is based on the following question: "How satisfied are you with your life as a whole these days?" People answered on a scale from one (=completely dissatisfied) to ten (=completely satisfied).

The institutionalized rights of individual political participation are measured at the cantonal level, where there is considerable variation. A broad index is used that measures the different barriers preventing the citizens from entering the political process via initiatives and referendums across cantons. The main result is a sizeable positive correlation between the extent of direct-democratic rights and people's reported subjective well-being.

Source: Stutzer, Alois/Frey, Bruno S.: Direct democracy: designing a living constitution (Zurich 2003)

Selected further reading:
· Pommerehne, Werner W.: The Empirical Relevance of Comparative Institutional
  Analysis. European Economic Review 1990, 34 (2–3): 458–469
· Feld, Lars P. / Savioz, Marcel R.: Direct democracy Matters for Economic Performance:
  An Empirical Investigation. Kyklos 1997, 50 (4): 507–538
· Blomberg, S. Brock/Hess, Gregory D./Weerapana, Akila: The Impact of Voter
  Initiatives on Economic Activity. European Journal of Political Economy 2004
· Frey, Bruno S./Stutzer, Alois: Happiness and Economics. How the Economy and
  Institutions Affect Human Well-Being (Princeton 2002)

Democratic procedures are very demanding. They can only function to the extent that the basic conditions for democracy are met. These conditions include:

- a functioning media and public space
- a state operating under the rule of law, protection of the constitution and fundamental human rights
- education for democracy in addition to people and organisations which have internalised the democratic principle
- institutionalised self-criticism of democracy
- research and development of democracy

Democratic procedures are only useful if they have been well designed and implemented and if they are sensibly matched. The same conditions and standards apply also to direct democracy, on the shaping of which this factsheet focuses.

The usefulness of direct-democratic instruments depends on their design. But the presence of well-designed direct-democratic procedures does not in itself ensure that they will be frequently used. The frequency of use of direct-democratic instruments depends also on other factors – such as the make-up of society (more or less complex, more or less conflict-ridden) – as well as on the way problems and conflicts are handled in a particular society. A comparison of direct democracy in the cantons of Switzerland shows that well-designed direct-democratic procedures are used more often in societies which are complex and conflict-ridden, than in smaller and simpler societies.

(cf. Vatter, Adrian: Kantonale Demokratien im Vergleich (Opladen 2002)

IMPORTANT ASPECTS IN THE SHAPING OF DIRECT-DEMOCRATIC PROCEDURES

1 NUMBER OF SIGNATURES

Question	How many signatures of eligible voters are required in order to hold a referendum vote?
Experience	International experience shows that large signature quorums (more than 5% of eligible voters) deter the majority of individuals and organisations from using the instruments of the popular initiative and the popular referendum, while very high hurdles (10% or more) make these instruments unusable.
Recommendation	Depending on the particular instrument (e.g. constitutional initiative, facultative referendum) and level of the polity (local, regional, national, transnational), the entry quorums should not be higher than 5% of the total eligible electorate.

2 Time allowed for collection of signatures

Question	How much time is allowed for signatures to be collected?
Experience	Communication – informing, discussing, learning – is the heart of direct democracy. It cannot happen without sufficient time. So the time allowances for collecting signatures must reflect this. If the periods are too short e.g. only 3 months for nationwide signature collection, this blocks the crucially important processes of communication
Recommendation	For launching a nationwide initiative, there should be at least 12 months – and preferably 18. For a facultative referendum, 2–4 months should be sufficient, as the referendum issue is already on the political agenda

3 How the signatures are collected

Question	Is there free (uncontrolled) collection of signatures with subsequent official verification – or does the signature-giving have to take place at designated official centres and/or be officially monitored?
Experience	Uncontrolled signature collection is controversial. In many countries the authorities want to restrict the options for signature collection or check the eligibility of the signatories before they sign. In Austria, signatures for popular initiatives can only be given in official centres. In the USA, collecting signatures in public places, such as at the post office, is actually forbidden.
Recommendation	A well-developed direct democracy does not require any special restrictions on signature collection: it is sufficient to check the legitimacy of the signatures. Signature collection ought to be organised in a way that encourages debate and makes it easy for people who wish to sign to do so.

4 How the popular initiative is worded

Questions	Does the wording of the initiative proposal presuppose special legal know-ledge, or can the proposal be submitted in clear and ordinary language?
Experience	In Switzerland, a specific initiative proposal can be formulated in normal language, requiring no knowledge of legalese. Any title can be chosen as long as it is not misleading, does not cause confusion or contain commercial or personal advertising. The appropriate authorities assist the initiative sponsors with the formal questions, but have no input into the content.
Recommendation	The authorities should advise the sponsors in the launching of an initiative with the aim of ensuring that the latter are enabled to express their political will freely and clearly and in a way which everyone can understand. Two things are required: that the authorities do not interfere with the content; and that the text is clear, comprehensible, unambiguous and consistent. Any kind of specialist jargon would be unsuitable.

5 How the referendum question is worded

Questions	Who decides how the referendum question is worded? Is the title of the initiative or of the law repeated in the question?
Experience	In Switzerland, the referendum question contains the title of the initiative or law which is being subjected to ballot.
Recommendation	The title of the proposal should be included in the referendum question, so that the voters know precisely what they are voting on. The question should also be formulated in such a way that it is clear whether a "yes" vote means approval or rejection of the proposal. The referendum question may not be misleading, as this makes it impossible to ascertain how the voters actually intended to vote.

6 Content and formal legal requirements

Questions	What procedure exists for checking that the initiative satisfies the formal legal requirements and the rules regarding content?
Experience	The validity of the content of the initiative text can be checked by one of the organs of state (parliament, authorities, courts). There is disagreement over which procedure is preferable – whether it should be parliament or the constitutional court which decides on the validity of an initiative. In Switzerland, it is parliament which checks that the content of the initiative satisfies the rules: it does so only after the required 100,000 signatures have been collected. In the U.S., this happens before the signature collection starts. Procedures vary: in Florida, it is the State Supreme Court which checks validity, whereas in Oregon it is the Attorney General.
Recommendation	The validity rules (e.g. that the initiative must not contravene binding international law; that it may not include several different issues; that it must be unambiguous in form) must be clear and transparent; they can, for example, be laid down in the constitution. The check on content may be carried out as soon as the initiative is launched, or only once the signature collection is completed. It can be performed by a constitutional court or by one of the political organs of state – by parliament, or by one of the authorities. How great a risk exists that the body charged with checking the initiative might fail to be impartial is more a question of the political culture and cannot be entirely "designed out".

7 Interaction with government and parliament

Questions	Is parliament able to debate the subject-matter of a popular initiative and make its own recommendation? Does parliament have the right to present a counter-proposal? Does the interaction between the sponsors of the initiative and either parliament or the government allow space for negotiation and compromise? Is there a withdrawal clause?

Experience	In California, initiatives bypass parliament and are put directly to the voters. There is no such "direct initiative" in Switzerland, only an "indirect" one, which includes the government and parliament in the initiative process; they express a view on every referendum issue, take part in the public debate, and parliament can make a counter-proposal. The indirect initiative thus produces greater public discussion and it is possible to create a space in which government and parliament are able to negotiate with the promoters of the initiative and reach a possible compromise solution. In order to facilitate this negotiating space, a withdrawal clause was introduced in Switzerland. The sponsors can withdraw the initiative if, for example, they have been able to reach a satisfactory compromise with the government and parliament.
Recommendation	Direct and indirect democracy should be linked in a way which strengthens both. This can be achieved, for example, by making it obligatory for parliament to consider popular initiative proposals and express an opinion, and by giving parliament the right to make counter-proposals. Where there is both an original initiative proposal and a counter-proposal to be voted on, the voters should be able to vote "yes" to both proposals and, in addition, indicate which of the two they prefer if both are approved (the so-called "double Yes"). A withdrawal clause gives the initiative sponsors the chance of withdrawing the initiative if, for example, they have managed to reach an acceptable compromise with the government and parliament. This creates a manoeuvring space for negotiations and compromise which both sponsors and the authorities can take advantage of.

8 Time periods allowed for government and parliament to express an opinion, and for the referendum campaign

Questions	How much time is allowed to the government, the parliament and the voters to debate and reach a considered opinion on an initiative or referendum proposal? How much time should be allowed for the referendum campaign?
Experience	Involving all the parties to a referendum vote in an exchange of views, in dialogue, negotiations and a collective learning process takes time. This must be taken into account in setting the statutory time periods.
Recommendation	The basic rule is: there must be adequate time allowed for all the stages of an initiative or referendum process – for the initiative committee to collect the required signatures, for the government to express a view on the proposal, for parliament to debate the issue and possibly work out a counter-proposal, for all the individuals and groups involved to carry out a proper referendum campaign. A simple rule of thumb is that a period of 6 months should be allowed for each of these stages.

9 Validating the referendum ballot: majority approval requirements and minimum turnout quorums

Questions	Does approval require a qualified majority and/or a minimum turnout quorum, or is a simple majority of the voters sufficient?
Experience	The satisfaction of special turnout or approval quorums is often demanded to validate referendum votes, whereas there is no minimum turnout requirement for parliamentary elections. In practice, turnout quorums of 40% or more often leads to the result of a referendum being annulled. This can give direct democracy a bad name. High approval quorums can make it very difficult to secure approval for any proposal.
Recommendation	Turnout quorums, at least the ones higher than 25%, should be avoided. Such quorums mean that the proposal can be rejected by a combination of "no"-votes and non-votes; they assist those groups which refuse to get involved in a public democratic debate and instead call for the ballot to be boycotted. This promotes undemocratic behaviour. The same applies to approval quorums which require a qualified majority of the eligible voters.

10 Issues which can be voted on/exclusion of issues

Questions	What issues may – or may not – be decided direct-democratically?
Experience	In many countries, important issues are withheld from direct-democratic decision-making. This weakens the foundations of direct democracy. The exclusion of certain subjects is often based on specific historical experiences. In Switzerland, no subject is in principle excluded from direct-democratic procedures. However, initiatives which contravene binding international law must be declared invalid. In actual practice, the following three subject areas are the main focus of direct-democratic activity: 1. The form of state and democracy; 2. Financial and tax policy; 3. Welfare and health provision.
Recommendation	Citizens should be able to decide on the same range of issues as their elected representatives. Creating special exclusion lists for initiatives and referendums contradicts the democratic principle of equal participation in politics. The limits imposed on democratic decisions by fundamental human rights and international law apply equally to parliamentary and direct-democratic decisions.

11 SUPERVISION AND ADVICE/CONSULTATION

Questions	Is there provision for supervision of initiative and referendum processes? Is there an independent authority which has this specific task?
Experience	In order to guarantee the fairness and correct handling of popular referendum procedures, some countries (e.g. Ireland and Great Britain) have instituted referendum commissions. The duties and powers of these commissions vary. In Switzerland, the federal referendum procedures are looked after by the Federal Chancellery. The "Political Rights" section of the Chancellery "advises initiative and referendum committees, checks submitted signature lists and popular initiatives, organises the federal referendums and the elections to the National Council, and deals with complaints about elections and referendums". It is also responsible for testing electronic voting.
Recommendation	A referendum authority or commission can have a variety of duties, such as advising initiative committees, making a preliminary examination of the initiative proposal, authenticating signatures, supervising the referendum campaign (including checking for fairness and equality), as well as the monitoring and evaluation of referendums. It can also be charged with the task of informing the voters; the minimum should be a referendum pamphlet or booklet for each eligible voter.

12 FINANCING AND TRANSPARENCY

Questions	Do parties and groups have to reveal how much money they spend on a referendum campaign, and where the money comes from? Do groups without access to significant financial resources receive any support funding to make the referendum process more equal?
Experience	The important role of money in referendums is generally recognised: money can be one of the decisive factors.
Recommendation	Transparency (e.g. information on the source of funding) and fairness (e.g. equality of financial resources and equality of access to the public through the media and advertising) are important to ensure the genuinely democratic formation of the political will. The sponsors of initiatives and referendums can be supported, for example by having a portion of their expenses refunded once the required number of signatures has been collected and the referendum date set.

FACTSHEET
Voting rights of Swiss citizens living or staying abroad

The principle

Swiss citizens living or staying abroad who are eligible to vote are able to take part at the national level in referendum votes and elections, as well as giving their signatures to initiatives and referendums (Art. 3, § 1 of BPRAS – the federal law on the political rights of Swiss citizens living or staying abroad[1]). They have the right not only to take part in the elections for the National Council (active voting right), but to be elected themselves to either the National Council, the Federal Council or the Federal Court (passive voting right). However, they may only take part in elections for the Council of States if the law of the canton to which they are attached provides for the right to vote for Swiss citizens living or staying abroad. In the Swiss federal system, those Swiss living or staying abroad do not constitute a distinct voting area or constituency[2]; they choose one municipality as their "voting municipality" (this could be the municipality in which they were born, or one in which they have been previously resident; Art. 5, § 1 BPRAS). Eligible expatriate Swiss voters who wish to exercise their political rights must notify the Swiss office of their chosen voting municipality of their intention. The notification must be renewed every four years (Art. 5a BPRAS). Eligible Swiss voters living or staying abroad can submit their vote for proposals at the federal level either personally in the voting municipality in Switzerland, or by post (Art. 1 BPRAS).

Some figures

At the end of 2005 there were some 634,200 Swiss citizens living abroad[3], of whom about 485,100 were potentially eligible to vote i.e. they were 18 or over and were not disqualified by reason of mental illness or feeble-mindedness. At the end of December 2005, around 102,000 persons were actually entered in the voting register of a Swiss municipality and were therefore eligible to vote. The figure represents 2.1% of all eligible Swiss voters (4.86 million[4]).

[1] Federal law of 19.12.1975 (SR 161.5) on the political rights of Swiss citizens living or staying abroad, available online at: www.admin.ch/ch/d/sr/c161_5.html
[2] The cantons form the constituencies; cf. Art. 149, § 3 of the federal constitution (SR 101); available online at: www.admin.ch/ch/itl/rs/1/c101ENG.pdf
[3] Source: Federal Department of Foreign Affairs. Status as of end-December 2005
[4] Source: Federal Chancellery. Status as of end-December 2005

Voting behaviour of Swiss living or staying abroad

A survey carried out in 2003 by ASO (Organisation of the Swiss Abroad) and swissinfo/
Swiss Radio International revealed that Swiss living or staying abroad have a very distinctive profile, which is formed far less by their political opinions than by such values as modernity of outlook, cosmopolitanism, openness to change, tolerance towards foreigners and belief in the free market.[5]

Representation of Swiss abroad in the parliament

In the National Council elections of 19th October 2003, the Swiss People's Party (SVP) in the canton Zurich came up with a list of candidates for Swiss abroad ("List 31: SVP-Union of Swiss Abroad"). To date, however, no overseas candidate has ever been elected to the federal parliament. One reason for this may lie in the fact that the electoral potential of the Swiss abroad is diffused. Since they do not form their own constituency, their votes are distributed among the 26 cantons. The election in Spring 2004 of Beat Eberle from Bad Ragaz, at that time military attaché in Stockholm, to the Great Council (parliament) in St. Gallen showed, however, that it is possible for Swiss citizens living abroad to be elected.

[5] The final report of the study carried out by the GfS research institute can be downloaded from the Internet at: www.aso.ch/pdf/ASO-Bericht%20berdef.pdf

Direct democracy is controversial, both as an idea and in practice. There is no consensus on terminology and on how to define direct democracy. The relationship between the name and the form of procedure is often not clear; for example, the same word "referendum" is used to designate different kinds of popular vote procedures. In different constitutions we find different terminologies and classifications of procedures, and this makes comparison rather difficult. It is therefore necessary to explain the concept of direct democracy and the terminology used in this guidebook.

Modern direct democracy is not the same as classical assembly democracy. Direct democracy means today that citizens have the right to directly decide on substantive political issues by means of popular votes i.e. independently of the wishes of the government or parliament, on their own initiative or as a mandatory provision prescribed by the constitution.

That definition already specifies the first criterion of direct democracy: direct democracy decides on substantive issues, not on people. So popular rights of the direct election and/or recall of representatives (e.g. direct elections for mayors or the president) do not belong to direct democracy.

A second criterion, which must also be fulfilled, can be expressed as follows: direct democracy gives citizens decision-making power – direct-democratic procedures are procedures for power sharing. This second criterion can be stated in broader terms as: direct democracy empowers citizens. This formulation gives us a concept which is less strict and which does not necessarily imply that citizens have decision-making powers. For example, if citizens have the right to request a popular vote, but no power to make decisions, then we have direct democracy only in a very broad sense, not in a strict one.

Using these two criteria, direct-democratic and non-direct-democratic procedures of political participation can be distinguished from one another, as the following table shows:

Decision on Intended function	(Substantive) issues	People
Empowering citizens: power sharing	The constitution regulates the use of the procedure: • Obligatory referendum A specified number of citizens have the right to initiate the procedure: • Facultative referendum • Initiative • Alternative proposal Direct-democratic procedures	Recall (removal of representatives from office before the end of their term)
Empowering representatives: normally strengthens the power of government (authority plebiscite – AP) and sometimes a minority within an authority (authority minority plebiscite – AMP)	The authorities have the exclusive right to decide on the use of the procedure: • Plebiscite	Direct and indirect election of representatives

This definition of direct democracy does not equate direct democracy with popular votes. It distinguishes between plebiscites and direct democratic procedures. Plebiscites are popular vote procedures which citizens cannot initiate, and whose use lies exclusively within the control of the authorities. In terms of the point of view set out here, this distinction between plebiscites and referendums is fundamental to a proper understanding of direct democracy. The distinction is frequently not made, often leading to considerable confusion in the debate about direct democracy. However, the distinction is not always clear cut; there are popular vote procedures which combine elements of direct democracy with elements of a plebiscite.

As the table above shows, direct democracy comprises three types of procedure: referendum, initiative and alternative or counter proposal. For each procedural type, various forms of procedure can be distinguished, and these, in turn, can be institutionalized in a variety of ways.

The following tables provide short explanations of the major types of procedure and the forms they take. The list is not exhaustive; there exist other forms of procedures which include direct-democratic elements, such as, for example, recall initiatives for elected representatives or elected office holders. It is essential to note that modern direct democracy is not a replacement for representative or parliamentarian democracy, but a complement to it. In a well-designed and well-conducted form direct democracy is a tool for making representative democracy more representative.

Referendum

The right of citizens to either accept or reject a decision by an authority by means of a popular vote. A popular vote procedure whose use lies exclusively within the control of the authorities, is not a referendum but a plebiscite.

OblR Obligatory referendum (initiated by Constitution)	In a representative democracy, restores the right of voters to have the final say: it means that important, or the most important, political decisions are made by the citizens themselves.
PopR Popular referendum (initiated by Citizens)	The right of a specified number of citizens to demand a popular vote on a decision made by an authority. The popular vote either accepts or rejects the decision. This procedure acts as a corrective to parliamentary decision-making in representative democracies and as a check on parliament and the government.
AR Authorities' referendum (initiated by majority in an authority)	The right of an authority to submit certain of its decisions to popular vote. This only applies to decisions which can be the subject of a popular referendum. This procedure may generate greater legitimacy for major decisions.
AMR Authorities' minority referendum (initiated by minority in an authority)	The right of a minority in an authority to submit to a popular vote a decision made by majority in the same authority. This applies only to decisions which may be the subject of a popular referendum. This procedure acts as a veto right of an authority, in which the whole electorate is called upon to judge the issue.
PopRP Popular referendum proposal	The right of a specified number of citizens to propose the calling of a popular referendum.

Initiative

The right of a specified number of citizens to propose to the entire electorate the introduction of a new or renewed law. The decision on the proposal is made by means of a popular vote.

PopI Popular initiative	The sponsors of a popular initiative can force a referendum vote on their proposal (assuming that their initiative is formally adopted); they may also withdraw their initiative (where there is a withdrawal clause).
PopIP Popular proposal (Agenda Initiative)	The popular proposal is the right of one or more citizens to propose to a competent authority the adoption of a law; in contrast to the popular initiative, here it is the authority which decides what happens to the law proposal.

Alternative proposal

The right of an authority or of a specified number of citizens to make an alternative proposal within the context of an initiative or referendum procedure; the proposal is decided on by a popular vote.

PopCP Popular counter-proposal	A specified number of citizens formulate an alternative proposal, for example within the framework of an initiative or referendum process, which is then decided on, at the same time as the original proposal, by popular vote.
ACP Authorities' counter-proposal	The alternative proposal is formulated by an authority. For example, within the framework of a popular initiative process, parliament can present a counter-proposal to the one put forward by the initiative sponsors. Both proposals are then decided on at the same time by popular vote. If both proposals are accepted, the decision on whether the original proposal or the parliament's counter-proposal should be implemented can be made by means of a special deciding question.

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World Survey on Modern Direct Democracy

Civic participation has become the key to sustainable democratic governance across the globe. Since 1989 more than a hundred countries have introduced institutional mechanisms of direct citizen participation within the framework of representative democracy. Other countries have experienced lawmaking by citizens for more than a century already. The growing use of initiative rights, popular votes on policy issues (referendums), and the mechanism for the recall of elected officials, have profoundly changed political dynamics.

In many parts of Latin America and Africa new forms of "participative budgeting" have been successfully introduced, while across Europe, Asia and North America modern methods of consultation – such as "deliberative polls" – are becoming standard in dealing with complex political challenges. The worldwide evolution of democracy is indeed remarkable. From New Zealand to Canada and from Brazil to Mongolia, citizens have been called to vote on new laws and constitutions. Something almost equivalent to a participatory revolution has taken place on the local level, putting citizens onto the political centre stage on issues as varied as the budget, moral values and urban planning. In Europe – for the very first time in history anywhere – a transnational direct-democratic instrument is being considered for incorporation into the new Reform Treaty of the European Union.

While "classical" elections to legislative bodies have already been a major issue in international cooperation and research for decades, challenges and concerns linked to the growing worldwide use of initiatives and referendums, as well as participative budgets and deliberative polls, only became a major issue during the first years of the new millennium. However, international organizations, electoral management bodies, academia and civil society have begun to monitor, research and evaluate the options and limits of modern direct democracy in a more comprehensive and in-depth way than ever before. One expression of this is the the project to organize the very first World Conference on Direct Democracy. This global event aims to map and mainstream the worldwide procedures, practices and debates on the initiative and referendum process. Co-sponsors for this premier global direct democracy forum include international and governmental organizations such as the World Bank, the Forum of Federations and the Council of Europe – an organisation representing 47 member states which recently became the first such body in the world to adopt international guidelines for free and fair referendums.

The direct-democratic voting year of 2007 was shaped by a series of first-time referendums in countries such as Costa Rica (on the Central America Free Trade Agreement) and Thailand (on the new constitution prepared by the military government), as well as a second attempt at reform in Portugal, where almost 60 percent of those who voted said "Yes" to the government's proposal, which legalises the medical termination of

Direct-democratic procedures and current hotspots across the globe
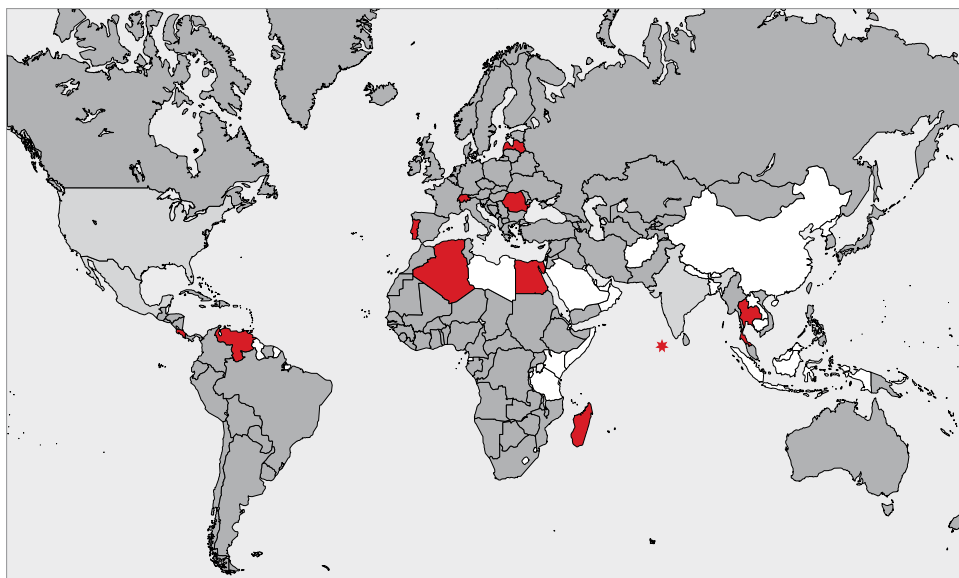
dark=nationwide procedures available, grey=only sub-national procedures available, white=no procedures

pregnancies up to the tenth week. Back in 1998 a similar proposal was vetoed by 51% of the voters. As in earlier years, a number of "fake" referendums were held to provide pseudo-legitimacy to the authorities. Among other places, there were such plebiscites in Syria and Egypt, where neither freedom nor fairness were respected in the process leading up to the poorly attended votes.

Across Europe, several important nationwide votes were conducted, including the referendum on security policy in Latvia in July and the ballot decision in Romania on the parliament's attempt to impeach the head of state. However, in countries and states where initiatives and referendums are an everyday aspect of politics – such as Switzerland, California and Oregon – there were far fewer referendums in 2007 than is normal for an average year. The reason was that national elections took place in Switzerland and the Swiss never combine referendum votes and parliamentary elections at the national level, whereas Californians and Oregonians usually do vote on issues at the same time as state electoral ballots – and in 2007 there were no such ballots.

Referendum practice: selected popular votes across the world in 2007

Country/Polity	Date	Issue	Remark
Portugal	February 11	Legalization of abortion until pregnacy week 10	Initiated by the Socialist majority in Parliament, the proposal was clearly approved by the voters
Andalusia	February 18	Statute of Autonomy	In this constitutional referendum more than 87% of the voters approved the new statute.
Egypt	April 4	Constitutional amendment on Electoral Law	After just one week of campaigning, there was a very low turnout (less than 10%) at this presidential plebiscite.
Madagascar	April 4	Constitutional amendments on presidential powers, regional self-determination and state language	All three amendmets were accepted, tunrout was around 42%.
Romania	May 19	Popular vote to recall the President	A three-third majority of the citizens did not confirm the parliaments impeachment decision
Latvia	July 7	Statutory amendments to national security laws	Triggered by the citizens a clear majority of the voters opposed the parliament.
Thailand	August 19	New Constitution	The Military Regime initiated this vote to legitimize their new constitution
Costa Rica	October 7	Treaty Referendum on Central American Free-Trade Agreement	Almost 60% of the electorate participated in this first national referendum and approved the proposal by a 52% yes-vote.
Ontario	October 10	Referendum on electoral reform	The reform proposal was developed by a Citizen's Assembly
Tokelau	October 20	Referendum on self-determination	A first such vote failed because of concerns by expatriate Tokelauans

As we approach the end of the first decade of the new millennium, more and more citizens around the world are speaking out, adding their own questions to the political agenda and becoming increasingly involved in the decision-making process on substantive issues. Over the past 25 years participatory democracy has experienced an enormous boom. More than half of all the referendums ever held in history fall into this period. Only very few countries now remain in which there are no forms of direct-democratic participation at national or regional levels.

Nine out of ten countries or territories in the world now have one or more instruments of modern participatory democracy. These include the direct-democratic right of initiative and referendum, the possibility of removing elected representatives before the end of their mandate (recall) and also the plebiscite.

The trend is clear: direct-democratic instruments are an essential part of today's representative democracy. In many cases, however, unhelpful and unfair background conditions – such as limited freedom of information and free expression of opinion, or citizen-unfriendly direct-democratic procedures – mean that initiatives and referendums are not necessarily seen as a positive complement to representative democracy, but as a competitor or even a threat.

For example, if a 50 percent turnout quorum is required before a referendum result can be declared valid, what frequently happens is that the usual "Yes" and "No" campaigns are joined by calls for a boycott. If the boycott action is successful, the "non-voters" will effectively be counted with the "no-voters", the turnout quorum will not be reached, and the democratic outcome will be perverted (even if more than half of the actual voters have voted "Yes").

It can also happen that decidedly undemocratic regimes make use of the plebiscite and attempt to manipulate the opinion-forming and decision-making process by organising a "top-down" popular vote (perhaps bypassing an elected parliament). But problems can also occur when a financially very powerful interest groups exploits initiative and referendum laws in the absence of compensating provisions which can help to ensure a free and fair referendum process.

36 nationwide referendums and plebiscites took place worldwide in 2007, bringing the total number of countrywide popular votes to 1430 since 1793, when six million French citizens got the first ever opportunity to vote on their new national constitution. So the idea of bringing in the people on substantive issues is not a new phenomenon: it has made its way around the world.

WORLDWIDE REFERENDUM PRACTICE SINCE 1793 (1991)
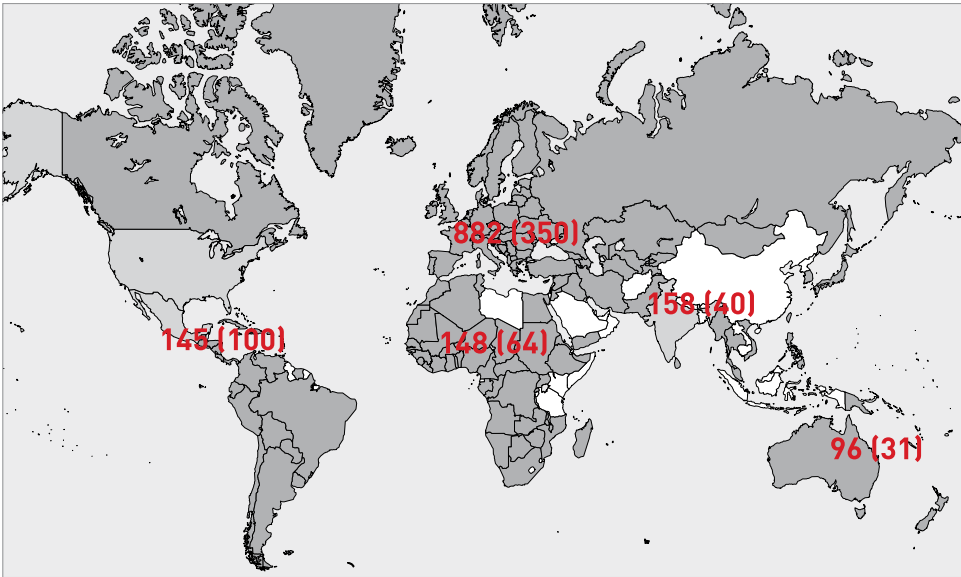
First number: all referendum votes since 1793; numbers in brackets: referendum votes since 1991

When, at the end of the 19th century, the constitutional founding-fathers of Australia were faced with the question of how to create a democratic political system for their newly established country, they borrowed ideas from American and Swiss immigrants: they adopted the American bicameral system – which had also been a model for the young Swiss federal state – and they introduced the mandatory constitutional referendum on the Swiss model. Since then, Australian voters have been able to vote on 49 issues at the national level, and on another 29 in the eight federal states.

In demanding the introduction of direct rights of participation in political decision-making in the 1890's, the farmers of the US state of Oregon quoted from a report by the New York journalist John W. Sullivan on the development of direct democracy in Switzerland. Their demand was accepted, with the result that since 1902 no less than 340 popular initiatives have gone to the ballot in referendums in this west coast state. A century after that blossoming in Oregon, the idea of direct democracy as a major component of a modern representative democracy took strong root in other parts of the world.

Worldwide Nationwide referendum practice across time and space (1793-2007)

Time	Europe	Asia	Americas	Oceania	Africa	Total	Average
1793-1900	58	0	3	0	0	61	0.6
1901-1910	14	0	0	4	0	18	1.8
1911-1920	21	0	3	5	0	29	2.9
1921-1930	36	1	2	6	0	45	4.5
1931-1940	40	0	7	6	0	53	5.3
1941-1950	36	2	3	11	0	52	5.2
1951-1960	38	13	3	5	9	68	6.8
1961-1970	44	22	4	7	19	96	9.6
1971-1980	116	50	8	14	34	222	22.2
1981-1990	129	30	12	7	22	200	20.0
1991-2000	235	24	76	15	35	385	38.5
2001-2007	115	17	24	16	29	201	28.5
Total	882	159	145	96	148	1,430	6.7
Share in %	61.7	11.2	10.1	6.8	10.2	100	

The global trend towards the growing introduction of direct-democratic procedures, as well as the practical use of them, challenges both the governmental and non-governmental actors concerned, as they have to adapt to these developments within the framework of representative democracy. These actors include:

- *Governments and Administrations*, who are involved in the management and administration of direct-democratic procedures, as well as in the ongoing debates on the potential and the limits of direct democracy. Many authorities are also key players in educational efforts to bring the citizens into substantive politics. While well-established direct democracies tend to have wide-ranging know-how and extensive practice, other democracies which are using the referendum process for the very first time, such as, for example, the main electoral body in Costa Rica (TSE), are handling things more on a learning-by-doing basis.

- *Parliaments and Political Parties* are important players in the preparation and passing of legislation and regulations on the initiative and referendum process. Moreover, in direct-democratic practice, elected politicians and political parties often get a much more important role in the public debate as key agents of communication. This may be the reason why the European Parliament has adopted a very proactive attitude to the proposed new citizens' initiative right in the European Union – the very first direct democratic instrument at the transnational level.
- The *Courts* and members of the *Legal Professions* have a central role in many countries in assessing the use of direct-democratic instruments. In a country like Germany, the courts sometimes intervene already during the process of establishing a direct democracy instrument, while the Italian Constitutional Court has the prerogative to veto an already validated citizens' initiative on grounds of its content. On the other hand, users of the initiative and referendum process often rely on legal experts to pre-emptively avoid interference by a court. Competent and solid legal advice has thus become indispensable for all the political actors in direct-democratic situations.

Countries across the globe where citizens can trigger referendum votes at the national or subnational level
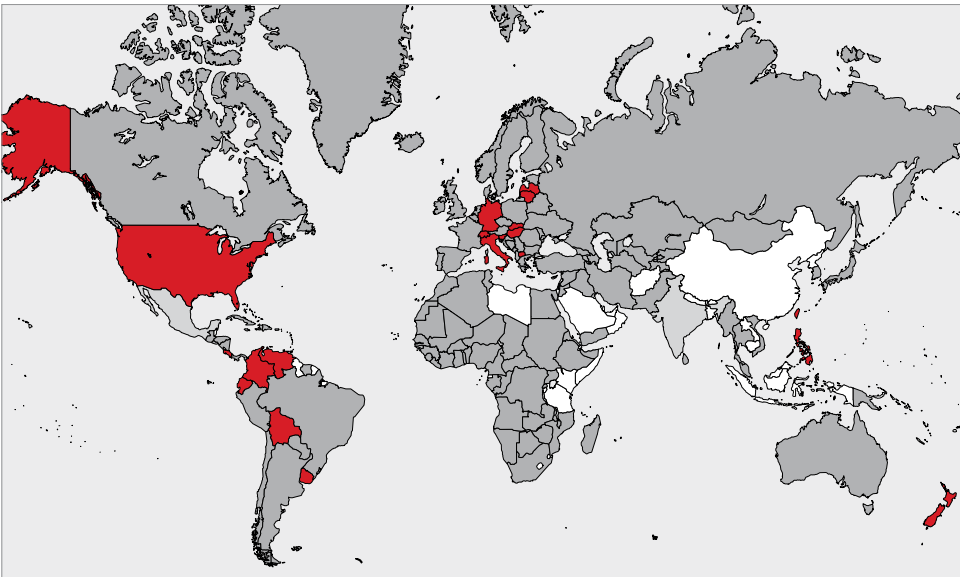
dark=nationwide procedures available, grey=only sub-national procedures available, white=no procedures

- *Think-tanks* and *Service providers* act as independent or contractually engaged professional organisations with the task of ensuring that other professional groups are better informed in their dealings with direct-democratic procedures. As with governments, the issue of political education plays a central role here also. In addition, service providers support various actors in a direct-democratic process (mostly on a commercial basis), from signature collection for an initiative through to the referendum campaign itself. Recent years have seen the emergence of a specific service sector for the area of direct democracy – sometimes even referred to as "the initiative industry".
- *Academic researchers* and *Media professionals* are key actors when it comes to observing, analyzing, investigating and commenting on direct-democratic events. Both groups can and should also provide a counterweight to the more instrumentally active professional groups. As with the electoral bodies, there has been in recent years the growth within the research establishment of relevant national and regional networks. For their part, political journalists are often in the front line when it comes to direct-democratic processes; their input is of great importance.
- As the overview (in map 3) of countries with citizen-triggered referendums illustrates, *Civil Society* groups are often the most highly motivated specialists for taking the development of democratic instruments forward and using them frequently and enthusiastically. The existence of an efficient interface between civil society and the authorities and the quality of the dialogue between them are of the highest importance. Worldwide there is a growing emergence of civil society groups with a special focus on supporting and fostering the spread of direct-democratic tools, including some who already have considerable practical experience with them.

In attempting to better understand and evaluate the procedures and practical use of initiatives and referendums, as well as other participatory decision-making and agenda-setting methods, many of the above-mentioned actors involved in direct democracy are essentially seeking answers to the same questions. In this search it is helpful to ask the following three main questions:

1) *What exists already in respect of direct-democratic experience and practice worldwide?*
   The answers to this question can generate a unique world map of modern popular political rights.
2) *How are the existing procedures used in practice?*
   The answers to this question can contribute to a comprehensive analysis of the practical use of direct-democratic procedures.
3) *What tools need to be developed to enable a better-informed debate?*
   The answers to this third question will create the basis for a high-quality analysis and development of direct-democratic procedures.

A better informed debate on the subject of direct and participatory democracy makes it possible more accurately to assess the potential and the limits of modern popular rights and to improve the procedures and practice of initiatives, referendums and other participatory tools for the benefit of all those involved.

Looking ahead, 2008 and 2009 promise a lot of interesting, exciting and challenging initiative and referendum processes at all political levels across the globe.

Asia & Oceania

Asia will see a strengthening of democratic forces after a period of autocratic backlash such as has been seen in Thailand, Malaysia and Bangladesh. With the world focusing on the economic progress and Olympic hype in China, the democratization of Asian democracy has a lot of potential for improvement. Countries and regions worth keeping a close eye on include Taiwan, where the presidential elections in spring will again be linked to a presidential plebiscite, this time on a bid for U.N. membership. In Japan, the debate on a change to the constitution always includes the prospect of a nationwide mandatory referendum. Hong Kong organized its first citywide referendum on an unofficial basis in March 2007; the process contributed to a commitment by the territory's chief executive to introduce "full democracy" by 2012.

In India, several states have introduced new forms of participatory and direct democracy in recent years. The new experiences made at the subnational level will – as the deliberations at the 4th International Conference on Federalism in late 2007 in Delhi showed – further encourage the possibility of a reform process at the federal level as well. As the regional champion in the quantitative use of initiative and referendum processes, the Philippines always offers plenty of practical experience. As a result of many local popular initiatives, signature collections are underway, dealing with the proposed constitutional change from a presidential to a parliamentarian republic.

After the first referendum in Thailand on the new army-sponsored constitution and the subsequent elections in the winter of 2007/2008, the progress of democracy in this country will be watched carefully. A form of popular agenda initiative is provided for in the new constitution, as it was in the old one. Further south-east, several countries in Oceania have a wide range of direct-democratic provisions, including popular initiatives in New Zealand and mandatory constitutional referendums in Australia. However, the most practical experiences in the coming years will be reported from small island-states such as Palau, Tokelau and New Caledonia, where the status of post-colonial autonomy and independence are issues to be decided by the electorate.

Direct Democracy Hotspots in Asia 2008-2010

NORTH AMERICA

Across the Pacific Ocean, many US states will see dozens of citizens' initiatives ("propositions") making it to the ballot box during 2008 and 2009. With a fiercely contested US presidential election due in November 2007, many groups will use initiatives to try to produce spin-off effects for their candidate or their issue. In California, among other issues, planning (California Property Owner and Farmland Protection Act), transportation (funding), high-speed railways, education (funding) and new taxes (on wealth) will make it to the ballot. Referendum days include February 5 (together with the presidential primaries), June 3 (with the state primaries) and November 4 (with the election of the new US president). In Oregon, voters will get the last word on a building law (Measure 49) and a constitutional amendment to fund health care for children. Further north, the citizens of the Canadian province of British Columbia will get another opportunity in 2009 to decide whether they want to change their electoral system from the (UK-style) first-past-the-post to a single transferable vote system. In 2005, the same issue – proposed by a Citizens' Assembly – was approved by a majority of the voters, but was not implemented by the BC government and parliament. In Ontario, a similar process to change into a mixed-member proportional system led to a referendum on October 10, 2007. In this historic vote (the first referendum in the state since 1921) Ontarians opted for the status quo. The existing first-past-the-post system got 63,3% of the ballots, the turnout reached 53%.

DIRECT DEMOCRACY HOTSPOTS IN NORTH AMERICA 2008-2010
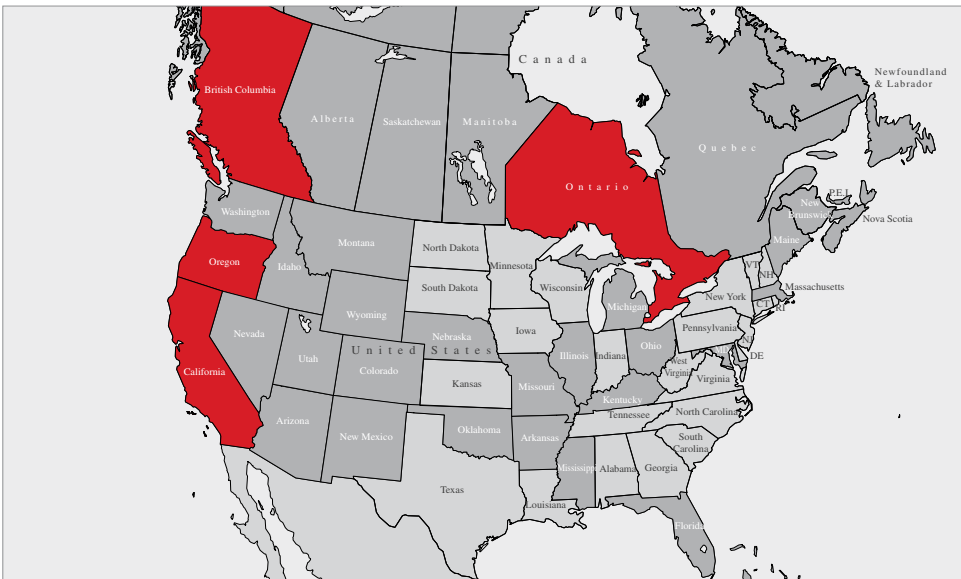
Latin America

Latin America has experienced a wide-ranging introduction and use of direct-democratic instruments. Whereas a country like Uruguay has used these instruments frequently and with quite some success since the early 1930s, many other countries came to direct democracy much later, often emerging from military dictatorship by referendum – like Chile, for example. Similarly to what happened in Eastern Europe after the collapse of the Soviet empire, most Latin American countries introduced a full set of direct-democratic instruments – such as popular initiatives, constitutional referendums and recalls for elected officials.

The result has been that, since 1978, more than 100 substantive issues have been voted on in countries like Argentina, Brazil, Chile, Peru, Uruguay, Bolivia, Ecuador, Colombia, Panama, Guatemala and Costa Rica. In federal countries like Argentina and Brazil, direct-democratic procedures are also frequently used at the regional and local levels. Notwithstanding these impressive procedural and practical developments, Latin American practice has many flaws, both regarding the design and the use of modern direct democracy.

Direct Democracy Hotspots in Latin America 2008-2010

Many initiative rights provide for no clearly defined route to a citizen-triggered vote, and initiatives can be stopped in mid-course. "Referendums" may be organized as non-binding "consultations" (consultas) or plebiscites (which change the focus from an issue to, for example, a president – as currently experienced in Venezuela).

The basic problem of Latin-American direct democracy, however, derives from the still rather weak establishment of indirect democracy. In many countries, the elected presidents have the possibility of bypassing parliament or the political parties, as currently seen in Ecuador, for example. But in order to fulfil its most important function – to make representative democracy more representative – modern direct democracy requires a well-established and legitimate parliamentarian system and political parties. It will therefore be of some importance to closely monitor the ongoing developments in Venezuela and Ecuador, where elected presidents constantly try to weaken and bypass elected parliaments – by (mis)using the instrument of direct democracy. Other countries to watch include Costa Rica after its first referendum experience.

In Latin America's most peaceful country (the national army was abolished as long ago as 1948!), an extensive set of direct-democratic instruments was introduced in 2003. In the far south, in Chile, the governing coalition of President Michelle Bachelet has promised to introduce some form of citizens' initiative and referendum procedure; the country is one of the few without such mechanisms in the region today. The constitutional reform process in Bolivia is set to continue, with new opportunities for popular votes on substantive issues approved by the parliament and the constitutional convention initiated by President Evo Morales. Finally in Uruguay a citizens' initiative has gathered signatures on a constitutional reform on abortion rights; a national referendum on this is likely to take place together with next elections in 2009.

Africa

Across Africa many countries have inherited some forms of direct democracy from their former colonial powers. This is especially true for most former French colonies in Western Africa, where referendums "from above" (French-style plebiscites) are both part of the constitutional arrangements and – more seldom – also of political practice. But there is also another growing practice of instituting referendums, as in South Africa, the Democratic Republic of the Congo, Zambia and Madagascar, which has made a significant contribution to greater democratic stability. In the north of the African continent, strong Islamic leaders have misused the referendum instrument in many ways. In March 2007, Egyptian president Hosni Mubarak offered the people just 7 days to discuss and agree on a list of 34 constitutional amendments. Less than 30% of the registered voters took part in the plebiscite. Despite such experiences, which lie outside a free and fair framework, many Africans forecast a much more frequent use of direct-democratic instruments in the near future: the Eastern African Community – a regional intergovernmental organisation with five member states – plans a transnational referendum, to be held in 2009 or 2010, on the establishment of a political union in East Africa. An even more extensive direct-democratic event is envisaged by the Pan-African Council and the All-African People's Organisation: they have called for a pan-African popular vote on a union government for 53 states with more than 800 million people.

Direct Democracy Hotspots in Africa 2008-2010

European Reform Treaty challenge

The majority of direct-democratic events are, however, still reported from Europe, where most countries today have initiative and referendum processes at least on the local and/ or regional levels. At the other end of the spectrum, the 27-member European Union is deeply involved in a development which will bring the citizens onto the political stage also transnationally. As far more than half of all national legislation now has its origin at the European level, a transfer of participatory democratic instruments to the relevant legislative level becomes a key reform necessity. This is not so easy in practice, as the idea of national and popular sovereignty frequently clashes with the need to make Europe more democratic. Nevertheless, the ongoing constitutional debate in Europe has produced many transnational activities which may impress even long-term critics of the European integration process.

Already back in 2004, the EU heads of state and government agreed to include the principle of direct democracy in the then-proposed constitutional treaty. While the "constitution" did not pass the referendum test in all member states – the French and Dutch voted against it – the participatory principle survived to become part of the new Reform Treaty, which will be the subject of a lengthy ratification process across the EU in the years to come. Article II-8b.4 of the Reform Treaty provides for the right of one million EU citizens to propose a new European law or regulation.

This is an agenda initiative right, which to begin with will have no possibility of triggering a pan-European popular vote. But even before any implementing regulation has been drafted, at least 20 transnational European Citizens' Initiatives were launched in 2006 and 2007, addressing issues such as human rights, energy and European democracy.

Going transnational: The first twenty European Citizens' Initiatives

	Issue	Main goal	Initiative committee
1	Oneseat Initiative	To establish Brussels as the only seat for the EP	Mainly MEPs
2	Equality for all!	To extend EU citizenship to all EU residents	European Association for the protection of human rights
3	Against Nuclear Energy	To end the Euratom Treaty and to prevent the construction of new nuclear facilities	Friends of the Earth, Global 2000
4	European Health Initiative	To allow natural remedies in the EU	Dr. Rath Health Foundation

Beyond elections to the European Parliament: European referendums across Europe

dark = Countries with referendum practice on Europe

Signature gathering	Status	Link (website languages)
e-gathering only, without verification email	Delivered (18-09-06) 1,067,838 signatures.	www.oneseat.eu (20)
e-gathering only, with verification email	Launched and ongoing	www.aedh.eu/petition_million/ petition-million.htm (22)
e-gathering and signature list, without verification email	Launched and ongoing	www.Million-against-nuclear.net (13)
Signature list without verification email	Launched and ongoing	www.eu-referendum.org (4)

	Issue	Main goal	Initiative committee
5	Partnership instead of membership for Turkey	To prevent Turkey from becoming a full member of the EU	Conservative NGOs from PL, SZ, AT, DE
6	For a political Europe of Freedom, Security and Justice	To enforce cooperation on justice within the EU	French politicians
7	Efficient 112 all over Europe	The European Commission shall ensure a common emergency service	European emergency number association
8	Help Africa	To provide 5 bill. EUR a year for people living with AIDS in Africa	Mainly UK MEPs
9	Initiative pour un Service Civil Européen	To establish a pan-European civil service called „un erasmus de la solidarité"	Mouvement Européen-France
10	Save Our Social Europe	Campaign for a social Europe	Volkshilfe Österreich
11	1million4disability	For disabled people's rights, through effective legislation	European Disability Forum
12	Labelling of Genetically Engineered Food	Calling for the labelling of animal products where the animals have been fed with GE (genetically engineered) feed	Greenpeace International
13	Initiatives of applied anthroposophy	Calling for support for initiatives of applied anthroposophy	Aktion Eliant
14	High Quality of Public Services	To make high quality public services accessible to all	European Trade Union Confederation (ETUC)
15	For a European Referendum on the EU Constitution	To trigger a consultative popular vote on the new EU constitution	Union of European Federalists (UEF)
16	Initiative for the Initiative	The proposal to implement a citizen-friendly European Citizens' Initiative procedure	Alliance of NGOs and student groups
17	Emergency Europetition for Darfur	Demand to dispatch an international protection force to Darfur	Human Rights Organisations
18	Referendum on the next EU Treaty	To trigger a referendum in Europe on Europe	MEPs D Wallis and JP Bonde
19	Cancer United	Call to act urgently in the interests of cancer patients across Europe	Stakeholders in cancer care
20	European Citizenship Initiative	To create a forum on European citizenship for study and hearings with citizens and civil society	European Citizen Action Service

Signature gathering	Status	Link (website languages)
e-gathering without verification email	Launched Oct 3, 2005 and ongoing	www.voiceforeurope.org* (17)
e-gathering only, with verification email, EU 25 nationals only	Launched (March 9, 2005)	www.petition-europe-justice.com (3)
e-gathering only, without verification email	Launched (July 29, 2005)	www.112petition.org (22)
e-gathering only, without verification email	Launched in 2004	www.helpafricapetition.com (English)
e-gathering only, without verification email	Launched in 2005	www.mouvement-europeen.org/ petition.php (French)
e-gathering only, without verification	Launched in 2006	www.soseurope.org (4)
e-gathering with verification email, and paper gathering	Launched on January 23, 2007	www.1million4disability.eu (19)
On paper gathering	Launched in 2005 Delivered on February 5, 2007	www.greenpeace.org/international/ press/releases/1-million-europeans-call-for-g (English)
On paper and e-gathering, with verification email	Launched in 2006	www.eliant.eu/ (10)
On paper and e-gathering, with verification email	Launched on Nov-ember 28, 2006	www.petitionpublicservices.eu (22)
E-gathering only, with control and verification mechanism	Launched in spring 2007	www.europeanreferendum.eu (5)
On paper and e-gathering, with verification email	Launched in November 2006	www.citizens-initiatives.eu (23)
On paper and e-gathering, with verification	Launched in Spring 2007	www.europetition-darfour.fr (English/French)
Only e-gathering, with verification	Launched on June 20, 2007	x09.eu (27)
Only e-gathering, confirmation but no verification	Launched on October 18, 2006 18-month timeline	www.cancerunited.org (23)
e-gathering, no confirmation or verification procedure	Launched in 2006, no published numbers of signatures	www.ecas-petition.org/citizenship (6)

A brief assessment of these twenty pilot initiatives shows that the new instrument is being used by many different groups from different sectors of society, including politicians, human rights groups, conservative organizations, economic foundations and broad alliances of non-governmental groups. However, as the concept of the European Citizens' Initiative is still new, and as the culture and practice of initiative is as yet weakly developed in many European countries, several initiatives are still calling their attempt to gather one million signatures a "petition".

Furthermore, the fact that the implementation regulation does not yet exist means that all kinds of ways of collecting signatures are being used, including the simple registration of names online without clear verifiability. At the same time, it is clear that the Internet offers a unique transnational platform for launching and conducting such initiatives. Interestingly, most of the initiatives so far launched understand the need to publish their information in as many European languages as possible.

This early but dynamic development of transnational direct-democratic practice offers many practical opportunities, both for academics and political practitioners, to test and assess the first steps towards transnational direct democracy. In the near future, however, it will be essential to carefully establish a democratic infrastructure beyond the raw tool of the initiative. This will include some kind of European electoral management body to assist, test and follow up European Citizens' Initiatives, as well as implementing a comprehensive voter education program across the region.

In the last decade Europe has made its first steps towards becoming a modern transnational democracy. The integration process offers a prime and unique case study of practical democratization beyond the nation-state – and hence a first view of what is likely to happen in other contexts as well around the globe. This direct democratic experience includes almost 50 countrywide popular votes on European issues in 27 European countries

With so many referendum votes in so many different countries over such a long time, the effects of having popular votes on Europe in Europe have recently been the subject of extensive research projects: the results of these comparative and empirical studies are highly encouraging. Citizens in charge of important decisions become far better informed than people without such voting opportunities. Moreover, a team at the European University Institute of Florence has shown that referendum votes on Europe in Europe predominantly deal with the subject-matter in hand: "Direct democracy has fostered a high degree of politicisation of integration", according to political scientists Andrew Glencross and Alexander Trechsel.

Under reasonably well-designed and citizen-friendly circumstances, direct-democratic procedures can deliver precisely what a quasi-transnational polity such as the EU most lacks today: an intense dialogue between institutions and citizens, a feeling of ownership of EU politics by the voters, and solid legitimacy for the decisions made at EU level.

However, all forms of transnational direct democracy must of course be embedded in wider contexts such as basic human and civil rights, the rule of law, regional and possibly overlapping transnational entities, manifold levels of autonomy, as well as the structures for and assistance to deliberative processes beyond national borders. In contrast to the local and national levels, where a broad set of direct-democratic instruments is already known and (mis)used, for the European level it would be good to begin with a starter set of initiative and referendum instruments, including the proposed European Citizens' Initiative, the agenda initiative, and the mandatory constitutional referendum, as a way of involving the people from the very beginning in a new process (of the progressive democratisation of democracy) which should be the next step after the ratification of the Reform Treaty.

Turning back to the prospects of direct democracy at the national and subnational levels across Europe, an overview of existing direct-democratic procedures shows that three-quarters of the countries are familiar with popular votes triggered by the ruling authorities – so- called plebiscites. Almost half the countries have introduced the democratically more legitimate constitutional referendum: unlike the prevailing plebiscite, it is not the will of the authorities majority, but the rule of law, which determines whether the citizens shall have a say. Just one third of countries also practice that form which most enhances democracy and power-sharing: citizen-triggered referendums.

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Initiatives, referendums and plebiscites in selected European states

Country	OblR	PopR	AR	AMR	PopRP	PopI	PopIP	ACP	PopCP	APl	AMPl
Austria	●10						●			●	●
Belgium		[●]1								●	
Bulgaria										●2	
Cyprus										●	
Czech Rep.	●11										
Denmark	●		●								●
Estonia	●3									●	
Finland										●4	
France										●5	
Germany	[●]						[●]				
Great Britain										●	
Greece										●	
Hungary		●	●		●	●	●				
Iceland	[●]6		●							●	
Ireland	●										●
Italy	●7	●8		●			●				
Latvia	●		●			●					
Liechtenstein		●	●			●				●	
Lithuania	●	●	●			●	●				
Luxembourg										●	
Malta	●9										
Netherlands							●				
Norway										●	
Poland							●			●	
Portugal					●		●			●	
Romania			●				●			●	
Sweden										●	●
Switzerland	●	●	●			●		●			
Slovakia	●	●	●			●					
Slovenia		●	●	●			●			●	●
Spain	●						●			●	●
Turkey										●	

abbreviations

Type of procedure	Form of procedure		
Referendum	OblR	obligatory referendum	
	PopR	popular referendum	
	AR	authorities' referendum	
	AMR	authorities' minority referendum	
	PopRP	popular referendum proposal	
Initiative	PopI	popular initiative	
	PopIP	popular proposal (agenda initiative)	
Alternative proposal	PopCP	popular counter proposal	
	ACP	authorities' counter proposal	
Plebiscite	APL	authorities' plebiscite	
	AMPL	authorities' minority plebiscite	

[1] Draft 2002 law includes consultative popular referendum
[2] Blanket norms for authorities' plebiscite
[3] Obligatory constitutional referendum for revision of Chapters I and XV
[4] Consultative popular referendum
[5] Presidial plebiscite at the suggestion of the government or parliament (known as the "référendum legislatif") as well as the presidial plebiscite on changes to the constitution (known as the "référendum constituant")
[6] Amendment to Article 62 of the constitution ≈ state church
[7] Creation or amalgamation of regions
[8] "referendum abrogativo" (abrogative referendum)
[9] General extension of the legislature
[10] Total revision of the federal constitution
[11] Accession to EU. The question arises, whether this kind of referendum should not be classified as a plebiscite.

While the availability of direct-democratic procedures in Europe has increased dramatically since 1991, most instruments are weakly designed and include (too) many hurdles for the citizens to surmount in order for an initiative to qualify for the ballot, or for a referendum vote to be validated.

An example of this poor state of affairs is Italy, where, out of the 141 popular initiatives (in Italy called "abrogative referendums") which had succeeded in gathering at least 500,000 signatures, no less than 67 were judged inadmissible by the Constitutional Court. And out of the 75 nationwide referendum votes held between 1946 and 2007, more than twenty (24) failed to reach the required turnout quorum of 50% of the registered voters. To make matters worse, checks showed that millions of the names on the electoral registers were of people who had died. Such flaws undermine the democratic legitimacy of direct participation by the citizens and – thanks to the quorum system – reward those who do not participate, instead of those who really become involved and active.

While most political parties in Italy are aware of these weaknesses, they still use them actively in order to control the referendum mechanism. The partito radicale has become a real referendum party, which has launched dozens of national ballot campaigns. Most interestingly, direct-democratic reforms are mainly underway in various Italian regions, especially in the far north, where the citizens in the province of Bozen, for example, will in 2009 have to choose between three possibilities for improving their initiative and referendum system. If more than 40% of the electorate turns out, the option with the most yes-votes will be implemented.

In Switzerland, the voters are constantly confronted by new laws adopted by parliament (both national and regional) which can be put to a referendum, and by popular initiatives launched by various groups in society. At the end of 2007, signatures were gathered across Switzerland and also worldwide (more than 600,000 eligible Swiss voters live outside the country) for almost 20 different amendments to the federal constitution. Issues included energy, taxes, transportation, social welfare, foreigners, spatial planning, the arms trade – and direct democracy. If the initiative committees succeed in getting at least 100,000 verified signatures, these issues will be voted on sometime between 2010

and 2014, according to the timing deadlines for the authorities. In late 2007, a couple of popular initiatives – dealing with the flying of air force jets in the Alps and better protection for animal rights – had already qualified for a popular vote in 2008/09. In the national parliament, no fewer than ten citizens' initiatives were on the agenda, again covering a broad range of substantive issues such as the civil code, health insurance, the naturalisation of foreigners and drug policies. With such a number of direct-democratic procedures underway, it is essential to have the potential dates for upcoming referendum votes already "booked" in the country's calendar: in fact, these dates are already known up to 2026!

Forthcoming possible referendum dates (and National Elections) for Swiss voters

Year	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER
2008	24.02.2008	01.06.2008	28.09.2008	30.11.2008
2009	08.02.2009	17.05.2009	27.09.2009	29.11.2009
2010	07.03.2010	13.06.2010	26.09.2010	28.11.2010
2011	13.02.2011	15.05.2011	(23.10.2011)	27.11.2011
2012	11.03.2012	17.06.2012	23.09.2012	25.11.2012
2013	03.03.2013	09.06.2013	22.09.2013	24.11.2013
2014	09.02.2014	18.05.2014	28.09.2014	30.11.2014
2015	08.03.2015	14.06.2015	(18.10.2015)	29.11.2015
2016	28.02.2016	05.06.2016	25.09.2016	27.11.2016
2017	12.02.2017	21.05.2017	24.09.2017	26.11.2017
2018	04.03.2018	10.06.2018	23.09.2018	25.11.2018
2019	10.02.2019	19.05.2019	(20.10.2019)	24.11.2019
2020	09.02.2020	17.05.2020	27.09.2020	29.11.2020
2021	07.03.2021	13.06.2021	26.09.2021	28.11.2021
2022	13.02.2022	15.05.2022	25.09.2022	27.11.2022
2023	12.03.2023	18.06.2023	(22.10.2023)	26.11.2023
2024	03.03.2024	09.06.2024	22.09.2024	24.11.2024
2025	09.02.2025	18.05.2025	28.09.2025	30.11.2025
2026	08.03.2026	14.06.2026	27.09.2026	29.11.2026

Source: Swiss Federal Chancellery (www.admin.ch/ch/d//pore/va/vab_1_3_3_1.html)

While the Swiss – in contrast to the recent past – currently have no new referendums on Europe in the forthcoming schedule, millions of EU citizens will soon be deciding on the fate of the new Reform Treaty agreed by the heads of state and government in 2007. How many countries will actually hold a popular vote on the treaty remains an open question: there is a growing number of initiatives aimed at putting the new basic law of the EU to a pan-European vote in all 27 EU countries at the same time as the next elections to the European Parliament in June 2009, but they do not seem to be having the desired effect.

In countries like Britain, Poland and the Czech Republic, with strong anti-EU political forces, neither governments nor ruling parties seem able to persuade a majority of the citizens to back the new Treaty.

As long as the referendum trigger in these (and many other) countries is not clearly defined by the national constitution or European law, or controlled by minorities within the electorate or the parliament, popular votes will be used as plebiscites in the vested interests of a president, a government or a ruling coalition.

Many of the most interesting initiative and referendum debates in the next few years will take place at the subnational and local levels, as our special feature on Germany suggests.

Germany*

There has been a strong trend towards more direct democracy in Germany since 1990. There have been several attempts at the national (federal) level to incorporate initiatives and referendums into the Constitution – all of which have so far been frustrated by opposition from the Christian Democrats.

At the level of regional states ("Länder") and municipalities, however, reform has been widespread: direct-democratic procedures have now been introduced in all the federal states and in all munic-

ipalities (including city districts in Berlin and Hamburg). In part, they have also been well used: there have been 204 citizens' initiatives ("Volksbegehren") at the state level and around 4,200 citizens' initiatives (so-called "Bürgerbegehren") and 2,000 referendums at the municipal level. In respect of their "citizen-friendliness", there are wide differences between the various federal states, as the procedural rules in the states and municipalities were determined by the state legislatures.

National (federal) level

Germany has no initiatives or referendums at the national level, except only for the obligatory referendum on any proposed new delimitation of the "Länder" (federal states) boundaries according to Article 29 of the constitution. Germany did have national direct-democratic instruments during the Weimar Republic (1919-1933), when a referendum would be called if 10% of the registered voters requested it. However, a referendum was only valid with a turnout of at least 50% of all registered voters (for statutory laws). For changes to the constitution there was an even higher hurdle – at least 50% of the registered voters had to approve the proposal. Both of the referendums held during this period failed to reach the turnout quorum.

Subnational (state and district/municipality) Level

Below the 16 federal states or "Länder", forming the third tier of government, are the local authorities: districts, cities and municipalities.

* With special thanks to Frank Rehmet (main author), Theo Schiller (supervision) and Volker Mittendorf (data) for their cooperation on the Germany feature.

Rules of procedure

State level ("Länder")

The states of Hesse and Bavaria are unique in having the mandatory constitutional referendum (on the Swiss and US model): any amendment to the state constitution must be ratified by the people. In Bremen, until 1994 constitutional amendments had to be decided by the people in a referendum if the parliament was not unanimously in favour.

Six federal states have non-binding popular petitions, which represent a right to make a submission to the parliament (agenda initiative) which does, however, not lead to a referendum vote (cf. Austria, federal level). All German states have citizens' initiatives and referendums ("Volksbegehren" and "Volksentscheide"). Constitutional issues may be the subject of initiatives in all the states except Hesse and Saarland. In addition, a number of issues are "off-limits": initiatives which relate to a significant extent to the state budget, or to taxes, excise, other duties, and officials' salaries, are inadmissible (the so-called "finance taboo"). These exclusions of issues are often the subject of court cases.

The rules of procedure in all of the states have a three-stage structure, but there are big differences in the quorums and time periods allowed:

The first stage has two forms: the popular petition ("Volksinitiative") and the submission for a citizens' initiative ("Antrag auf Volksbegehren"). In the former case only, the proposal goes first to the state parliament for consideration. In both cases, normally signatures of between 0.4% and 1% of all registered voters are required (North-Rhine Westphalia has a very low signature threshold of 0.02%, while Hesse is rather high at 3%). After the Interior Ministry has checked that the submission is legally admissible, the process moves to the next stage of the "Volksbegehren" (citizens' initiative) for which a higher signature quorum has to be met. After an initiative has been qualified the proposal will be debated in parliament. If parliament does not accept the proposal a referendum vote will take place.

Unlike in Switzerland and many of the states of the USA, in most German states ("Länder") the referendum is not decided by a simple majority but with the additional requirement of an approval quorum. The state parliament can always present a counter-proposal, which is voted on at the same time. The following table lists the various quorums and time allowances:

Table 1: Initiatives and referendums in the
federal states of Germany

State	Initiative ("Volksbegehren")		Referendum ("Volksentscheid")	
	Signature quorum	Time allowed for signature collection Official [O] or free collection [F][1]	Approval quorum statutory law	Approval quorum Amendment to constitution
Baden-Württemberg	16.6 %	14 days [O]	33%	50%
Bavaria	10 %	14 days [O]	no quorum	25%
Berlin	7 % 20 %[2]	2 months [O]	25%	50% + 2/3 majority
Brandenburg	c. 4 %	4 months [O]	25%	50% + 2/3 majority
Bremen	10 %/ 20 %[2]	3 months [O]	25%	50%
Hamburg	5 %	14 days [O+F]	20%	50% + 2/3 majority
Hesse	20 %	14 days [O]	no quorum	not possible
Mecklenburg-Western Pomerania	c. 10 %	unlimited [F][3]	33%	50% + 2/3 majority
Lower Saxony	10 %	12 months [F]	25%	50%
North Rhine-Westphalia	8 %	8 weeks [O]	15%	50% turnout quorum + 2/3 majority
Rhineland-Palatinate	c. 10 %	2 months [O]	25% turnout quorum	50%
Saarland	20 %	14 days [O]	50%	not possible
Saxony	c. 12.5 %	8 months [F]	no quorum	50%
Saxony-Anhalt	11 %	6 months [F]	25%[4]	50% + 2/3 majority
Schleswig-Holstein	5%	6 months [O][5]	25%	50% + 2/3 majority
Thuringia	10% [F] 8% [O]	4 months [F] 2 months [O]	25%	40%

Notes: In some states signature quorums are expressed as real numbers. Here, they are given as percentages.

[1] Signatures may be either collected freely [F] or have to be registered in public offices [O]
[2] The 20% figure refers to the signatures requirement for constitutional amendment initiatives
[3] In addition to free signature collection, a two-month long official signature collection can be requested
[4] The approval quorum is dropped if the parliament submits a counter-proposal to the referendum
[5] Other signature registration centres can be requested, in addition to government and municipal offices

Table 1 shows the wide variation in procedural rules. For a citizens' initiative ("Volksbegehren"), only four states regulated a citizen-friendly signature quorum of less than 10%. Free signature collection is often forbidden, and the time allowed for collection varies from a very short two weeks to as much as several months. There are also big differences in relation to the referendum vote ("Volksentscheid"): Bavaria, Hesse and Saxony have no quorum for statutory legislation; most of the other states have a 25% approval quorum. Rhineland-Palatinate (RP) and North-Rhine Westphalia (NRW) have recently introduced innovative reforms, opening up new possibilities with a 15% approval quorum (NRW) and a 25% turnout quorum (RP). Realizing constitutional amendments via initiative and referendum is virtually impossible in all the states, with the sole exception of Bavaria. Nearly all states impose a 50% approval quorum (Bavaria: 25%; Thuringia: 40%). In several states there is an additional requirement of a 2/3 majority.

Municipal level

Up to 1989, only Baden-Württemberg had any direct-democratic instruments at the local level. Since then, citizens' initiatives and referendums have been introduced everywhere (Berlin finally in 2005). It is no coincidence that the most citizen-friendly regulations are to be found in Bavaria and Hamburg: the decisions on the regulations were taken by the citizens themselves in state-wide referendums in 1995 and 1998 respectively – in each case against the views of the state government of the time. Thus, Bavaria and Hamburg became role models and set a new standard for citizen-friendliness.

The way the process unfolds at the municipal level is similar to that at the state level, except that there are only two stages: initiative ("Bürgerbegehren") and referendum vote ("Bürgerentscheid"). There is a time limit on signature collection only for initiatives which aim at overturning a decision of the local council (the elected representatives). This so-called "corrective initiative" is known in Switzerland as the "facultative referendum". Unlike the practice at the state level, the local council may not present its own counter-proposal to be voted on simultaneously in the referendum.

This is, however, possible "indirectly": in seven states (Baden-Württemberg, Bavaria, Bremen, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Schleswig-Holstein) the local council itself (normally by a 2/3 majority) is allowed to call a referendum on its own proposal. In Germany, this plebiscitary form of direct democracy is known as a "council referendum" (Ratsreferendum).

Table 2: Regulations of citizens' initiatives at municipal level

State (Year of introduction)	Citizens' Initiative ("Bürgerbegehren")		Referendum Vote ("Bürgerentscheid")
	Signature quorum %	Time allowance for corrective initiatives	Approval quorum %
Baden-Württemberg (1956)	5–10	6 weeks	25
Berlin (2005)	3	6 months	15 (turnout)
Bavaria (1995)	3–10	none	10–20
Brandenburg (1993)	10	6 weeks	25
City of Bremen (1994)	10	3 months	25
Bremerhaven (1996)	10	6 weeks	30
Hamburg (1998)	2–3	6 months	No quorum
Hesse (1993)	10	6 weeks	25
Meckl.-W. Pomerania (1994)	2.5–10[1]	6 weeks	25
Lower Saxony (1996)	10	3–6 months	25
N.Rhine-Westphalia (1994)	3–10	6 weeks –3 months	20
Rhineland-Palatinate (1994)	6–15	2 months	30
Saarland (1997)	5–15	2 months	30
Saxony (1993)	15[2]	2 months	25
Saxony-Anhalt (1993)	6–15	6 weeks	30
Schleswig-Holstein (1990)	10	6 weeks	25
Thuringia (1993)	13–17	4 weeks	20–25

Notes: Where quorums are stated in actual numbers, they have been converted to percentages here.

[1] The signature quorum is reduced below 10% when the population size exceeds 50,000
[2] The quorum can be reduced to as little as 5% by municipal statute

There is a wide range of variation in the procedural rules:
- In most states important policy areas (such as city planning, zoning) cannot be the subject of citizens' initiatives. Only in Hamburg, Bavaria, Hesse and Saxony there are almost no restrictions on these subject-matters.
- Many states require a high signature quorum, often around 10%. Hamburg has the most citizen-friendly quorum at 2–3%, followed by Berlin (3%), Bavaria and North-Rhine Westphalia at 3–10% (in the last two cases, the quorum is decreased as the population number rises).
- Referendum approval quorums are rather low in Hamburg, Berlin, Bavaria and North-Rhine Westphalia. Most German states have high approval quorums of 25% or 30%, which in practice invite to recommend abstention of voting and debating issues, or even to outright referendum boycotts.

PRACTICE

Federal level

The Federal Republic is one of the very few countries in Europe with no experience at all of national referendums. There were, however, two referendums during the Weimar Republic (1919–1933): one in 1926 on a proposal to expropriate the wealth of princely families, the other in 1929 aimed at rejecting the reparations proposal of the "Young Plan". Despite a majority "Yes" vote on both occasions, both referendums failed to reach the required turnout quorum: only 39.6% of voters took part in 1926; a mere 14.9% in 1929. Of the total of 33 initiatives considered, a submission was presented in 13 cases, three of which were taken forward to the initiative process, two of them resulting in a referendum. There were partial successes in some cases.

During the Nazi period (1933–1945), there were three manipulated plebiscites: in 1933, on withdrawal from the League of Nations; in 1934 on ratification of Hitler's usurpation of the president's office; in 1938, on the annexation of Austria.

State level

Practice at the state level is quite different. Here there have been 204 cases: 14 referendums to ratify the state constitution; 10 referendums on changes to state boundaries; 18 obligatory constitutional referendums (nine in Bavaria, eight in Hesse and one in Bremen (in 1994, on a revision of the constitution). In addition, there have been 162 citizens' initiatives and referendums (Volksbegehren and Volksentscheide) i.e. launched "from below", as well as 30 non-binding popular petitions. The table below gives an overview of the frequency and regional distribution of the citizens' initiatives and petitions.

Table 3: Popular petitions, citizens' initiatives (CI) and referendum votes (CIR)

State	Provision since	Number of years (to 2005)	Number of CI and submissions	Number of CRP	Number of CIR	A CRP takes place on average every ... years	Additional popular petitions
Baden-Württemberg	1974	33	5	—	—	infinite	none
Bavaria	1946	60	38	16	5	4.2	none
Berlin*	1995	37	10	1	—	36.0	2
Brandenburg	1992	14	21	7	—	1.9	none
Bremen	1947	59	10	4	—	19.3	6
Hamburg	1996	10	19	7	4	1.3	2
Hesse	1946	60	5	1	—	59.0	none
Mecklenburg-W. Pomerania	1994	12	19	—	—	infinite	—
Lower Saxony	1993	13	7	2	—	6.0	11
NRW	1950	56	9	2	—	27.5	10
Rhineland-Pal.	1947	59	4	1	—	58.0	none
Saarland	1979	27	5	—	—	infinite	none
Saxony	1992	14	11	4	1	3.3	none
Saxony-Anhalt	1992	14	2	2	1	6.5	7
Schleswig-Holstein	1990	16	15	3	2	5.0	none
Thuringia	1994	11	5	3	—	3.7	—
Total		495	185	53	13	9.3	38

* Berlin: excl. 1949–1974

We can draw the following conclusions from the table 3:

- The citizens of Hamburg and Brandenburg make the most frequent use of direct democracy. In Brandenburg, however, so far not a single referendum vote has taken place, because none of the initiatives had been qualified – probably due to the ban on the free collection of signatures.
- There have been no referendums at all in Baden-Württemberg, Saarland and Mecklenburg-Western Pomerania; this comes as no surprise, given these states' very high, to prohibitive, procedural hurdles.
- "Bottom-up" i.e. citizen-initiated referendum votes have so far occurred in only five states: most of them in Hamburg and Bavaria.
- In terms of absolute numbers, most initiatives and referendums have taken place in Bavaria, but Hamburg has been catching up quickly in recent years.

A more detailed analysis of the statistics reveals the following:

- 2004 saw the 50th citizens' initiative. Of these, 62% failed; only one in four resulted in a referendum. The reason lies in the excessively high quorums in conjunction with the inadequate signature collection periods (e.g. in Bavaria) and/or the ban on the free collection of signatures.
- "Education and culture" has been the most frequent subject area (30%), followed by "democracy and domestic politics" (22%). "Protection of the environment", "social issues" and "the economy" were the next most popular themes, each accounting for 10% of the processes.
- These instruments are predominantly used by citizens' initiative and campaign groups; organizations and political parties appear mainly as coalition partners and/or supporters.
- 25% of the processes were directly successful: the indirect positive effects (public awareness, spread of information etc.) cannot be quantified.

Local authority level

Table 4: Number of citizens' initiatives ("Bürgerbegehren") and citizen-initiated referendums in Germany (to 31.12.2006)

Federal state	Provision since	Number of districts/ municipalities	Citizens' and council initiatives	Number going to referendum
Bavaria	1995	2,056	1,852	932
North Rhine-Westphalia	1994	396	506	127
Baden-Württemberg	1956	1,110	362	195
Schleswig-Holstein	1990	1,125	275	127
Saxony	1993	525	223	107
Hesse	1993	426	274	92
Brandenburg	1993	435	192	134
Rhineland-Palatinate	1994	2,468	126	49
Lower Saxony	1996	1,163	182	57
Saxony-Anhalt	1993	1,197	219	154
M'burg-W.Pomerania	1994	964	92	32
Thuringia	1993	1,006	78	20
Hamburg (districts)	1998	7	47	8
Berlin	2005	12	15	2
Saarland	1997	52	10	2
Bremen	1994/1996	2	6	1
Total		12,925	4,243	2,072

Sources: Database of the Research Centre for Citizen Participation and Direct Democracy at the University of Marburg

Every year, there are around 200 citizens' initiatives in Germany, about half of them in Bavaria. The specific procedural rules also affect the practice at the local level: in states with citizen-friendly procedures (Bavaria, Hamburg, Saxony) the instruments are being well used. Baden-Württemberg's high placing in the table and its relatively large number of initiatives and referendums is due solely to the fact that citizens' initiatives have been possible there for so much longer. In other states such as Thuringia, Mecklenburg-Western Pomerania, Saxony-Anhalt and Rhineland-Palatinate there are very few processes, due clearly to the high hurdles and the very restricted range of issues allowed.

Current developments

Reform developments at the state ("Länder") and municipal levels

The direct-democratic wave of reform in Germany can be divided into two phases: between 1990 and 1998 direct-democratic procedures were introduced, and in some cases also reformed, in all states. In the second phase – still ongoing – one can observe a trend towards minor parliamentary reform debates and reforms of existing provisions, mostly selective changes to quorums or time periods (though larger-scale reforms have been introduced in recent years in North Rhine-Westphalia, Thuringia, and Rhineland-Palatinate). At the same time, however, there have also been negative developments: results of referendums have sometimes been ignored by parliaments (Hamburg, Schleswig-Holstein), and during the 1990s there were some court rulings which blocked the further growth of direct democracy.

The federal level and the debate about a referendum on the EU Constitution

To date, all attempts at introducing citizens' initiatives and referendums at the national level have been blocked by the Christian Democrats (CDU/CSU). Since these instruments can only be introduced by an amendment to the Federal Constitution, a two-thirds majority in parliament is required, for which the support of these two parties is necessary. The first attempt and failure was undertaken at the beginning of the 1990s (in the course of the revision of the constitution following on German re-unification); the second was in 2002, put forward by the government coalition of Social Democrats and Greens. The proposal was approved by a majority in parliament – but by less than the required two-thirds. Recently the issue has once again been subject to lively debate when the Liberals (FDP) proposed a referendum on the EU Constitution. There was support for the proposal among some Conservatives (CDU/CSU), as well as in the other political parties. But some leading politicians – especially then Chancellor Gerhard Schröder, Foreign Minister Joschka Fischer, and leader of the opposition Angela Merkel – strongly opposed the idea of a referendum. The former Red-Green coalition pursued a different plan and tried once again to get agreement for the general introduction of initiatives and referendums. This attempt was once again blocked by the opposition – a lost opportunity for more direct democracy in Germany.

Further information:
- Research Centre on Direct Democracy and Citizen Participation at the University of Marburg (www.forschungsstelle-direkte-demokratie.de)
- Mehr Demokratie e.V. (www.mehr-demokratie.de)
- Municipal level: Information Centre on Citizens' Initiatives (www.buergerbegehren.de)

A

Abrogative referendum Popular (referendum) vote by means of which voters may retain or repeal a law or decree that has been agreed and promulgated by the legislature and already implemented.

Accumulation The capacity to cast more than one vote for a favoured candidate.In Switzerland electoral constituencies that are allocated more than one seat on the National Council and where the election is therefore conducted according to the system of proportional representation, the name of any candidate may be entered twice on any ballot paper.

Acquisition of citizenship The administrative acquisition of (Swiss) citizenship as the result of an official decision by the authorities.

Administrative referendum The right granted to eligible voters to hold a referendum on an administrative or governmental decision made by parliament. The Finance Referendum is one kind of administrative referendum.

Agenda initiative A direct democracy procedure which enables a number of citizens to submit a proposal which must be considered by the legislature but is not put to a vote of the electorate.

Alternative proposal A synonym for counterproposal.

Approval quorum A requirement for passing a (referendum) vote which takes the form of a minimum number or percentage of the entire electorate whose support is necessary for a proposal to be passed.

Assembly democracy Democratic system where eligible voters exercise their political rights in an assembly. Assembly democracy – the original form of democracy – is widespread in Switzerland. There are citizens' assemblies in the majority of municipalities. In two cantons (Glarus and Appenzell Inner-Rhodes), popular assemblies are held at the cantonal level.

Authorities' initiative Relates to the issuing of a single act which is within the area of competence of parliament and which would be subject to referendum if it were issued by parliament. Decisions or acts within the parliament's area of competence are not subject to the authorities' initiative, nor are decisions or decrees within the area of competence of the government and the administration – though the rules governing competence can be changed through the avenue of the popular initiative. In Switzerland a number of cantons provide for the authorities' initiative (also known as the "parliamentary decision initiative").

B

Ballot paper (for elections) The official form which eligible voters must use for elections. For the elections to the Swiss National Council, voters can fill out a special, non pre-printed form themselves, and may change the form or make additions to it.

Ballot paper; voting slip The official ballot paper, on which voters mark or indicate their choice, e.g. indicate with a Yes or No whether they accept or reject the referendum proposal.

Ballot text Text which appears on the ballot paper, typically in the form of a question or a series of options. For a referendum it may be a specified question text, or a question seeking agreement or rejection of a text; for an initiative, a question asking for agreement or rejection of a proposal identified by the title of the popular initiative; for a recall, a question asking for agreement or rejection of the early termination of office of a specified office holder.

Binding Description of a (referendum) vote where, if a proposal passes, the government or appropriate authority is legally compelled to implement it.

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C

Candidate Person who can be elected. In Switzerland a candidate's name is entered on a list for the election to the National Council. In electoral constituencies that have been allocated only one seat and where the majority system therefore applies, any citizen of voting age may be elected.

Canton A member state of the Swiss Confederation. The cantons – also frequently referred to in Switzerland as the "states" – are the original states which joined together in a federation in 1848 and ceded a part of their sovereignty to it. Switzerland has 26 cantons.

Cantonal initiative Non-binding right of submission of a proposal by a canton. Any canton may submit a draft decree for approval by the Federal Assembly or suggest that a proposal be worked up into a formal bill. In a number of cantons, the cantonal initiative can be demanded via a popular initiative.

Cantonal majority In the case of a mandatory referendum, a majority of the cantons is required in addition to a popular majority in order for the proposal that has been submitted to the People to be accepted. It is accepted when the popular vote has been in favour of the proposal in a majority of the cantons. In calculating the majority, the results in the cantons of Obwalden, Nidwalden, Basel City, Basel Country, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes each count as half a cantonal vote.

Capable of carrying through a (facultative) referendum process Not a legal term. Groups are referred to as "fit for referendum" if they are considered capable of gathering the required number of signatures to formally launch a facultative referendum.

Chambers (of the bi-cameral parliament) In Switzerland the Council of States and the National Council each form one chamber of the parliament.

Citizen-friendly In the context of initiatives and referendums, the degree to which the rules on thresholds, hurdles, quorums, voting methods etc. make the process as free and fair as possible for the eligible voter.

Citizen-initiated referendum A referendum which is called by a formal demand made by a given number of citizens.

Citizens' Initiative A synonym for popular initiative.

Compulsory voting Duty of the eligible voters to participate in the election or referendum vote. The voter may cast a blank vote, i.e. not choose any of the given options. In Switzerland, forms of compulsory voting are known in 11 cantons.

Consensus democracy A form of democracy which aims to involve as large a number of players (political parties, trade unions, minorities, social groups) in the political process as possible and to reach decisions by consensus. Because it is relatively easy to overturn a parliamentary decision in a referendum, both parliament and – even before the matter is debated in parliament – also the government must look for compromise solutions which will satisfy all the important political groups capable of launching a referendum. It was the referendum which led historically to the formation of consensus democracy.

Constitutionality The quality of being in accordance with and not contradictory to the constitution of a country.

Constructive referendum A popular proposal which is linked to a referendum. The constructive referendum gives a certain number of eligible voters the right to present a counter-proposal to a decree which is subject to the optional referendum. The counter-proposal is presented together with the decree. In Switzerland this possibility currently exists in the cantons of Bern and Nidwalden.

Consultation The consultation is an important stage in the Swiss legislative process. Draft laws and constitutional amendments which have far-reaching political, economic or cultural effects, are circulated amongst all interested parties, who can submit their comments.

Consultative referendum A politically significant but legally non-binding ballot decision – which may have included citizens who are not registered voters. The consultative referendum can in principle have as subject-matter anything with which the state concerns itself or wishes to concern itself. A consultative referendum is a contradiction in terms, it refers to a decision of the electorate, which is legally not a decision but an advice. Very often what is called a "consultative referendum" is in fact, in the terminology that is used here, a plebiscite.

Council of States The smaller chamber of the Federal Parliament (Federal Assembly) in Switzerland, comprising 46 members. The Council of States is the chamber representing the cantons because its members act as delegates of their respective cantons. Nowadays, the members of the Council of States are elected in their cantons by the citizens there who are eligible to vote, in the same way as the members of the National Council, but according to regulations laid down under cantonal law.

Counter-proposal A proposal to be presented to a (referendum) vote as an alternative to the proposal contained in a popular initiative or referendum. The counterproposal may originate in the legislature or in a given number of citizens. In Switzerland the Federal Assembly may submit a counter-proposal both to a general popular initiative and to a formulated popular initiative in the event that it wishes to address the concern raised in the popular initiative but wants to deal with the matter in a different way from that proposed by the authors of the initiative. In such a case, a vote is held in accordance with the rules on the double yes vote.

D

Deciding question Where an original initiative and a counter-proposal are to be voted on in the same referendum, there is the possibility of a Double Yes result, as voters may vote in favour of both proposals. In such cases, the deciding question is used to determine which version should be implemented should both proposals be approved.

Direct counter-proposal A proposal (e.g. a draft law) which enters the decision-making process at the same stage as the initiative and is voted on in the referendum together with the original proposal and as a specific alternative to it.

Direct democracy A form of state in which the sovereign power is held by the People i.e. national sovereignty belongs directly to the People. The People also exercise their sovereignty directly, for example by means of popular legislation (the People propose and approve the laws). This is the essential distinction between "direct" and "indirect" democracy.

Direct democracy procedure Procedures which a) include the right of citizens to participate directly in the political decision-making process on issues and b) at the same time are designed and work as instruments of power-sharing which empower citizens. The following types of procedures can be distinguished: referendums, initiatives and counter-proposals. Each type of procedure exists in different forms, and each form can be institutionalized in various ways. Forms of referendums are: citizen-initiated referendums (popular referendums), referendums initiated by a representative authority, referendums initiated by a minority of a representative authority, mandatory (obligatory) referendums. Forms of initiatives are: popular initiative (citizens' initiative), agenda initiative. Forms of counter-proposals are: counter-proposals made by an authority (for example by parliament), counter-proposal made by citizens.

Direct initiative procedure Procedure where the initiative proposal bypasses the legislature and is placed directly on the ballot once the petition signatures are verified.

Double "Yes" If a counter-proposal in response to a popular initiative is submitted, the voters may approve both the counter-proposal and the initiative and at the same time indicate which of the two they would prefer if both were approved. The proposal (initiative or counter-proposal) that is ultimately accepted is that which receives the most "Yes" votes.

Double majority Requirement for a proposal to pass which includes both a majority of the overall total votes cast and a majority of the votes in at least a specified proportion of defined electoral areas. In Switzerland a double majority of People and States (cantons) is required for obligatory referendums. In other words, in order to be accepted, a majority of cantons must have voted in favour, in addition to an overall majority of all those who voted. This means that all the votes cast are counted twice: once for the overall number, and then for each separate canton. At least 50%+1 of those who voted (the "People"), plus a majority of the cantons, must approve the proposal. In calculating the cantonal majority, it must be remembered that the cantons of Obwalden, Nidwalden, Basel City, Basel Country, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes each have half a cantonal vote. In the case of referendums held to approve or reject laws, a simple majority of the votes cast is sufficient.

E

Elected Chosen to a public office through an election.

Election Procedure by which the members of certain authorities or other public bodies are appointed through being voted for by those eligible to vote or by the members of an electoral body (in Switzerland e.g. Federal Assembly, Federal Council).

Election by simple majority Electoral system in which the seats to be allocated go to those obtaining a majority of the votes, while those obtaining a minority, even when it is only slightly less, receive no seats. In Switzerland the rules of the majority system apply, for example, to the elections to the Federal Council and to the Federal Supreme Court. The elections to the National Council, on the other hand, are governed by the system of proportional representation, with the exception of elections in electoral constituencies that have been allocated only one seat.

Elector Used here as a synonym for "voter". Other authors use "elector" for a person who has the right to vote in an election and "voter" for a person who has the right to vote in a referendum.

Electoral constituency The election to the National Council is held throughout the confederation at the same time. The cantons form the electoral constituencies.

Electorate The total number of eligible voters.

Eligible voter/s Person/s who has/have the right to vote.

E-voting / electronic voting Form of voting where the voters are able to vote with the aid of a special electronic voting system by completing an "electronic ballot paper", which is then sent via a data network to the office responsible for the vote. In Switzerland the cantons of Geneva, Zurich and Neuchâtel are currently conducting electronic voting pilot schemes under the auspices of the Federal Chancellery, whereby the primary concern is to ensure the security of the procedure (preservation of voting secrecy, prevention of voting fraud).

Explanation from the Federal Council cf. Referendum booklet.

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F

Facultative/optional referendum A procedure that leads to a (referendum) vote which is called by a formal demand, which may emanate from a given number of citizens or, but not exclusively, from a state representative body (government, parliament, president or some other defined agent). If the right to call a popular vote procedure belongs exclusively to a state representative body, the procedure in question is, in the terminology used here, not a referendum but a plebiscite. In Switzerland a popular (referendum) vote is held if 50,000 eligible voters or eight cantons have requested a referendum (referendum requested by the cantons) on, for example, a new or amended federal act or on an international treaty. The relevant decree of the Federal Assembly is approved if the People vote in favour of it (popular majority).

(Swiss) Federal administration The Swiss Federal Administration includes the central federal administration with its seven Departments (ministries), the Federal Chancellery, the general secretariats and Federal Offices, together with the decentralised federal administration with its government commissions and other units under administrative control, as well as independent institutions and businesses. Among the main tasks of the Federal Administration are the implementation of decrees issued by the Federal Assembly, and in particular of federal acts, as well as the duties assigned by the Federal Council, including the preparation of Federal Council business and legislation. Each department is headed by a member of the Federal Council, and the Federal Chancellery by the Federal Chancellor. The autonomous federal public law undertakings such as the Swiss National Accident Insurance Organisation (SUVA) and the Swiss National Bank do not form part of the Federal Administration.

(Swiss) Federal Assembly (Federal Parliament) The highest authority of the legislature in the Swiss Confederation (legislative power), consisting of two chambers, the National Council and the Council of States. The two chambers normally deal with their business (federal legislation, budgetary decisions, international treaties, etc.) separately, and a decree is valid only when it has been approved by both chambers. For elections (of members of the Federal Council, judges of the Federal Supreme Court, the Federal Chancellor) as well as for the receipt of declarations made by the Federal Council on significant issues, the National Council and Council of States meet together as the United Chambers of the Federal Assembly.

(Swiss) Federal Chancellery As the general administrative office of the Swiss Federal Council, the Federal Chancellery coordinates Federal Council business and is also the office of the President of the Confederation. In addition, it has special responsibility for political rights, is in charge of official publications (Federal Gazette, compilations of federal legislation) and coordinates the release of information to the public and the translation services for the Federal Administration. The Federal Chancellery is headed by the Federal Chancellor.

(Swiss) Federal Constitution The Federal Constitution is the supreme legislative act of the Swiss Confederation and forms the legal foundation for all other legislation and for the federal structure of the state. It regulates the fundamental rights and duties of citizens and of the entire population as well as the structure and powers of the federal authorities. Any total revision or amendment (partial revision) of the Federal Constitution must be submitted to the People and the cantons for approval (mandatory referendum).

(Swiss) Federal Council (Government) The national government, i.e. the highest authority of the executive in the Swiss Confederation (executive power). The Federal Council has seven members, who are elected by the United Chambers of the Federal Assembly, and has the task of managing and supervising the Federal Administration. The Federal Chancellor is head

of the general administrative office of the government, the Federal Chancellery. The Federal President chairs the meetings of the Federal Council.

(Swiss) Federal Court The highest authority of the judicial power in the Swiss Confederation. The Federal Supreme Court, as the supreme court of appeal, is responsible for ensuring that court decisions conform to the Constitution, and is the only court with jurisdiction in federal law cases that cannot be dealt with by cantonal courts, e.g. those relating to certain criminal offences against the state. The various chambers of the Federal Supreme Court are specialised courts in a variety of legal fields such as those of bankruptcy, civil, criminal and administrative law. The Federal Insurance Court in Lucerne has jurisdiction in cases relating to social insurance law.

Federal decree A ruling by the Swiss Federal Assembly on constitutional provisions, important single acts and general decisions. A Federal decree that is not subject to approval by referendum is called a "simple Federal decree".

Federal law/Federal Act Decree of the Swiss Federal Assembly that is of general application and of unlimited duration and which directly creates rights or obligations in relation to those persons affected by it, i.e. that creates law. This form of federal decree must be promulgated as a federal law and is subject to an optional referendum; in the case of urgent federal laws that have no basis in the constitution, a vote of the People and the cantons must be held (mandatory referendum).

Federal popular (referendum) vote In general, any vote at the Swiss federal level is designated a "popular vote", as the result of the vote of the cantons is determined by the voting of the eligible voters in each canton. A popular vote in the true sense, i.e. a ballot in which the eligible voters alone vote and not the cantons, is for example held in the case of an optional referendum.

Federation In Switzerland, the institutions of the central, "national" level of politics – the federal government, parliament and authorities.

Finance referendum Also referred to as the "referendum on public expenditure". Such referendums relate to parliamentary decisions on public expenditure, and therefore differ from referendums on new or amended legislation. Any parliamentary decision which involves the expenditure of public money can be the subject of a finance referendum. Although this form of referendum does not exist at the Swiss national (federal) level, it is widely used at both cantonal and local levels.

Formulated popular initiative proposal (for partial revision of the federal constitution) In Switzerland a popular initiative by means of which 100,000 eligible voters can demand the partial revision of the Federal Constitution. The initiative proposal is presented as a properly formulated draft bill.

Fundamental right Fundamental human right. Fundamental rights do not only guarantee the legally enforceable claims of individuals; as objective principles, fundamental rights permeate the entire system of law and order. They are binding on all organs of the state, especially the legislature.

G

General popular initiative In Switzerland a popular initiative by which a minimum of 100,000 eligible voters may, in the form of a general proposal, request the adoption, amendment or repeal of a constitutional or legislative provision. The general popular initiative is an innovation that was accepted by the People in a popular vote on 9 February 2003. Nevertheless, in March 2007 Parliament turned down the implementation of the general popular initiative on the grounds that it was too complex and difficult to apply. Parliament will therefore submit to a popular vote the question as to whether the

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general popular initiative should be removed from the Constitution.

H

Harmonisation In Switzerland the so-called "harmonisation" (of differences) takes place when both chambers of the Federal Assembly have debated a proposal in detail and have approved it by a majority in each case, but where the precise wording of the decrees or acts from the two chambers differs. The subsequent debates concern only the differences.

Human rights These are rights which belong to everyone by virtue of being human. They are inalienable: they cannot be denied by law. Examples of human rights are the right to life, to freedom of religion and to freedom of speech.

I

Indirect counter-proposal A proposal which is not presented as a formal alternative to an original initiative proposal. In Switzerland the indirect counter-proposal may come from parliament or the government and enters the decision-making process at the same level as the original initiative proposal.

Individual initiative (in Zurich) In the canton Zurich an initiative can be launched by a single individual. The initiative will go to (referendum) ballot if it is supported by the Cantonal Council.

Indirect initiative procedure Procedure where the initiative does involve the legislature and the initiative proposal must be considered by the government and parliament before it is placed on the ballot.

Initial proposal The first text deposited by the proponents of a referendum, initiative or recall.

Initial signature quorum Minimum number of signatures required to launch an initiative.

Initiative A procedure which allows a certain number of citizens to submit a proposal to be dealt with by the legislature. One form (popular initiative) leads to a (referendum) vote, a second (agenda initiative) to the consideration of the proposal by the legislature.

Initiative committee The proponents of the initiative. In Switzerland an initiative must be submitted by a minimum of 7 and a maximum of 27 sponsors. An absolute majority of the sponsors has the right to withdraw the initiative.

L

Legality The quality of being in accordance and not in conflict with the laws of a country or with international law.

Legality check The scrutiny by a public authority of the constitutionality and legality of a proposal.

Legislative initiative A legislative initiative can demand that a law be enacted, amended, supplemented or repealed. All Swiss cantons make use of the device of the legislative initiative.

Legislative referendum Referendum vote on laws. All laws passed by parliament in all Swiss cantons are subject to popular referendum. In some cantons this is obligatory, in others optional.

Legislature The constitutional organ that is empowered to make law through the formal enactment of legislation.

List (of candidates for elections) List with names of eligible candidates. In Switzerland lists of candidates for elections are examined and, if required, corrected by the relevant canton and by the Federal Chancellery. They are numbered and given a title for easier identification.

M

Minimum participation/turn-out quorum in a (referendum) vote. It is possible to make the validity of the ballot dependent on a minimum number of eligible voters having taken part. Minimum participation quorums used to be required in some places. The subject is once again a matter for debate in certain areas. The demand for minimum quorums is problematic, however, as they can falsify the result of a referendum if, for example, both No-votes and Non-votes are counted together.

Multiple option vote The voter is able to choose between a number of different versions of the same basic proposal presented on the same occasion. Multiple option votes occur when an initiative proposal and a counter-proposal by the parliament, two or more initiative proposals, or a referendum proposal by parliament and a counter-proposal initiated by eligible voters are put to the vote at the same time.

N

(Swiss) National Council The larger chamber of the Swiss Federal Parliament (Federal Assembly), the National Council has 200 members. It is also known as the People's Chamber, because its members are elected in a general election by the People, the citizens who are eligible to vote.

(Swiss) National languages There are four national languages in Switzerland. The most widely used language is German, followed by French, Italian and Rhaeto-Romanic, an ancient variety of Latin still spoken in Alpine regions, but currently struggling to survive.

O

Obligatory/mandatory referendum A (referendum) vote which is called automatically under circumstances defined in the constitution or in legislation.In Switzerland a popular (referendum) vote must be held if the Federal Assembly decides to carry out a total or partial revision of the Federal Constitution, to join an organi-sation for collective security (e.g. the UN) or a supranational community (e.g. the EU), or to introduce urgent federal legislation without the required constitutional basis. Such a decision requires the approval of both the popular majority and the majority of the cantons. A referendum is also mandatory for popular initiatives aimed at a total revision of the federal constitution; for popular initiatives aimed at a partial revision of the federal constitution which were presented as a general proposal and which have been rejected in the Federal Assembly; and to reach a decision where the two Councils have disagreed as to whether a total revision of the federal constitution should take place or not. In all three cases, the referendum is decided by a simple majority of the voters.

P

Partial revision (of the constitution) Parts of the constitution are revised.

Participation/turnout The number of eligible voters (expressed as the actual number or as a percentage of the electorate) who turned out to vote in a referendum ballot or election. The turnout figure is the total of all the ballot papers, whether valid, invalid or blank.

Pass A popular (referendum) vote passes when it is valid and the prescribed majority requirements for approval of the proposal within it are met.

Penalty (for failing to vote where there is compulsory voting) The term "voting sanction" is used in cases where there is a penalty for failing to comply with the compulsory voting rule. In Switzerland such sanctions exist only in the canton Schaffhausen and in a number of municipalities in the canton Graubünden.

Petition Written submission with no particular form that any person may send to an authority. A petition may contain a proposal, a criticism or a request, and the subject matter may be any state activity. In Switzerland the federal

authorities must acknowledge a petition, but need not respond to it.

Plebiscite A public consultation controlled "from above". In the case of a plebiscite, it is the "powers that be" – usually the President or Prime Minister – which decide when and on what subject the people will be asked to give their opinion. Such polls are frequently only consultative i.e. their results are not formally binding on parliament or government. In reality, plebiscites are instruments of power which those in power use in an attempt to reinforce or salvage that power with the help of the people. Their aim is not to implement democracy, but to provide a kind of legitimacy for decisions those in power have already taken. In the terminology used here, plebiscites are not classified as direct democracy procedures, because they do not fulfil the criteria of power-sharing.

Political rights Political rights are the fundamental rights of the People under direct democracy. They enable citizens of voting age to participate in the shaping of law and politics in the state. Political rights include the right to vote and the right to participate in elections, as well as the right to submit a popular initiative or referendum request, and the right to sign such a request.

Popular assembly Assembly of eligible voters. One of the oldest (pre-modern) forms of democracy, still practised today in Appenzell Inner-Rhodes and Glarus. The eligible voters of a canton or a municipality gather in the open air on a certain day in order to elect the government and reach decisions about laws and public expenditure. Everyone has the right to speak on any issue. Voting is by show of hands. By its very nature, the popular assembly is unable to respect the principle of secrecy of voting demanded in modern forms of democracy.

Popular initiative A direct democracy procedure and a political right that allows a given number of citizens to put their own proposal on the political agenda and initiate a (referendum) vote on it. The proposal may be, for example, to amend the constitution, adopt a new law, or repeal or amend an already existing law. Whether the proposal is put to a vote of the electorate or not is not at the discretion of the authorities. The initiative procedure may include a withdrawal clause, which gives the registered committee (sponsors) the possibility to withdraw their initiative, for example in the event that the legislature has taken action to fulfil the demands of the initiative or part of them.

Popular initiative for a complete revision of the federal constitution In Switzerland, a popular initiative by which a minimum of 100,000 eligible voters may propose the total revision of the Federal Constitution.

Popular majority A popular majority is equivalent to a majority of the valid votes cast. In Switzerland the adoption of a new Constitution or of amendments to the Constitution (mandatory referendum) require both a popular majority and a majority of the cantons. For new acts and amendments to acts (optional referendum), only a popular majority is required.

Popular referendum A synonym for citizen-initiated referendum. In Switzerland, popular referendum is also used as a synonym for optional referendum.

Popular referendum vote cf. (Federal) popular (referendum) vote

Popular submission (Solothurn) In the canton Solothurn, 100 registered voters have the right to present a written submission to the parliament. The parliament treats the submission in the same way as a submission from one of its members.

Postal voting Method of voting in which voters send their ballot papers to the office responsible for the vote by post and are not required to go to the polling station in order to vote.

Proponents The persons who first sign and deposit an initiative proposal, and are registered as such.In Switzerland a synonym is "initiative committee".

Proposal The complete text of a referendum or initiative.

Publication The act of making a proposal for an initiative public by the appropriate authority after it has been registered and checked for compliance with the substantive and formal requirements of registration.

Qualification for the ballot The act of declaration by the appropriate authority that verification of a citizen-initiated referendum or a popular initiative has been completed and additionally, in the case of a popular initiative, that the legislature has taken all steps to submit any desired counter-proposal.

Q

Qualified majority A majority requirement demanding that for a proposal to be passed, it must receive a proportion of the vote in excess of 50% plus 1 – for example 2/3 or 3/4.

Quorum The minimum level of support required for a vote to pass a proposal.

R

Recall A procedure that allows a specified number of citizens to demand a vote on whether an elected holder of public office should be removed from that office before the end of his/her term of office.The Swiss parliament, unlike parliaments in other countries, cannot bring the government down, nor can the government dissolve parliament. In a few cantons, citizens have the right to recall parliament or the government by means of a popular initiative.

Recall of an initiative A procedure that allows the proponents of an initiative to withdraw their proposal. In Switzerland a popular initiative can be recalled or withdrawn by the initiative committee. At the federal level, recall is permitted only up to the time when the government announces the date for the referendum. An initiative presented as a general proposal can no longer be withdrawn once the Federal Assembly has approved it.

Referendum A direct democracy procedure which includes a popular (referendum) vote on e.g. a constitutional amendment or a bill; the right of the electorate to either accept or reject the issue, which may originate from a decision or proposal of the authorities or from a popular initiative. Note: a popular vote procedure, which is controlled exclusively by the authorities, is not a referendum but a plebiscite. In Switzerland voters can decide on – accept or reject – new or amended constitutional provisions, federal acts, and certain other decrees of the Federal Assembly (federal decrees).

Referendum booklet (explanatory booklet or pamphlet) Also known as the "Explanation from the Federal Council". In Switzerland, a pamphlet or booklet in which the proposal(s) being submitted to the voters are explained and which includes the arguments of the committee responsible for the initiative or referendum together with the opinion of the Federal Council, is published by the Federal Chancellery in the four official national languages and sent to all eligible voters via the municipalities along with the other voting documents three to four weeks before the voting day.

Referendum initiated by authorities Some Swiss cantonal constitutions provide for the cantonal parliament to submit to referendum a decree which is not subject to an obligatory referendum.

Referendum on international treaties At the Swiss national level, all international treaties which are of unlimited duration and which may not be terminated, provide for accession to international organisations or introduce a multilateral harmonisation of law are subject to

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the optional referendum. Accession to organisations for collective security or to supranational communities is subject to mandatory referendum. Most cantons also have a special referendum dealing with sovereign treaties with other cantons or foreign states. In both the federal and cantonal cases, it is not the treaty as such which is subject to referendum, but parliament's agreement to the treaty.

Referendum on public expenditure cf. Finance referendum

Referendum proposal (Text of the) proposal that is submitted to the People in a (referendum) vote. In Switzerland it may be either a popular initiative requesting a partial revision of the Federal Constitution with or without a counter-proposal from the Federal Assembly, or a referendum.

Referendum question A synonym for ballot text: the question put on the ballot paper in a popular (referendum) vote under a direct democracy procedure.

Referendum requested by the cantons In Switzerland, an optional referendum that is held when a minimum of eight cantons decide to request the same.

Referendum slogan A recommendation, catch-phrase or slogan issued by a political party, its parliamentary section or some other group with reference to a forthcoming referendum vote.

Referendum vote or ballot Procedure by which eligible voters may accept or reject a proposal by casting a ballot. In Switzerland voting may take place at the polling station using a ballot paper (voting at the polling station), or by post (postal voting).

Registered committee The proponents of a referendum, initiative or recall when they are officially registered in the form of a committee. In Switzerland only the initiative committee has to be registered.

Registration of a popular initiative The act of depositing an initiative for publication and collection of signatures, whereby the legal process of the initiative is officially started. In Switzerland registration is made at the Federal Chancellery.

Rejective referendum A procedure leading to a popular (referendum) vote which may either retain or repeal a law or decree that has been agreed by the legislature but has not yet come into force.

Right to be elected/to stand as a candidate The right of a citizen of voting age to stand as a candidate. In Switzerland citizens of voting age may stand as a candidate for the National Council, the Federal Council or the Federal Supreme Court. The right to be elected in elections to the Council of States is regulated on a cantonal basis.

Right to elect Right of citizens of voting age to elect. In Switzerland citizens of voting age have the right to elect the 200 members of the National Council and the 46 members of the Council of States. The election of the National Council is governed by federal law and that of the Council of States by cantonal law.

Right to participate in elections Right to elect and to be elected. In Switzerland any citizen of voting age has the right to participate in the election to the National Council as a voter (right to elect) or to stand as a candidate for election (right to be elected). Anyone who has the right to participate in elections also has the right to vote.

Right to vote Right to participate in a (referendum) vote. At the Swiss national level, the right of citizens of voting age to participate in popular votes at the federal level. Exceptionally, foreigners holding residence permits are also

permitted to vote at the cantonal or municipal level. Anyone who has the right to vote also has the right to participate in elections.

S

Signature The signature by a citizen in formal support of a proposal for a referendum, initiative or recall.

Simple Federal decree Cf. Federal decree

Simple majority A majority requirement of more than half of the total number of valid votes cast. Proposals put to the People in a referendum vote are accepted if a majority of those who vote is in favour; conversely, they are rejected if a majority votes against them.

Submission The act of depositing collected signatures with the proper authority in a popular initiative or citizen-initiated referendum process. On the Swiss national level the authority is the Federal Chancellery.

The Swiss "States" i.e. the cantons The cantons are also known as the "States"

The Swiss Confederation The Swiss Confederation is the official name for Switzerland. In day-to-day Swiss usage, the full name is often abbreviated to "Confederation" (Eidgenossenschaft): it stands for the country as a whole – People, government and authorities. When the reference is specifically to the government, parliament and authorities alone, the term "Federation" (Bund) is employed.

T

Title The formal name given to the proposal in a popular initiative or citizen-initiated referendum. In Switzerland the proponents of an initiative can choose the title of the initiative as long as it respects certain legal requirements.

Turnout quorum A specified minimum turnout required for a (referendum) vote to pass a proposal.

U

Unitary initiative In the case of the unitary initiative, it is not the initiative group, but parliament, which decides whether the proposal is to be treated as a constitutional or a legislative initiative. In Switzerland the unitary initiative is used in a number of cantons. At the federal level, unitary initiatives are covered by the General Popular Initiative.

Unity of subject matter When voting in referendums, Swiss voters have only two options (other than deciding not to vote at all): they can vote either "Yes" or "No". In order to ensure that voters' voting intentions are completely freely expressed and unequivocal, there is a requirement for the referendum issue/proposal to be reduced to a single political question. The principle of unity of subject matter applies to all referendums, regardless of whether they result from a popular initiative or are mandatory referendums.

V

Validity 1. Of a (referendum) vote, that any necessary quorum is achieved 2. Of a signature or vote, that it is correctly in accordance with procedures and regulations

Validity check The scrutiny of a submission by a public authority for conformity with procedures and regulations.

(Declaration of) verification The declaration of acceptance by the proper authority that the submission contains at least the required number of valid signatures and complies with the law, regulations and procedural rules.

Vote An electoral event concerning an issue in which the electorate expresses choice through casting a ballot.

Vote for a candidate Vote that a candidate receives when his or her name is written on the ballot paper.

Voter   An eligible voter who casts a ballot at an election or a vote under a direct democracy procedure or plebiscite.

Voting at the polling station   Voting in which the voter places his ballot paper in the ballot box at the polling station. In Switzerland the ballot paper may be filled out either outside or inside the polling station. Voting at the polling station is nowadays being increasingly superseded by postal voting and already in some places by electronic voting (e-voting).

Voting rights for foreigners   Right to vote for foreigners. At the Swiss federal level and in most cantons, only Swiss citizens have the right to vote. Exceptionally, foreigners holding residence permits are also permitted to vote – for example in the cantons of Jura and Neuchâtel.

Sources:
· Swiss Federal Chancellery: Get to grips with political rights (Bern 2004)
  (www.admin.ch/glossar/index.html?lang=en)
· International Institute for Democracy and Electoral Assistance (IDEA):
  expert group "direct democracy glossary" (Stockholm 2004/05)

IRI Europe was founded in 2001. The Institute's main mission is to develop insights into the theory and practice of direct democracy among politicians, the media, NGOs, academics and the public throughout Europe. IRI Europe is an independent non-partisan and non profit-making organization with headquarters in Marburg (Germany) and representation offices in Brussels (Belgium) and Bülach (Switzerland).

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- the new DIRECT DEMOCRACY COMPASS (2008), the institutes educational toolkit in print and electronic form, offering advise and exercises for teachers, learning sequences and programmes for direct democracy courses.

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Guidebook to Direct Democracy
2008 EDITION

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"This is the clearest and most succinct book I have read about direct democracy. The IRI Guidebook describes in precise detail how direct law-making by the voters works in Switzerland and beyond, through initiative and referendum, and shows where else in the world it is taking root."
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With a preface by Pascal Couchepin, Federal Councillor, Head of the Swiss Federal Department of the Interior.

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