

Swiss cantons give foreigners the right to vote

Foreign residents have gained political rights in five Swiss cantons — but only at the cantonal and municipal levels.

BY GEORGES ASSIMA

On May 18, 2003, the canton of Grisons gave its municipalities the right to allow foreigners to vote in local elections. It was the fifth canton to go this route – the other 21 cantons do not now allow foreigners these rights. While the current trend of cantons granting voting rights dates from 1978, Neuchâtel gave foreigners political rights 150 years ago. Thus, the civic rights of foreigners in Switzerland are basically as old as the Swiss federation itself. Their piecemeal introduction was possible only in a federal system.

Neuchâtel – first to allow foreigners to vote

After 1848, the year the first modern Swiss constitution was adopted, the canton of Neuchâtel granted the right to vote and to run for office in municipal elections to foreigners. The lack of resistance to this show of liberalism may be attributed to the fact that, at the time, the word “foreigner” generally referred to residents of other cantons rather than citizens of other countries. In 1887, Neuchâtel took a step backward by refusing foreigners the right to run in municipal elections.

In spite of – or perhaps on account of – the high percentage of foreigners in the canton (23 per cent at the end of 2002), a strong consensus was gradually reached among parties of both the left and the right in this sensitive area for a long-established immigrant population. Although in a 1990 referendum foreign nationals were again refused the right to run for office in the municipal legislature, Neuchâtel granted them cantonal voting rights in 2000 as part of an overall amendment of the constitution. It was following the example of the new Swiss canton of Jura.

Jura: more liberal than Neuchâtel

After a pause of 130 years, a second canton granted political rights to foreigners. This event happened in 1978, when the Swiss created the canton of Jura from the northern French-speaking part of the former canton of Bern.

In the same year, the Jura Constituent Assembly proposed granting political rights to foreign nationals. The inhabitants of Jura chose a different course from their predecessors: the right to vote at both the municipal and cantonal levels. This proposal was accepted by the people along with the first constitution of Jura. By adding the right to run for municipal office to the legislation in 2000, Jura became the most progressive canton in such matters and continues to be so to the present.

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Counting ballots in the October 1999 Swiss Federal election.

Foreigners got franchise before women

Between 1887 and 1959, Switzerland had a reputation for holding back the extension of the franchise. Federalism played a role in the delayed recognition of women’s civic rights in Switzerland, as well as the process leading up to it. These rights were at first refused to women in a popular vote in 1959 and were finally accepted only in a referendum in 1971. Foreign nationals thus enjoyed civic rights in the canton of Neuchâtel almost a century before Swiss women did.

However, following the example of the canton of Vaud, several cantons (especially French-speaking ones) were able, thanks to the federal system, to grant full political rights to women at both the cantonal and municipal levels between 1959 and 1971. These rights were granted through local ballots on the 1959 proposal to amend the federal constitution. Conversely, some German cantons, obliged after 1971 to recognize women’s civic rights at the federal level, applied the same strategy to refuse them at the local level, claiming they wanted to preserve their cantonal sovereignty in the matter. The last canton to give up this form of passive resistance did so in 1991, under an order of the Federal Supreme Court.

Federal caution and hesitation

The Swiss constitution reserves the exercise of political rights to nationals at the federal level. However, nothing prevents cantons and municipalities from giving foreign nationals the right to vote and to run for office in municipal elections in areas within their territorial jurisdiction, for instance the right to participate in popular initiatives and referendums or even in electing members to the State Council, which represents the cantons in the federal parliament. Foreigners everywhere enjoy the right of petition and can join Swiss political parties — provided their status allows them to, which it does in the vast majority of cases.

The right of foreign nationals to vote and to run for office concerns all non-citizens of all nationalities. The situation differs from that of most European Union (EU) countries, which reserve these rights for nationals from other member

countries only. Concretely, this means that Switzerland's potential foreign electorate is made up of the entire permanent resident population, or 20 per cent of the country's population at the end of 2002 — triple the European average.

Whether a foreign resident can exercise these civic rights depends on the type of residence permit that person has - a condition that reduces the number of beneficiaries.

However, the number of potential ballots is still significantly higher than in most EU countries, with the exception of Luxembourg. That is probably one of the main reasons there has so far been little urgency to recognize immigrants' civic rights across the board. This hesitation persists in spite of research demonstrating that immigrant votes at the local level are more or less evenly spread among the different political parties.

The Federal Assembly has studied various proposals on the issue, but none has gained full acceptance to date. In addition, the political rights of foreign nationals are not on the agenda of the current gradual amendment of the federal constitution. In fact, neither the first part of this document, covering basic rights and citizenship, nor the section addressing the extension of popular rights — both of which have already taken effect — makes reference to foreigners' rights. There seems to be strong support for the argument that political rights require a period of residence (the conditions of which should be eased) and, if appropriate, training at the local level.

Small steps at the local level

Efforts to introduce political rights for foreign nationals have multiplied since the 90s at the national and especially the regional levels. No less than 15 cantons out of 26 (Switzerland has 20 cantons and six half-cantons) have dealt with proposals addressing the issue. Since most of these proposals have been constitutional in nature, referendums have been required. One type of approach has turned out to be more promising than others: the granting of political rights as part of a total amendment of the cantonal constitution. Specific cantonal initiatives launched by political parties and progressive groups have all failed to gain widespread public approval.

The record of the past 13 years is not, however, entirely negative. On April 30, 1995, the half-canton of Appenzell Outer-Rhodes became the third Swiss cantonal state to grant civic rights to foreign nationals. The new constitution adopted by the people grants municipalities the power to grant foreigners the right to vote and to run for office in municipal elections. Many among them took advantage of this authority and at least two granted the rights. It is this "homeopathic" model that the canton of Grisons decided to follow by adopting its new constitution through a popular vote on May 18, 2003.

Vaud: a large canton sets an example

On September 22, 2002, the people of Vaud approved the text of their new constitution, which set out the introduction of political rights for foreign nationals. As accepted by 56 per cent of the native electorate, the new constitution stipulates, in Article 142, that:

"Foreigners of both sexes over the age of 18, who have not been prohibited from voting on grounds of mental illness or mental debility, and who are residing in the commune (municipality) and have been legally living in Switzerland for at least 10 years, and who have been living in the canton for at least three years, are part of the communal (municipal) electorate."

Like all other voters, foreign nationals now enjoy the right to participate in elections and voting activities at the municipal level, and are entitled to sign popular-initiative and referendum petitions. It is a lot less than what was promised in the draft proposal adopted through an overwhelming majority vote in March 2001: granting the right to vote and to run for office at the municipal and cantonal levels to all foreign nationals residing in Switzerland for at least six years, and in the canton for at least three months. But the marriage of semi-direct democracy and federalism has also its Achilles heel: right-wing parties have threatened to launch a constitutional initiative to withdraw these new political rights from foreigners before they can exercise them the first time.


The rest of the country

Neuchâtel, Jura, Appenzell Outer-Rhodes and Grisons accounted for 5.4 per cent of Switzerland's non-Swiss electorate at the end of 2002. The Vaud constitution boosted the proportion of those eligible for civic rights to 16.5 per cent, moving the political participation of foreigners from the symbolic to the "politically correct" stage. Now, half of the French-speaking or mainly French-speaking cantons accord this right to foreigners.

On March 4, 2001, a slim majority of 52 per cent of Genevans refused a constitutional amendment, supported by the authorities, that granted foreigners the right to vote and to run for office in municipal elections. In 1993, the percentage against such a move had been 71 per cent in two popular votes on similar matters. Two new constitutional initiatives from progressive circles in favour of foreigners' political rights at the municipal level were submitted in the spring of 2003 in Geneva.

Fribourg, which like other cantons is currently amending its constitution, has not yet decided on anything but is also studying the possibility of introducing political rights at the municipal level. Bern, one of the largest cantons and one with a German-speaking majority, seems to be moving in the same direction and could decisively tip the scales in favour of foreigners gaining political rights.

A trend?

To date, no political rights have been given to foreigners in federal politics. Will the actions of the cantons be reflected in the granting of rights in federal elections to foreign residents? 

Foreigners' political rights in Switzerland

Jura: Cantonal right to vote + municipal right to vote and to run for public office for foreigners

Neuchâtel: Cantonal + municipal voting rights

Vaud: Municipal right to vote and to run for public office

Appenzell Outer-Rhodes and Grisons: Municipalities may grant political rights at the local level