Switzerland in Europe and the World

Over the last few decades, worldwide politics was characterised by globalisation (e.g. Dreher et al. 2008, 64ff.). In Switzerland, globalisation has by and large become a question of Europeanisation (e.g. Gava et al. 2014; Hirschi et al. 1999; Jenni 2016). This development has had strong impacts on Swiss policies, its politics and even on its polity. In the first part of this chapter, we discuss how Swiss democracy has reacted to challenges coming from the outside. At the same time, other countries show a growing interest in Swiss institutions, which seem to offer several advantages such as political stability, participation and conflict resolution. How can other countries learn from the Swiss experience? We discuss this question in the second part of this chapter.

7.1 EUROPEANISED BUT NOT A MEMBER OF THE EU: WHY?

One of the most encountered questions of a Swiss abroad is, Why is Switzerland not a member of the EU? Indeed, it seems strange that this small country, so intensely interwoven with the European market and geographically situated at the heart of Europe, is not a member of the EU. How come that the Swiss are unwilling to participate in this common experience of 27 EU members? And how come that the Swiss, albeit staying out of Brussels' institutions, are sharing a good part of the *acquis*

communautaire, the entire body of EU law binding for all member states? Without going too much into the details of this development, the answer has three parts.

7.1.1 *Direct Democracy*

As explained in Chap. 4, in Switzerland all important international treaties are subject to a mandatory referendum and need, in case of constitutional amendments, a majority of the people and the cantons in a popular vote. This has strongly determined the way of Switzerland's European integration. EU politics began in 1972, when the people approved the free trade agreement signed with what was then the European Economic Community (EEC). In 1992, the EEC offered to the European Free Trade Association (EFTA) the European Economic Area (EEA). This offer was particularly interesting for EFTA members (among them Switzerland since 1960) who were sceptical of political cooperation beyond free trade arrangements. While the other EFTA members accepted, Switzerland said 'no' to the EEA treaty. The reason was direct democracy. Although a large parliamentary majority accepted the EEA, 16 cantons and 50.3% of voters rejected the treaty in a historical popular vote of December 1992 (Fig. 7.1). Opposition came mainly from rural areas in the German-speaking parts of Switzerland, and it was organised by the Swiss People's Party (SVP).

The vote of 1992 left a divided country (Seitz 2014, 149; Mueller and Heidelberger 2019).

The result was not only a shock for the government. The pro-European elites were most surprised that public opinion in many parts of the country expressed a preference for 'Switzerland staying neutral and sovereign'. Opposition against EU integration became the main and everlasting issue of the SVP and a magnet attracting all Eurosceptics. Subsequently, this national-conservative party became the strongest political force in Switzerland, its electoral strength almost tripling in 30 years. At the other end of the spectrum, the pro-European forces were not able to mobilise as strongly—not even close: Their popular initiative to start immediate negotiations with Brussels on EU membership was rejected by over 75% of voters and all cantons in 2002.

The Federal Council, aware of the strong opposition against EU integration, thus sought a compromise. In its will to consolidate and extend vitally important economic relations with the EU, it negotiated a minimal solution satisfactory enough for Brussels and gaining sufficient domestic

Fig. 7.1 Share of the pro-EU vote in 14 referenda, 1972–2020 [%]. (Note: shown is the percentage of people as well as of cantons approving a proposal, except for the ‘EU negotiations’ (1997), ‘MEI’ and ‘ECOPOP’ (both 2014) and ‘limitation’ initiatives (2020), where rejecting shares are shown since in these cases Eurosceptics vote yes. In quotation marks = popular initiatives; * = double majority of people and cantons needed. Data from Swissvotes (2020))

support to overcome the referendum challenge. That solution consisted in two series of bilateral treaties with the EU, a sort of participation *à la carte* but without the voice and influence of a full member state. The treaties were accepted by the people in 2000 and 2005. The strategy of ‘bilaterals’, a key political concept ever since, opened the EU market for Swiss companies, goods and persons in several economic areas. Even so, the EU-opposition did not miss a chance to challenge further integration steps which, in its eyes, went too far. Thus, through the optional referendum, the SVP challenged, albeit without success, extending the free movement of persons to the EU’s new members in 2005 and 2009; the payment of around one billion for ‘cohesion’ purposes in 2006; the introduction of biometric passports in 2009; and the tightening of the Swiss gun law in line with Schengen/Dublin requirements in 2019 (Linder et al. 2010, 658ff. and 667f.; Swissvotes 2019).

Yet in 2014 the people and cantons accepted the SVP’s initiative ‘against mass immigration’ (*Masseneinwanderung*/MEI). It demanded quotas on the number of people entering Switzerland for working

purposes every year. This was clearly an infringement of the bilateral treaties. Brussels was not willing to negotiate exceptions to the principle of the free movement of persons and, in the worst case, could have sanctioned Switzerland with cancelling the first series of bilateral treaties (*guillotine clause*). Reluctant to take this risk, the Swiss parliament passed a law that, instead of implementing quotas, strove for a better integration of unemployed persons. Although decried by the SVP as ‘betraying the will of the people’, the party refrained from using the optional referendum to fight the implementing law. Instead, it launched another popular initiative—one to simply cancel the agreement on the free movement of persons. However, in September 2020 more than 60% of the people and all but 3.5 cantons rejected the “limitation initiative” (Swissvotes 2020).

Meanwhile, the Swiss government and the EU have negotiated a new agreement covering five existing and all future market access treaties as well as defining a new dispute resolution mechanism. Besides the obligation to accept all future developments of the *acquis communautaire*, the draft of the treaty implies that also the Swiss social partnership, up to now autonomously regulated between capital and labour representatives, should fall under the control of the European Court. This and other provisions are highly controversial, also among the large majority of Swiss who so far have found the path of bilateral treaties to correspond almost ideally to their preferences of maximum economic but minimum political integration. By early 2021, the political fate of the new agreement with the EU remains uncertain.

Figure 7.1 displays the results of all 14 popular votes held in Switzerland between 1972 and 2020 that were more or less directly related to the EU. It shows the importance of direct democracy in all questions of European integration. While no other country grants people such direct participation in foreign policy, in Switzerland it is almost primordial. It includes not only the principled question of giving up autonomy rights in favour of European integration, but also all major legislative acts related to the EU. This applies also to further developments of the ‘bilaterals’. While these correspond to the preferences of the majority of the Swiss people, they are, as a special treatment, not well seen in Brussels. The far-reaching

consequences of direct democracy are clear: if Switzerland were a representative democracy, the majority of its parliament would have accepted the EEA and probably even EU membership by now. It is the majority of the people (and cantons) who think differently and who, so far at least, have made the difference.

7.1.2 *National Autonomy and Political Neutrality*

The voting campaign on the EEA in 1992 was dominated by two clearly opposing camps: on the one side, pro-Europeans highlighting the commercial advantages offered by the treaty and defending the idea of an ‘open Switzerland’. On the other side, opponents winning the popular vote with two catchwords: ‘sovereignty’ and ‘neutrality’. While it came as a surprise that the conservative idea of a ‘closed Switzerland’ triumphed, it can be explained by the wisdom of hindsight. Official history had excessively stressed the role of political neutrality as the decisive policy of national survival in World Wars I and II. Pretending that neutrality was seemingly compatible with the EEA was not credible for many and gave opponents a considerable advantage.

Similarly so regarding ‘sovereignty’. Swiss foreign policy was an advocate of free trade worldwide and closely connected to international economic organisations. But at the same time the government had been against international cooperation on the ‘political’ level for a long time. In this respect it was extremely cautious in the name of national sovereignty and neutrality. The opposition’s claim that Switzerland would ‘lose’ its sovereignty and neutrality as part of the EEA was certainly a populist exaggeration. But it seemed credible enough to an important part of the electorate—and the government had not yet developed an explanation for its policy change (see also Gabriel 2019; Mueller and Heidelberger 2019).

Finally, the Swiss highly value their political institutions as they are: they belong to the very few things which the multilingual Swiss have in common (see Chap. 2). Political neutrality, autonomy and federalism as a means to avoid any form of centralisation still belong to the core values of a popular (and especially cantonal) majority—and won’t change so soon. Even so, there are differences in the degree to which the linguistic communities, and people living in cities or on the countryside, favour international cooperation and European integration (e.g. Widmer and Buri 1992; Kriesi et al. 1996; Linder et al. 2008b; Seitz 2014).

7.1.3 *The Political Economy of Globalisation and Europeanisation*

Switzerland profits from globalisation. Its specialised industrial products and services (precision machinery, pharmaceuticals, watches, etc.) have better export chances on liberalised markets. Political stability attracts international capital, and Swiss businesses profit from abundant credit at low interest rates. Big multinational firms like Philipp Morris, Alphabet, Glencore and many others place part of their service activities in Switzerland. Big cities such as Zurich, Geneva, Basel and Lausanne, while small in international comparison, are flourishing. Political neutrality allowed Switzerland to be one of the first to recognise the regime of Communist China in 1950, then a poor developing country. This pays out 70 years later in bilateral treaties, China meanwhile being one of the most promising markets for Swiss exports. In 2013, Switzerland and China signed a comprehensive bilateral Free Trade Agreement, called a ‘milestone’ by a leading Swiss business association (Economiesuisse 2016). This fits into the big picture drawn by the economist Milanović (2019), according to whom small nations like Liechtenstein, Ireland or Luxembourg and cities are benefitting particularly from globalisation.

From this perspective, Switzerland should be happy with the EU. Because it is the EU which pushes the neoliberal agenda of globalisation by means of the free movement of goods, services, capital and labour. It could be pushed even further if Switzerland were to decide to become a member of the Union. But here lies a problem: globalisation and Europeanisation, like all free-trade policies, also bear economic disadvantages. Farmers, small- and medium-sized enterprises and entire branches producing at higher costs than those on the world market disappear, and their jobs and professions with them. Innovation and disruption, named a process of ‘creative destruction’ by economist Joseph Schumpeter (2006 [1942]), is accelerated. As everywhere, this process creates both winners and losers. In Switzerland, the winners concentrate in international export firms of industry and services with highly qualified jobs as described above, while the losers are found among the producers of domestic goods, crafts as well as among low qualified workers and in rural areas.

These conflicts between export and domestic industries, between urban and rural regions and between the different social strata are nothing new. But politically the traditional balance of political influence among these cleavages has changed considerably with globalisation. The bilaterals give

liberalising forces strong tailwind (Linder 2011). Thus, the framing of the conflict has changed completely: conflicts of globalisation and liberalisation became conflicts between the winners and losers of Europeanisation. It is well known that in EU countries, public opinion attributes the advantages of integration to their own government while Brussels is blamed for all mishaps. In Switzerland, one can observe a similar mindset—with two consequences: first, the losers of globalisation strongly oppose Brussels and any further step towards European integration. Second, the Eurosceptic camp also includes many who actually profit from Europeanisation but interpret these advantages as resulting from the autonomy of the Swiss government and the proficiency of Swiss industry. Thus, the political economy logic implies that Eurosceptics hold better cards than Europhiles.

7.2 CAN THE INSTITUTIONS OF SWISS DEMOCRACY AUTONOMOUSLY SURVIVE?

Direct democracy, highly valued national autonomy and neutrality as well as the political economy of globalisation are plausible reasons why Switzerland has not joined the EU so far. As all these factors are durable, we would not expect the country to join the EU anytime soon. At the same time, it is highly improbable that the Swiss will abandon the bilaterals at their own choosing—a ‘Swixit’ would hurt the more vulnerable country even more than the British in the case of ‘Brexit’. Thus Switzerland—without co-decision in Brussels—will be exposed to further Europeanisation and globalisation. In light of the last two decades of bilateralism and further internationalisation, the effects on the Swiss polity are considerable (Linder 2011):

Internationalisation of legislation: In 1982, domestic law represented 53% of all federal law, while 47% consisted of international treaties. In 2007, this proportion was exactly reversed, and the higher growth of international law is continuing (Linder 2017). Real internationalisation is even greater, as these statistics do not include domestic law which—in the euphemistic term of ‘autonomous adaptation’—is harmonised with EU provisions voluntarily (Jenni 2016).

Powers shifting away from parliament to the executive and to diplomacy: The internationalisation of law means a considerable loss of power for a parliament who cannot discuss and alter specific provisions of international

law. Despite being consulted in the process of negotiation, parliament is restricted to approving or refusing treaties already negotiated and signed by the government and its diplomacy. Moreover, important international treaties are subject to a referendum (see Chap. 4, Table 4.1).

Federalism: Europeanisation is curtailing cantonal legislation and autonomy. While in the past the cantons carefully defended their competencies against federal authorities, they are without institutional means to prevent their own legislation being harmonised with EU law. This in the end means a new type of ‘cold’ centralisation. As a reaction to EU decisions becoming ever-more important domestically, a ‘Law on the Participation of the Cantons in Swiss Foreign Policy’ was passed in 1999, when the Federal Constitution was fully revised the last time. The cantons, however, want more (KdK 2013).

Direct democracy: Through the referendum, the people can say ‘no’ to an important international treaty. A constitutional amendment, approved by a majority of the people and the cantons, can charge authorities to alter or to cancel an existing international treaty. These ‘exit’ options, partly introduced in 2003, seem to extend the people’s rights but also lead to a higher vulnerability of the Swiss government. The voice of the people can be in conflict with existing international law or the obligations of existing international treaties. We have described above how this led to a dilemma in the case of the popular initiative ‘against mass immigration’. The credibility of the government in negotiating international treaties might suffer because it cannot give guarantees that the result will pass a possible referendum challenge. As curtailing popular rights is not feasible, the government will be confronted with these dilemmas, risks and a loss of credibility in the field of international relations.

Policy changes under pressure from the outside: A number of substantial policy changes have happened under considerable pressure from the outside. The most prominent example is the renouncing on the banking secret. On the one hand, these changes can be seen as innovations for which blocking majorities for the status quo ante and the immobility of Swiss politics were overcome. On the other hand, it means that Swiss processes of power-sharing are partially bypassed. Less accommodation leaves more political conflict unresolved.

Shrinking national autonomy: The common denominator of all these developments is that Switzerland, to a large degree, is losing a part of its national autonomy. Yet one can say that this is the fate of all the countries taking the path of globalisation, be it inside or outside the EU. But the

government is pretending that the ‘bilaterals’ are the ideal way to prevent Switzerland from losing autonomy, and that the country is keeping its autonomy because it is not an EU member. Both assertions are dangerous illusions, for several reasons: they cement the existing relationship, which does not allow Switzerland to participate in the shaping of EU decisions, although direct participation is one of the fundamental tenets of Swiss democracy. This is all the more worrisome the more the Swiss economy depends on European law. While the government sells the bilateral way as a strategy to protect the autonomy, it actually undermines it. Finally, in this way even the winners of Europeanisation believe that non-membership pays off, which bars the way towards real alternative arrangements.

7.3 THE FUTURE

The vote on the EEA in 1992 was a vote on Switzerland’s political future and national identity, and that very question has been dividing the country ever since. What is more, the divide between pro- and anti-EU citizens threatens to swallow up the middle ground of pragmatic, selective voters and puts in jeopardy one of Switzerland’s hidden secrets: cross-cutting cleavages. For if Europhiles are found in the French-speaking, urban and prosperous areas and Eurosceptics in the German-speaking, rural and rather destitute lands (Widmer and Buri 1992; Mueller 2019), shifting majorities and minorities are impossible on this question.

As always, the choice is one between ‘innovation and stagnation’ (Deutsch 1976). The country’s political future is less certain and political compromise less easy than for a long time in the past. Even consensus itself might be on the line. Pressure from the outside has led to a two-speed political process: accelerated and asymmetrical in international affairs, incremental and balanced in domestic politics. Liberalising forces use globalisation as their tool; the traditional balance between the interests of the domestic and the internationalised economy has changed. Globalisation weakens many of the traditional veto points; federal autonomy of the cantons, similar to national autonomy, has lost significance in the economy, in policies and beyond. No wonder that Swiss politics, too, has become much more polarised (e.g. Bochsler et al. 2015; Traber 2015; Vatter 2016; Afonso and Papadopoulos 2015; Kriesi 2015).

‘Switzerland is on its way of becoming a divided society rather than the paradigm of cohesion claimed by Deutsch in the 1970s’, is the verdict of the British scholar Clive Church (2004, 223), a most reliable outside

observer of Swiss politics for decades. And, before a clear majority commitment for European integration would ever be possible, he adds, 'Europe may do damage to Swiss political integration'. For the moment, this outlook remains realistic rather than pessimistic. But other scenarios are possible, too. As long as the EU remains an elitist and bureaucratic project with little (direct-)democratic legitimation, Swiss voters will not accept to join. Direct democracy, while being one of the main obstacles for membership (though one that can be overcome), is at the same time the most robust political institution that holds the Swiss together:

- At the level of elites, it forces actors to share power and maintain cooperation, negotiation and compromise despite all other transformations of the Swiss polity.
- At the level of citizens, it creates commonality of voting opportunity and experience despite growing social and territorial divides and difficulties induced by globalisation.

In this sense, Deutsch's paradigm of integration through political institutions is still true.

7.4 WHAT THE CASE OF SWITZERLAND CAN BRING TO OTHERS

7.4.1 *Switzerland: An 'export model'?*

Because of its combination of direct participation with political stability and economic success, of federalism with political innovation, and of power-sharing with conflict resolution, Switzerland is often called a 'model'. In a time when democracy is under pressure worldwide, the Swiss are generally proud of theirs and would never trade it in. But can the Swiss system, considered as the 'ideal model' by themselves, really serve as a model for others?

History tells us that this is not unconceivable. In 1926, Kemal Atatürk, the Father of the modern Republic of Turkey, adopted the Swiss civil law for his country. After the fall of the USSR, many Islamic countries in the south of the Soviet Union, now independent, adopted the Turkish code of civil law. Today, over 350 million people live under direct or indirect influence of Swiss civil law.

In the meantime, Switzerland's polity offers many features whose export seems to be useful at many places: the Swiss institutions of power-sharing, for instance, which allowed for overcoming the cultural cleavages of language and religion, could play an important role in solving conflict in deeply divided societies such as Iraq or Syria. In countries struggling with secessionist movements like the Catalans in Spain, the Swiss case of the separation of Jura from Bern could help find a peaceful solution. Federalism and the use of decentralisation as a means of creative problem-solving could also be a valid option for over-centralised polities, that is states whose top-down policies are ineffective and fail. Finally, the call for more direct participation has become louder in many European countries. Could direct-democracy not become, just like chocolate, cheese and watches, one of the main export-articles of Switzerland?

Our answer on the appropriateness of such export strategies for Swiss democracy is 'no', and this for two reasons. The first is simple: Switzerland does not belong to the big powers capable of exporting their model of democracy as were the US and General MacArthur in 1946, who drafted the new Constitution of Japan and imposed it to that loser of World War II.

The second reason is more complex. Let us begin with the question of cultural differences. Political institutions have a different political and cultural context even amongst countries of similar socioeconomic level. The UK, for instance, which has to contend with secessionist forces in Scotland, Wales and Northern Ireland, would not welcome a Swiss mediator proposing federalist institutions. For the British, the word 'federalism' has connotations of centralisation and would be in contradiction to any own project of devolution of power. Or, if direct democracy would be introduced in the EU, one could not expect the peoples of the EU countries to behave like the peoples of the Swiss cantons simply because the common interests are much stronger among the latter (Armingeon 2009).

While 'difference of culture' as an obstacle to the direct export of institutions is obvious in these cases, it is often not respected with regard to developing countries. The agenda of big powers of the First World and their agencies is full of democratisation, good governance or even human right programmes lacking respect and empathy for the societal context of countries in transition. Their numerous failures can be explained by several factors: many of them are ethnocentric and blind for the sociocultural particularities of the addressed countries. Few of them take into consideration that before democratisation is feasible, the state as well as the economy must first have reached a certain degree of consolidation, and that in

traditional societies Western institutions of democracy cannot immediately take ground (Carothers 1999; Linder et al. 2008a). Finally, democratisation is often abused as a geopolitical strategy. The lesson is that all these forms of ‘exporting democracy’ are not recommendable and do not help. Therefore, we strongly doubt that the very idea of exporting political institutions is feasible. What we propose instead is a dialogue.

7.4.2 *The ‘dialogue model’*

Switzerland has an old tradition of offering ‘good services’ to the international community. These services include maintaining diplomatic relations when two countries cut them off (e.g. between Cuba and the US until 2015, or between Georgia and Russia, since 2008/9), peacekeeping such as controlling the de facto border between North and South Korea, peace negotiations as between Russia and Chechenia, or rendering independent reports to the UN (as in the case of the armed conflict between Russia and Georgia in 2008). In many of these cases, the long-standing neutrality of the country has played an important role: Switzerland was considered to be an impartial mediator or actor, having no stake in the game.

This practice of ‘good services’ could be extended further to the transfer of institutional knowledge, especially to young democracies. The ‘good services’ follow the idea of the ‘dialogue model’, which means that actors participate based on their own will and want to discuss questions of (further) democratisation on equal terms and on the basis of arguments. This implies respect and empathy—each is going into the other’s argument, willing to learn by mutual understanding and to review his own views.

While it is not perceivable that Swiss democracy can be introduced elsewhere as a ‘model’, its partners in dialogue could profit from the Swiss experience with the workings of particular elements. No matter whether in academic discussion, in expertise, or official cooperation, such dialogues have similarities and follow a certain logic. To begin with, ‘democracy’ is not a negotiation chip but an issue on which partners come together as equals with the objective to solve problems by mutual learning. It is useful that both partners expose the same issue in their own social and economic context. This includes their narrative of wars, conflicts, failures and successes, and the functioning of their institutions in their own social or economic environment. This is the common ground on which both sides are able to identify their interest on problem-solving, be it on the levels of institutions (polity), decision-making (politics) or actual issues (policies).

This allows a learning process on either side: both will realise that elements of reform cannot be exported or imported as such because they have their particular meanings and functions in different societal contexts. One side will learn, for instance, that the Swiss are not peaceful by nature but because of their institutions. The other side will become aware that direct participation is practised in many local societies from Asia to Africa. With such insights, partners can *draw* on the Swiss experience to then develop *their own* solutions for reform.

In such mutual learning processes, which we could personally experience in many countries in Eastern Europe, the Near East, Asia and Africa, Swiss democracy was not used as an export model but proved to be a most precious point of departure for a credible, respectful and open dialogue. What became increasingly obvious in the course of such dialogues is that democracy and its institutions can neither be imposed from the outside nor implemented top-down. We thus end this book on the belief that democracy and its institutions have the best chances when developed through the political will of a people, adjusted to its socioeconomic conditions, and in line with a country's own cultural heritage.

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