

## Referendum in Swiss confederation

### summary

Referendum is the most popular and commonly used form of direct democracy guaranteed in most constitutions of the European democratic countries. In Switzerland each year there are from three up to seven nationwide referendums, and four of them are scheduled beforehand for each quarter of the year. Thanks to a referendum the citizens of Switzerland can actively participate in execution of authority and co-decide on principal matters regarding functioning of the state. According to the estimation there are more referendums in Switzerland than in any other country in the world. The institution of referendum is deeply rooted in the Swiss democracy as everybody who collects a sufficient number of signatures has a right to initiate a voting over his own project. The main advantage of this institution is its immunity to demagogu. Everybody can express his views according to his own discretion and independently from the main standpoint of the political party he supports.

*Keywords: Referendum, constitutions, democracy, confederation, Switzerland, Federal Constitution, democracy political system*

### Streszczenie

Szwajcaria to wielokulturowy, wielojęzyczny, pozbawiony bogactw naturalnych i urodzajnej ziemi kraj, który dla rozwiązywania większości spraw publicznych stosuje instytucję referendum. Referendum jest najbardziej popularną i powszechnie stosowaną formą demokracji bezpośredniej gwarantowaną w większości konstytucji krajów demokratycznych. Każdego roku w Konfederacji Szwajcarii odbywa się od trzech do siedmiu referendów ogólnokrajowych, przy czym cztery z nich są z góry zaplanowane na każdy kwartał roku. Dzięki referendom obywatele Szwajcarii czynnie mogą uczestniczyć w sprawowaniu władzy i współdecydowaniu o podstawowych kwestiach dotyczących funkcjonowania państwa. Według szacunków w Szwajcarii przeprowadza się więcej referendów niż we wszystkich pozostałych państwach świata łącznie. Praktycznie każda ustawa federalna i lokalna może zostać w Szwajcarii poddana pod referendum. Instytucja referendum to sedno szwajcarskiej demokracji, w którym każdy kto zbierze wystarczającą liczbę podpisów, ma prawo zainicjować głosowanie nad własnym projektem. Zaletą owej instytucji jest całkowita odporność na demagogię. Każdy może wypowiedzieć się według własnego uznania i niezależnie od stanowiska partii politycznej, z którą sympatyzuje.

**Słowa kluczowe:** *Referendum, konstytucja, demokracja, konfederacja, Szwajcaria, Konfederacja Szwajcarii, demokratyczny system polityczny*

Referendum is the most popular and commonly used form of direct democracy guaranteed in most constitutions of the European democratic countries. The term democracy comes from Greek and is derived from the words ‘demos’ – the people and ‘kratos’ – power. The concept of democracy was introduced in ancient times by Greek sophists. It was then popularized by Demokryt from Abdera and further on by the critics of Athens democracy i.e Plato and Aristotle . At present the term democracy is used in four contexts: a form of political system of a country in which the will of majority is a source of political power and in which the citizens receive the public laws and freedom which ensure that the authority is exercised; as synonym for the public laws and freedom understood as the equality in terms of the law, chances and opportunities and finally as a social and economic system which ensures common and equal participation in governing of the national production property, access to the cultural heritage, education and healthcare.<sup>1</sup>

Looking through the citizens’ participation in the execution of the authority two forms of democracy can be distinguished i.e. direct and representative. Representative democracy is a dominant authority system in a country. It is based on a periodical replacement of at least some of the members of the State by means of general election. This system focuses rather on the supervision of the machinery of State rather than the actual participation of a Nation in a decision-taking process. Direct democracy in turn, takes place when all citizens with voting rights are involved in taking public key decisions themselves by means of different forms of ‘people’s poll’. The most common are: public assembly, referendum, plebiscite, civil initiative, public veto, and public consultations.<sup>2</sup>

One of the factors facilitating the development of direct democracy in the modern democracies is the fact that it can materialize on different levels of political authority. Within its range there is a nationwide level of exercising authority, a regional level, with individual parts of a federal state and finally a local level which can be found in units of territorial partition of state. It means that the participation of a civic society in exercising direct authority in a state may concern issues of nationwide meaning or on lower authority levels. A variety of opportunities for participation in political decision-making processes for the citizens on all previously mentioned levels of political authority has a direct impact on a real significance of forms of direct democracy in

<sup>1</sup> M. Król, *Słownik demokracji*, Kraków 1989, s. 3.;  
G. Sartori *Teoria demokracji*, Warszawa 1994, s. 4.;  
R. Dahl, *Demokracja*, Kraków 2000, s. 7.

<sup>2</sup> A. Antoszewski, *Demokracja* [w:] *Leksykon politologii*, red. A. Antoszewski, R. Herbut, Wrocław 1996, s. 59 – 60. Z. Witkowski, *Prawo konstytucyjne*, Toruń 2006, s. 68- 69.

certain countries. What is more, when a direct democracy occurs on a nationwide level it forces the implementation of a unified normative regulations whilst with to regard to regional or local forms there is a wide range of differences. Such cases occur when there are no constitutional regulations adopted on a nationwide level and when the individual regional territorial units operate outside these regulations while being introduced on a lower level. Introducing such regulations is of a significant importance when certain constitutional solutions had been introduced only in some parts within a territory of a given country or when in some parts such regulations are quite strict, in accordance with certain requirements, while in other they are more liberal.<sup>3</sup> The main distinguishing factor between these solutions is a number of signatures required to commence a certain procedure for a suitable institution of direct authority of a state.

In Swiss Confederation the idea of democracy occurred as a result of the French Revolution. The regulations found in the Constitution of the United States of North America were bar far equally important as they showed the Swiss society how to function within a democratic system of authority. Another important issue was the fact that throughout the ages the Swiss cantons were independent from the monarch authority.

At present the Swiss Confederation remains the country in which the implementation of direct democracy, understood as participation of its citizens in exercising authority, has the longest tradition. The most popular form of direct democracy in the Swiss Confederation is referendum. Referendum represents a perfect form of democratic participation of the citizens in governing of their own state.

Referendum is a general form of voting in which all the citizens with active voting right can participate.<sup>4</sup> During a referendum the citizens of the country can express their opinion about a matter in question. Referenda can be divided via different criteria into: obligatory and facultative, opinion-forming and binding, nationwide and local.

The first regulations regarding the notion of a referendum can be traced in the Swiss constitution from 1843. At that it focused only on accepting or rejecting of the constitutional amendments proposed by the parliament. A real breakthrough took place in the middle of the 19<sup>th</sup> century, when the citizens were granted the right to submit any amendment themselves. From that moment on, the Swiss citizens were able to call for a referendum regarding the legislation issues. The introduction of such solutions aimed at providing the national independence and at the same time the introduction of a democratic authority system on a corresponding level. Thanks to the institution of referendum the citizens were to be guaranteed to have a direct control over the parliament through expressing their approval of its actions. Thanks to this highly developed form of direct democracy, referendum quickly established a position of the

<sup>3</sup> H.J. Papier, *Zdolność państwa do kierowania i reform w Republice Federalnej Niemiec*, „Przegląd Sejmowy” 2004, nr 1, s. 51 -64.

<sup>4</sup> In the case of Switzerland, a referendum shall be entitled to attend its citizens who vote no later than the age of 18 are not deprived of their civil rights and incapacitated.

<http://sjp.pwn.pl/slownik/2573641/referendum>, 02.04 2013.

most valuable and the most popular component in Swiss democracy. Swiss citizens worked out particular principles to regulate a frequent implementation of the institution of referendum, thus it is clear to state they are its eager supporters. At present the implementation of referendum constitutes an important mechanism of political system of the Confederation as well as being a crucial component of its political culture and legislative awareness. This in turn means, that each body of public authority has to take into account that if it is unable to arise interest in its own ideas among the citizens and consequently does not receive their approval, it will be unable to introduce any solutions.

The institution of referendum was used for the first time on 6<sup>th</sup> June 1848 while approving the federal constitution. Nearly 200 000 people took part in the voting.<sup>5</sup> It is worth pointing out that there were no legal regulations regarding a practical application of referendum at that time, as they were introduced by the constitution itself. In 1918 the subject-matter range of referendum was expanded to open-ended international agreements as well as the ones without the notice clause. Another amendment was introduced in 1977 when the referendum was used to determine the Swiss accession to the international organisations and multilateral law unification.

It worth pointing out that in Switzerland until 1971 the voting rights were granted exclusively to men with women being deprived of such power. It was a consequence of the fact that until 1971 male voters did not approve of any alterations in the existing election law, rejecting on many occasions any amendments while stating that women are unworthy of such privileges.<sup>6</sup>

At present referendum matters in the Swiss territory are regulated by the constitution of the Swiss Confederation from 18<sup>th</sup> April 1999 as well as other legislation acts, particularly the Federal act regarding political rights from 17<sup>th</sup> December 1976.

The constitution of the Swiss Confederation from 1999 states that with respect to referendum the right to decide in federal matters are granted to each citizen of Switzerland who is 18 on the day of voting and who is not incapacitated due to a mental illness or mentally handicapped.<sup>7</sup> In the federal act from 1976 voting rights are understood as the right to participate in the election of the National Council, federal polling as well as the right to sign referendum proposals and other initiatives. It also states who is deprived of these rights and these are the citizens who are excluded due to a mental illness or those who are mentally handicapped.<sup>8</sup>

The citizens of Switzerland who comply with the requirements regarding election law are automatically enlisted in the voters registry. The registry may be consulted by every voter and

<sup>5</sup> <http://www.szwajcaria.net/referendum.html>, 02.04.2013.

<sup>6</sup> S. Grabowska, *Referendum w Konfederacji Szwajcarii*, [w:] *Formy demokracji bezpośredniej w wybranych państwach europejskich*, red. S. Grabowska, Rzeszów 2009, s. 109.

<sup>7</sup> Art. 136

<sup>8</sup> Art. 1

each vote is casted in so-called political residence area i.e. a municipality where a voter lives and was enlisted with the local authority. A record before the voting is assumed valid up to five days preceding the day of voting if the requirements allowing the participation in an election were fulfilled on an appointed day.

It is possible to take part in a referendum for the citizens of Switzerland living abroad. It is guaranteed by the Act on the Swiss political rights living abroad from 16<sup>th</sup> October 1991 and by the Federal Act on the Swiss political rights living abroad from 19<sup>th</sup> December 1975. According to these acts all the citizens of Switzerland living permanently outside its territory are considered to be a Swiss living abroad as long as they are registered with a diplomatic representation overseas. These citizens have to be 18 on the day of an election and they cannot be denied the right to actively participate in voting due to a mental illness or mental incapacity. Moreover, the Swiss with permanent residence overseas have to submit a written form with a specific representative body they are currently subordinate to. The application form has to contain the following information:

- Name and surname of the person willing to participate in a referendum;
- Parents' names of the person;
- Date and place of birth;
- Exact address;
- A canton and a municipality of provenance;
- A municipality in which a person wants to use his voting right.<sup>9</sup>

An application prepared in that manner is then sent by the Swiss diplomatic representation to the designated by the voter municipality which, if necessary, sends the copy of the application to the municipality of provenance. If the Swiss citizens residing abroad want to use the already pre-electoral rights conferred on them they do not have to personally appear in the office as it is sufficient for them to do so via postal service.

According to the constitution of the Swiss Confederation from 1999 the following issues must be put to a referendum:

- Alteration in a Federal Constitution;
- Accession and membership in international organisations including the ones in favour of general safety;
- Federal acts regarded as urgent without constitutional basis and whose validity exceeds a one-year period.<sup>10</sup>

All these are just the cases enlisted in the constitution and federal act in which a referendum is necessary to organise. In such cases a criterion of double majority must be met. It means that a project may be accepted only when there is so called

---

<sup>9</sup> S. Grabowska, *op. cit.*, s. 111.

<sup>10</sup> This type of law within one year after the adoption by the Federal Assembly must be put to the vote Art. 140

**‘Volksmehr’** – the majority of valid votes submitted on the whole territory of the country as well as do called **‘Ständemehr’** which is the majority of cantons which accepted a project. In the remaining cases only a standard majority is needed. Legal acts which are put to an obligatory referendum after they have been accepted by the Federal Congression are published and made public.<sup>11</sup>

In the Swiss Confederation the date and the referendum voting itself is designated by the Federal Council, while the execution and all the necessary actions are to be provided by a canton. The Council sends to each canton a text which will be put to vote as well as ballot papers. The referendum text must contain short and precisely explicit questions and an attachment with a short objective explanation inserted by the Federal Council. Voters receive appropriate documents no sooner than 4 and no later than 3 weeks before the voting enabling a citizen to submit a valid vote. Among these documents there can be found: a ballot paper, an entitlement card, a voting envelope and a control stamp.<sup>12</sup> Only the votes submitted on the official cards are considered valid. All cards should be filed in by hand.

A voter who uses active election law during the voting should personally put his vote into a ballot box or do so by post. In some cantons a voting is carried out on the voting square where Swiss citizens entitled to vote gather and cast their votes by raising their hands together with a ballot paper. This type of voting is called ‘Landsgemeinde’. A different type of voting is by means of a proxy which is however accepted only in some cantons.

The Federal act from 1999 in paragraph 7 states that it possible to vote early within two from the for days preceding the voting itself. Voters casting their votes by postal service can also act upon the same law and submit their votes after receiving the appropriate documents.

Law regulations on referendum execution in the Swiss Confederation apart from having an organisational function have also a guarantative function. Consequently the following control measures are assumed:

- An appeal regarding any violation of the voting law;
- An appeal regarding any anomalies during the preparation or the execution of the voting.<sup>13</sup>

An appeal is directly submitted to canton authorities within three days from the result announcement in the law journal. The content of an appeal has to be briefly justified.<sup>14</sup> Canton authorities have to investigate the document within ten days from its submission. If some incorrectness is detected canton authorities, in accordance with the content of an appeal, take actions to eliminate it. Canton authorities have

<sup>11</sup> Art. 58

<sup>12</sup> S. Grabowska, *op. cit.*, s. 114.

<sup>13</sup> Art. 77

<sup>14</sup> S. Grabowska, *op. cit.*, s. 115.

right to reject an appeal, without prior investigation of the issue, if abnormality presented in the document has no severe impact on the voting results. All decisions taken by canton authorities with respect to appeals are recorded and passed on to the Federal Commission. It is possible to appeal against a decision of canton authorities regarding voting right in a referendum to the Federal Tribunal within 30 days from the date a verdict was passed.<sup>15</sup> The decisions of canton authorities, with respect to the preparation and execution of the referendal voting, are also subject to appeal to the Federal Council within five days from the date a verdict was announced.

On completion of the voting the persons responsible for the ballot office are obliged to fill in a post-referendum protocol which includes:

- A full list of registered voters, including the Swiss citizens residing abroad;
- The exact number of voters;
- The number of unused ballot papers;
- The number of invalid ballot papers i.e. not written by hand, without clear and precise explication of voter's will, containing handwritten notes which may cause offence or containing a variety of markings;
- The number of voters who support the changes put forward in a referendum;
- The number of voters who are against these changes.

A finished protocol is handed over to canton authorities to calculate data for the whole canton. When a protocol is ready it is sent over to the Federal Commission. On demand of the Commission cantons are also obliged to submit all ballot papers. The final result is verified by the Federal Council. A decree regarding approval or rejection of the decisions taken during a referendum is made public in the federal Law Journal. The changes affecting the Constitution of the Swiss Confederation come into power immediately after they have been accepted by the nation and cantons unless, the projects assumes other solutions. When the results are confirmed all ballot papers are destroyed.

The institution of an obligatory referendum was used 136 time between 1948-1986, in 70% of the cases the proposed changes were accepted and in 30% they were rejected.<sup>16</sup> The greatest number of referenda took place in 1952 when this institution was used 7 times. As for now referendum has been implemented 557 times (the last one from March 3<sup>rd</sup> 2013).<sup>17</sup> On average, 4 referenda are carried out each year (one per each quarter of the year) with their dates being set up to the end of 2032. In 2013 a referendum is scheduled for 3<sup>rd</sup> March, 9<sup>th</sup> June, 22<sup>nd</sup> September and 24<sup>th</sup> November.<sup>18</sup>

---

<sup>15</sup> Art. 98a

<sup>16</sup> S. Grabowska, *op. cit.*, s. 117.

<sup>17</sup> It concerned the limit salaries of top executives. Against 67.9 per cent were in favor. Members voting. [http://wiadomosci.gazeta.pl/wiadomosci/1,114873,13496779,Szwajcarzy\\_poparli\\_w\\_referendum\\_ograniczenie\\_wynagrodzen.html,03.04.2013](http://wiadomosci.gazeta.pl/wiadomosci/1,114873,13496779,Szwajcarzy_poparli_w_referendum_ograniczenie_wynagrodzen.html,03.04.2013).

<http://www.bankier.pl/wiadomosc/Szwajcaria-pensje-prezesow-pod-referendum-2772610.html,03.04.2013>.

<sup>18</sup> <http://www.szwajcaria.net/referendum.html>. 13.11.2009.

It is particularly important to take a closer notice of a referendum carried out on 29<sup>th</sup> November 2009 when 3 specific matters were put to vote:

1. A ban on erecting minarets in the Swiss mosques
2. A ban on export of weapon and arms materials, with the exclusion of mine-removal systems and system applied in civil defence
3. Allocation of the income from taxes on aircraft fuel to the aeronautical business needs exclusively<sup>19</sup>

The initiative regarding the ban on the construction of minarets was put forward by the Swiss People's Party in 2007. The undertaken action was based on the assumption that the minarets symbolise ideological objection to the current law order in Switzerland, as well as craving for power aiming at setting up social and law order which would totally contradict the liberties guaranteed by the constitution thus, leading to the islamisation of the country. In Switzerland there are about 400 thousand Muslims, mainly Turks, Bosnians, and Albanians.<sup>20</sup> A year later, in 2008 on the territory of Switzerland a campaign was started under 'Stop minarets' banner during which the Swiss People's collected support for the initiative for a referendum regarding that matter. During the campaign 113 thousand citizen signatures were collected. However, the Swiss government and most political parties objected to idea of a referendum and did not give their support to submitted postulates. They reasoned their decision stating that such referendum is dangerous for the foreign affairs policy and for the mutual relationships with other countries and especially Muslim states. The Swiss parliament ruled that the postulates hinder the freedom of religion which is guaranteed by the constitution and violate the European Human Rights Convention.<sup>21</sup> Politicians who were against the construction of minarets on the territory of Switzerland justified their viewpoint with a concern for the Switzerland's image all over the world and with the possible deterioration of mutual relationships with Muslim countries. They also pointed out the possibility of trade boycott and the risk of the outflow of the capital accumulated in Swiss banking system.<sup>22</sup> The Swiss Religious Council was also against the initiative which unites Christian, Muslim and Jewish religious leaders, claiming that it hampers the inter-religious dialogue and that current construction law sufficiently regulate the issue of minarets construction.<sup>23</sup> In the polling from September and October 2009 about 34-35% of the respondents supported the ban and about 51-53% were against it.<sup>24</sup>

<sup>19</sup> Volksabstimmung vom 29. November 2009, The Swiss Portal, 13.11.2009.

<sup>20</sup> Swiss move to ban minarets as 'symbols of Islamic power' (ang.). The Independent, 14 sierpnia 2009, 10.11.2009.

<sup>21</sup> One sentence that splits opinion, swiss.info, 6 października 2009. [dostęp 30.11.2009].

SWITZERLAND 29 Nov 2009 Referendum to decide on minaret ban (ang.). Newsahead, 9 września 2009, 12.11.2009.

<sup>22</sup> Minaret result seen as "turning point" (ang.). swiss.info, 29 listopada 2009, 30.11.2009.

<sup>23</sup> SWITZERLAND 29 Nov 2009 Referendum to decide on minaret ban (ang.). Newsahead, 9 września 2009, 30.11.2009.

<sup>24</sup> Swiss Would Vote Against Banning Minarets (ang.). Angus Reid Global Monitor, 19 października 2009, 30.11.2009.

Swiss Majority Oppose Banning of Minarets (ang.). Angus Reid Global Monitor, 28 października 2009, 30.11.2009.

During the campaign preceding the referendum The Swiss People's Party distributed posters persuading to vote for the minarets construction ban which depicted a Swiss flag with outstretching black minarets and a woman wearing black burka in the foreground. The local authorities of Bazylea Lozanna, Fryburg and Yverdon, banned the distribution of these posters and the authorities in Zurich, Lucerna, Geneva, and Sankt Gallen condemned the information content claiming that it spreads racism. It is also worth noticing that from the moment the campaign 'Stop minarets' had been launched until the day of the referendum 4 mosques were erected in Switzerland thus, increasing their total number to 150.<sup>25</sup>

During the referendum which took place 29<sup>th</sup> November 2009, contrary to previous polling results, the construction ban with respect to minarets was supported by 57,5% of voters. Only 4 out of 26 cantons voted against. The attendance was 53,4%.<sup>26</sup>

When the results were made known to public the Swiss government, despite their own objection regarding the ban, stated that the will of the Swiss citizens will be respected and from that moment on the construction of minarets will be banned. Such decision requires making amendments to paragraph 72 of the Swiss Confederation Constitution from 1999. Evelin Widmer-Schlumpf, the minister of justice at that time, assured the members of Muslim community that the citizens' ruling resulting from the referendum does not mean in any case the exclusion of the Muslim community, religion or culture.<sup>27</sup> However Muslim organisations operating in the territory of Switzerland criticized the implementation of the referendum and expressed their astonishment and dissatisfaction with the result. Tamir Hadjipolu the chairman of Federation of Muslim Organisations in Zurich, stated that the referendum campaign launched in Switzerland brought about the growth of islamophobia in the country and that it contributed to the increasing number of attacks on Swiss mosques. A similar opinion was expressed by Farhad Afshar the chairman of Coordination of Muslim Organisations in Switzerland who admitted that the most painful fact for the Muslim population in Switzerland was found in a symbolic meaning of the voting result which meant that its members cannot feel accepted as religious community in the country. Another viewpoint on the referendum result was expressed by Elham Manea – a cofounder of Forum for a Progressive Islam, who stated that the result means that that Muslims are not considered rightful citizens of the Swiss society.<sup>28</sup> The publication of the referendum results brought about a great number of protests among the citizens of Bern and Zurich where protesters constructed artificial paper mosques in the main squares and

<sup>25</sup> Szwajcarzy zakazują minaretów (pol.). wyborcza.pl, 29 listopada 2009, 30.11.2009.

„Ogromne zaskoczenie”. Szwajcarzy za zakazem budowy minaretów (pol.). gazeta.pl, 29 listopada 2009, 30.11.2009.

<sup>26</sup> Votation populaire du 29 novembre 2009 (fr.). Confederation Suisse, 30.11.2009.

<sup>27</sup> Swiss voters back ban on minarets (ang.). BBC News, 29 listopada 2009., 30.11.2009.

<sup>28</sup> Swiss voters back ban on minarets (ang.). BBC News, 29 listopada 2009, 30.11.2009.

shouted slogans saying *It is a shame to be a Swiss*, *Freedom of religion*, *There's plenty of heaven above the Switzerland for everybody*.<sup>29</sup>

The result of the referendum caused a lot of controversy worldwide. Amnesty International stated that the outcome is a direct violation of freedom of religion and can be voided by the Swiss Supreme Court or European Tribunal of Human Rights. Vatican City supported the statement issued by the Swiss Bishop Conference criticizing the referendum for amplifying the problems in coexistence of various religions and cultures. The referendum caused a great deal of reaction among European politicians. French minister of foreign affairs Bernard Kouchner expressed his amazement at decision taken by the Swiss, calling it an indication of intolerance and urged for the swift abolishment. Meanwhile, ultra right-wing politicians in Belgium, Netherlands, France and Italy gave their support for the introduction of the ban and summoned the authorities of their countries to consider the implementation of similar solutions.<sup>30</sup>

During the referendum from 29th November 2009 a decision regarding two other issues was taken i.e. the ban on export of weapons and arms materials, with the exclusion of mine-removal systems and system applied in civil defence. They did not cause repercussions comparable to those which arose with the matter of minarets construction in Switzerland.

Referendum regarding the ban on export of weapons and arms materials, with the exclusion of mine-removal systems and system applied in civil defence was organised on the initiative of left-wing parties and non-governmental organisations which supported the introduction of the prohibition based on the moral grounds and with respect to non-humanitarian implementation of armament. Swiss government expressed his objection to this proposal stating that the ban would lead to the elimination of 5.1 thousand places of employment, eradication of the weapon industry and on increase of dependability from foreign economic subjects in the even of a crisis.<sup>31</sup> According to the official results of the referendum 68.2% of voters voted against the introduction of the ban on arms export and 31.8% supported the initiative. The attendance was 52,7%.<sup>32</sup>

The idea of a referendum regarding airplane fuels was proposed by the Swiss right-wing and right-centrist parties which suggested that the obtained income should be allocated exclusively to aeronautical industry and not to motoring or transportation industry. At the same time it was suggested that transferring the funds to these projects will improve the safety and competitiveness and help to modernise the airports which

<sup>29</sup> „Wstyd być Szwajcarem”. Protesty po referendum (pol.). gazeta.pl, 29 listopada 2009, 30.11.2009.

<sup>30</sup> Vatican and Muslims condemn Swiss minaret ban vote (ang.). BBC News, 30 listopada 2009, 22.03.2013.

<sup>31</sup> Swiss Divided on Ban on War Materiel Exports (ang.). Angus Reid Global Monitor, 29 października 2009., 02.04.2013.

<sup>32</sup> Votation populaire du 29 novembre 2009 (fr.). Confédération Suisse, 04.04.2013.

in turn will support the growth of regional gross income. Project was supported by 65% of voters and rejected by 35%. The attendance was 49,5%.<sup>33</sup>

The last referendum was executed on 3rd May 2013. The issue put to voting was a project, named after its author, the Minder Initiative which focused on the wages of the corporation presidents. In the presented project Minder focused on three main issues i.e. overgrown wages of the board members, banks authority to vote through a proxy while using stocks which are in possession of different persons and incapacity of payees of insurance and pension policies to dispose of them during the voting. Additionally the project anticipated that the wages of the board of directors members would be approved by general meeting of shareholders and the term of office the board members would be limited to one year. Violation of the regulations in the legal act would be an offence carrying the penalty of imprisonment or financial penalty reaching the equivalent of six yearly wages. To finalize solutions presented in the project of the act the initiators of the referendum suggested the following changes in the Federal Constitution from 18th April 1999 : article 93 paragraph 3, article 95 paragraph 3 and article 197 point 8. Swiss parliament and government did not give their support.<sup>34</sup>

Referendum regarding the Miller's initiative was approved in all cantons with a nationwide result of 67,9 %. It was the third highest result in the history of public initiatives put to voting in a referendum. The score above 70% in favor of the project was achieved in the following cantons: Jura – 77.1 %, Szafuza – 75.9 %, Neuchâtel – 71.9 %, Ticino – 70.7 %, Turgowia – 70.5 %, Berno – 70.3 %, Fryburg – 70.3 % i Zurych – 70.2 %. The smallest number of supporting votes was in: Obwalden, Nidwalden, Zug oraz Appenzell AR i Garus.<sup>35</sup>

Typically Switzerland is associated with mountains, chocolate, watches or banks and not with perfectly developed forms of direct democracy. In Switzerland 70% of citizens claim that the political system of the country is a source of pride providing an access to political power for every Swiss. Switzerland is a multicultural, multilingual country deprived of natural resources and rich soils which implements referendum as way to solve public matters. Each year there are from three up to seven nationwide referendums, and four of them are scheduled beforehand for each quarter of the year. Thanks to a referendum the citizens of Switzerland can actively participate in execution of authority and co-decide on principal matters regarding functioning of the state. According to the estimation there are more referendums in Switzerland than in any other country in the world. Practically each federal and regional bill may be put to voting in a referendum. The institution of referendum is deeply rooted in the Swiss

<sup>33</sup> Votation populaire du 29 novembre 2009 (fr.). Confederation Suisse, 04.04.2013.

<sup>34</sup> <http://www.bankier.pl/wiadomosc/Szwajcaria-pensje-prezesow-pod-referendum-2772610.html>, 05.04.2013.  
<http://dwagrosze.com/2013/03/szwajcarzy-a-uposazenie-menedzerow.html>, 05.04.2013.

<sup>35</sup> <http://www.szwajcaria.net/minder.html>, 05.04.2013.

democracy as everybody who collects a sufficient number of signatures has a right to initiate a voting over his own project. The main advantage of this institution is its immunity to demagogy. Everybody can express his views according to his own discretion and independently from the main standpoint of the political party he supports.