

Don't take the Swiss vote on immigration quotas as a done deal

By Robert Henderson

The Swiss have voted to end the free movement of labour between Switzerland and the EU (<http://tinyurl.com/SwissEUvote>).. The result was very close: 50.3% Yes 49.7% No

This is potentially very significant because even though the Swiss are only European Economic Area (EEA) members, if they can get rid of the free movement of labour (one of the four so called EU freedoms – freedom of movement of goods, services, capital and labour) it provides a lever for the UK (and other EU states) to obtain a similar arrangement and an example which countermands the EU propaganda that any breach of EU rules will be disastrous for any nation which tries to radically change matters. Once a breach in the EU dyke is made inundation could easily follow.

But before rejoicing amongst those who wish Britain to leave the EU becomes unconfined it must be pointed out that it is far from clear what the restrictions on EU migrants will be (and Swiss politicians have three years before they need to bring forward any legislation) and there is the possibility that the referendum result could be overturned by another referendum.

The Swiss political elite are, like our political elite, Quislings in the service of internationalism. They will do everything possible to circumvent this result. There are two possible tactics they could pursue. The first is to put forward restriction which are no more than tokenistic. A more likely scenario is for another referendum to be held . This

would not have to be citizen initiated referendum. It could be a compulsory one based on a claim that the change in the immigration law had constitutional implications (Article 140 of the Swiss Constitution). But even if it was not a mandatory referendum, bearing in mind the closeness of the result just obtained, it would probably be easy to get enough voters to petition for a citizen initiated referendum (Article 139). Article 141 also provides a basis for a referendum. The relevant Swiss Constitution Articles run as follows:

Article 139 Formulated Popular Initiative for Partial Revision of the Constitution

(1) 100 000 citizens entitled to vote may within 18 months of the official publication of their formulated initiative demand a partial revision of the Constitution.

(2) A popular initiative for the partial revision of the Constitution may take the form of a general proposal or of a specific draft of the provisions proposed.

(3) If the initiative violates the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament declares it invalid, in whole or in part.

(4) If the Federal Assembly is in agreement with an initiative in the form of a general proposal, it drafts the partial revision on the basis of the initiative and submits it to the vote of the People and the Cantons. If the Federal Assembly rejects the initiative, it submits it to a vote of the People; the People decide whether the initiative is adopted. If they vote in favour, the Federal Assembly drafts the corresponding bill.

(5) The initiative in the form of a specific draft is submitted to the vote of the people and the Cantons. The Federal Parliament recommends the initiative for adoption or

rejection. It may contrast the initiative with a counterproposal.

Article 139b Procedure for Initiative With Counterproposal

(1) The voters cast their ballot at the same time for initiative and counterproposal.

(2) They may vote in favor of both proposals. Regarding the priority question, they may select which proposal they prefer if both are accepted.

(3) If the priority question results in one proposal to receive more votes of the people and the other more votes of the Cantons, that proposal is set into force that has the highest sum of voter's percentage points in popular vote plus cantonal vote.

Article 140 Mandatory Referendum

(1) The People and the Cantons are voting on the following:

a. the revisions of the Constitution;

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

c. the federal statutes declared urgent without constitutional basis and with validity exceeding one year; such federal statutes have to be submitted to the vote within one year after their adoption by the Federal Parliament.

(2) The People are voting on the following:

a. the popular initiatives for total revision of the Constitution;

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

c. the question if a total revision of the Constitution is to be carried out with disagreement of both chambers.

Article 141 Optional Referendum

(1) On the demand by 50'000 citizens entitled to vote or 8 Cantons, within 100 days of the official publication, the following instruments are submitted to the vote of the People:

a. Federal Statutes;

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

c. Federal decrees to the extent the Constitution or the law provides for it;

d. International treaties which:

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

2. provide for the entry into an international organization;

3. include important legislative provisions or require the adoption of federal Statutes.

(2) { abolished }

http://www.servat.unibe.ch/icl/sz00000_.html

It is all too easy to imagine a Swiss electorate browbeaten with dire warnings of what will happen if the Swiss do not fall into line with EU policy voting to reverse the decision.