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LOCAL GOVERNMENT IN SWITZERLAND

The following is the abridgement of a monography published in "Public Administration" by a Welsh reader, Mr. Ioan Bowen Rees. His essay was entitled "Local Government in Switzerland", and the purpose of his work was to outline the contrasts between the systems of local government in England and in Switzerland, with a special reference to the Canton of Graubunden. In Great Britain there is neither a firm doctrine nor a traditional philosophy to define the unit of local government. The former Minister of Housing and Local Government, Mr. Richard Crossman, is on record as having said that the adequate size of the population governed by a local authority was a "will o' the wisp". On the other hand, the ministries and local authority associations who gave evidence to the Royal Commission on Local Government set up by Mr. Crossman plumped for some forty all-purpose authorities in England with no less than 200,000 inhabitants each. The Associations of Rural Districts and of Urban District Councils followed this conception and were reluctant to defend areas with fewer than 30,000 and 20,000 people respectively. The Parish Council Associations was, however, willing to defend towns of 12,000-15,000 people as units strong enough and big enough to carry substantially more functions than a Parish. The bulk of research that has been undertaken within the framework of the reform of British local government has not yielded any conclusive findings. But one source of new ideas was to see how other modern countries were managing their local administrative problems. The author found that although the local government system of a number of Western European countries had been studied by British specialists, no such research had been undertaken into the Swiss system of local government. Mr. Bowen Rees' essay has therefore added material to the present debate on the optimal form of English local government.

The first thing that emerges from a study of Swiss "local government" is that it is in fact a blurred notion. To a Swiss, a cantonal government is not a local government: The cantonal government is *the* government; the canton, *the* state; Switzerland itself being known as the Confederation. Yet by United Kingdom standards, few cantons have the population even of a large county. Basing ourselves on the figures of the 1960 census (whose data will be used in the following), only Zurich and Berne have a population of the order of one million. Vaud, the third largest canton, is smaller than Wiltshire, the remainder very much smaller again. Appenzell Inner Rhodes, with 12,943, had some 5,000 fewer than Radnorshire. Nine cantons have less than 100,000 inhabitants, a figure which British authorities consider as hopelessly small, because it entails relative administrative inexperience and poverty of resources. But the status and power of a Swiss canton is incomparably greater than that of an English county. Even outside the important fields of government, which are left mainly to them, the cantons enjoy considerable powers on the Federal level. Constitutional revision not only requires the support of the majority of the people, but that of the majority of cantons as well.

During recent decades the Federal Government has steadily been acquiring new powers and nationally organised interest groups now rival the cantons in their influence over policy. The cantons nevertheless have their own citizenship, professional qualifications, banks and churches. Subject to certain safeguards, the Constitution still permits them to make treaties with foreign states on matters within their competence. Under delegated powers, they have a greater share of the administration of local army units than English police authorities have in running their police forces. Prisoners are still "extradited" from one canton to another. The President of the Greater Council might still review the year and refer to world crisis at the annual meeting as though his canton was still the power it was during the Thirty Year War.

A cantonal government is in many ways a *government*, as opposed to a local authority. The cantons are still consulted on economic affairs and social security and, as a rule, execute any legislation. Cantonal governments have many of the functions of a Ministry of Agriculture, a Board of Trade, a Ministry of Labour and a Ministry of Social Services. Criminal and civil codes may be a matter for the Federation, the administration of justice and prisons is largely under the cantons. The Federal Tribunal is mainly appellate in character. The federal police is concerned with aliens, espionage, treason, forensic science and the like. As for fields traditionally associated with local government in the United Kingdom—education, health, welfare, highways, planning—the cantonal department is very much a ministry whose relations with federal authorities can be quite remote. Even when a canton is executing federal legislation, it usually has a free hand within certain basic principles. In particular, the organisation, control and supervision of education at all levels is entirely left to the cantons, even though the existence of national examinations and governmental co-ordination may impose some uniformity. With the exception of two Federal Institutes of Technology, all the higher educational establishments of Switzerland are the cantons' responsibility.

As a result of their privileged position, cantons and communes command a total budget which is over twice that the federal budget. This contrasts with the situation in Great Britain, where the expenditure of local governments amounts to not much more than half that of the Central Government. The political context of local government is entirely different in the two countries, as exemplified by the declaration of a Swiss citizen: "In erster Linie bin ich Bürger von Thalwil, in zweiter Linie Zürcher und weil ich Bürger von Thalwil und ein Zürcher bin, bin ich Schweizer".

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The Structure of a Canton

Every canton has its own constitution, but they all have common administrative characteristics. This permits us to take one canton, Graubunden, as an example.

This canton, the largest in area in Switzerland, had a population of 147,000 in 1960. Its present constitution dates from 1892 and has been altered since by very few amendments. It is based on the sovereignty of the people as a whole and all matters of principle are subject to an obligatory popular referendum. These matters include changes in the constitution itself, treaties (usually with other cantons), basic statutes (such as those on civil status) and administrative statutes or resolutions instituting additional cantonal authorities or entailing the expenditure of over 100,000 francs. Swiss administrators often take a chance in exceeding the rather dated limits of expenditure not subject to referendum and in making use of subordinate legislation not subject to it. However, referenda and initiatives are far from being a dead letter and the citizens of Chur have to go to the polls up to ten times a year.

The Great Council of 113 members meet twice a year for several days at a time in a fine new hall seldom used for any other purpose. Its main functions are to settle the estimates, fix the taxes and deal with matters requiring legislation. It also elects certain officials such as those of the Cantonal Bank and the judges of the administrative court. Since 1944 it elects committees for education and health with advisory roles. Any "minister's" proposals however come to the Great Council through the *Kleiner Rat* or Cabinet, whose members are elected by the people and who form part of the ex-

ecutive while at the same time wielding considerable influence over the legislature. All members of the Great Council but one are elected in the name of a party, but the tendency is to share out authority and rule by discussion and consent. The balance between the parties is maintained in the third named organ of a triumvirate formed by the people, the Great Council and the *Kleiner Rat*. The latter has five full-time and salaried ministers responsible to and chosen by the people. They are ineligible for membership of the Great Council but play an important part in its debates. Each is elected for a term of three years and is only twice eligible for re-election. The Presidency and Vice-Presidency of the *Kleiner Rat* are held in rotation, for the retiring President cannot remain in office for a second consecutive year. Each minister is allotted a department. These are at present the departments of Justice and Police, the Interior and Economy, Works and Forestry, Finance and the Army, Education and Health. All decisions are, however, taken by the Council as a whole. The *Kleiner Rat* is in fact responsible for the management of the cantonal state. It decides on all political and administrative matters without prejudice to the further authority of the Great Council, with the exception of matters reserved to the Great Council alone. They appoint almost all cantonal administrative officials and only have to "consider" the proposals of the health and education committees.

The Communes

The differences between a Swiss canton and an English county is the most striking when one considers the existence of a stunning number of Swiss "communes", each enjoying a remarkable degree of autonomy. For a population of 5,429,000 in 1960, Switzerland had no less than 3,095 communes and only 65 of these had a population greater than 10,000. The number of these units has been little reduced during the years and only six communes disappeared between 1950 and 1960.

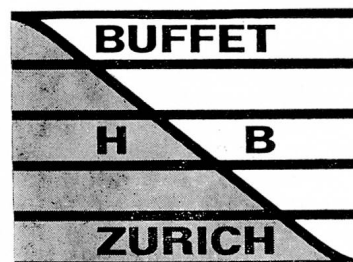
The communes of Graubunden are particularly small and autonomous. This is partly a result of the 1854 cantonal constitution. It is a situation deeply rooted in history, as the canton was originally an alliance of forty-eight *Gerichtsgemeinden* before becoming a

unitary state in 1854. There are now 221 communes in Graubunden, six fewer than in 1854, with an average population of 667 (1960 figure). Only 34 communes have over 1,000 inhabitants. This situation is not particular to Graubunden, as two-thirds of the communes of Switzerland have fewer than 1,000 inhabitants, and a further third less than 300.

The relations between canton and commune vary from one canton to another. Vaud and Fribourg have a more authoritarian approach and the communes of each prefecture are supervised by a prefect appointed by the canton. Berne has a *Regierungshalter* in each *Bezirk*.

According to Graubunden's constitution, each commune has a sovereign authority within its own area and the right to govern itself. Communes may legislate as long as their laws are not in contradiction to cantonal and federal law and they levy their own taxes and rates. The usual practice is to add a percentage to cantonal direct taxes. This commune is bound by the cantonal constitution to administer its affairs efficiently and appoint such officers as are necessary, and in particular to take in charge the care of the poor and primary education.

The functions of the communes of Graubunden necessarily depend on their size. The tiny commune of Mathon, with 73 inhabitants, cannot rival that of Chur, with a population of 30,000. In the latter case, the commune will undertake all the functions of a well developed English county borough. At the other end of the scale a group of communes may combine to provide even a primary school. Besides the responsibilities of welfare and education, the communes must maintain minor roads, provide water and sewers, control streams and avalanches and regulate the communal pastures and forests. Subject to certain inter-cantonal agreements, communes can support their own citizens outside. Some communes have their own electricity undertaking, delimit their own nature reserves, promote railway and ski-lifts or provide sites for industry. Historically, the strength of the small commune is due to the large amount of communal property, which not only provided revenue but ensured that able men took an interest in local government. Most of the forest and pastures of the Alps are communal property and there were



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still 29 communes able to cope without taxation in 1952. However, communes have open to them almost the whole range of taxes available to a state. They may introduce income tax, property tax, purchase tax, estate duty and even taxation on dog owners.

The communes of Graubunden enjoy considerable independence from the central cantonal government. It is in the sphere of finance that the cantonal government has most opportunity to influence a commune. Communes who neither qualify for a special equalisation grant nor run into financial difficulty remain immune from inspection or central audit. The cantonal Ministry of the Interior has an inspectorate consisting of a chief and two assistants easily accessible for informal advice. The Constitution provides the Kleiner Rat with one ultimate sanction: The communes whose administration is contrary to law may be placed under a custodian. Three communes were in this position in 1966. One of them was discovered to have raised no taxes and held no elections for ten years. The President had managed to carry on alone on a bank overdraft!

Direct Democracy in the Communes

The exercise of power in a commune varies from one part of Switzerland to another, but in 97 per cent of cases in German-speaking Switzerland and in 75 per cent of the Latin cantons the supreme authority is held by the communal assembly — what the Englishman might describe as a parish meeting. While the assembly has been given up in most large towns, it still meets in Olten. In some cantons, such as Solothurn, the communal assembly is forbidden to delegate a wide range of decisions, including not only legislation, but the grant of citizenship, the appointment of chief officers and the rate of taxation. Again in Solothurn, communes of over 5,000 inhabitants are allowed to elect a Parliament, whose decisions must however be put to the people, including those on expenditure in excess of 100,000 francs. Although many Swiss may complain about the overabundance of purely formal referenda, many mayors take the *Versammlung* very seriously.

Most communes provide themselves with a collegiate executive, such as the *Rat*, the *Vorstand*, or the *Schulrat*, whose members (not exceeding four or five) are salaried in the more important communes. The ideal of the commune is to be a going concern, sufficiently democratic to involve its citizens and inspire them with a sense of belonging, and sufficiently organised on the executive sides so as to be efficient and respected. The system has worked well and there is no question of altering it fundamentally. There are cases, however, where communes will be forced to merge because they have become too depopulated to achieve anything on their own. This is particu-

larly true of the many mountain regions which have been abandoned. Cantonal governments would certainly like to facilitate the amalgamation of small communes—and there are very many with fewer than 100 inhabitants—because the planning objectives of a canton will be more readily achieved when there is less cantonal fragmentation. But whatever changes will be made in the communal map of every canton, they will be made in respect and reverence of a long tradition of autonomy.

THE DIFFICULTIES OF COMMUNAL ADMINISTRATION

The Valais is faced with the same kind of problems outlined in the above article. It has no less than 167 independent communes, many of which are in serious financial difficulties. A seminary organised at Sion by the Swiss Association for National Planning discussed this problem and heard a conference by Mr. André Arlettaz, financial controller of the Valais. He revealed that 93 out of these 167 communes were raising the maximum level of taxes allowed to them. The only possibility of their increasing their revenue lay in the increased income of their population. Mr. Arlettaz said that many communes were responsible for the confusion and deficit of their finances by engaging in investments disproportionate to their resources. He cited the extreme examples of a commune of 270 inhabitants receiving 400,000 francs (or 148.3 francs per head) from an electricity company each year, and another with 60 inhabitants collecting 7,200 francs (or 120 francs per person). What remained of this derisory sum once the school teacher, the village lighting and sundry expenses have been paid? Fortunately, there was a special cantonal fund to come to the aid of such dispossessed communities.

For Mr. Arlettaz, the root of the trouble lay in the errors of communal administrators. They should learn to do their sums correctly and to programme the necessary but costly investments of their commune. There are many ways in which a canton can come to the aid of a poor commune. There are investment credits affecting agriculture and forestry. There is in the Valais an equalisation fund to which communes can participate if they can prove the public utility of their projected investments. The expenditure of this fund is currently 2 million francs a year.

There are also differential subsidies, whose rates depend on their objects. They may be of 50 per cent in education, and 70 per cent in public works. The problems of the Valais and its communes are particularly acute because the canton is under-industrialised and suffers from a widescale exodus from its upper valleys. Many communes could not maintain their barest amenities and remain habitable without substantial aid from the cantonal state.