

Polarised attitudes within Switzerland mean a pragmatic solution to the issue of EU free movement might no longer be possible

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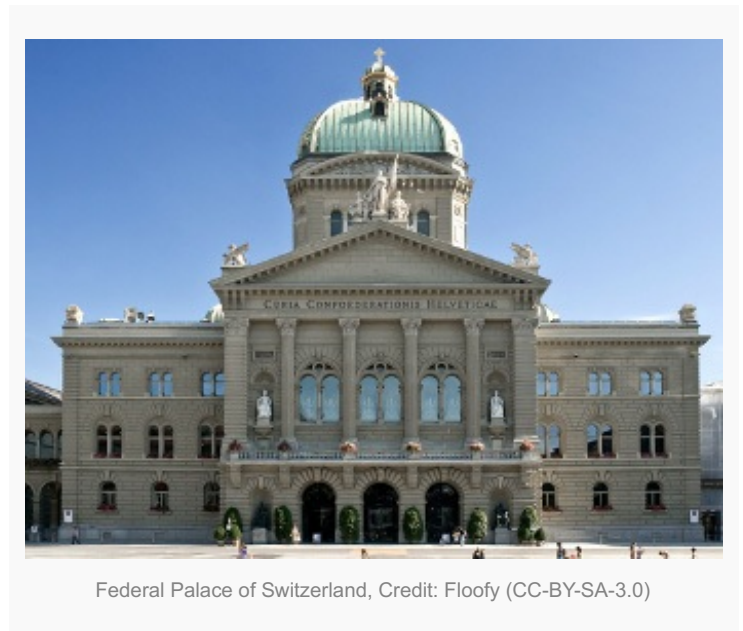
*A proposal to reintroduce immigration quotas was approved by the Swiss electorate in a vote on 9 February. The vote has raised questions about Switzerland and the EU's relationship as immigration quotas are incompatible with the principle of free movement which is contained within the bilateral treaties underpinning the Swiss-EU relationship. **Clive H Church** writes on the reaction both in Europe and within Switzerland over the last six months. He notes that opinion has become polarised over the issue in the country and that it may now be difficult for a pragmatic solution to emerge which is acceptable to both the EU and the supporters of the proposal.*



The results of [Switzerland's vote](#) of 9 February 2014 on 'stopping mass migration' came as a surprise to most observers. As is often the case in Switzerland, there was a last minute opinion shift, not always visible in the polls. Hence, despite common expectations, the initiative scraped through with a popular majority of 19,302 (50.3 per cent to 49.7 per cent) and with a cantonal majority of eight. The turnout was a higher than usual 56.7 per cent. The text of the initiative commits Switzerland to taking full control of its migration policy and introducing quotas and Swiss preference. This requires domestic implementing legislation and the renegotiation of any treaties which contradict the new principles, both within three years.

Perhaps, though, we should not have been surprised. The vote was merely the latest manifestation of a long tradition of anti-foreigner conservatism in Switzerland, going back to the 1890s. And virtually every recent poll shows that questions about asylum seekers, foreigners and migrants are the things which most worry public opinion. So the issue is very sensitive, and by playing on fears of migration the populist [Swiss People's Party](#) (SVP) was able to push through an initiative which calls into question most of Switzerland's bilateral relations with the European Union, despite the fact that 75 per cent of Swiss support them.

Externally, however, initial responses to the 9 February vote concentrated what was believed to be a wholehearted demonstration of opposition to immigration. Yet this was only part of the story. Clearly the SVP wished to take control of migration, with a view to excluding more foreigners. Indeed, it is now preparing another initiative which would essentially abolish the practical right to asylum. Yet the party also – and possibly primarily, though spokesmen deny this – saw the 9 February motion as a means of restricting and resetting Swiss-EU relations. The initiative would allow the party to undermine those elements of the bilateral accords which it most dislikes.



The EU's response

In responding to the initiative the EU has not been as unhelpful as the SVP hoped, making it harder for them to whip

up hostility to the malevolent genius of Brussels. While the EU regretted the Swiss decision and insisted that free movement was untouchable, it made plain there was no intention of punishing Switzerland, saying it was up to the Swiss to resolve the problem. Switzerland was soon forced to back away from [ERASMUS+](#) and the [Horizon 2020](#) research programme, since these were premised on a degree of free movement which Berne could no longer guarantee.

Nonetheless, the EU showed itself willing to accept compromises on these which allowed Switzerland some access, as it did with a transitional deal opening the way to an extension of existing free movement arrangements to new member Croatia. The EU also sought to include Switzerland in some of its other activities. However, when the Swiss formally asked, on 7 July, to renegotiate the free movement agreement it refused on the 26th, leaving matters at an impasse.

The debate within Switzerland

Inside Switzerland therefore, the impact of 9 February on relations with the EU was the main preoccupation. Many Swiss realised that, if the country took charge of its own migration policy and then imposed quotas and Swiss preference, this would be incompatible with free movement. And, if the free movement deal fell, so would all the first batch of bilateral treaties, thanks to the so called 'guillotine' clause tying them all together. This alarmed many, Europhiles and pragmatic Eurosceptics alike.

So the European dimension became a highly political matter. In fact 9 February changed politics in a variety of ways. To begin with, it bitterly divided Switzerland. It renewed linguistic divisions, with the French speaking Suisse Romande being far more inclined to reject the initiative than its German and Italian speaking cousins. It also split the big cities from smaller towns and villages, where migrants were fewer in number but fears greater. There was also a social division with the less educated and working class more likely to support the initiative.

Two Switzerlands thus came face to face again, one outward looking and the latter, which supported the initiative, more inward looking. Christan Levrat, President of the [Social Democrats](#), therefore suggested the initiative should only be applied in areas which had voted for it. In other words, the 9 February decision was anything but the united matter many foreign Eurosceptics chose to believe. Nor was it immediately acted upon, such were its complications, which angered its supporters. Hence, as I have already noted, the SVP began to flirt with more extreme ideas of restricting asylum requests.

Feelings ran so high that normal constitutional niceties were set aside. Thus Christoph Blocher, the de facto SVP leader, called on the government to resign while others said he should go to Brussels to sort out the mess he had created. More significantly, many people refused to do the 'Swiss' thing and accept the decision even though they disliked it. Now they carried on the fight. Opponents of the 9 February thus set up their own organisation: 'We are the 49.7 per cent'. And there is also talk of a new initiative which would write bilateralism into the constitution and thereby trump the 9 February decision.

Equally, the decision is shifting attention from the normal political process to more popular and direct democratic politics. Thus Blocher has resigned from the National Council, claiming he can achieve nothing there, and has shifted his activity to more 'political' stages, in a move reminiscent of Tony Benn in England. He has also launched a new action group, 'EU-No' to campaign against what he calls the establishment's policy of surreptitious EU entry. Other groups in society, like academics and cross frontier workers, have also been mobilised because of the effect the 9 February provisions are likely to have on them. At the same time, Europe is cutting across normal party divisions, shifting the Radicals and the Christian Democrats into the same rejectionist camp as the SVP, which has not always been the case. The Radicals have relinquished their leading role in [NEBS/NOMES](#), the pro-Europe pressure group.

Where next for Swiss-EU relations?

As a result of all this, the government finds itself between the rock of internal political opposition and the hard place of EU needs. So, while no decisions have to be taken for three years, it does seem as if, at long last, the country will have to come to clear decisions on Europe. There could be real moments of choice. On the one hand, the Government, which feels it has no alternative but to try and apply the 9 February initiative, (if only to show Europhobes that the EU will not negotiate on the principle of free movement, so that accommodation has to be reached) has to come up with an interpretation of the 9 February text which finds approval on the right. This is assuming that opponents and pragmatic Eurosceptics do not come to its aid again and bypass the 9 February text with a new constitutional amendment. If this does not happen, failure to devise an SVP friendly interpretation would also mean intensified domestic opposition, which would make the EU even more reluctant to accept Swiss proposals. Equally, drafting a text acceptable to the SVP would force the other camp to protest equally firmly.

On the other hand, even if the country internally agrees that it wishes to continue down the bilateral path, either with an agreed text or what it thinks is an acceptable framework deal, it also has to persuade the EU that this is the way forward. Unfortunately, over the last three or four years EU national governments have made it clear that they believe the bilateral approach has outlived its usefulness. It is legally uncertain, complicated to administer and relates to EU law as it was, not as it is now. Hence the EU wants a system which takes account of the changing *acquis* and is open to ECJ rulings.

This is why, despite the 9 February, the EU has agreed to negotiate a framework agreement. However, Swiss reactions to the EU negotiating mandate, which were to declare it destructive of Swiss sovereignty, shows that getting any agreement accepted whether in Brussels or inside Swiss politics, is going to be very difficult. The problem here is that Swiss Europhobes fail to understand, or – more often – to accept that the EU has its own justifiable concerns. In other words, the EU will not just roll over as anti-Europeans assume. And this means that there could still be a breakdown in relations, even if the majority of Swiss convincingly endorse closer relations with Brussels. And nobody knows what would happen then.

So, while foreigners matter in Swiss politics, it is the broader European issue which is again transforming the Swiss political landscape. Whereas, in the past, pragmatic Euroscepticism has blunted the forces of Europhobia, this may no longer be possible. The growth of right wing populism may now be too powerful to resist and the government may have to give way and introduce restrictions which breach its European and human rights obligations. These would also have a negative effect on wider negotiations and push Switzerland towards the radical isolation often known as ‘alleingang’ or ‘going it alone’.

So difficult decisions lie ahead and while one of my golden rules in talking about Switzerland is never to prophesy drastic change, I cannot help thinking that pragmatic solutions may no longer be possible. Moreover, even if one side wins out convincingly at home, the effects of the 9 February mean that the other side will keep on campaigning vigorously, so that the issue could become even more of a running sore domestically. This will hardly encourage the EU to compromise. We do not know how things will turn out, but it does seem clear that Swiss political life is likely to be much less stable and consensual than previously. And all this is far from the triumphant model of EU relations and resistance to immigration acclaimed by outside Europhobes.

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