



Swiss Federalism and its Impact on Integration Policies

Gianni D'Amato

Forum of Federations & Committee of the Regions
Brussels, 29-30 November 2010



Rule of Law vs Rule of the People?

- ... or: what means integration?





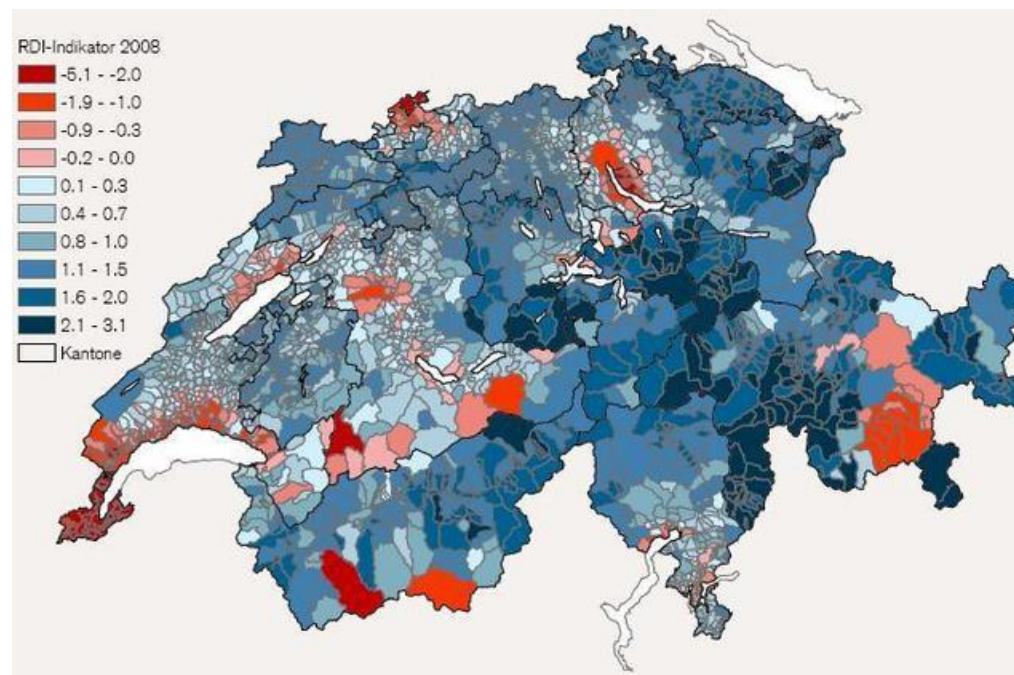
Outline

- General Overview
- Path to Integration
- Disputing Integration (and Multiculturalism)
- Effects of Federalism
- Conclusion

General Overview



General Overview



General Overview





General Overview

- According to FOS :
 - 23.7% of 7.4 Mio Population is foreign born
 - 20.5% are foreigners (1.5. Mio)
- No immigrant integration policy until the 1990s
- Contentious topic since the 1960s



Path to Integration

- Path to the new Foreigner's Law
 - Before WW I, immigration was the responsibility of the cantons to conform to bilateral agreements
 - 1931: Law on Residence and Settlement (ANAG) > Federal Aliens Police could implement immigration policy at discretion
 - Concern on the degree of “over-foreignization”



Path to Integration

- Post-war Labour Migration starts 1946
 - 1950: 6% of Tot Pop;
 - 1960: 10.8%;
 - 1970: 17.2%;
 - 1980: 14.8%;
 - 1990: 18.1%;
 - 2000: 22.4%
- To ensure no permanent residence: rotation model (did not work until 1973)



Path to Integration

- ❑ 1990s: Economic recession, no rotation possible, high rates of unemployment to be handled by cantons and municipalities
- ❑ Discussion of a new migration regime: combine needs of new economy with migration control
- ❑ Concept of integration won acceptance in the 90s, rotation and assimilation was seen as not adequate
- ❑ Integration connected with urban development (city guidelines) > new buzz word to shape immigrant policy



Path to Integration

- Dualization of Admission and Labour Policy as a new migration strategy
 - Bilateral Agreements with EU / new Alien Law (AUG) for third country nationals
 - No preference for nationals with regard to EU, no regional and sectoral labour policy
 - Coordination of Migration policies within the administration



Disputing Integration

- Concept of Integration wins acceptance, particularly in urban areas
- Swiss alien policy adapted and considered integration as prerequisite for achieving a politically and socially sustainable immigration policy
- But: implementation is a cantonal affaire. Still low degree of coordination. A lot of space for manoeuvre in Cantons.



Disputing Integration

- Contention persists
 - Liberals: Integration as a means to encourage participation
 - Conservatives: need of mandatory and coercive measures, fighting abuses, demanding a specific set of behaviours
- 1st phase (2001): Support of integration projects, 12 Mio CHF per year for language and integration courses, training for community leaders
 - Cantons and larger municipalities have own integration programmes and responsible offices
 - Involvement of civic organizations and actors from immigrant communities
 - Emphasis on encouragement to integrate



Disputing Integration

- 2nd phase (New Immigration Law 2008):
 - Migrants have to fulfill certain criteria to facilitate their integration
 - Permanent residents required to integrate professionally and socially
 - Those who fail can be deported
 - > related to low skilled migrants

- Level of education and qualification interpreted to improve integration
- Avoiding errors of the past
- Immigrant's duty to make every effort necessary to facilitate their integration
- Integration has undergone politicization in public discourse. Dismantling of obstacles do not play role in public discourse:



Effects of Federalism

- Succeeded in accommodating traditional linguistic and religious diversity
- But it means also different implementations of common policies (see education, naturalization)
 - Discrepancies in formative approaches with different results
 - Some promote, other do less to promote and expect assimilation.



Effects of Federalism

- Political Devid:
 - Innovations dependant of the political culture.
 - Western Part: system referring to political rights (citizenship)
 - Eastern and Southern Part: system referring to belonging
 - Contention of a liberal orientations
 - Federalism (Cantons can influence Decision making process, Securing loyalty important)
 - Direct Democracy (Veto power of strong mobilizing groups)



Conclusions

- Cantons and political actors have high degree of organizational and political autonomy
- Cantons can use autonomy to experiment with various approaches influencing decision making at federal level
- If perceptions in cantons change, federal level has to accommodate.
- Cantons have enough space to manoeuvre and do not have need to share common approach
- It has to be researched, if change in discourses mean changes in practices



Conclusions

- Integration policies have not proceeded evenly in Switzerland:
 - Transnational Nation in the French part, “republican” in the German and Italian part
 - Future conflicts between partisans of Rule of Law and supporters of popular sovereignty (Citizenship, Religious Freedom)
 - Ongoing struggle of those who wish unlimited sovereignty of the people
 - Unbound form of Majority Rule?



Conclusions

- Creation of horizontal and vertical coordinative institutions at federal and cantonal levels
- Each canton and municipality disposes of delegates
 - Systematic comparison of integration activities, their insertion in the institutional structures
 - Coordination of the integration policies
 - Evaluation of steering instruments
- Whereas the political discourse converges in more restrictive demands, many practitioners in cantons and cities are valorizing the achieved and well working instruments

Yesterdays voting

- What is the political meaning ?

