Abstract:

The specificity of decision-making processes in foreign policy of Switzerland was constantly changing in recent years. It was motivated by the European integration processes and globalization. The new geopolitical challenges brought the need not only for mental, but also institutional adaptation to current conditions. These transformations are referring to both the evolution of decision-making centres, political processes and concepts. Analysing the certain phase of Swiss decision-making process we can conclude that the effect of internationalization have a significant impact on consultation procedures, the reduction in the level of conflict, shift in the distribution of power and rise of a new actors. Thus, this article is an attempt to indicate to what extend European integrations influenced the decision-making processes in foreign policy of non-EU countries. As a point of reference serves here the decision on joining Schengen/Dublin area – one of the most important agreement between Switzerland and EU. The outcomes of this study could serve as an interesting input for further comparative analyses of the impact of Europeanization in the other non-EU countries.

KEYWORDS: Foreign Policy, Decision-Making Process, Swiss-EU Relations, Schengen, Dublin

Introduction

The process of political decision-making is extremely complex and depends on many factors. Sometimes it is very difficult to determine its exact course, to predict the final results or to indicate the most important determinants. However, a detailed analysis of the decision-making process allows the derivation of conclusions that can help us to understand some of the mechanisms and regularities. As a result, we are able, at least to some extent, to understand the nature, source and cause of certain decisions taken at local, national and
international level. What is interesting, each of these levels has its own, sometimes unique circumstances that makes it impossible to carry out simple extrapolation to other areas of political decision-making. These differences are visible in both domestic policy and foreign affairs. Also between different countries. Moreover, they can be characterized by a certain specificity of the subject of decision-making process or the nature of appropriate institutions.

In view of the increasingly intensive and the very demanding integration processes undertaking specific political decisions is more and more difficult and extremely complex. It depends on an increasing number of factors and constraints. Both at the institutional and personal level. Thus, traditional determinants of foreign policy (economic, geographic, military) can serve only as a starting point for further, in-depth analysis. But they cannot be the main explanation for making certain decisions.

Taking above into consideration, a particularly interesting subject of study is the foreign policy of Switzerland. The State of which traditional concept of foreign policy, summed up in the principle of permanent neutrality, largely confined its activities in the international arena. Hence, over the years it was not an interesting research area for political scientists. If so, only on the level of political outputs. This situation changed with the increasing international activity of Switzerland. Mainly motivated by the integration processes, taking place in Europe and globalization. For Swiss policy makers but also for a growing part of public opinion it has become clear that staying on the sidelines (Alleinstehen) will not be possible in the longer term. However, the new geopolitical challenges brought the need not only for mental, but also institutional adaptation to current conditions. For Swiss institutions of decision-making, showing relatively low level of innovation, it was, and still is a challenge.

Therefore, with the increasing activity of Switzerland in the international arena, decision-making processes become more and more complex. And thus, an interesting subject for scientific researches, especially in the area of Swiss European policy. The unprecedented nature of the relations with European Union, mostly due to their institutional arrangements and complex content, makes Switzerland one of the better integrated with the EU countries, although still being not an official member of the Community. Furthermore, the integration with the EU, or rather "flexible integration" with the EU (Lavenex 2009) has a great impact on the functioning of the political structures in Switzerland.

This article is merely an attempt to present the complexity of the decision-making process and its evolution, mainly under the influence of integration processes. As a point of reference will serve the decision on the inclusion of Switzerland to the Schengen / Dublin area. This is a particularly interesting case, because the related agreement was part of the second package of bilateral contracts, which are the basis of cooperation between the EU and Switzerland and, as one of the very few, passed through all phases of the decision-making.

process - from pre-parliamentary negotiations, ending at the direct democratic phase. It therefore allows for accurate analysis of the determinants, that were present at various stages of the decision making process.

The following analysis is based on previous scientific studies, both in relation to the traditionally conceived foreign policy (Kriesi 1980, Kriesi et al. 2008) and changes related to the impact of internationalization and Europeanization (Fischer 2005, Klöti 2005, Fischer 2012, Sciarini and Nicolet 2005). In the next sections I will first present briefly the substantive content of the Schengen/Dublin agreement. Then I will make some remarks regarding the evolution and influence of the Europeanization on the decision-making process in Switzerland. Finally I will analyze the key factors, that determined the decision on signing and then accepting the agreement by the majority of voters in referendum on Schengen/Dublin, held in 2005. Thereby to show how the decision-making process evolved in the recent years, mainly due to the specific influence of Europeanisation and internationalization phenomenon.

1. Schengen Agreement as a unique type of cooperation between Switzerland and the EU

Association Agreement Schengen/Dublin, is part of the second package of bilateral agreement, so called Bilateral II, negotiated and signed in 2004. They serve as a basis for cooperation of law enforcement and judiciary in the broadly defined area of internal security. Next to the agreement on transport (see Lehmkuhl and Siegrist 2009) it was first agreement, which provides the need to adapt Swiss legislation to the EU requirements. In practice this meant, therefore, a violation of the principle of the legislative sovereignty, being one of the main arguments against Switzerland’s accession to the European Union. However, it was the first step to a new form of bilateral cooperation with the EU, emphasizing the strong collaboration at the operational level, as well as opening new possibilities for so called flexible integration with the EU (Lavenex 2009).

In 2001, the Swiss government, during the negotiations on fraud (in relation to indirect taxes) and cross-border taxation of savings, proposed the European Commission to include Schengen/Dublin to the second package of bilateral agreements. The EU was willing to accept this proposal but under condition, that Switzerland will accept the whole of the Schengen acquis. Official talks finally began in July 2002 and over the next two years both sides managed to reach a compromise in all contentious issues. From that moment began in Switzerland a long legislative process, which culminated in a referendum in 2005.

The Schengen Agreement was based on conventions concluded by the Community with Norway and Iceland in 1999, but in contrary to them Swiss government was able to negotiate a much longer transition periods maintain border custom controls. It was argued

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2 See more on this Schoch (2005)
that the specific of decision-making process in Switzerland, taking into account the instruments of direct democracy, requires more time than in other countries.

The Schengen Agreement introduces quite detailed provisions on the possession and transportation of firearms and ammunition. There was a risk that the applicability of such regulations will meet with criticism from the public opinion. It should be noted that Swiss law allows possession of the weapon by every citizen. Therefore a special procedures were adopted. For example that the provisions of the Schengen Agreement will not include the national register of arms.

Association agreements with the Schengen and Dublin Conventions are an important element of the Swiss security policy in the era of completely new threats related to organized crime, illegal migration and asylum rights abuses. The government realized thereby his promises, included in the Report on Integration Policy in 1999 (Integrationsbericht) and Foreign Policy Report 2000 (Aussenpolitischer Bericht). It is undoubtedly that the introduced system of police cooperation and judiciary and coordination of asylum policy relieves the national authorities. Full access to the SIS Schengen database facilitates the work of law enforcement agencies, making the fight against crime, despite the formal abolition of border controls, much easier. Also the Eurodac system helps to reduce the asylum abuses.

Participation in the Schengen/Dublin arrangements was therefore an important step in building relationship with the EU. For the first time Switzerland was granted an indirect access to decision-making processes within the Community. It should be noted that in any other area similar concessions to non-Member State of the European Union were made (Wichmann 2009: 676) and it is unlikely that this will be done in the future. But it should not be forgotten, as was mentioned earlier, that this model of relations requires special attentions, due to a number of difficulties associated with the unification of the acquis.

2. The impact of Europeanization and internationalization of decision-making processes in Switzerland

The specificity of decision-making in foreign policy of Switzerland was constantly changing. This phenomenon was particularly evident in the ‘90's and refers to both the institutional evolution of decision-making centres (polity), political processes (politics) and political concepts (policy).

Over the years the Swiss model of decision-making was marked by consensus. In principle, this model remained unchanged. Switzerland may still be described as a negotiation democracy (Kriesi et al. 2008: 115), which guarantees all interested parties access to the decision-making process. This carries obvious complications in the form of reactive and slow decision-making, but this is the price that must be paid for a stable and peaceful socio-political development of the state. However in the recent years we can observe some shifts in

gestellten Asylantrags, AS 2008/515, SR-0.142.392.68. Switzerland receives a far longer period – up to two years, than Iceland (four weeks) and Norway (six months).

4 In just the first half of 2009 thanks to the Eurodac database nearly 3,500 abuse were detected.
the distribution of power between the different actors. It is worth to summarize this phenomenon.

The foreign policy of the state is conducted at the federal level. In accordance with the provisions of the Constitution the federal government is responsible for the external relations\(^5\). The division of competence is vertical, as in other federal countries like Germany or Austria (Goetschel, Bernath, Schwarz 2002: 60). Tasks of the Federal Council in this regard are defined in the Constitution\(^6\). The Government therefore represents the state outside and defines the objectives and means of Swiss foreign policy. All decisions in this manner shall be taken jointly by all members of the Federal Council, as different departments, not only of Foreign Affairs (EDA), are involved in the implementation of foreign policy. The Government makes the decisions at the strategic, rather than operational level. A number of other actors are involved in certain stages of the decision-making process.

Thus, the Swiss decision-making process can be divided into several stages. Below the one suggested by Deleon (1999):

- Agenda setting or initiation
- Preparatory, pre-parliamentary phase
- Parliamentary phase
- Direct-democratic phase
- Implementation phase

Generally the whole process, from the initiation to the final vote in Parliament takes about 3 years (Kriesi and Trechsel 2008: 115). The main emphasis was usually put in pre-parliamentary phase, which main objective is to develop a satisfactory consensus of each interested parties. Therefore, different interest groups, experts, representatives of the cantons and political parties are invited to participate in the consultation procedures. Developing a common position can be difficult, which is why that phase takes the most time in the whole decision-making process\(^7\). Although, much of it is needed not just to achieve a certain compromise, but to evaluate the whole process of consultation by the state administration (Sciarini 2004: 531). Pre-parliamentary phase can also be divided into several stages. Ideal-typical sequencing includes (Kriesi and Trechsel 2008: 117)

- Elaboration of a pre-proposal
- Committee (s) of experts
- Formal consultation procedure (s)
- Administrative consultation procedures
- Decision by the government

\(^5\) Art. 54, par. 1, Swiss Constitution

\(^6\) Art. 180, 184, Swiss Constitution

\(^7\) In the ’70 years held even \(\frac{1}{3}\) and in the ’90 2/3 of the total time needed to make the final decision adopted by the parliament (Kriesi und Trechsel 2008: 117)
This does not mean that every proposal goes through all the above mentioned steps. It can be observed a tendency to shorten the process (Kriesi and Trechsel 2008: 118). The government limits the number of legislative acts, which are sent to the consultation procedures and limits the number of the latters\(^8\). Mainly it depends on the juridical nature of act, the degree of conflict involved and the department responsible for preparing the legislation (Sciarini et al. 2002: 16-19). It is interesting, however, that the different analysis shows that the pre-parliamentary phase, in contrary to its general assumptions, does not affect the reduction in the level of conflict in the subsequent phases of the decision-making process (Kriesi 1998a; Sciarini et al. 2002). The controversial legislative act remain as such at any stage, no matter how intense are the attempts to eliminate contradictions in pre-parliamentary phase. What’s more, if the legislative act is not adopted by a large majority in parliament, the higher is the probability for optional referendum, which means extending the decision-making process for another direct-democratic phase.

It should be emphasized that the role of parliament in the whole decision-making process is rather marginal. Most decisions on legislative proposals are taken at the pre-parliamentary phase. Only to a small extent they are modified by the parliamentary negotiations. This can be seen especially in the area of foreign policy. Over the years, the dominant position of the government was not an issue. However, due to the fact that European policy carries a lot of implications for domestic politics, the marginalization role of the parliament raised to the rank of major political and constitutional problem.

The above scheme of decision-making undergoes some important changes due to Europeanization processes. This issue has already been a subject of numerous studies, therefore I will just mention its most important assumptions (according to Fisher 2005: 74-95). First of all, we should distinguish two forms of Europeanization - direct and indirect. The first refers to all decisions and legislative acts which are a result of international commitments, contained in the signed agreements. The Bilaterale I package can serve here as a good example. Indirect Europeanization refers to the phenomenon of the so-called autonomous adaptation (autonomer Nachvollzug), which means that the unification of law is not resulting directly from the provisions of international agreements, but are the result of progressive integration with the EU. A typical example is the decision related to the liberalization of the telecommunications sector, which was not the result of pressure from the EU. The effect of internationalization of decision-making process in Switzerland is the modification of the consultation procedures, the reduction in the level of conflict, shift in the distribution of power and rise of a new actors (Kriesi 2008).

Bearing this in mind the analysis of the decision-making process should take into account the new determinants and conditions. Direct Europeanization, has led to a reduction in the importance of formal consultation and parliamentary phase and strengthen informal consultations between government and experts. So in this case we are dealing with growing importance of the executive, as the only body responsible for international negotiations and formulation of proposals, which can only be accepted or rejected in the later stages of

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\(^8\) According to the new law only government and parliamentary committees are entitled to launch such a procedure. See Bundesgesetz über das Vernehmlassungsverfahren (Vernehmlassungsgesetz VIG), 18 March 2005
decision-making. The importance of the other actors in decision making process, who cannot take a direct part in the identification of problem and formulation of the government's position in the negotiations is therefore decreasing. In fact there is a very small room for negotiation or consultation at the domestic level (Fischer et al 2002: 148). Usually the government is limited only to discuss and develop its position only through the expert groups. Potentially, this could imply a high degree of conflict at the domestic level. All interest groups, if neglected might endanger the agreement in the domestic ratification phase (Kriesi und Trechsel 2008). However, as indicated by the study, the level of conflict in the case of direct internationalization is relatively low. The explanation of this phenomenon can be argued that in the case of bilateral agreements with the EU we are dealing with economic openness and vulnerability which promotes diminishing the contradictions at the domestic level. Analyses of Sciarini and Nicolet (2005) confirm this expectation. This does not mean, however, that the government has complete control over the whole ratification process. Agreement on the free movement of persons or concerning the Schengen / Dublin are the best example. Both were voted in referendum, the result of which was not easy to predict.

3. Determinants of decision-making process in Schengen/Dublin agreement

Indication of determinants of the decision-making process concerning the Schengen agreements / Dublin requires analyzing each of its stages. For this purpose, I used the division proposed by Deleon and Heritier, taking into account its weaknesses, resulting from the impact of Europeanization processes outlined above. Thus I assumed that the individual steps can be difficult to extract or analyze due to the lack of sufficient research materials (part of the documents, especially on the pre-parliamentary phase has not been made public). Perhaps also their importance to the whole process might not be easy to define.

3.1 Agenda setting or initiation

Available studies indicate that the initiators of the agenda-setting in foreign policy are usually the parliament or the executive (the government or the federal administration)⁹. Less commonly, this process depends on the external factors, although as indicated by Kriesi (1998), from the 1990s can be observed growing importance of international determinants in shaping agenda-setting in foreign policy.

The initiator of signing the Schengen / Dublin agreement was Switzerland. Different political actors have been demanding an association with the Schengen states since the early 1990s. In 1993, an expert group chaired by the Nationalrat Jean-François Leuba ("Grenzpolizeiliche Personenkontrollen"-EGPK) asked the Federal Council to look into concluding an agreement with the Schengen states (Wichmann 2009). There was a concern that the expansion of the Schengen zone will lead to further alienation of Switzerland, making

⁹ According to Sicarnini et al (2002) parliament in ‘70 initiated initiated agenda-setting in 46% of cases. This percentage went down by 26% in ‘90.
it main destination for asylum seekers or criminals. Conclusions and recommendations presented in the final EGPK report were adopted by the government and formed the basis for new strategy of internal security of the state, putting the emphasis on international cooperation. Hence, one may conclude that the government was the initiator of signing the association agreement (but in practice the expert group mentioned before). It is an important fact in the further analysis, bearing in mind that new legislative proposals usually cause more tension when they are motivated by external influences (Germann 1994, Hug and Sciarnini 1995). Thus, it was the Swiss side, not the EU, which insisted on association with the Schengen / Dublin zone. EU refused to sign the agreement without the consent of Switzerland for bilateral cooperation in the fight against tax fraud. Schengen agreements were an argument for the EU in negotiations with Switzerland, as well as an instrument for the achievement other interests. Swiss accession to Schengen was definitely less important for the EU than solving the fraud problem.

One of the key reasons to initiate cooperation in the area of security were new forms of threats. It should be remembered that the beginning of the 1990s was a period of large geopolitical changes. The overthrow of the Iron Curtain, the start of war in the former Yugoslavia, the uncertain situation in the Middle East, terrorism and the rise of organized crime. There were concerns that Switzerland may become an alternative to illegal immigration. The rejection of EEA accession intensified the sense of alienation. It was believed that in relation to an increasingly integrated Europe, Switzerland could become an "island of uncertainty" (Hürlimann 1993: 72). European integration thus became an element of national security against new challenges at the turn of the XX / XXI century.

This thesis is confirmed, to some extent, by the available statistical figures. When analyzing the data of the overall rate risks index, published by the research institute gfs.Zurich, we will notice that a general sense of danger increased since the mid-80s. Apart from minor intervals this trend persisted through the 1990s and reached a peak in 1998 (See Table 1). After this period, public sentiment improved to a certain degree, although did not reach the result observed in the mid-80s. These results were shaped by the current socio-economic conditions.

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12 Botschaft zur Genehmigung der bilateralen Abkommen..., p. 5989
Similar conclusions can be drawn from the analysis provided by the institute gfs.Bern. According to carried out cyclical surveys called *Sorgenbarometer*, in the 1990s most respondents indicated that the unemployment is a major problem. In 1993, this ratio reached a record level of 89%, which is not surprising, considering that in just three years the unemployment rate has risen from almost unnoticed 0.5% to an alarming 4.5%. Gfs.Zurich polls showed also that the biggest concern aroused ecological threats, physical problems (health) and fear of alienation. Only the concern of alienation may be indirectly related to the broad context of European integration or general geopolitical changes. However, it is interesting that in 1993, 47% of respondents assessed the future of Switzerland as a very pessimistic (Haltiner K. W. et al 1997).

Due to the substantive scope of the Schengen/Dublin Association Agreements, it is worth looking at the issues of asylum policy in Switzerland over the 1990s and early 2000s. It might seem that the Swiss accession to the Schengen / Dublin area was motivated by the objective problems, associated with the growing number of asylum seekers, which could be related to the already mentioned geopolitical changes. However, the statistical data do not completely confirm this thesis. Admittedly, in the years 1989 - 1991 the number of asylum applications has almost doubled (from 24 325 in 1989 to 41 663 in 1991). These data were used as the reason for the right-wing party SVP initiative against illegal immigration, which was ultimately rejected by the society in a referendum (held in December 1996). One of the arguments that led to the rejection of the proposal was the fact that the number of asylum seekers in the following years has significantly decreased and oscillated between 20 000

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**Tab. 1 Fear indicator - results 1980-2002**

![Graph showing fear indicator results from 1980 to 2002.](image)

Source: gfs.Zürich
(except 1998 and 1999)\textsuperscript{13}. It should be however noted, that the turnout was relatively high (46.7\%), which may indicate a quite large public attention in this matter. Especially that the total number of asylum seekers in Switzerland increased steadily in the 1990s. According to the statistical office, 60 062 people were registered in 1990, nine years later already 104 738. This trend was not permanent. It must be emphasized that since 2000 the number of persons residing in Switzerland thanks to accorded asylum steadily decreased (70 353 in 2000 to 48 412 in 2005)\textsuperscript{14}.

Other factors, which might be here also considered, are the development of illegal immigration (mainly labor migration) and organized crime. Social dumping and increase of shadow economy were one of the key arguments, used by the anti-EU groups in the public debate. Data concerning the number of workers employed illegally in the analyzed period are inconclusive. Statistical data indicate the range between 90 000 and 180 000 people, employed mostly in agriculture and the tourism industry.\textsuperscript{15}

Widely commented problem was also the crime rate among foreigners, although the data published by the Federal Statistical Office were often criticized. For instance they do not distinguish crimes, committed by a person who remain permanently or temporarily in Switzerland\textsuperscript{16}. However, since the mid-90s the number of offenses, committed by foreigners usually reached slightly over 50\%, which might be considered as high, compared with the European average. However, one must remember that the overall percentage of foreigners in Switzerland belongs to the highest in Europe. Hence the government had to take into consideration the domestic political and social consequences of this situation - increase of society polarization, racism, xenophobia, undermining the Swiss tradition of humanitarianism. It was essential to implement preventive measures, postulated by the EGPK.

When analyzing the factors, which were taken into account during initiation phase on the Schengen / Dublin agreements, we should pay attention to the broader context of policy approaches in co-operation with the Community. It should be emphasized that the close integration, including the possibility of membership in the Community, in the early 1990s was considered as one of the strategic objectives of the government's foreign policy\textsuperscript{17}. When the proposal of EEA accession was rejected, government decided to open a bilateral cooperation. Public sentiment was positive towards this decision. Polls showed that more than half of the citizens supported the idea of further integration. At the beginning of 1990 percentage fluctuated around 65\%. In the following years it slightly dropped. However, in the last decade of the twentieth century never fell below 50\% (Haltiner K. W. et al 1997: 11). What is important, it has never meant an unconditional integration with the EU. Most people opted for closer cooperation with the European Communities, but without institutional linkages.

\textsuperscript{13} According to Federal Office for Migration
\textsuperscript{14} According to Bundesamt für Statistik BFS,
http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/07/blank/key/01/02.html (20.11.2013)
\textsuperscript{15} According to Schwarzarbeitsstudie der Uni Zürich (Nationalfonds-Projekt) 1986: rund 50'000, Umfrage der Gewerkschaft Bau und Industrie 1990: 120'000 bis 180'000; Migrationsbericht 1995: zwischen 50'000 und 100'000
\textsuperscript{16} See Kritik an Kriminal-Statistik, Swissinfo, 02 June 2004,
http://www.swissinfo.ch/ger/archiv/Kritik_an_Kriminal-Statistik.html?id=3925870 (22.11.2013)
\textsuperscript{17} See Zwischenbericht zur europäischen Integrationspolitik der Schweiz vom 29. März 1995, Bern 1995
Although it must be admitted that the general trend of unconditional integration with the EU was in the 1990 relatively high: 43% in 1993 and 52% in 1996 (Haltiner K. W. et al 1997: 11). It seems that the vast majority of the population did not have a clearly defined vision of EU integration shape. Undefined social moods towards Europe gave the government more space for pushing through their new approach in European policy. This was a good period for policy makers on choosing strategy, which allows obtaining support for a particular political course.

Finally, in the early 2000s the situation has changed, which was a result of progressive tensions, political and economic difficulties within the EU and increasing pressure on Switzerland from the Community, during the negotiations, and then in the implementation of bilateral agreements. Therefore, despite many efforts of the government, what will be discussed later, the number of supporters of unconditional opening and complete integration with the EU was gradually decreasing.

During the initiation of a new decisions, the government must assess its real chances of success in the later stages of the decision-making process. It should be noted that the key to a successful proposal for the Swiss inclusion to the Schengen area had the support of certain interest groups, including business organizations and trade unions, but most of all, the so called veto players. They are extremely important opinion leaders and have ample lobbying room, both within the government administration and the subsequent impact on public opinion. As a result, they are able to inhibit the decision-making process. Due to the expected positive economic effects resulting from the introduction of Switzerland to the Schengen area, for example for tourism and hotel industry, it was predictable that the key economic organizations will support the government's decision\(^\text{18}\). Unclear, though to some extent foreseeable, was the opinion of the right-wing parties. In this respect, it should be underline that initiation phase is particularly important for the whole decision-making process, because on its success depends the realization of the subsequent stages.

3.2 Pre-parliamentary and parliamentary phase

The final text of the agreement, initialled on 24 June 2004, was sent to public consultations six days later\(^\text{19}\). At this stage of the decision-making process, all interested parties were given the opportunity to present its position. However, in this case, the consultation process was quite limited due to the inability to make changes in the content of negotiated agreements. Interested parties may therefore in practice only endorse or express critical position to the proposed agreement.

Most commonly, therefore, as was the case with the representatives of the cantons (KdK) pointed to the institutional weakness of the agreement, resulting from the need to transpose the acquis communautaire into national law. They also stressed the need to maintain further cooperation between the Federation and the cantons also at a later stage of implementation of the agreement. Many of the detailed arrangements for the Schengen /


\(^\text{19}\) According to article 147 BV and Article 1, paragraph 2 letter b of the Regulation from 17. June 1991, SR 172.062
Dublin was to be determined at a later stage, within the joint committees. The position of the cantons in this case was especially important because in practice they were responsible for implementation of bilateral agreements, and thus largely to bear the costs of their arrangements (for example, to incur costs related to bringing the cantonal police to work closely with border police and international law enforcement authorities).

Besides the above mentioned position of KdK, general support for a negotiated agreement expressed also almost all political parties, except the SVP and the Federal Democratic Union. According to conservatives, the Schengen / Dublin undermines the main pillars of the rule of law, such as internal security and sovereignty. The whole package of Bilaterale II was treated by SVP as another step on the road to full integration with the EU, which they were opposed to from the very beginning.

Similar position was also presented by different social partners, associations and other interest groups. Economic organizations (Economiesuisse, Schweizerische Arbeitgeberverbände) strongly supported the conclusion of further agreements with the EU. It was emphasized that a smooth border crossing, both for goods and people is an important element for the further economic development. Trade unions were in favor of the unification of visa policy, including employees living in Switzerland, but coming from non-EU countries. An association agreement Schengen / Dublin was also significant for the development of the hotel industry and tourism (represented by GastroSuisse, Schweizer Tourismus-Verband, Hotelleriesuisse). It was assessed that the introduction of the join visas for the entire Schengen area will increase the turnover of this sector, mainly due to facilitation of travel (industry expected mainly to increase the attractiveness of Switzerland for tourists from China, India and Russia). For humanitarian organizations (Schweizerische Flüchtlingshilfe, Caritas Schweiz) the Schengen / Dublin Agreement was a chance to stop the tightening spiral of restrictions on asylum policy. They believed that the problems in this matter are possible to solve only through international cooperation. Although bilateral agreements in general were not perceived uncritically.

Only AUNS (Aktion für eine unabhängige und neutrale Schweiz) showed a completely negative attitude towards agreements. In their view, the Schengen agreement is practically ineffective, leading to an increase in crime and lawlessness, and its legal structure would limit the sovereignty of Switzerland, undermines the cantonal police jurisdiction, and is a threat to banking secrecy. They demanded, therefore, an obligatory referendum. Interestingly, during the consultation procedure AUNS presented its position only to the Schengen / Dublin Agreement, while others agreements from Bilaterale II package, were ignored.

Significant here is also the fact that one of the leading politicians SVP - Christoph Blocher was at that time member of the Federal Council and as a member of the government he was forced to represent the general position of the executive, at least officially. Since, as mentioned earlier, Parliament had no opportunity to interfere in the content of the agreement,

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21 Botschaft zur Genehmigung der bilateralen Abkommen..., p. 6015
22 Ibidem, p. 6017
23 It should also be noted that easier border crossing is beneficial for people employed in this sector, but coming from other countries.
negotiated by the government, it was only possible to present postulates for the further implementation of the agreements.\textsuperscript{24}

Due to the general political consensus on bilateral agreements from the second package, the parliamentary phase had no significant importance for the whole decision-making process. Draft agreement was welcomed by both chambers of parliament, although obviously not unanimously. National Council adopted the proposal by a majority of 129 votes to 60 against. In the upper house of parliament difference was much smaller - compared to only 36 for 3 against. Low level of conflict in pre-parliamentary phase and during the discussion and voting in parliament does not mean, however, eliminate the direct-democratic phase. Thus the thesis that non-controversial proposals are rarely subject to a vote in the referendum cannot be confirmed in this case.

3.3 Direct-democratic phase

Since none of agreements, signed within \textit{Bilaterale II} package, meet the formal criteria defined in constitution, there was no obligation for compulsory referendum.\textsuperscript{25} The vast majority of agreements, including the one concerning the Schengen / Dublin met only the conditions for the facultative referendum, which eliminated the need to obtain a double majority. However, the result of voting, even in the case of an optional referendum, was not entirely clear.\textsuperscript{26} Public sentiment against further EU integration were very divided. According to a research institute gfs.Bern about 45% were in favour of integration, albeit in varying its form, while 35% were opposed. Particularly large group - about 25% were undecided, which was especially important for the government because it could influence the final stage of the decision-making process.

The year 2005 was crucial, because citizens had to decide on two cases concerning European policy. To avoid confusion Federal Council, when setting the voting calendar, decided to split those two referendums into the Schengen / Dublin and free movement of persons (for the new Member States) in order to avoid the illusion that those two cases are very consistent. It was the right thing to do, giving the government time to rethink and take any appropriate decisions in case that the first of the proposal would not be accepted by society.

Government was preparing to promote of the Schengen / Dublin topic, involving additional funds for information campaign. Not only through open channels, but also through a system of lobbying aimed at different audiences (image campaign). The special articles in magazines, interviews, brochures, and even financial support to non-governmental organizations, presenting a favorable view of the government's proposals. Reference may be

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\item \textsuperscript{24}See \textit{Die APK-N schliesst die Beratung der Bilateralen Abkommen II ab}, Medienmitteilung der Aussenpolitische Kommission des Nationalrates, http://www.parlament.ch/d/mm/2004/Seiten/mm_2004-11-16_051_01.aspx (22.11.2013)
\item \textsuperscript{25}See \textit{Bilaterale II: Fakultatives Referendum für sieben Abkommen}, Pressemitteilung der Schweizerischen Bundeskanzlei, http://www.admin.ch/cp/d/40d95eb8_1@fwsrvg.html (10.10.2013)
\item \textsuperscript{26}According to surveys conducted by gfs.Bern proposal supported 55% of the citizens. However, 10% were undecided. Very often, such people usually vote ultimately no. It should also be noted that during the year (ie between April 2004 and May 2005) the number of supporters of the association agreement decreased by 9%, while the number of opponents has risen from 12% to 35%, Medienbericht zur Befragung für die Srg Ssr Idee Suisse vom 17.-21. Mai 05, gfs.Bern, Bern, den 24. Mai 2005
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\end{footnotesize}
made that the government involved all the resources to make citizens vote in accordance with the established political strategy, thereby introducing its own vision of direct democracy.

Finally, the proposal on Schengen / Dublin was accepted by 54.6% of voters. Voter turnout reached 56%, which may be regarded as relatively high. This allows us to conclude that the issue of further cooperation with the EU was important for the public opinion. The only question remains, what was the key factors that determined the outcome of the voting?

To answer this question, we should take a closer look on the social moods in this period\(^ {27} \). Polls indicate that in the case of the Schengen / Dublin, in principle, only one element did not raise controversy. For most citizens the benefits for the tourism industry, resulting from the accession to the Schengen area were quite clear (57% were of such opinion, only 27% against). Regarding aspects of security, opinions were much more diverse. According to 39% of the respondents accession to Schengen will bring tangible benefits. The opposite opinion was represented by 46% and the undecided by 15%. Polls showed that the public opinion was in this case confused, which may suggest that the general message of government and pro-European centres was not sufficient. Overall 23% of respondents did not have any specified opinion on the possible effects of accession to the Schengen area. The rest was divided into two equal camps - supporters and opponents.

The results of referendum traditionally reflected divisions between the German and French-speaking cantons, but they were smaller than in the case of voting on the European Economic Area. Polarization of society remained strong\(^ {28} \), although not along the language divisions, but more material status or education and, above all, the general political views (92% of SVP supporters voted against the Schengen / Dublin agreement).

According to the gfs.Bern analysis, the majority of respondents felt that the arguments adduced by the proponents and opponents of the agreements were correct. The first group expected effective improvements of safety and benefits for the tourism industry, arising from the introduction of Schengen visas. Therefore, we could conclude that public opinion probably feel threatened, although the sources of these threats cannot be confirmed by available surveys\(^ {29} \). Neither organise crime and illegal immigration nor issue of asylum policy did not raise large controversies\(^ {30} \). Available data from that period indicate that in 2005 the number of asylum applications reached the lowest number since 1986 - 10 795. Study, regularly carried out by the Institute gfs.Bern, indicated that the issue of foreigners and asylum policy was not considered at that time to be especially important\(^ {31} \). Also, economic conditions could not justify the negative social mood. Swiss economy began to grow, the unemployment rate was on average 3.6% (with a declining trend).

Accession to the Schengen meant admittedly need to transpose the acquis communitaire to the Swiss legal order. However, not automatically, as was repeatedly argued by the government and other pro-European centres. It is therefore difficult to resist the impression that decisive importance for the outcome of the referendum did not have a

\(^ {27} \) According to surveys conducted by the Institute gfs.Bern

\(^ {28} \) According to gfs.Bern difference between SVP supporters and sympathizers of other center-right parties since the vote EEA 1992 years increased threefold!

\(^ {29} \) According to the research center gfs.Zürich perceived threat level was at a high altitude (5.4), higher than that reported after the attacks of 11th September 2001 (4.9). See Angstbarometer 2013, gfs-Zürich

\(^ {30} \) See Sichtbare politische Hände erwünscht, Credit Suisse Sorgenbarometer 2010 Schlussbericht
arguments or factors related to the socio-political development of Switzerland or security concerns, but to the general belief of public opinion, that there is a need for the continuation of bilateral cooperation as the most optimal form of integration with the European Union. In that sense we can see, that certain decisions are not always resulting from objective determinants, which could be confirmed by hard indicators and statistics, but very often by other subjective values and beliefs. Thus, actual benefits of inclusion in the Schengen area, though important, should not be treated as a priority. It was rather a general will of opening Switzerland for international cooperation and to show support for government policy. This thesis is confirmed both by statistical data and public opinion polls.

Conclusion

An example of the Schengen / Dublin agreement perfectly shows how evolved the decision making process in Swiss foreign policy during the past few years. Europeanization undoubtedly influenced both the decision making and its institutional dimension. Firstly, there was a clear strengthen the importance of pre parliamentary phase. There was a change in the nature and importance of the consultation process, which largely confined to the expression "yes" or "no" to the government's proposals. This does not mean that consultations have lost its meaning. They allow primarily the evaluation of positions of various interest groups, and on this basis to make predictions concerning the further stages of the decision-making processes, i.e. mainly associated with the probability of an optional referendum. Secondly, the importance of the executive has increased. The government not only initiates but also, to a large extent, affect and at least try to control subsequent stages of the decision making process.

Analysing the most important factors that determined the Swiss accession to the Schengen Area we should put the emphasis on several interesting aspects. First, in contrary to what might be expected, the signing of an Association Agreement was not motivated primarily by objective socio-economic determinants. Quoted statistics contradict the thesis that the government's decision was in response to deteriorating economic indicators or clear social expectations related to, for example, the deepening sense of alienation or anxiety associated with asylum and migration policy of the state. They were not perceived as the most important sources of insecurity, and therefore they could not serve as the answer for the main motives for specific electoral behaviour in the final stage of the decision making process. This does not mean that the arguments raised both by supporters and opponents of the agreement were not taken into account. It seems, however, that due to the relatively low level of actual experienced problems, these issues were simple not decisive.

Secondly, significant here is also the meaning of so-called veto-players in the whole process. In the Schengen / Dublin case is difficult to point out the obvious losers of signing these agreement (as it was in the case of the free movement of persons agreement). In this matter we are dealing with general and social consensus, though no doubt stoked by the propaganda efforts of the government. Even conservative groups were not able to block the whole process, initiated by the Federal Council.
Thirdly, examining the position of the major interest groups during the consultation procedures, one can notice that the Schengen agreement was treated more as a continuation of closer cooperation with the EU, and to a lesser extent, as part of strengthening the state security, exposed, due to the changes in the geopolitical environment to a new sources of threats. Especially that economic figures, social studies or surveys on the public sentiment does not indicate the actual or subjectively perceived increase in threat. Opponents of the Association Schengen / Dublin Agreement focused mainly on arguments familiar with the previous campaign - sovereignty and neutrality of Switzerland, treating the agreement as another step on the road to EU integration, which was generally discarded. Substantive arguments that could undermine the sense of signing the agreement were not at all or very rarely raised. Perhaps because it was difficult to find such one.

This may lead to the conclusion that the government's decision to sign the Association Agreement, was mainly inspired by a wish to implement, step by step, the integration strategy adopted in the mid-‘90. Favourable economic and socio-political conditionality, however, were not the main determinants of the decision making process. Schengen / Dublin was part of wider policy on the role and place of Switzerland in integrating Europe. It was a proof of Swiss willingness for further opening and cooperation with the EU. The government needed in this case the legitimacy of its strategy and recognition of their negotiating capacities. The second packages of bilateral agreements and especially those on Schengen/Dublin were the best proof of it.

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Michal Tomczyk was born in Poland. He studied Political Science and International Relations at University of Lodz and obtained his MA degree in 2007. In his PhD thesis he analyzed the bilateral relations between Switzerland and European Union ("Swiss policy towards the European Union", Lodz University Press, 2013). He worked as Visiting Lecturer at the Faculty of Social Science, University of Bremen, Department of Political Science, University of Lucerne and Institute for Political Science, Georg-August University Göttingen.

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