

Part 2

European Experiences

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2. Swiss Federalism: Lessons for Georgian-Abkhazian Relations

Events in Eastern Europe and in countries of the former Soviet Union in recent years, make Switzerland a subject of considerable interest, as a state with many years' experience of coexistence of communities with different cultures and languages. The aim of this chapter is to see whether the Swiss model might be applicable to a society that is still on the threshold of building a modern culturally and ethnically mixed state. More specifically, its purpose is to reveal those features of the Swiss state system that can be adapted by Georgians, Abkhazians and other nationalities in the former Soviet republic of Georgia.

Each nation must find for itself the forms of government and development most suited to its culture and mentality, and environment – the geopolitics of the region where it resides. However, it does not follow that an example from elsewhere is of no value. Comparative historical material on other nations and societies is needed in order to try to understand the Georgian-Abkhazian problem. In this sense any actual example of other countries' or nations' experience can be usefully employed in constructing one's own model for communal living.

There is more in the Swiss model of state organisation, in Swiss politics and in its cultural and historical portrait than the attractions of the abstract academic pursuit of comparative national studies or the universal factors typical of all human societies. Neither is interest in the Swiss model solely confined to the attractions of its social and economic successes. The fact is that primary social and geographical data for Switzerland and Georgia reflect many similarities: these can be seen in size, landscape and population numbers and in the mixed, multicultural populations of the two countries. The fact that both Switzerland and Georgia are on the line of contact between states with much greater material and financial resources is particularly important. Historically both countries have been called upon to act as a geographical crossroads, a geopolitical enclave in which different cultures, and sometimes contradictory political interests, have merged. This situation may undoubtedly leave its impression on Georgia and Switzerland, especially on foreign and domestic policy.

However, both the politics and the external situation of these countries differ. It is clear that Switzerland, placed as it is at the centre of western Europe with many centuries of independent existence and purely European in culture, religion and laws, and Georgia, which has frequently been dismembered, coming under Persian and Turkish influence and in the end absorbed by the Russian empire, cannot be in the same position. Over many centuries Switzerland has managed to maintain a consistent course of development, from mediaeval political pluralism and the corporate spirit of the communes to modern concepts of democracy and federalism, while Georgia has been buffeted by opposing winds, from the feudal west and eastern despotism, finally adhering to neither.

After the break-up of the USSR, Georgia once more had an opportunity to build an independent state. Impelled by the present world order and the inherent human yearning for freedom, Georgia stated its wish to build a society based on the rule of law and the principles of democracy. Unfortunately, Soviet totalitarianism had plunged Georgia, like many post-communist countries into a protracted national state crisis. The prevailing view of the nation, as a community that is not civil and political but based to a large extent on consanguinity, helped to divide the population of the former Soviet republic into indigenous people and newcomers. The principle “one nation, one state, one national leader”¹ asserted in communist societies which, in spite of the propaganda of proletarian internationalism, had an increasingly ethnocentric flavour, alienated the Georgians, Abkhazians and Ossetians living in the republic from each other. After the collapse of the Soviet Union and the ideology of proletarian international solidarity, Georgians openly began to express doubts about the existing Abkhazian and South Ossetian autonomies, while the Abkhazians and Ossetians rejected the legitimacy of Georgia’s territorial unity.

It is not the purpose of this chapter to analyse the bloody chronicle of Georgia at the end of the 1980s and the beginning of the 1990s. In referring to the ethnic conflicts in Georgia I merely wish to stress that, in spite of some initial similarities, Switzerland and Georgia are at different levels of development. Does this mean that the social and geopolitical similarities of the two countries set out above are of little significance and that Switzerland and Georgia can have nothing in common? Or is the whole point that Georgia has not yet been able to find political and legal formulas suited to its internal variety and its geopolitical position in the midst of competing regional powers, as Switzerland has done? Only the future can provide the final answer to this question: the Swiss state has already existed for several centuries, whereas Georgia is only just recovering its long-lost opportunity for an independent existence. Making use of this opportunity involves many difficulties in domestic and foreign policy. All the more reason, however, for Georgia to take into account its own domestic political, social and cultural spectrum, the geopolitical situation that has arisen, common sense

and — the experience of others. All these factors in the newly emerging Georgian state draw attention to the Swiss example. Switzerland has been able to transform its small size, social and cultural variety and its geographical position at the point where various regional powers meet from weaknesses and fragility to strength. Its prosperity is derived essentially from the effective use of the human resources and geopolitics given to it by fate, in which regard to a certain extent it resembles Georgia.

Thus, the universal nature of certain human actions and the similarity of some of the social and geographical parameters of Georgia and Switzerland make the example of the latter relevant to the former. Of course, actually introducing into Georgia even those specific Swiss political and legal mechanisms that could be perfectly suited to our problems is no easy matter; the populations of Georgia and Switzerland differ in their political culture and mentality. However, Georgia has expressed a desire for democracy and integration into Europe. Even if frankly mercantile interests rather than a positive world outlook sometimes creep into this, they should help.

Let us now try to make a more detailed examination of those aspects of the Swiss state system and of its domestic and foreign policy which, by virtue of their effectiveness, democratic nature and the cultural and historical experience that has produced them, may be regarded as suitable for Georgian realities and in certain cases may even be adapted to settling the Georgian-Abkhazian conflict.

Federalism and Legitimacy

The existence of a state and its well-being depend upon its legitimacy. The constitutions of modern states emphasise the legitimising and constituent authority of the people.² The people have the sovereign right to confer authority and to withdraw it, thus becoming the sole founders and guarantors of political legitimacy.

Legitimacy means agreement by all the principal sections of the population that the existence of a particular state is justified. The contemporary principle of legitimisation of a political order is imbued with the idea of reasonable consensus.³ However, when the population of a particular state is heterogeneous — broken up into linguistic, religious or other historical and cultural communities — defining a sovereign people and achieving state legitimacy are sometimes possible only on the basis of the democratic principle of equal rights for all citizens with the majority having the casting vote.

In a multicultural state, the constituent communities need their own share of political representation. This need increases, taking on the features of a struggle for collective political rights and individual statehood, if each of these cultural

units has its own specific historical memory. In order to save overall state unity, collective identification of the individual cultural communities living in the country has to be taken into account in the search for a legitimising consensus.

Georgia is an example of a case in which certain ethno-cultural communities are striving for political self-determination. What is needed in order to retain, and to some extent to recreate, the legitimacy of a single state is consensus at the level of these ethno-cultural units. Federal, or more specifically Swiss, state experience, which cannot be fitted into the framework of majoritarian democracy and is sometimes described as shared or limited sovereignty, may be instructive primarily for those seeking a way out of this dilemma: how to reconcile the principles of self-determination for nationalities with the territorial integrity of states?

Under the Swiss Constitution, the individual cantons are sovereign, with constituent authority on an equal footing with all the Swiss people as a unified whole. This demonstrates the principle of shared or limited sovereignty, when in a single state there are several sources of power (people) and several means of implementing it (federal authority and canton authority). The cantons are sovereign in the sense that they are the founders of themselves and co-founders of the single state. However, the state is also founded by all the Swiss people, as a whole, and this whole is also sovereign. The people of the cantons and the people of the whole of Switzerland share sovereignty. At the political level this takes the form of a separation of powers, autonomous powers for the central authority separate from cantonal authority and vice versa.

The separation of functions between the centre and the regions or political autonomy in itself may be extensive or limited, according to circumstances and specific social and economic requirements. It can also change. The essence of the Swiss state model is not the number of functions transferred by the centre to the cantons or vice versa, but the primary founding constitutional authority of its territorial units. Swiss federalism transforms linguistic or religious minorities into equal partners in building the state. However, the legal subjects of the federation are not Francophones, Protestants or those who speak the rarest language, Romansch: the territorial units, the cantons, have the fundamental sovereign rights. The cantons themselves have considerable variety in their populations, and this is one of the principal guarantees against ethnic discrimination and centrifugal pressures in the country.

Of course, one faith or one language is dominant in many cantons.⁴ This satisfies the political requirements of linguistic and religious groups. However, each canton has its own “minorities”, which may have an extensive culture and social and economic independence, and in certain cases even political independence. In his traditional perception of himself, and in part in legal terms, a Swiss is a member of the local commune first and an inhabitant of the canton and a citizen of the whole country afterwards.

So the Swiss model may satisfy the yearnings of certain non-Georgian communities (primarily Abkhazians) for sovereignty, which in Switzerland is not supreme, integral or inalienable but limited; divided among the founders of the unified state. However, this model gives the constituent authority not to ethnic groups (for example, Abkhazians) but to territorial units (for example, Abkhazia), guaranteeing collective rights to all communities within the territorial unit. The latter situation may be an additional integrating factor in some cases on the state-wide scale; the linguistic or religious majority in a particular canton must always take the views of its local minority into account at the municipal level, just as the state-wide majority must take the canton's views into account.

When the population of the Francophone Jura region started its campaign for separation from the Bern canton, machinery to settle the long-running conflict was found in a form of proportional representation: each region, and later some communes also, made an independent decision, to stay within the Bern canton or to join another.⁵ Of course, the process took a long time and did not satisfy all the radicals, but this machinery made it possible to maintain stability and guaranteed that the process of conflict settlement was peaceful. A compromise was also found in the canton of Fribourg which, having been Francophone since the nineteenth century, made concessions to the German-speaking minority and recognised German as an official language of the canton on an equal footing with French. At the same time individual communes in the canton remain monolingual at that level.

In Georgia the population is mixed. Each ethnic minority occupying a particular piece of territory in the country has islets (villages, regions) inhabited by representatives of other cultures or linguistic groups. This creates a situation in which an ethnic minority that demands exclusive rights becomes a kind of ethnic majority with its own local dissenting minority. The principle operating in Switzerland, which is similarly mixed, that each regional or cantonal majority claiming the right of self-determination must take the same right into account for local (commune or municipal) minorities, may be a deterrent to a final Georgian-Abkhazian disintegration. As a last resort, the Swiss example provides a chance to solve thorny problems such as self-determination and the type of state structure by weighing all the arguments and taking the multifarious interests of a multi-cultural society into account.

There is enough other machinery for preserving the unity of the country at the federal level in the Swiss model to reassure those who fear disintegration. The federal authority retains exclusive legislative jurisdiction over foreign policy and defence, the financial system, civil and criminal law, transport, the postal service and social insurance.⁶ The federal assembly is the supreme authority, approving changes in the constitutions of the cantons. The constituents of the federation are obliged to apply the federal laws.

On the other hand, the political autonomy of the cantons is apparent in this very obligation; the federal government has no local executive agencies to introduce or implement federal laws. Their introduction and application are matters for the cantonal authorities⁷, which gives them an opportunity for flexible interpretations.⁸ It is interesting to note that even in defence the cantons retain a measure of residual autonomy; maintaining arsenals is within their jurisdiction. Some infantry regiments are still recruited from particular cantons and bear the names of these.

The Swiss model contains many types of mechanisms and structures, both decentralising and centripetal. We will examine some of these which might be suitable for Georgian-Abkhazian relations in more detail later. I merely wish to stress here that states do not last long without legitimacy, and multicultural states can be much more legitimate and stable if the social and cultural communities are granted collective rights as sovereign co-founders. How many political functions are left to the centre is not so important; the central authority will be strong enough and the unity of the state will be preserved if it is created on the basis of confidence and co-founders' equal rights, and also if machinery for co-operation and the peaceful settlement of disputes has been worked out. The fact that in the long term Switzerland is moving in the direction of increasing the rights of the federal centre may reassure those who look on federalism with suspicion (this applies to those who are concerned at the lack of central power, not those who fear its excess). In some cases the cantonal authorities even prefer to transfer responsibilities to the central authorities.⁹

Federalism and Neutrality

Switzerland is a shining example of the interdependence of domestic and foreign policy. Historical experience and common sense have encouraged the Swiss to adopt equality of languages and faiths for the population and also neutrality in foreign policy matters. Federalism guarantees that the cultural variety of the country would be inviolate, but requires a lack of prejudice in dealings with neighbouring countries, each of which has its own cultural family ties with some part of the federation. The requirement of external security, for its part, increases the respect of the cantons for each other and has a beneficial effect on protecting the rights of religious or linguistic communities, because each of these can find an ally in the outside world. Neutrality is rightly regarded as one of the fundamental features of the Swiss model, on an equal footing with federalism and democracy.¹⁰

Present-day Western Europe has reached the stage in its political and cultural development at which the size of countries and their military might are no

longer the sole arbiters in disputes. Small countries have relations of equal partnership with the regional powers, and long-standing disputes over frontiers and spheres of influence have been laid to rest. At the current stage of development in world political processes, more and more thought is being given in Switzerland about whether certain principles of neutrality are obsolescent. Integration processes in Europe are drawing in the small alpine republic, which may become an equal member of a united Europe and linked to the European security machinery. When speaking of the applicability of Swiss experience to the Georgian-Abkhazian problem, the historical route followed by Swiss politicians, marked by the principle of neutrality, seems much more relevant. Regional processes around Georgia are more comparable with the stage in European history when small countries were shaken by competing political and ideological winds. Switzerland had achieved the possibility and guarantees of independent existence even when the fate of Europe was determined by the strong. This was made possible to a large extent by the skill of Swiss politicians in transforming the geopolitical position of their country at the meeting-point of various great power interests and the variety of their population from a weak point to a source of strength.

Economically Switzerland has always depended to a large extent on the outside world. Starting in the sixteenth century, Switzerland was also affected by the wave of religious reformation, accompanied by bloody conflicts that brought the Confederation to the brink of disintegration.¹¹ Wars of religion raged throughout Europe, which was divided into camps of warring Catholics and Protestants, and Switzerland understood that there was no alternative to neutrality if an internal religious consensus was to be found and vital foreign trading links retained. Neutrality saved Switzerland from disintegration for religious reasons in the sixteenth and seventeenth centuries; neutrality saved it from disintegration along ethno-linguistic lines during national and world wars in the nineteenth and twentieth centuries. The pragmatism of the Swiss gradually found a response in the rest of Europe: the great powers were convinced of the value of a small neutral oasis. European politicians acknowledged by the Declaration of 1815 that the neutrality and inviolability of Switzerland and that its independence of all foreign influences was to the advantage of general European politics.¹² Without a neutral policy and federalism the fate of the Swiss cross-roads between the French, German and Italian states might have been much more complicated.

We have already spoken of essential similarities in the geopolitical features of Georgia and Switzerland. On the basis of geopolitics and of the multicultural nature of Georgian society, the traditional Swiss model may also provide food for thought in establishing stable guidelines for Georgian foreign policy, the more so because in this region many power groups have become accustomed to thinking

in terms of past centuries, regarding “might is right” as their principal political argument.

Ossetians and Armenians, who traditionally take their cues from Russia, live in Georgia as well as Georgians. The Abkhazians have their own views on the regional distribution of forces and have direct links both with Moscow and with political circles in the seething North Caucasus. Azeris, who gravitate towards co-operation with Turkey, and Greeks, who are aided by the Greek state, also live in Georgia. Representatives of these communities often have preconceived views about each other, and their foreign favourites have ambiguous relations among themselves. This provides additional fertile soil for conflicts, which may be complicated by outside intervention. Those acquainted with the history of Georgia and its present situation can readily recall actual examples of this. The Swiss approach may be as good a way as any of countering these scenarios constructed on the ethnic diversity and geopolitics of Georgia. Neutrality in foreign policy, like federalism in domestic policy, may prove to be the mechanism that will bring various foreign and domestic attitudes into balance and direct the activities of all of Georgia’s multinational society towards joint efforts to promote the social, economic and cultural development of the country.

Georgia needs neutrality, not out of fear of external forces competing for domination in the region but because of its multi-national population and their widely differing perceptions of the outside world. In some cases Georgian practical foreign policy has some of the features of neutrality; until now Georgia has managed to maintain good-neighbourly relations with Armenia and Azerbaijan, which are at war with each other. The reasons for this included the need for Azeri oil and fear of discontent in regions of Georgia inhabited by Armenians. As yet, however, neutrality has not been stated as a maxim of the Georgian state; both its foreign and its domestic national policy are often contradictory. A study of the Swiss experience may play a part in conceptualising instinctive and pragmatic moves and in devising a stable foreign strategy.

The Federal Technique for Achieving a Legitimising Consensus

Federalism is a set of legal norms and political techniques that guarantee the unity of the state while preserving and utilising its variety and the legislative and executive autonomy of its parts; in the Swiss case there is also vertically and horizontally shared popular sovereignty. A state could not prove its legitimacy merely by confining itself to declaring all manner of rights without creating suitable norms and machinery for implementing them.

As Lidija Basta observes, in the Swiss case the importance of the idea of rational legitimacy, on which modern states are based, is primarily procedural.¹³ Let

us consider some examples of the Swiss federal decision-making process, without which the decisions themselves would have lost all persuasive value for any segment of multi-faceted Swiss society. We will not dwell on such universal devices as a bicameral parliament, which is typical of all federal and some decentralised unitary states. Its value to multi-national countries is obvious. The Georgian constitution also provides for a bicameral legislative body.¹⁴ We will also refrain from detailed discussion of those aspects of the Swiss decision-making model that might prove to be premature for Georgian society.¹⁵ Our aim is to examine the relevance to Georgia of some special aspects of Swiss experience in solving ethnic and cultural problems.

We have already referred to the machinery devised for the peaceful separation of the Jura region from the Bern canton. If the divorce of Georgians and Abkhazians is irrevocable, a form of proportional representation in individual ethnic communities or administrative units might have a pacifying effect.¹⁶ However, in the event of agreement on building a unified state, both nations might find interesting machinery for communal living based on the examples of the cantons of Fribourg and Graubunden. In the former case the linguistic conflict was settled by declaring that French and German were equal as official languages. At the University of Fribourg lectures are mixed, given in both languages, which in practice requires the students to be bilingual.

It is interesting to note with regard to Graubunden that in this canton the municipalities themselves choose their official language and also define their area of competence. Some of the regions and municipalities in Graubunden are called republics. This example may satisfy the aspirations of minorities within autonomous state units and may also calm disputes about names or titles for a particular autonomous region.

At the federal level the autonomy and determinate sovereignty of the cantons is protected both by the constitutional system and by political practice, which does not always fit into the legal framework. As has been said, the cantons have the opportunity to interpret many laws in their own way. In addition, consultations with the cantonal authorities often precede federal legislation or government decisions. Consultations and negotiations between the centre and the cantons at both legislative and government agency levels supplement the official procedures in the bicameral parliament. This practice is often fraught with delay and the postponement of decisions. However, informal consultations are a constituent part of the Swiss way of solving problems and the result justifies the effort. It is interesting to note that the central authority actually served as a mediator during the conflict between Bern and the Jura region. Such informal and equal relations between individual parts of Georgia or between its centre and its regions might be beneficial in the cause of legitimacy and in the non-violent unification of the country.

In Switzerland the political parties do not play a decisive part in state life at the federal level. The government is not particularly dependent upon them, and the citizens demonstrate their political predilections by way of frequent referendums at federal or cantonal level. The principal Swiss political parties are formally nation-wide and have general titles, but their cantonal representatives are absolutely autonomous in their policy. Thus, they are additional evidence both of cantonal independence and of the nation-wide union. As the construction of political organisations is regarded as a vital element in creating a Georgian society based on the rule of law, it is thought that the Swiss example of dual party identity may assist the cause of inter-ethnic co-operation.

The rules for acquiring Swiss citizenship may also be of interest in the Georgian-Abkhazian dilemma. The agreement of a specific commune, which is confirmed in the canton, is required for this purpose. Registration at the federal level and the issuing of the passport is the last stage, based on the decisions of the above local and cantonal authorities. The passport refers to the municipality and the canton, a citizen of which is first and foremost a Swiss. The time required to obtain citizenship by naturalisation varies from canton to canton. Having obtained citizenship, however, Swiss from all cantons are equal and are free to choose to work and live anywhere in the country. Moreover, in deciding on citizenship the municipality usually seeks information about the candidate from the federal services. Answers can be found in these somewhat cumbersome rules both to the desire of Abkhazians to obtain their own, Abkhazian citizenship, and to the demands of Georgians for guarantees against disintegration or against infringement of universal human rights.

In spite of the greatest possible decentralisation of control and the constituent sovereign authority of the cantons, Switzerland is one country with one flag, one army, one government and other attributes or symbols of power. Although the country has German-speaking Bern as its political capital and German-speaking Zurich as its economic centre, both French-speaking and Italian-speaking Swiss are content to be citizens of one country and eagerly participate in federal politics. Of course, this unity is supported to a large extent by economic prosperity. However, Swiss material and political stability has been built on the inter-cultural compromises referred to in this chapter.

Switzerland is a multi-constituent federation. However, we are speaking of the applicability of the Swiss model to the bipolar Georgian-Abkhazian conflict: as has been said, the Georgian population is by no means limited to two ethno-linguistic or cultural-regional groups. It includes regions with clearly delineated ethno-linguistic or sub-ethnic local features. An Adjarian Autonomous Republic created in Soviet times also exists in Georgia, as well as the former South Ossetian oblast, which currently is not subordinate to the centre. Some Georgian politicians fear that the example of a compromise with Abkhazia might infect

the former South Ossetia, the Adjarian leadership or the Armenians and Azeris living in the country, and bring on complete disintegration. There is also the fear that the Georgian ethnic group might split up along sub-ethnic lines. Turning to Switzerland, however, where the cantons, whatever their size and population, have equal representation in the second chamber of the national parliament and where the composition of the government also bears the imprint of a multi-constituent consensus, there may be something to be said for increasing the constituents of a hypothetical Georgian federation. Increasing the number of constituents in the federation might be helpful in moving away from bipolar confrontation towards a balance of different multiple interests. If the central government of Georgia is representative in multi-ethnic or multi-cultural terms, the association of the centre with only one of the warring parties in the Georgian-Abkhazian confrontation will be reduced. The centre will assume the form of a body with real potential for balancing and integrating the various interests. The development of equal horizontal ties between constituents of the federation, e.g. between Abkhazia and Adjaria, might also help to settle the conflict and create the prerequisites for a new voluntary integration. The proposition already noted from the Swiss example that the constituents of the federation are not ethnic groups or linguistic communities as such, but territorial political units which are multi-cultural in many cases, may also serve to counteract disintegration of the Georgian state as a whole. However, it should be noted that, unlike Switzerland, Georgian political culture is more suited to the “asymmetrical” federal model.

Conclusion

There is one more thing that the Swiss example can teach both Georgians and Abkhazians: that heated disputes over the name of a single state can be resolved. Switzerland is called a confederation and its constituents are called cantons, while some communities are called republics, but there is one essential fact — Switzerland is one country and its political system does not go beyond the framework of federalism.

The specific forms of a future state order for Georgia may vary, moving away from or coming closer to the Swiss forms, but in any event the Swiss experience gives an understanding of what is required in organising multicultural states. As Lidija Basta observes, this model teaches us that the issue of minorities is an issue of legitimacy.¹⁷ Georgia will always have a crisis of state legitimacy while those demanding self-determination for the ethno-minority do not feel that they are co-founders and sovereign citizens of the common state. How many specific political functions the Abkhazian ethnic group assumes is not in itself so vital. It

is more important to achieve trust and to recreate some common Georgian-Abkhazian political structures. If Georgia keeps to the path of democracy and develops economically, co-operation among its constituent units and their voluntary integration on an equal footing will increase — that is the Swiss lesson. The road of compromise is a long one, but the alternative is war.

Unfortunately the parties in the Georgian-Abkhazian conflict are still very far from ready to make realistic concessions. As yet the position basically amounts to a demand for actual independence on one side and a promise to grant autonomy on the other. Distrust and a sense of injury and revenge, all generated by the post-Soviet ethnicisation of politics and the recent brutal war form an unpromising background for a realistic start on building a common state. The ethnic nationalism and ethnic loyalty that are characteristic of both Georgians and Abkhazians overwhelm the sense of civic state patriotism. Neither should we forget that, unlike Switzerland, Georgia can still sense a recurrence of imperial pressure from some influential Russian circles. In the light of this, agreement by either Georgians or Abkhazians to adapt the Swiss principle of shared sovereignty is as yet unlikely.

Nonetheless, the fates of the two nations are too closely intertwined and contemporary international relations are too strictly conditioned by integration and globalisation for it to be possible to “enjoy” intransigence and stay loyal to the obsolete and dangerous ideas of “one nation, one state, one leader” for long. Sooner or later the logic of the times and human pragmatism will compel us to abandon hopes of ethnic victories and concentrate on co-operation on a basis of equality. The realisation will come that the policy of “divide and rule” embraced by certain outside circles with an interest in protracted regional conflicts is supported to a large extent by the intransigence and short-sightedness of the warring parties themselves. When that day dawns the Swiss example may be helpful.

Notes

¹ Thomas Fleiner and Lidija Basta, ‘Federalism, Federal States and Decentralisation’, in: Lidija Basta and Thomas Fleiner (eds.), *Federalism and Multiethnic States: the Case of Switzerland*, PIFE, Université de Fribourg, 1996, p. 13.

² Ibid., p. 9.

³ Lidija R. Basta, ‘Minority and Legitimacy in a Federal State’, in: Basta and Fleiner (eds.), *op. cit.*, p. 52.

⁴ Harold E. Glass, ‘Ethnic Diversity, Elite Accommodation and Federalism in Switzerland’, in *Publius: The Journal of Federalism*, Vol. 7, No. 4, p. 39.

⁵ Wolf Linder, *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies*, London, 1994, pp. 65-67.

⁶ Ibid., p. 41.

⁷ Lidija R. Basta, ‘Minority and Legitimacy in a Federal State’, *op. cit.*, p. 61.

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- ⁸ For example, the Federal Law on the right of foreigners to purchase immovable property led to the prohibition of such transactions in some cantons and to the converse in others (Wolf Linder, *op. cit.*, pp. 68-69).
- ⁹ Thomas Fleiner, 'Constitution of the Federal State and the Cantons', in: Basta and Fleiner (eds.), *op. cit.*, p. 83.
- ¹⁰ Jean Freymond, 'Neutrality and Security Policy as Components of the Swiss Model', in *A Journal of Comparative Politics*, Vol. 23, No. 1, Winter 1988, p. 53.
- ¹¹ J. Wayne Baker, 'The Covenantal Basis for the Development of Swiss Political Federalism: 1291-1848', in *Publius: The Journal of Federalism*, Vol. 23, No. 2, Spring 1993, pp. 22-23.
- ¹² Jean Freymond, *op. cit.*, p. 56.
- ¹³ Lidija R. Basta, 'Minority and Legitimacy in a Federal State', *op. cit.*, p. 52.
- ¹⁴ Although this constitution postpones the creation of a bicameral parliament until territorial integrity is restored (until the Georgian-Abkhazian and Georgian-Ossetian conflicts are resolved).
- ¹⁵ What is envisaged is a collective head of state, inter-party agreements on the division of representational quotas in the government, the government being relatively independent both of the political parties and of the division of forces in the parliament, or such details as a lack of definition in laws on the rights of the police to use firearms and limitations thereon. This practice calls for specifically Swiss patterns of behaviour, without which it can only contribute to protectionism and clannishness, to the detriment of democracy.
- ¹⁶ Provided that the interests of refugees who have felt compelled to leave Abkhazia are taken into account in full.
- ¹⁷ Lidija R. Basta, 'Minority and Legitimacy in a Federal State', *op. cit.*, p. 67.