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## **The Jura / Berne Cantons border dispute.**

**By:** Stéphane Rosière

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### **Summary:**

The Swiss Jura / Berne border dispute is linked to the discordance between the political border of the Swiss Bern and Jura Cantons, and the linguistic border between French and German speaking populations. From 1815, Bern Canton has had a large French speaking population. The French speakers gained the right to create their own new Canton called 'Canton of Jura' following a 1974 referendum. But the border between Bern and Jura Cantons is still contested. On **November 24<sup>th</sup>**, 2013, a second referendum over self-determination has occurred making it clear that 71.8% of Berne Canton residents do not want to join in but for a primarily francophone city, Moutier, where 55.4% want to move over to the Canton of Jura.

**Introduction:** The border dispute between the Jura and Bern Cantons is connected to the older problem of co-habitation between German speaking and French speaking population in Bern Canton. The German-speaking group forms the majority of the population, and has always had political power, while the French speaking population has always been, geographically and politically, at the periphery.

The Francophone population was integrated into Bern Canton during the Vienna congress (*Actes d'Union*, 1815). Political tension between the two groups became obvious after World War Two and took the form of a territorial dispute. During the following decades an important proportion of Bern francophone claimed the creation of their Canton was necessary. While the Bern central power tried to reach a compromise recognizing, for instance, the 'Jura people' as a political entity, and, making French the official language of the French speaking districts in 1950, the desire for a separate state grew among the French speaking population.

A first referendum was held in 1959 but the French speaking "separatists" did not gain the majority. But in 1974, the creation of the Jura Canton became a reality thanks to a second and successful referendum. Two additional referendums regarding boundaries were held in 1975. Since the creation of the Jura Canton as the 26th Canton of the Swiss Confederation, political tension have taken the form of a positional boundary dispute between two sovereign states. Swiss Cantons are independent states united into a confederation. Indeed, since then the Jura Canton and a part of the French speaking population remaining in Bern Canton have fought for 'reunification of the Jura people' but both the Bern government and a part of Francophones have refused this prospect.

**History:** The Jura / Bern Canton border dispute did not exist before the creation of the Jura Canton (the 26th Canton of the Swiss confederation in existence since January 1st, 1979). Until then, the territorial 'Jura question' (*question jurassienne*) belonged to Bern exclusively.

The presence of French speaking population across the Bern territory is a consequence of the Vienna congress in 1815. The 'Union acts' (articles 75 et 76 of the Vienna Congress Final Act) decided the transfer of the French speaking population formerly integrated to

the Prince-Bishopric of Basel to the Bern Canton. The integration of Francophone population obviously became a problem after World War II, even if earlier tensions had risen up both during the 19<sup>th</sup> century and in particular in 1917..

The French political agitation was in protest against German language imposition and also fuelled by demands for political power.. Since the 1940's, the creation of a Jura Canton had become a key demand of French "separatists" of the Canton of Bern. In 1947, a separatist *Comité de Moutier* was created (in the eponym city which remained paradoxically in Bern after the 1974-75 referendums). Even if the Bern central power tried to reach a compromise by recognizing the existence of a French separate nation, i.e. a 'Jurassian people' and making French only official language in the French speaking districts, the political demands for partition remained strong. In September 1957, the *Rassemblement Jurassien* (RJ) launched a cantonal popular initiative to vote in favour of the creation of such a Canton. This first popular initiative occurred in July 1959, and was rejected by a majority of voters: 51,9% of 'no' in the six French-speaking districts at this time (Gasser 1978, 58). But 'separatism' was not dead. A separatist Jura Liberation Front (*Front de libération du Jura* (FLJ)) was created in 1962. Far from the peaceful commonly shared image of Switzerland, FLJ carried out various bomb and arson attacks on army buildings or on the houses of prominent anti-separatists leaders. Acting non-violently, the 'Ram Group' (*Groupe béliers*), a youth organization, was created in 1963 supporting the separatist demand.

On the other side, the French anti-separatist also organised. They founded a political party in 1953: the Union of Jura Patriots (*Union des Patriotes Jurassiens* (UPJ)), which in 1974 became Democratic Force (*Force démocratique* (FD)). They created their own youth organization: the Wild Boar Group (*Groupe sanglier*) in 1974 (on the model of the 'Ram Group').

As political agitation continued, in 1967 an official commission was set up to find a solution to the conflict. This commission (called 'Of the 24', because of its number of members), and a second commission set up in 1968, called 'The commission Petitpierre', both concluded in favour of a referendum for self-determination. This solution was accepted by Bern central power in 1970, and thereafter approved by popular vote.

As a result, a second referendum was organized in June 23, 1974, in the six French speaking districts of Berne Canton (but for the bilingual Biel-Bienne district that was excluded). This referendum of self-determination raised three questions and three different votes.

A first vote, held on the June 23 1974, decided with 51,9% of the 'yes' to launch the process to create the Jura Canton.

The districts voting 'no' i.e. across south Jura: Courtelary, Moutier and La Neuveville, however, voted a second time to confirm their will not to enter the Jura Canton; they did so on March 16, 1975.

Finally, all contiguous municipalities to the new Cantonal border, along the border of the former districts, had the possibility to join the newly created Jura Canton. Ten municipalities changed side: eight municipalities from southern districts voted to enter the Canton of Jura (Courrendlin, Châtillon, Corban, Courchapoix, Les Genevez, Lajoux,

Mervelier and Rossemaison), one of the northern municipality, Rebéwilliers, however, chose to join Bern, and one entered the German district of Laufen.

In the end however, despite those referendums, the Jura question was not resolved. A part of the French speaking population (both found in the Cantons of Jura and of Bern) considered that instead of freedom, the process fostered the actual separation of the 'Jura people,' into two entities. These groups asserted their desire to continue the struggle until the 'Jura people' were reunited. The authorities of Jura Canton themselves were not indifferent to the situation of the francophone population in Bern Canton, and did not hesitate to defend the specific interests of that population when it was not under its jurisdiction (Pichard 2004, 93).

Physical Topographical/Physical features of the border,

**Culture:** Despite the delineation of French and German speaker in cultural regions, the Jura question is made more complex because the Jura French speakers are divided into two different religious groups: Roman Catholics in the North (mostly in Jura Canton) and Protestants (dominant in Jura Bernois).

Because of this division between Catholics and Protestants, the French speaking population did not consider the geopolitical problem of the Jura question uniformly because of religious affiliation: the Catholics were much more in favour of a 'great Jura' than Protestants. The southern districts, which voted for Bern in 1974, were (and remain) dominantly Protestant. Interestingly, French Protestants share their religion with the Bern German speaking population. Indeed, there were no Catholics in Bern Canton before 1815, so the religious divide remained as important as the linguistic divide, and may explain why a part of French speaking population wished to remain in Bern; because they were protestants.

This religious factor was strengthened by an ideological factor: the symbiosis between a large part of French speaking Protestants and German speaking population symbolized by their common support to 'rightist' political parties, and especially the Democratic Union of the Center (Union Démocratique du Centre (UDC)). Despite its name claiming its affiliation to the 'center', UDC is morally strongly conservative and economically in favour of free market economy. UDC is also strongly in favour of Bern.

This level of detail is confusing I think)

Regarding the 'Jura question' the UDC, one of the largest Swiss political party, and a prominent force in Bern (at the federal level) with 26,8% of the vote in the 2010 Cantonal elections, basically has been and remains in charge of the affairs at the Jura Bernois level. Its results were even slightly stronger in Jura Bernois, where it has been and remains the first political party (with 22,7% of votes in 2010 for Bern Canton).

The rightist Liberal Radical Party (Parti Libéral Radical) was also strongly anti-separatist. The PLR resulted from a fusion of the Radical Democratic Party (Parti Radical-démocratique) and the Swiss Liberal Party (Parti libéral Suisse) which gained 12,7% of the votes in the 2010 Cantonal elections. In the 2010 legislative elections results, together UDC and PLR represented more than 35% of potential anti-separatist vote.

During most of the 20th century the pro-Jura vote was more often, but not always, a 'progressive' vote, but generally speaking it has been supported by lower economical class and left leaning parties. The bourgeoisie and its representatives did not (and today do not) accept pro-Jura vote.

However, here again the leftist political parties are not homogeneously in favour of a 'Great Jura'. For instance, the Socialist party is divided between anti and pro-Jura. The Socialist Party, (Parti socialiste du Jura bernois (PSJB)) is opposed to the 'great Jura' (It gained 13, 6% of the vote during the 2010 election in Jura Bernois). However, the Autonomous Socialist Party of South Jura (Parti Socialiste Autonome du Jura du Sud (PSA)), which is the second political party at the scale of the Jura Bernois with 20,4% of votes in 2010, is in favour of reunification (hence the use of 'South Jura' in its name, such an expression is typically pro-Jura and banned by pro-Bern politicians).

Finally, the Jura's Alliance (Alliance Jurassienne), a federation of smaller parties, is in favour of unification as well, but has represented and today still only represents a small percentage of the Jura Bernois electorate.

All in all, the three main political parties remain opposed to unification of Jura (UDC, PLR and PSJB) roughly representing ... 49% of the votes in the Jura Bernois, which suggests that the probability for the 'yes' to win on Nov. 24 2013 to win remained rather low<sup>i</sup>.

Due to this religious and ideological situation, the scenario for a border readjustment in the period 2013-15 remains much more likely than a reunification. The city of Moutier, however, where Catholics are dominant, may join the Canton of Jura'. The eastern Jura bernois seems to be the only region were a significant border change is likely to take place. The Jura Bernois is about 541 kilometer square!

### **Conclusion (current state of affairs)**

In Feb. 2012 the governments of Bern and Jura Cantons decided in common that a new referendum for self-determination was the best solution to solve the 'Jura question'. After a long time and 'slow down' position on this mater the government of Bern Canton agreed that a new referendum was an opportunity for the majority to say 'no' which may stop the nationalist agitation.

However, since 1974-1975, it is known that such votes are rather complicated. Indeed, the referendum of November 24, 2013 again witnessed the populations of both the Cantons of Jura and Bern say 'no' to reunification. The one exception is the city of Moutier, which confirmed 'yes' with more than 55% of the vote.

Because the 'No' won, this marks the end of the constitutional process. But, municipalities of Jura Bernois now have the option to choose individually to join in the Canton of Jura each one of them in small-scale referendums by the end of 2015.

This Jura question is of great interest because Referendums give local population to choose its political destiny (sovereignty) underlying a 'rupture' with the traditional top down process of border drawing. Even when a territory is small, as is the case in the 'Jura question,' voting is a significant example of the use of Self-determination referendum to

solve a territorial or a border dispute (Cassese 1995, Cattaruzza 2007, Laponce 2001 and 2004).

### **Text of law, international agreements,**

No international agreement at the exception of Vienna Congress final act (1815), see the bibliography of key legal texts with web links below.

### **A glossary (about 50-75 words)**

#### **Autonomist**

Key-word designating French speaking people today in favor of the unification of Jura bernois district with the Jura Canton. This word took place of the ‘separatist’ after 1974.

#### **Canton of Bern**

The Bern Canton is one of the 26 Swiss Cantons. Its 992,000 inhabitants (2012) are roughly 85% germanophones and 8% francophones. Before the creation of the Jura Canton the proportion of French speaker was more important (77,6% of Germanophones and 13,7% of Francophones in 1970)<sup>ii</sup>.

Since the January 1st, 2010, Bern Canton is divided into 10 districts (*Verwaltungskreise*). One district has French as official language (Jura Bernois), one is bilingual (Biel/Bienne) and eight have German as official language (Emmental, Bern-Mittelland, Frutigen-Niedersimmental, Interlaken-Oberhasli, Oberargau, Obersimmental-Saanen, Seeland, Thun).

#### **Biel-Bienne (district in Bern Canton)**

Biel-Bienne is one of the 10 districts of the Bern Canton since January 1st, 2010. Instead of two municipalities as before (Bienne and Évilard, including 51,031 inhabitants among which 55,6% of germanophones and 28,4% of francophones) the up-to-date enlarged district incorporates 19 municipalities and a total population of 95,718 persons, among which only 15% are francophones. This makes impossible any extension of the Jura question on the neighboring and partially francophone municipalities of the Biel-Bienne district.

#### **Jura (Republic and Canton)**

The Republic and Canton of Jura is the most recent of the 26 Swiss Cantons. This new Canton was erected on January 1, 1979 as a conclusion of the June 23, 1974 referendum (and border referendum of 1975) won by the partisans of its creation. Its capital is Delémont (11,590 inhabit. in 2010). The population of this Canton is 70,197 inhabit. (2010) Homogeneously francophone and Catholics in majority.

#### **Jura bernois (district of the Bern Canton)**

The Jura bernois is one of the 10 districts of the Bern Canton since January 1st, 2010. Its capital is Courtelary. It includes 49 municipalities and 51,539 inhabitants (2010) francophones (about 90%) and Protestants (about 65%) in majority.

#### **Jura question (“*question jurassienne*”)**

This formula refers to the geopolitical problem linked with the political status of French speaking population in Bern Canton including the ‘separatist’ movement from 1947 to

1974, and since this period the 'autonomist' movement of Jura bernois district. All main political parties in Bern dream to put an end to the Jura question, that is in this perspective that the Nov. 24, 2013 referendum is organized.

### **Rassemblement jurassien (RJ) :**

Is the first political movement openly claiming its separatism after World War Two. After the creation of the Republic and Canton of Jura (referendums of 1974-75), the RJ survives in the Jura Bernois as Mouvement Autonomiste Jurassien.

### **Separatist**

Key—word designated the former supporters among the French speaking population of the creation of a Jura Canton before 1974. As this word sounded pejoratively to many Swiss people, the new movement in favor of the union between Jura Canton and Jura bernois refer to the concept of "autonomist".

### **Switzerland**

The country has 7 783 000 inhabitants (2010) and a total area of 41,285 km<sup>2</sup>. 65.6% its total population speak German, 22.8% French, 8,4% Italian and 0,6% Romansh.

Switzerland has a specific political organization; it is not a federation, but a confederation in which the 26 Cantons are sovereign states. Each Canton has its own constitution, parliament, government and courts. The sovereignty of Swiss Cantons emphasized by the rule of Cantonal linguistic sovereignty (*Sprachhoheit*) by which each Canton is free to determine its official(s) language(s), for a determined area or domain, 'has the right to protect and defend its own linguistic character and to assure its survival' (Schmid, 1981, 21). Notably, most of Swiss Cantons are mono-language; only three of them are bilingual (Bern, Fribourg, and Valais; and, Grisons is unique with three official languages).

### **Legal bibliography:**

1815. According to the final Act of the Vienna Congress, two acts (N°76 and 77), the so-called '*Actes de réunion*' (reunion Acts) the former territory of the Prince-Bishopric of Basel is incorporated to the Bern Canton.

<http://mjp.univ-perp.fr/traites/1815vienna2.htm#ch> (in French)

[http://en.wikisource.org/wiki/Final\\_Act\\_of\\_the\\_Congress\\_of\\_Vienna](http://en.wikisource.org/wiki/Final_Act_of_the_Congress_of_Vienna) (translated in English)

1970, March 1

*Additif à la Constitution du Canton de Berne relatif au Jura* (Constitutionnal modification of Bern Canton Constitution making the popular vote on Jura question possible, see especially pp.261-62) / in French

<http://www.amtsdruckschriften.bar.admin.ch/viewOrigDoc.do?id=10101826>

1994, March 25,

Agreement signed by the Bern and Jura governments creating the Inter Jurassian Assembly / in French

[http://www.ejpd.admin.ch/content/dam/data/pressemitteilung/2012/2012-02-20/absichtserklaerung\\_rr-f.pdf](http://www.ejpd.admin.ch/content/dam/data/pressemitteilung/2012/2012-02-20/absichtserklaerung_rr-f.pdf)

2009, May

Final report of the AIJ for a political solution of the 'Jura question'

<http://www.ajj.ch/CMS/default.asp?ID=203>

2012, Feb. 20

Joint declaration of Jura and Bern governments to solve the 'Jura question' approving the 2013 referendum / in French

<http://www.unjuranouveau.ch/default.asp?MenuID=13583&PageID=9798>

### **List of key organizations:**

#### **Assemblée inter-jurassienne (AIJ) / Inter Jurassian Assembly**

The AIJ is consultative assembly created in March 1994 joining two delegations of 12 members from the Jura Canton and The Jura Bernois district. Its permanent seat is in Moutier (Jura Bernois). AIJ main role was to find a political solution to the 'Jura question' (Gogniat 2008). In its May 2009 final report the AIJ proposed two solutions: to create a new Canton joining Jura and Jura Bernois district or the extension of autonomy for the Jura Bernois (the so-called "statu-quo+" solution). After hesitating, the Bern government finally approved the idea of a new vote in 2012. Indeed opinion surveys showed that the maintenance of Jura Bernois in Bern appeared to be dominant among francophones.

#### **Conseil du Jura Bernois (CJB)**

This consultative Council (*Conseil*) was created in 2006 by the Bern government to deal with cultural and scholar affairs within the Jura bernois. The CJB is supposed to play a more important (but imprecise) role if the Jura bernois remains in Bern Canton after Nov. 2013...

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<sup>i</sup> The examination of 2010 elections offers a main uncertainty linked to the very low participation to the 2010 election which did not exceed 32.43%. Only higher participation to vote can make the reunification possible (see Bern Canton Website, Results of political elections [onLine] URL: <http://www.wahlarchiv.sites.be.ch/wahlen2010/requestDispatcherccf3.html>

<sup>ii</sup> Eidgenössische Volkszählung 1970 / Recensement fédéral de la population 1970, Band 3.02 / Volume 3.02, Kanton Bern / Canton de Berne, Berne, Bureau fédéral de la statistique, p.385. [OnLine] URL : [www.bfs.admin.ch/bfs/portal/fr/index/150/03/.../02.Document.104672.pdf](http://www.bfs.admin.ch/bfs/portal/fr/index/150/03/.../02.Document.104672.pdf)

