



the Practitioner's page

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The importance of horizontal and vertical collaboration within the Swiss federal State from the perspective of the Cantons

Federalism is one of the basic principles of the Swiss Confederation. It guarantees unity in diversity for the four regions of the country, which have their own language, culture and identity. It also greatly contributes to the effective and efficient execution of tasks and strengthens the competitiveness of the Swiss economy.

The Swiss federal system guarantees a high and decentralized capacity to resolve disputes in the best interest of the citizens of the country. The protecting of cantonal autonomy and organizational flexibility is therefore a major national objective that makes increasing demands on the cantons.

The increasing internationalization of politics, and the subsequent blurring of limits between foreign and domestic policies, reinforces already existing centralizing trends. There are a variety of factors that make it necessary for the cantons to heighten their levels of cooperation, issues such as the integration of Switzerland in a politically and economically developing Europe, the general trend towards globalization, and the pressing need to execute tasks effectively despite the country's limited territory.

If the cantons are to maintain and strengthen their position in the federation, this vertical and horizontal collaboration must be adapted to new developments and redefined accordingly. To this end, the Conference of Cantonal Governments (in French, *Conférence des gouvernements cantonnaux* or CdC) has become, since 1993, an essential element in the power-sharing arrangement of the Confederation.

Creation and functions of the CdC

At the beginning of the 1970s, the Cantonal Conference of Governmental Presidents was created. Switzerland's 26 cantons — 20 full cantons and 6 half-cantons — are all members of this body. At the end of that decade, the Confederation-Cantons liaison body was introduced. The CdC has done almost from the start what those two bodies were unable to accomplish. It became an effective coordinating body between the cantonal governments ensuring their meaningful participation in the Confederation's decision-making processes, including in complex political issues. The lack of participation in Switzerland's failed efforts regarding European integration

created a moral burden to which the CdC owes its rapid success (in a 1992 referendum, a majority of the Swiss population and cantons voted to reject membership to the European Economic Area, an agreement that turned out to be beneficial for the other countries who did become members).

The goals of the Conference of Cantonal Governments are to promote collaboration within cantons in their field of jurisdiction and, in federal matters relevant to the cantons, to ensure the coordination and communication of critical information, particularly in the fields of:

- renewal and development of federalism,
- distribution of powers between the Confederation and the cantons,
- development and formulation of decisions at the federal level,
- execution of federal tasks by the cantons, and
- foreign policies and integration.

The supreme body of the CdC is the Plenary Assembly, in which each canton is represented by a member of its government. The role of the Plenary Assembly, which meets quarterly, is to make political decisions. The votes of at least 18 cantons are required for an official cantonal position to be presented to the Confederation.

The executive body of the CdC is the *Bureau* and each of its nine members is appointed according to a regional distribution formula. The *Bureau* oversees ongoing projects, makes decisions in urgent matters, and prepares matters for submission to the Plenary Assembly.

The CdC is supported by a secretariat composed of 15 members. For important cases, special commissions are set up and include political and technical representatives. More than 200 people from many cantons took part in these commissions. The credibility and success of the CdC depends in large part on the quality of the work performed by these bodies and the work often has to be done within extremely short time frames. The CdC has had a positive political impact primarily because of the knowledge available in the cantons, the politicians involved in the special commissions, and the optimal networking of all cantons.

The CdC often works closely with the Intercantonal Conferences of Directors, which are composed of the

members of government responsible for a particular department in each canton. They are bodies that harmonize and coordinate both within cantonal departments and with the federal agencies responsible for specific fields of activity. There are 17 Conferences of Directors. The most important fields are education, health, finance, social programs, internal security, the economy, public works, land use planning and the environment.

Unlike the Conferences of Directors, the CdC is statutorily dependant on the joint sovereignty of the cantons and on the combined will of all cantonal governments. As a result, the CdC plays a key role in cross-cutting domains. Although foreign policy initiatives fall within the CdC's jurisdiction, the body tends to limit its domestic policy initiatives to matters relating to institutional policies, to the global principles of federalism, or to cross-cutting matters.

Areas of cantonal participation in federal politics

The kinds of matters handled by the CdC highlight its importance as a pivotal body for the cantonal governments in their dealings with the federal authorities. In terms of national policies, it contributed considerably to the renewal of federalism in Switzerland particularly with regard to the drafting of the project of the Federal Council for a New Federal Constitution in force since January 1, 2000. This brought about a modern type of federalism that clarified the distribution of powers between the Confederation and the cantons.

In terms of foreign policies, the CdC has ensured the participation of cantons in bilateral accords negotiations between Switzerland and the EU. The legislation related to the participation of cantons in the Confederation's foreign policy passed the test during various bilateral negotiations. The legislation was developed by the Confederation and the cantons as equal partners and entered into force in 2002. It established the right of the cantons to participate in the foreign policy decision-making process.

The key accomplishment that brought about the renewal of Swiss federalism is the reform of financial equalization and tasks distribution between the Confederation and the cantons (RPT). The people and the cantons ratified the RPT in November 2004 and paved the way for several improvements, namely a clear distribution of tasks between the Confederation and the cantons, the financial autonomy of the cantons and increased inter-cantonal collaboration.

Another progressive step that came in 2001 was the enhanced relations between the CdC, cities and communes. This came with the formation of the Tripartite Conference on Municipalities (CTA), a body which brings together the Confederation along with cantons, cities and communes. It promotes the development of a common policy on communes as well as vertical collaboration between the Confederation, the cantons, and the communes.

At present, the CdC is dealing with more than 30 issues, including more than 20 related to federal policy projects in the fields of foreign, domestic and financial policies.

The Confederation also benefits from the CdC

The initiatives of the CdC are not solely in favour of the cantons. It is also a way for the Confederation to engage the cantons in its political objectives. The quality and effectiveness of its decisions and positions are essential factors for the coherence of Swiss policy as a whole, especially at the federal level. The Confederation therefore has a vital interest in structured and inter-cantonal

collaboration from which flows a progressive environment, a national consensus on the decision-making process, and an ability to take action.

The fact that the CdC provides the cantons with an opportunity to be heard and to intervene in relatively short time frames and on the basis of sound processes, is sometimes considered to be a disturbing factor for national policy. In this context, the legitimacy of the CdC is often questioned.

Legally speaking however, and from the cantonal law point of view at least, the goals, objectives and workings of the CdC are perfectly consistent with the constitutional mandate of the cantonal governments, which is to be the external representative of the cantons. All cantonal governments are the legitimate representatives of their canton's foreign interests. If the Parliament or the people have particular rights of participation, it is the duty of each government to respect these prerogatives. A government could, for example, express such reservations when it presents a position statement or decides not to take a position on a particular question or issue. Thus, it is perfectly accurate to state that cantonal governments are the representatives of their cantons and that the CdC is only a forum that facilitates the common presentation of individual cantons' position statements to the Confederation. The critical national policy decisions made by the CdC are based on all cantonal governments' decisions, and must therefore follow clear rules.

In the last two years, the debate on the legitimacy of the CdC has dramatically changed direction and even partly ended. In 2003, through a process coordinated by the CdC, the cantons, with their first referendum in 130 years, successfully opposed a series of fiscal measures introduced by the Confederation. They were able to convince a clear majority of voters that the measures were unconstitutional in May 2004.

Summary and perspectives

In the short history of the CdC, it has become a catalyst for the canton's participation in federal politics. The CdC continues to gain importance as the complexity of tasks to be executed increases, the influence of foreign policy on Swiss domestic policy intensifies and interest groups' demands on the state multiply. The cantons have acknowledged that it is necessary, because of their high level of autonomy, to have efficient and effective institutions of inter-cantonal collaboration.

In Switzerland as in other countries, federal politics follow their own principles and often overlook the sub-national units. Today, whether federal politics is nationally or internationally oriented, parties, associations, NGOs and the national media now form part of the bigger picture. Until the historic May 2004 referendum, the cantons had only played a secondary role. The success of the referendum and the victory of the cantons in the vote on the fiscal package have significantly enhanced their role. It is now up to the cantons themselves to ensure, by their ongoing participation in federal politics, that their constitutional importance is also respected in federal political issues. In this context, the CdC helps the cantons assert their constitutional role within the federal state, not out of self-interest but because it is in the best interest of the cantons that federal tasks be executed efficiently and that they meet the needs of the citizenry. ☺

To visit the CdC website, go to www.cdc.ch