



## Switzerland: The Importance of Being Pragmatic

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Without federalism, it has been argued, there would be no Switzerland. The country is too diverse in various regards to have survived, had its politics not been so organized. The role of federalism in contemporary Swiss foreign relations is a test case for this argument. The cantons' foreign policy, the cantons' participation in the confederation's foreign policy, and the municipalities' cross-border cooperation have become topical and sensitive issues, especially as they regard Swiss integration in Europe. These issues require politicians at all levels of government in Switzerland to demonstrate pragmatism in the conduct of foreign relations. Without the flexibility and reciprocity that have so far enabled federalism to meet the country's different concerns, Swiss foreign policy may prove to be a source of serious dissatisfaction.

The forces of globalization and internationalization have led in Switzerland, as elsewhere, to wider and deeper external relations on different levels, among various actors, regarding a range of concerns. Although Swiss citizens expect the state to intermediate these relations, they show little interest in federal concepts such as the division of powers and intergovernmentalism. They are more concerned about the demo-

cratic basis and real effectiveness of state policies: Swiss citizens expect to participate in and benefit from external relations at all three levels of government.

The changed circumstances in which foreign relations are conducted were partly responsible for the revision of the Federal Constitution of Switzerland in 1999. In the first paragraph of the section concerning authority in this area, the new Constitution provides that “foreign relations are a federal matter” (Article 54(1)). At the same time, the cantons’ concerns about and openness to foreign relations are acknowledged in the Constitution. Specifically, Article 54(3) states that the confederation in its dealings is to take the powers of the cantons into consideration and to protect their interests; Article 55 requires the participation of the cantons in foreign policy decisions of the confederation that affect them, including those regarding the European Union; and Article 56 allows the cantons to pursue their own relations with lower-ranking foreign authorities in conformity with the interests of other cantons and the confederation. These provisions are to be applied in keeping with the long-standing Swiss principles of subsidiarity and cooperative federalism, as well as mutual respect and support in governance.

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How have the three levels of Swiss government responded to this new political and constitutional context for foreign relations? What have been the effects, and what are the risks?

The Constitution presumes that the confederation will take the lead in and be ultimately responsible for the conduct of foreign relations. In filling this role, the Confederation has so far shown considerable respect for the cantons’ powers and interests. It has given the cantons leeway in their direct dealings with foreign authorities, recognizing that their concerns may be better dealt with thereby. In keeping with the principle of cooperative federalism, the confederation has also informed, consulted, and where appropriate, allowed the cantons to participate in international negotiations. It has recognized that engagement of the cantons contributes not only to the implementation of international agreements but also to the quality of its policy positions and to the approval of proposals submitted to popular vote. The potential for problems in relations between the confederation and the cantons in this area does not so much lie in the levels of government speaking on the same matter with different voices. Instead, provision for extensive cantonal participation in the confederation’s foreign policy risks preventing the confederation from reacting quickly enough to developments internationally, especially if the responsible cantonal personnel are not “up to speed”.

For their part, the cantons have tried to make good use of their constitutional power to act internationally, a power arguably unrivalled by sub-national units elsewhere. The 16 cantons that border on foreign countries have in particular engaged in external affairs, pursuing a “minor foreign policy” in areas such as culture, energy, and tourism. The cantons have also pressed the confederation for increased participation in foreign policy decisions, and they set up the Conference of Cantonal Governments (CCG) in order to present their common positions. The success of these efforts depends, however, on the engagement of the individuals in the cantonal department concerned. The democratic legitimacy of the cantons’ involvement in foreign policy has been questioned, as the CCG is not provided for constitutionally and is little known by the public. This situation raises the questions whether formal provision should be made to recognize the CCG and whether more than the cantonal executives should be involved in its operation, and if so, *per* what mechanism?

The municipalities’ cross-border cooperation has contributed to the denser networks between Switzerland and foreign countries. In particular, Swiss cities and communes have also engaged in European integration policy, pursuing transport, sewage, and other everyday projects with their neighbours between administrations. Although such projects have become increasingly popular among municipal representatives, most notably in the Rhine and Lake Constance regions, citizens remain sceptical about the value of cross-border cooperation and must be persuaded that it is not a waste of their taxes. Municipalities must also be careful not to exceed their authority: just as they expect their efforts at cross-border cooperation not to be unduly hindered by the confederation and cantons, they must heed the laws and interests of the other levels of government.

If, as argued, globalization and internationalization are posing a general challenge to the conduct of foreign relations in the Swiss federation, the country’s integration in Europe is doing so in particular. This complex relationship involves the powers and essential interests of all levels of government, cuts across various institutions and mechanisms, and most importantly, can provoke starkly divergent policies. Federalism could thereby become an obstacle to Swiss cooperation in Europe or beyond. Conversely, the changed circumstances in which foreign relations are conducted might spur the three levels of government in Switzerland to be more innovative and resourceful in their approach to federalism. One-of-a-kind rules and gentleman’s agreements might be developed that handle concerns in ways that are not strictly constitutional but that are functionally effective. The outcome could be foreign policy that is more effective and more expressive of citizens’ wishes. A stronger, and not a weaker, Swiss political community would be the end result.