

What Can the Swiss Experience Bring to the Quest for European Federalism ?

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The experience of Swiss federalism has contributed substantially to the quest for a new European federalism. In fact, the European Union practices federalism just as Molière's Monsieur Jourdain spoke prose, without using the term or even knowing it is doing so. Nevertheless in order to give some examples of Switzerland's discrete influence, I ought to go back to the origins of the European Community and to mention its basic principles inspired by the federal experiences and notably by the experience of Switzerland.

The references to the federation as aim of Pan-European Manifesto from Coudenhove-Kalergi (1924) or in the *Mémoire sur l'organisation d'un régime d'union fédérale européenne* (1930) written by Alexis Léger alias poet Saint-John Perse and presented to the Society of Nations by Aristide Briand are significant precedents. Among multiple claims in favour of a European Federation during the Second World War, the *Ventotene Manifesto* (1941) by Altiero Spinelli and Ernesto Rossi prisoners on this island, merits special mention. Nevertheless, the visible proof of the influence of the Swiss experience was produced at the Montreux Congress organised by the Union of European Federalists (1947), where Denis

de Rougemont presented six fundamental principles, which form the basis of any federation:

First principle. A federation presupposes the abandonment of any notion of organizational hegemony. The failure of Napoleon and then of Hitler in their attempts to create a unity for Europe are salutary warnings.

Second principle. Federalism presupposes the *abandonment of an obsession with systems*. To federate means quite simply to *organize together*, to set up together as well as possible the concrete heterogeneous realities constituted by nations, economic regions, and political traditions.

Third principle. Federalism does not recognize the problems of minorities. In Switzerland, respect for the special qualities of each and every individual is expressed not simply in the system of election to the *Conseil des Etats*, but above all and much more effectively in the customs of our political and cultural life, where we see *French- and Italian-speaking cantons* playing a role out of all proportion to the number of their inhabitants or the geographical size of their territories. This observation applies today to small states in the European Community and in particular to Belgium and Luxembourg.

Fourth principle. The aim of federation is not to erase diversities and fuse every nation into a single bloc but to safeguard their *individual qualities*. Each of the nations that make up Europe represents a particular function that is irreplaceable, like each organ of a body.

Fifth principle. Federalism is based on a *love of complexity*, in contrast with the brutal oversimplification typical of a totalitarian mind. Switzerland is made of a multitude of political, administrative, cultural, linguistic, and religious groups and bodies *that do not share the same frontiers*; in fact, they belong to countless separate overlapping blocs.

Sixth principle. A federation is the product of a chain of people. It develops out of *individuals and groups*, not out of decisions taken centrally or government *diktat*. The need for a European federation is evident: it has long been maturing, and

an outline structure already exists. All that is still required are a federal charter, representative organs, and the final move: a mass movement to force the hand of the governments.

This was the vision of the Swiss author, which inspired the resolutions of the Hague Congress 1948 advocating a creation of a union (British concept) or the federation as proposed by a majority of the participants. Despite the division across the Channel, the political resolution urged the establishment of the European Assembly and the European Court of Human Rights. The economic resolution proposed to establish economic and monetary union covering the free circulation of workers and capital, coordination of economic policies and harmonization of social legislation inside a European customs union. The European Community put these objectives in practice. The cultural resolution insisted on the free movement of ideas and cultural goods and gave birth to the *Centre Européen de la Culture* established in Geneva, by Denis de Rougemont and the College of Europe headed by Rector Henri Brugmans in the late Forties. Besides, the initiatives that were followed up after the Hague Congress resulted in the European Movement and the Council of Europe.

The federal stamp on the European Union

The European Union has embarked on a new road to federalism. It applies many of the principles and guidelines defined by Denis de Rougemont and inspired by the Swiss experience. Although it is only a partial and incomplete federation, the European Community is strengthening its federative features as it develops. The problem here is the opposite of that which surfaces in certain federal states like Switzerland, where autonomy has to be safeguarded from the grasp and encroachment of the central state. The question is that the institutional embryo of the European Community encounters difficulties when it wants to assert its autonomous power in relation to the member states, several of which are old European nations. When we

speak of Brussels's desire for centralization, it is worth remembering that this emerging power is much less solid and powerful than the central power in federal states, in particular the Swiss Confederation.

Unlike a federal state, the European Community is not yet responsible for shared defense, nor is there a European army, nor a European police force. As regards foreign policy, it has only a few embryonic elements and reduced capacity as a result of the Iraq Crisis. Even in sectors that are actually a part of its area of action or jurisdiction, European Community powers are often limited, although such restrictions have not prevented certain irritatingly pedantic rulings from being adopted abusively. Overall, we are a long way from a federation like the Swiss Confederation and even further away from "centralized power." European Community powers are limited and are exercised primarily in the form of regulations and initiatives and, more rarely, in matters of common policy (e.g., the Common Agricultural Policy [CAP]) or the management of Community funds. Furthermore, in carrying out its regulative tasks the European Community often uses *directives*, which are binding as to the object they define but leave member states free to choose the appropriate means.

When the European Community imposes general regulations, "Community laws" that are directly executory according to a technique very common in federal systems, it entrusts their execution to the member states, as does the Swiss Confederation. These few examples confirm that the European Community has a hybrid form, with limited though real powers in socio-economic and technical matters, powers that are incomparably less substantial than those of a federal state.

As for the government of the European Community, it is difficult to find an institutional seat for it, as governmental functions, still fragmentary but in the process of developing, are shared between the Commission, the Council, and the European Council. However, it is the European Council that, with the help of the Commission and the Council of Ministers,

which holds most of the power when it comes to issues with strong political overtones or that are fundamentally political. The Commission, a collegial and independent institution, numbered 20 in 1995 and will probably become 25 after 2004 as a consequence of enlargement, (reminiscent of the Swiss Federal Council, a stable executive elected by Parliament but not responsible to it, and composed of only seven members). The Council is a prototype of the Swiss Council of States, which as an expression of member governments exercises certain executive functions, and is, at the same time the ultimate legislator. Compared with the Swiss system, the European Union has two main differences: the Commission is accountable to the European Parliament and can be censured by it, the Council of Ministers is an example of the confusion of executives and legislative powers. It is an open question as to how this institutional complex is going to evolve. Alongside the principle of *double participation* by the member states and by the people is the principle of *union in diversity*.

Jacques Delors emphasized this same idea: "There is no cause for any anxiety that national particularities might disappear any more than that specifically regional features might be eliminated. It is true that to give European a feeling of belonging to a single body governments have decided to establish a number of elements of a Europe of citizens, a European passport, student exchanges, and a desire for standardization. After all, each country is free to cultivate the heritage of its own history, traditions, customs, and peculiarities. Our Europe will be united only in diversity".

Two innovations set out in the Single European Act are a proof of this, the use of *directives* and the rule of *mutual recognition*.

Thus, a diploma or regulated product in one member state will be recognized automatically in the others. These different forms of Community instruments and actions move toward a generalised, though sometimes imperfect, application of a fundamental principle of federalism, the *principle of subsidiarity*,

which is one of the basic principles of the Swiss federal practice. Regarding monetary union and the creation of the European Central bank, the European Council of June 1989 stated in its final resolution that the Delors Report was completely faithful to its mandate. It held that the building of an economic and monetary union must take account of the correlation between economic and monetary aspects, respect the principle of subsidiarity, and reflect the diversity of specific situations. Similarly, the final stage provides for the full operation of a European System of Central Banks (ESCB) on a *federal basis* and a European Central Bank, a wholly *autonomous* Community institution responsible for the formulation and implementation of the common monetary policy. Furthermore, in this *federative* type of structure the national central banks will be responsible for carrying out operations in conformity with decisions taken by the ESCB Council. This project clearly reproduces the structure of the American Federal Reserve (FED) and is inspired by the example of the Bundesbank. Such a step toward autonomous subsystems and institutions is close to Denis de Rougemont's idea of *European agencies*. It was in this spirit, for example, that the Commission recommended the creation of an *autonomous environmental agency* within the Community system.

Like in Switzerland, the *principle of the protection of minor communities* is more specifically embodied in the over-representation of small and medium-sized states in Community institutions and processes. The small and medium-sized states in each have one member of the Commission compared to two members for each of the five large nations. The Treaty of Nice adopted a Commission of 25 members, one for each state. This trend is in opposition to the Federal Council and the Valéry Giscard d'Estaing proposal for a Commission of 14 members. In my view, it is important to have a Commission of 25 in order to have the necessary knowledge of different countries and more specifically to have accurate information about the situation of the new members. Nevertheless, such efficiency

requires a sort of "ministerial cabinet" of approximately ten members surrounded and assisted by associate ministers or commissioners.

In the Council each member state has one representative, and the small and medium-sized states are privileged in the weighting of votes when qualified majority is applied. The weight of small and medium-sized states will be even greater with the arrival of ten new members, of which only one, Poland, is close to forty million inhabitants. To compensate this imbalance, it is proposed that the qualified majority has to represent 62% of the population of the Union. The European Parliament also includes the strong representation of small and medium-sized states in relation to their population in millions. Each member state has a judge on the Court and both the Economic and Social Committee and the Committee of the Regions contain strong representations of counselors for the small and medium-sized states. The Community system also involves a remarkable *balance* between the large member states, none of which can hold a dominant position permanently, while their influence is counterbalanced by the small and medium-sized countries that create more or less stable sub-groupings like the three Benelux countries. This balance is strengthened all the more, in that despite the Union's dependence on the dynamic leadership of France and Germany and on the action of the Commission, of which the small and medium-sized states are the most loyal defenders, there are no permanent coalitions. The Commission preserves a general equilibrium by seeking to identify the Community interest, all the more so in that its proposals cannot be amended other than by a unanimous vote of Council members. Hence, paradoxically, unanimity protects and reinforces its proposals and its negotiating strength.

This handful of federative features in the European Community is reflected by the growth, still insufficient but real nonetheless, of a democratic base. The European Parliament is increasingly involved for several reasons: its direct election, its increasing grip on the Community budget, and its co-decision

in the legislative process as laid down by the Maastricht Treaty, reinforced by the Amsterdam Treaty. As its role grows, the political parties are tending to take a more active part in the union process. Initially limited to the activity of their parliamentary groups in the European Parliament, the parties belonging to the three large European political families (Socialist, Christian-Democrat, and Liberal) have formed federations. Although still only embryonic, these federations have several characteristics in common with the Swiss parties, which are established around their members in the cantons, where their main activities are conducted. Whether labeled as Community or federal, what is expressed within unions of parties is actually national or cantonal diversity.

Within the European Union, we see Denis de Rougemont's *Europe of the Regions* emerging, including simultaneous parallel movements, one aiming to create a *European federation* which should be a general framework, and the other to develop *the potential of regions* and the wealth of local resources within the European Union and its member states. This is how the principle of subsidiarity is embodied at different levels in the European Union.

In its pragmatic quest for an original political community, the European Union is in fact implementing a number of principles, which correspond to the basis of the Swiss federation. Does it mean that the Swiss pattern served or should serve as a model for the European Constitution? If, as resulted from our brief analysis, many principles inspired by the Swiss experience and formulated by Denis de Rougemont were applied in the Union, it does not mean that the Union followed or has to follow the Swiss model. In fact, as a multinational and highly diversified community, the European Union rediscovered fundamental rules of federalism such as free association, refusal of any type of hegemony, overrepresentation of small members, and above all respect and preservation of national and regional identities and the principle of subsidiarity that is the basis of federal architecture.

Despite many similarities, the differences are pronounced between the Swiss Confederation and the European Union. Switzerland is in some ways a *European laboratory* and an example of how the diversity of languages, religions, social and economic structures and wealth can be peacefully managed. Even if there are some similar political structures, as for example the collegial institution which is like the European Commission, compared to the Federal Council the difference is obvious: one composed of seven members is governing 7 million inhabitants while the Commission of 20 members, in the near future has to deal with problems of 450 million. The problem is how to conciliate the efficiency and the multidimensional knowledge required by a good management of this space of diversity. At the political level, the members of the European Union have parliamentary systems in which the government, issue from a majority or coalition is accountable to the Parliament. Besides, while in the Swiss system the main parties form the collegial Federal Council or State Councils in the Cantons, in the member states of the European Union, there are ruling parties and those in opposition. Nevertheless, in general in the European Parliament the majority requires the convergent vote of two main parties – European Popular Party and European Socialist Party – which despite their ideological opposition have convergent positions on many European issues. The necessity makes them closer to the pattern of Swiss political behaviour based on the search for consensual democracy in which the government cannot be overthrown by the Parliament. In this very stable system oppositions are expressed through popular referenda and initiatives. To summarize, there are not just differences in scale but also in mentalities. In the European Union national identities impose new constraints on the process of union-building. The diversity or the heterogeneity between 25 members, the core constituted by the eurozone, a two speed process of integration, the international weight of the European Union, and its economic and political responsibilities which require a common foreign and security policy, a rapid force

and common defense despite the existence of four neutral member states, and at the same time the emergence of the high-tech society of communication, all these factors are appealing for a new and unprecedented European federation. Switzerland is an established federation which has to adapt to the new environment, while the European Union has the difficult task of inventing a new “political animal” guided by the principles and experience of a multinational and democratic federalism.

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Aims and Purpose

Geneva is in a unique position as a diplomatic centers-wherein peace and quality of life, not power and supremacy, are emphasized.

This publication is a reflection of the work thousands of civil servants and intellectuals are doing every day in this part of the world.¹ It is an attempt to contemplate global issues, to explore ideas for the settlement of conflicts, the protection of victims of wars, and the promotion of reconciliation and peace. But Geneva, the humanitarian capital of the world, is more: specialists of all nationalities are dedicated to research to eradicate diseases, to monitor the climate and promote environmental awareness, to assist the less advantaged, and to promote economic development

Those behind this new publication have in common a certain spirit. First: Modesty. Experience in international relations makes them aware of the immensity of the task. But this is no reason for discouragement; many things need to be improved in this world, many structures built. Secondly: Impartiality. We are all influenced by the experience and lessons of Swiss neutrality and the spirit of tolerance that prevails in a multicultural country. And thirdly: We are all volunteers: profit is not our motivation. We extend our thanks to all those who have encouraged us.

For the past six years The Swiss Forum on International Affairs, a 600-member strong think-tank, has organized some 100 lectures, given by prominent visitors to Geneva – from Koichiro Matsuura to Javier Solana, from Fidel Castro to Hubert Védrine – always followed by lively debates. In addition, our members have been invited to attend many lectures organized by our partners. We want to share with the rest of the world the ideas generated by these stimulating lectures, which offer an abundant reservoir of reflection and creative thinking.

¹ The region of "Geneva" includes Lausanne and Evian - and several other places where national interests disappear and give way to a global vision of humanity.