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The pertinence of the external EU border: A Swiss point of view

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1. Introduction

Switzerland lies at the heart of Europe and is not a member of the European Union. It can be said without doubt that Switzerland belongs to Europe; not just geographically, but also politically, culturally and socially. In recent years, the country has gone the bilateral approach with the EU, its most important trading partner. Economically speaking, Switzerland is virtually dependent on the European Union: More than two thirds of Swiss exports go to EU member states, and almost four fifths of all the country's imports come from there². Despite its strong political interconnections and shared interests with Europe, since 1945 Switzerland has always been in the passenger seat, rather than the driving seat.

Looking at a political map of Europe, today Switzerland looks like the little village in Gaul where Asterix and Obelix resisted the Romans. The question of the Swiss external EU border has been given additional weight thanks to the vote in favour of the campaign against mass immigration on 9 February 2014³. This campaign is directed against the principle of freedom of movement; its aim is for Switzerland to return to curbing immigration independently, by means of caps and quotas.

² Daniel Müller-Jentsch & Boris Zürcher, *Avenir Suisse, Eine Frage der Relationen*, 6 February 2012

³ This initiative calls for a move away from the current system, wanting Swiss control over all immigration. The number of residency permits would be limited by annual caps and quotas for all foreign nationals. Employers would have to give preference to Swiss workers on the labour market. Agreements under international law contradicting this would have to be renegotiated; this would include the agreement on freedom of movement.

2. A typology of borders

There are many different types of border: Geographical and cultural ones between countries, towns and regions, or social, linguistic and ethnic borders within societies. What are borders? A simple question that is difficult to answer. Borders define an area, and also separate one area from another. It is doubtless that the borders between countries are those that first come to mind when we hear the word “border”, but that is not all the term means. There are also borders criss-crossing individual countries. The German word for “border” – *Grenze* – refers to even more kinds of limit, including those found within individuals. Borrowed from the Slavic word “grenize”, it is related to the Polish “granica”, a derivation with a narrower meaning: “Boundary marker”. The German philosopher Immanuel Kant played a crucial role in establishing the theoretical, humanist definition of a border. He made a series of philosophical observations about borders; those between people's different experiences and notions, and those between reason and religion; morals and ethics.

Taking into account the political and legal definition, the following piece focuses on term “state border” under international law, describing a geographical line between two nation states' areas of sovereignty⁴. In the social sciences, the use of “border” to mean a state border is sometimes viewed and criticised as a lack of any theoretically solid understanding of the term⁵. Following the tenet “Borders become borders when they are

⁴ Grom, p. 38

⁵ Greven, p.250

treated as such”⁶, the main question is that of what significance the borders laid down under national law take on in different cooperative processes and for different actors.

One final point worth emphasis is that borders are always a construct, whether they involve historical developments interacting with political decisions, then legal implementation, as in the case of state borders, or whether they are intellectual constructs. The latter may, for example, be shared by a large group of people, leading to a shared identification.

3. The changing properties, functions and roles of European borders

Borders are relevant as dividing lines. At their respective borders, sovereign states are able to control and regulate imported and exported goods, flows of capital, services and people's movement. In addition to this barrier effect, state borders can take on a protective or fiscal function if customs duties are levied⁷. These functions become apparent immediately when a border is crossed, from the obvious border controls.

Since 31 December 1992 there has not only been the free movement of goods within the European Union but also the free movement of services, capital and people, known altogether as the four “freedoms” of the EU Single Market. The “open-border effect”⁸ is that whereby system borders appear after the visible territorial borders are removed. “System borders” means what are also known as the “soft borders” of potentially different economic, social and cultural systems.

⁶ Ortman & Sydow in Kohler-Koch, p. 12

⁷ Ratti, p. 61

⁸ Ratti, p. 46

4. The Swiss understanding of the border

a) Geographical

Switzerland is at the centre of Europe. It shares the entire length of its 1,899 km external border with five neighbouring countries, each section measuring as follows: France 572 km, Germany 362 km, Austria 180 km, Principality of Liechtenstein 41 km and Italy 744 km⁹. The national border is simultaneously that of cantons, governmental regions, municipalities and private property. The topography of Switzerland is such that the borders run through cities (Geneva, Basel, Konstanz, Chiasso), on solid ground (717 km), through lakes, rivers and streams (436 km) and along mountains and peaks (746 km). The border sections on the ground are set out by 7,132 boundary markers.

b) Historically

Switzerland was a subject of discussion at the Congress of Vienna. On 20 March 1815 the Congress of Vienna issued a declaration regulating various matters relating to Switzerland. Among other things, the internal and external Swiss borders were accepted by the great European powers and a territorial exchange was decreed. One point of particular importance was the recognition of the country's perpetual armed neutrality¹⁰.

⁹ Figures according to the Federal Office of Topography, Berne

¹⁰ Declaration of the Congress of Vienna of 20 March 1815 on the Affairs of the Helvetic Confederacy: "... the guarantee ... of the perpetual neutrality of Switzerland, in her new frontiers"

On 12 September 1848 the modern Swiss federal state was established. The cantons were now under a national government (the Swiss Federal Council) and a national parliament (the Federal Assembly). The federation was mainly responsible for foreign policy, the army, the currency, the postal service and customs. When its neighbouring countries' revolutions failed, Switzerland became a democratic republican island among the monarchies of Europe for the second half of the 19th century¹¹.

c) Politically and economically

Due to the close geographical, social and economical ties between Switzerland and the countries of the European Union (EU), Swiss participation in the European integration process is thus of particular economic importance. Freedom of movement by people was introduced to a great extent by the country's bilateral agreements, though Switzerland is not part of the European Union Single Market. Thus, there are still customs formalities, waiting times, rules regarding countries of origin and product regulations on crossing the customs border. This makes exports 1.9 percent more expensive, while imports even rise by 2.3 percent of the value of the goods¹². Current debates in Switzerland (for example about freedom of movement by people, confidentiality in banking or trading agreements) show that, on this bilateral approach, economic integration and the wish to maintain an individual identity lead to tension.

¹¹ cf. Katharina Kellerhals, *Der gute Schüler war früher auch ein Mädchen*, Haupt Verlag, Berne 2010

¹² Results of a study carried out by Ruedi Minsch and Peter Moser on behalf of Avenir Suisse.

5. Switzerland and Europe

Since the Swiss people and cantons rejected the EEC on 6 December 1992¹³, relations between Switzerland and the European Union have, famously, followed the “bilateral approach”, in that Switzerland stands on one side and the EU on the other, as opposed to the EEC, which regulates relations between an (increasingly smaller) group of countries (the EFTA countries except Switzerland) and the EU. Today there are two “packages” of bilateral agreements, which are actually in part multinational due to the participation of the EU member states as well as of the EU itself. Ties between Switzerland and the EU are extremely close and based on a network of accords consisting of roughly 20 central bilateral agreements and 100 other agreements.

Even 20 years after the vote on the European Economic Area (EEC), the majority of the Swiss population still reject the idea of joining it. In a survey, 54 percent consider the result of the vote to have been positive. Only 23 percent believe that it was bad for Switzerland to have voted against entry into the EEC¹⁴. Opinions are divided as to how relations with the EU should develop in future: 41 percent believe that Switzerland should accept isolation from the EU Single Market rather than a loss of sovereignty, while 43 percent are of the opinion that the economic advantages outweigh the disadvantages.

¹³ Federal resolution on the European Economic Area (EEC), rejected with 50.3% “no” votes

¹⁴ Survey by the gfs.bern research institute on behalf of the SRG broadcasting corporation, Nov. 2012

6. Perception of the borders in Switzerland

Public perception of the borders in Switzerland is influenced by people's personal contacts, individual preferences, values and stereotypes, as well as by their formal knowledge about the border, generally focussed on local and national contexts. Reporting in the mass media plays a role in this, with generally only rudimentary reporting on the neighbouring country, or specifically the neighbouring region, even in the local print media at borders where there is not a language barrier¹⁵.

Even in the so-called “borderless Europe” – or especially there, as the sovereign nation states still manifest themselves within state borders as actors confronting the EU – state borders are considered extremely important. Another trend which can be observed is that the effects and significance of a state border develop in relation to other characteristics. Thus, in smaller countries like Switzerland, a relatively greater area is affected by the border than in larger countries, which can influence the attention which smaller countries pay to their border areas or cross-border relationships. Equally, Switzerland's position with regard to other countries at the borders plays a role: as a small country it borders a large one and sees the state border as a particularly effective means of protection against their neighbours' dominance¹⁶.

¹⁵ Scheuer, p. 76

¹⁶ Scheuer, p. 51 ff.

7. Switzerland's function as a transit country reduces the border's significance

In functional terms, Switzerland has not strong borders to Europe. Since Roman times, it has been a transit country; it is Central Europe, the European centre; the spot where three large European language groups meet, and is thus extolled as a “model for Europe”. Its geographical distance to Europe is an insignificant category in the Swiss discourse, but is replaced by the metaphors of the “island”, a one-off “hedgehog mentality” and the country as an “Alpine fortress”. Switzerland sees itself as the self-assured, neutral heart of Europe, hence the lack of any widespread discussion on geographical belonging there¹⁷. Nevertheless, it is based on an incorrect mindmapping of integration processes. Geographical location and characteristics do not necessarily have any influence on people's description of a country or the metaphors used within a discussion on integration.

In other countries, political influence is linked and equated with physical distance; here this is rarely the case. Accordingly, in the political discourse, a distinction tends to be made between the “elite up there” (the EU and Brussels) and the “man in the street down here” (the Swiss population).

¹⁷ Hille, p. 160

8. The border “in people's minds” and the “semblance of sovereignty”

Since the people of Switzerland voted to restrict immigration in February 2014, it has been clear that the principle of freedom of movement by people is meeting with rejection. Switzerland is holding on to its self-determination and its national borders, and currently does not want to become part of Federal Europe. In this spirit, by dissociating themselves from their neighbours and the European unification process, people are drawing up borders in their minds with no connection to economic or cultural realities.

Moreover, Switzerland cannot create its own general definition of “sovereignty” with regard to the outside world, as this, too, is a concept taken from international law. Like all other countries, Switzerland is bound not only in the rules of international law but also in a global economic structure and communications network of a unique density and intensity never seen before in human history. In this context, what is often described as Swiss “sovereignty” and independence should be seen only as a “semblance of sovereignty” and as a semblance of independence.

9. Summary

The Swiss view on borders is affected by geographical, historical, political and economic matters, though distance, as a category of political thought, plays a secondary role due to the actual distances involved. Economically, Switzerland is for all practical purposes integrated into Europe, but politically that is far from being the case.

Switzerland's role as a transit country over the last few centuries has led to people defining themselves not through the geographical border, but through European political procedures and processes. The effect of the border must, moreover, be relativized due to the strong economic and social global interdependencies. The various current votes on European and international topics in Switzerland demonstrate strong scepticism towards any weakening of the borders or towards greater Swiss integration into Europe.

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