

**Foreign Policy in the Context of Federalism:
The involvement of the Cantons in the decision-making process of the Confederation in foreign affairs**

By Veronika Pfäffli,
Masters student, Faculty of Law, University of Fribourg

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Introduction

Due to the growing internationalisation of the law, fields of exclusive domestic matter became more and more relevant for public international cooperation law. Foreign trade policy, foreign social security policy, foreign human rights policy and foreign environmental policy constitute only a few examples of areas with an international reference.¹ Seeing that this evolution leads to the interlocking of internal and foreign policy, the balance of the federal state order has to be requisitioned. In this regard, the fact of a broad federal competence in foreign affairs is followed by the consequence of an increasing intervention in the sovereignty of the cantons. The latter lose in independence which could lead in the extreme case to a downgrading towards administrative units.²

The present paper is dedicated to the cooperation between the cantons and the Confederation in the domain of foreign policy. Thus, I will focus on the question: “what are the participation rights of the cantons in the decision-making process of the Confederation in foreign affairs?” This subject is related to important federal questions but also of current debates.

The theme will be discussed in three steps. First, I will present an overview on the cantons’ position in the federal state. This is followed by an exposure of the constitutional division of foreign jurisdiction between the federal and cantonal level. In the third chapter, I will examine in what extend the cantons loss of sovereignty can be compensated with their integration into the decision-making process of the Confederation in foreign affairs. Therefore different participation rights will be analysed. In conclusion, I will make a valuation of the relevance of the cantons involvement in foreign affairs for the future of the Swiss federal state.

1. The legal position of the cantons in the Swiss federal state

In this section, I briefly describe the cantons’ position in the federal state. Besides the principle of the canton’s autonomy, I demonstrate some of the outstanding instruments of the cantons to take part in the decision-making process of the Confederation.

The twenty-six cantons of Switzerland coexist with the federal level as an autonomous state entity. Their position is explicitly guaranteed in article 47 of the Federal Constitution which states that “the Confederation shall respect the autonomy of the cantons”³. Their autonomy is limited insofar as their legislation has to conform to the Federal Constitution. Within these boundaries the Cantons can freely organize themselves. They are free to choose their political authorities and cantonal legislation is not politically controlled by the federal authorities. Article 3 of the Federal Constitution emerges the im-

¹ HÄFELIN/HALLER/KELLER, p. 331 f.; STURNY, p. 127 f.; BÖSCH, p. 34; Bericht des Bundesrates zu den Auswirkungen verschiedener europapolitischen Instrumente auf den Föderalismus in der Schweiz vom 7. August 2007, BBI 2007 5907 ff, p. 5928.

² STURNY, p. 128 f.

³ Art.47 par. 1 Federal Constitution of the Swiss Confederation of 18 April 1999.

portant principle of the cantonal competence reservation. It implies that the cantons retain sovereignty as long as they are not overridden of the Confederation.⁴

Furthermore, the independence of the cantons is assured by several constitutional rights such as rights to participate in the decision-making process of the federation, which I explain further down.⁵ In addition the cantons hold large latitude in shaping and implementing federal law.⁶ This right elevates the cantons from simple administrative units to important players. The Confederation is also obligated to leave the cantons sufficient tasks of their own and to leave them with sufficient sources of finance.⁷

Thus, the Confederation's obligation to preserve the autonomy of the cantons is clearly stated in the constitutional order. Nevertheless, I have to add that besides the boundaries of the federal competences which I mentioned above, the cantons don't hold the ultimate territorial decision-making powers and they are not sovereign in terms of international law. Therefore, it seems likely to consider the cantons indeed as autonomic but with a limited state quality.⁸

The cantonal right to participate in the decision-making process constitutes a basic element of federalism and is seen as a characteristic element of the federal state. This right proves that in addition to their autonomy the cantons important organs of the federal state as well. A brief overview of the fundamental instruments follows:

a. Ständemehr (majority of the cantons)

The "Ständemehr" plays a major role in the cantonal rights of determination. It means that a double majority is required for certain referendum votes. Other than the majority of the population, a majority of the cantons, i.e. 12 cantons, is mandatory. The "Ständemehr" is applied for amendments to the federal constitution, the accession to organisations for collective security or to supranational communities and emergency federal acts that are not based on a provision of the constitution and whose term of validity exceeds one year.⁹

b. Council of States

The Council of States constitutes beside the National Assembly the second chamber of the cantons. Each canton and half-canton sends an equal number of representatives. The rules of election are determined by the cantons. Since the Council of States is a Federal authority, the delegates act without instruction from their sending cantons. Therefore, the election of the Council of States isn't actually a cantonal right of determination.¹⁰

⁴ KRIESI/TRECHSEL, p. 36 f.; HÄFELIN/HALLER/KELLER, p. 281 f.

⁵ Art. 45 Federal Constitution.

⁶ Art. 46 Federal Constitution.

⁷ Art. 47 par. 2 Federal Constitution ; HÄFELIN/HALLER/KELLER, p. 282.

⁸ HÄFELIN/HALLER/KELLER, p. 282.

⁹ Art. 140 par. 1 Federal Constitution; for the required majorities cf. art. 142 Federal Constitution; for practical application of the "Ständemehr" cf. LOMBARDI, p. 209; HÄFELIN/HALLER/KELLER, p. 284 ff. or THALMANN p. 107.

¹⁰ Art. 150 Federal Constitution for the composition and the election of the Council of States; LOMBARDI, p. 209 ff.; HÄFELIN/HALLER/KELLER, p. 285.

c. Standesinitiative (cantonal petition)

Any canton has the right to submit at any time a “Standesinitiative” to the Federal Assembly. With it the cantons can ask for the elaboration of a draft for a federal decree or to submit a proposal to a chamber in any matter of federal competence. It is a petition, which implies that the Federal Assembly doesn’t have to consult the cantons. The “Standesinitiative” has been used frequently since the 1970s although the instrument isn’t very efficient.¹¹

d. Optional Referendum

Federal acts, federal decrees and international treaties that are of unlimited duration and may not be terminated, that provide for accession to an international organisation or that contain important legislative provisions have to be submitted to a referendum if eight cantons ask for it. This instrument has been used only once.¹²

e. Hearing and participation rights in the federal decision-making process

Art. 147 of the federal constitution¹³ provides a consultation procedure, which allows the cantons to express their views on the preparation of important legislation, on projects of substantial impact or in relation to significant international treaties.¹⁴ A response can be effected by one or several cantons. This often leads to heterogeneous positions of diverse cantons and weakens the cantons’ influence in the consultation procedure. The Conference of Cantonal Governments (CCG) became an important player, which facilitated the positioning of concentrated views through pre-trial conferences.¹⁵

2. The division of foreign jurisdictions between the cantons and the Confederation

In this chapter, I describe the division of foreign competences between the cantons and the Confederation. The vague provisions of the old federal constitution gave rise to interpretation arguments. The new federal constitution, which has been adopted in April 1999, brings more clarity and introduces some novelties among the provisions dealing with the foreign relations of the cantons.¹⁶

¹¹ Art. 160 par. 1 Federal Constitution; art. 115 Bundesgesetz über die Bundesversammlung vom 13. Dezember 2002; GRAF, Kommentar zu art. 160, p. 2374 ff.; KRIESI/TRECHSEL, p. 39; THALMANN p. 110 f.; HÄFELIN/HALLER/KELLER, p. 284.

¹² Art. 141 Federal Constitution; LOMBARDI, p. 212 f.; LOMBARDI/EHRENZELLER/NOBS/THÜRER, Kommentar zu art. 141, p. 2221 ff.; KRIESI/TRECHSEL, p. 39; for the practical signification cf. THALMANN, p. 109.

¹³ Art 147 Federal Constitution is a concretion of art. 45 Federal Constitution which regulates in a general sense the Canton’s participation in the decision-making process as well as the information rights.

¹⁴ For details of the consultation procedure cf. Bundesgesetz über das Vernehmlassungsverfahren vom 18. März 2005; also cf. Botschaft zum Bundesgesetz über das Vernehmlassungsverfahren vom 17. Februar 2004, BBl 2004 533, which underlines the aim of strengthening the Canton’s position through a qualitative consultation procedure.

¹⁵ Further information for the CCG: <http://www.kdk.ch/int/kdk/home.html>, last visit 30th July 2009; LÜTHI, Kommentar zu art 147, p. 2293 ff.; THALMANN, p. 112.

¹⁶ SCHMITT, p. 165.

2.1. General powers of the Confederation in foreign affairs

The Confederation has responsibility for foreign relations.¹⁷ Overall, there is a general and a wide allocation of competence to the federal level, which is based on the effort to provide unity to the foreign policy of the federal state.¹⁸ Certainly, the federal constitution formulates an obligation of consultation while respecting the cantonal powers and protecting their interests.¹⁹ This obligation is stated as well in article 55 of the federal constitution, which includes the cantons in the decision-making process about foreign relations.

The extension of the scope of the Confederation's power in foreign affairs isn't listed anywhere. Paragraph two of article 54 of the federal constitution merely indicates the important goals of the foreign policy of Switzerland. These goals can be summarized in the three fields of external safety, international solidarity and foreign economy.²⁰ External safety is related to national defence and aims at the assertion of the independence and neutrality of Switzerland. The field of international solidarity is dedicated to combating poverty in the world, as well as to the promotion of respect for human rights and democracy. A recent example of this is the Swiss participation in the multilateral Kfor peacekeeping force in Kosovo. Measures in foreign economy include e.g. the trading policy, the enforcement of economical sanctions or the guarantee against exportation risks.

All in all, the powers of the Confederation regarding foreign affairs are large as they extend to all acts which concern the external relations of Switzerland.²¹

2.2. Federal treaty-making powers

The federal power to make treaties has to be distinguished from the enforcement of state treaties. The treaty-making power derives from the general power in foreign affairs. It is an exclusive federal competence and extends to subjects which are related to intrastate competences of the cantons. Hence, the Confederation is authorised to make treaties in fields of classical cantonal jurisdiction such as in fiscal law, education or questions of national security. This leads to a dilution of cantonal competences, which should be compensated by federal restraint in exercising this right and by the participation of the cantons in the decision-making process of the Confederation.²²

In the implementation of state treaties we start from internal jurisdiction order. This order is not applied for self-executing treaties, since they don't require a concretisation. If an agreement is not in its nature self-executing, we have to ask whether the cantons or the Confederation is competent to pass the regulatory statute. While in federal matters, the Confederation can legislate the cantons for the execution, they are competent in fields where treaties touch cantonal affairs. But through the federal re-

¹⁷ Art. 54 par. 1 Federal Constitution.

¹⁸ EHRENZELLER, Kommentar zu Art. 54, p. 986.

¹⁹ Art. 54 par. 3 Federal Constitution.

²⁰ SCHMITT, p. 170.

²¹ Art. 54 par. 2 Federal Constitution; SCHMITT, p. 170 ff.; EHRENZELLER/KLEY/LUTZ/PFISTERER, Kommentar zu Art. 54, p. 991 ff.

²² Cf. therefore chap. 4; HÄFELIN/HALLER/KELLER, p. 330 f.; EHRENZELLER/KLEY/LUTZ/PFISTERER, Kommentar zu Art. 54, p. 988.

sponsibility for foreign relations, the Confederation can control an appropriate application and interpretation by the cantons. If needed, the Confederation can even take measures to implement the treaty.²³

2.3. Limited cantonal treaty-making powers

The cantons have a subsidiary competence to conclude state treaties. Provided that the Confederation has not made one in the specific matter, the cantons can negotiate treaties with foreign states that lie within the scope of their powers. Therefore, we could talk about a concurrent state treaty competence.²⁴ However, the treaties concluded by the cantons in a field lose their effect as soon as the Confederation concludes a separate treaty with the same partner in the same matter. In this context, we talk about federal competences with a subsequent derogative effect, or in other words, the primacy of federal law. Another restriction is that the treaties must conform to the law and the interests of the Confederation, or with the law of any other canton. For this reason, the canton must inform the Confederation before concluding a treaty.²⁵ In addition, the Confederation acts as a mediator in the negotiations between cantons and the foreign states. A canton can solely deal directly with lower ranking foreign authorities.²⁶ By contrast the approval of a treaty by the Confederation isn't necessary in case where no other canton or the Confederation appeals for it.²⁷

3. Cantons' rights of participation in the foreign policy of the Confederation²⁸

The potential to enforce the Cantons' position in the foreign policy has been analysed for many years.²⁹ In December 1999 a new federal law about the participation of the cantons in the foreign policy of the Confederation became operative.³⁰ With it the general principals of article 55 Federal Constitution are concretised.³¹ The federal law persecute three target courses: first, the cantons if possible should preserve their jurisdiction through the adoption of a state-treaty. Secondly, cantonal interests should be considered while preparing and implementing foreign decisions. And in the end foreign policy of the Confederation should also be better supported by the domestic policy.³² According to the

²³ HÄFELIN/HALLER/KELLER, p. 331; EHRENZELLER/KLEY/LUTZ/PFISTERER, Kommentar zu Art. 54, p. 989; SCHMITT, p. 168 f.

²⁴ ABDERHALDEN, p. 147; Art. 56 par. 1 Federal Constitution.

²⁵ Art. 56 par. 2 Federal Constitution.

²⁶ Art. 56 par. 3 Federal Constitution.

²⁷ HÄFELIN/HALLER/KELLER, p. 332 f.; ABDERHALDEN, p. 147.

²⁸ Cf. Bericht über die grenzüberschreitende Zusammenarbeit und die Mitwirkung der Kantone an der Aussenpolitik des Bundes vom 7. März 1994, BBI 1994 II 659.

²⁹ Botschaft zum Bundesgesetz über die Mitwirkung der Kantone an der Aussenpolitik des Bundes vom 15. Dezember 1997, BBI 1998 1163 ff., p. 1163.

³⁰ Bundesgesetz über die Mitwirkung der Kantone an der Aussenpolitik des Bundes (BGMK) vom 22. Dezember 1999.

³¹ Cf. art. 55 Federal Constitution about the participation of the Cantons in foreign policy decisions.

³² BBI 1998 1163.

law, these objectives are to be realised through different forms of cooperation. Particular importance is accorded on the one hand to the broad and punctual information obligation through the Confederation and on the other hand to the responsibility of consulting the cantons before starting negotiations.³³

Below, applied formal and informal participation rights will be analysed. In addition, I will present the weight of intra-cantonal institutions for federal decisions.

3.1. Formal participation rights

In chapter two, I presented an overview on the participation rights of the cantons in the decision-making process of the Confederation. Some of these formal instruments I will revisit in the following paragraph in order to evaluate their efficiency in the field of foreign policy.

The influence on the content of a treaty by means of a state-treaty referendum is little. Indeed one can argue that the pressure of a referendum has a preventive influence, because the cantons can threaten to submit it to a popular vote (which needs for adoption the majority of the cantons and the people). Anyhow, the amount of pressure isn't that important since in most cases the treaties are only subject to an optional referendum which doesn't require cantonal adoption, provided that eight cantons didn't ask for a popular vote.³⁴ A preventive influence may be found in all cases where negotiations are subject of a mandatory referendum e.g. an EU accession treaty. In the broader sense, the state-treaty referendum has a pure hand brake function as international arrangements negotiated by the Confederation can be impeded by an optional or mandatory referendum.³⁵

With the "Standesinitiative"³⁶ the cantons can announce their interests preliminary to the negotiating stage. But a material exertion of influence is also not guaranteed given that the Confederation has no obligation to take into account the concerns of the cantons. Thus, the cantons have neither the right of a treaty negotiation process in their interest nor even that the Confederation begins negotiations.³⁷

The cantons' participation in the consultation procedure is confronted by similar problems as the two just mentioned instruments. Even though the cantons have the opportunity to commend the material content of a treaty through their consultation, it is normally too late. The negotiation stage is already finished when they are consulted. At that time, the only choice left is either to accept or to reject the treaty as a whole. Influence is thereby only possible if the treaty partner is willing to renegotiate. Due to the threat that the cantons would oppose the full implementation of a treaty, the Confederation is cautious in international bonds. In this regard the consultative procedure has certain significance as the cantons can demonstrate resistance.³⁸

Therefore, the formal participation rights don't permit great scope or judicial discretion to the cantons.

³³ Art. 3 and art. 4 BGMK.

³⁴ Cf. chap. 2.4. for the optional referendum.

³⁵ E.g. the rejection by the cantons and the people of the EEA (European Economic Area) convention in 1994; STURNY, p. 143 f.; ABDERHALDEN, p. 145.

³⁶ Cf. chap. 2.3.

³⁷ STURNY, p. 144.

³⁸ STURNY, p. 145 f.; ABDERHALDEN, p. 145 f.

3.2. Informal participation rights

Informal participation rights are not to be underestimated. In fact they allow for the cantons to interfere in an earlier stage in the decision-making process of the Confederation. Thus, the cantons can expose their positions during the negotiation-phase. Informal participation is effected through the inclusion of cantonal representatives in the negotiation delegations and in international commissions or through an informal cantonal approbation of the state-treaties.

It is conventional to include cantonal representatives in negotiations where cantonal competences in foreign matters predominate. A common example for this is the collaboration in the field of judicial system. The evolution in bilateral-treaty negotiations between the European Union and Switzerland is also considerable. Thus, a permanent organisation has been built, which provides a cantonal representative. The representative serves for a smooth information flow between the cantons and the Confederation but he also represents the cantons view during negotiations.³⁹

As mentioned above, the Confederation will ask the cantons for an informal approval of a treaty if they fear resistance to its content. A popular example of this is the alpine convention whose ratification has been deferred because of cantonal opposition. The cantons assert themselves through consultation and informal contacts and these are important means in matters where cantonal jurisdictions are touched.⁴⁰

3.3. The weight of intra-cantonal institutions

In this section shall illustrate the potential to compensate the loss of cantonal competences by means of intra-cantonal understanding. For this purpose, shall explain the role of the Conference of Cantonal Governments (CCG)⁴¹ to influence federal decision-making processes.

The CCG was founded in 1993 with the motive of coordinating cantonal views.⁴² The need for such an institution grew up through the internationalisation of policy in Switzerland.⁴³ Particularly during the EEA negotiations, the cantons woke up to the need to get better consideration by the Confederation.⁴⁴ With the foundation of the CCG, a better horizontal and vertical collaboration should be achieved. The horizontal cooperation allows the unification of cantonal views and their representation to the Federal Council.⁴⁵

Decisions on common responses are made by the plenary assembly of the CCG. The plenary assembly is composed of a representative of each canton and it takes places four times a year.⁴⁶ In a little while the CCG became an important factor in the Swiss policy in general and for integration policy in particular. This can also be seen in the fact that the member of the CCG can nominate a permanent infor-

³⁹ STURNY, p. 147 ff.

⁴⁰ ABDERHALDEN, p. 150; STURNY, p. 148 f.

⁴¹ www.kdk.ch.

⁴² MEYER, p. 27.

⁴³ SCHMITT, p. 201.

⁴⁴ MEYER, p. 27.

⁴⁵ <http://www.kdk.ch/int/kdk/de/kdk.html>, last visit 6. August 2009.

⁴⁶ MEYER, p. 29.

mant to the Federal Bureau of Integration as well as a delegate of the cantons to the European Commission in Brussels.⁴⁷ These posts permit a smooth information flow between these institutions and the secretary of the CCG. Especially, in delicate questions it is relevant to identify possible problems in an early stage to gain important time for reaction.⁴⁸

The organisation and the methods of operation of the CCG constitute a big step toward a better consideration of canton's views by the Confederation.⁴⁹

Conclusion

It was never the idea to create a strong bond, when the cantons united to form a Confederation. Rather, in the organization of the Confederation, the cantons should keep a wide independence. The federal constitution is evidence of a strict character of the Swiss federalism.⁵⁰

Through globalisation, the federal system is confronted with the fast growth of internationalisation. More and more international conventions are negotiated. In particular, numerous free trade agreements with other industrialised countries intervene in cantonal policy fields. The more the relations between the European Union and Switzerland deepen, the more the autonomy of cantons is touched.⁵¹ Hence, principle questions of Swiss federalism have to be discussed anew. In this way, there persists a general conflict between the conservation of the cantons autonomy on one hand and the action ability of the Confederation in foreign affairs on the other. An efficient and consistent foreign policy of the Confederation is important to keep up with international competition. But the Confederation should also represent an external position which is based on an internal consensus and supported by a majority of the cantons.⁵² Hence, the cantons' participation rights in the decision-making process of the Confederation can play a major role in compensating for the loss of cantonal autonomy. Although, it is important that the cantons' participation rights are not limited to co-determination. Beyond that, they should have the capacity to co-decide.⁵³ The present paper illustrates the regularization of the cantons participation on the constitutional level. Through constitutional revision, but also through the adoption of the federal law (BGMK), the cantons' position has been reinforced by stipulating important principles. Nevertheless, their role in the decision-making process in foreign affairs still has to be concretised in laws and ordinances. The implementation of the Conference of cantonal Governments has been successful. Intra-cantonal institutions allow a smooth cooperation between different organs and federal levels. In the changing international context, innovative ideas for the further development of federalism such as

⁴⁷ SCHMITT, p. 202.

⁴⁸ STURNY, p. 165 f.

⁴⁹ SCHMITT, p. 201.

⁵⁰ STURNY, Rolle der Kantone, p. 202.

⁵¹ BÖSCH, p. 34.

⁵² STURNY, Rolle der Kantone, p. 203 ff.

⁵³ STURNY, p. 141.

intra-cantonal forums are in demand. Information and dialogue will be the key words to open the door for a better integration of the cantons in the modern world.⁵⁴ Therefore, it is up to the cantons to administer their role in the Confederation's order by taking the initiative to improve their representation on the international stage and by advancing the Swiss federal state that is built on the allocation of tasks, participation and cooperation.⁵⁵ Only the participation of the cantons in the foreign affairs of the Confederation will allow an integrated and federal foreign relationship in the future of Switzerland.⁵⁶

⁵⁴ SCHMITT, p. 212.

⁵⁵ SCHMITT, p. 212.

⁵⁶ PFISTERER, Kommentar zu art. 56, p. 1027.

References

- ABDERHALDEN, URSULA Möglichkeiten und Grenzen der interkantonalen Zusammenarbeit, Freiburg 1999.
- BORSANI, RETO Völkerrecht und Föderalismus in der Schweiz, Bern 2002.
- BÖSCH, LORENZ Mitwirkung der Kantone in der Europapolitik: Strategie und Standortbestimmung, in: Forum Helveticum (ed.), die Stellung der Schweiz in Europa, Menziken 2007, p. 34-41.
- EHRENZELLER, BERNHARD/KLEY, ROLAND/LUTZ, MARTIN/PFISTERER, THOMAS Art. 54 Auswärtige Angelegenheiten, in: Ehrenzeller Bernhard/Mastronardi Philippe/Schweizer Rainer J./Vallender Klaus A. (eds.), Die schweizerische Bundesverfassung Kommentar zu Art. 1-93, 2. ed., Zürich 2008.
- GRAF, MARTIN Art. 160 Initiativrecht und Antragsrecht, in: Ehrenzeller Bernhard/Mastronardi Philippe/Schweizer Rainer J./Vallender Klaus A. (eds.), Die schweizerische Bundesverfassung Kommentar zu Art. 94-197, 2. ed., Zürich 2008.
- HÄFELIN, ULRICH/HALLER, WALTER/KELLER, HELEN Schweizerisches Bundesstaatsrecht, 7. ed., Zürich 2008.
- KRIESI HANSPETER/TRECHSEL ALEXANDER H. The Politics of Switzerland, Continuity and Change in a Consensus Democracy, Cambridge 2008.
- LOMBARDI, ALDO Mitwirkungsrechte der Kantone an der Europapolitik des Bundes: Perspektiven im Gesamtzusammenhang des politischen Systems, in: Freiburghaus Dieter (ed.), Die Kantone und Europa, Bern 1994, p. 203-239.
- LOMBARDI, ALDO/EHRENZELLER, BERNHARD/NOBS, ROGER/THÜRER, DANIEL Art. 141 Fakultatives Referendum inkl. Volksrechtsreform, in: Ehrenzeller Bernhard/Mastronardi Philippe/Schweizer Rainer J./Vallender Klaus A. (eds.), Die schweizerische Bundesverfassung Kommentar zu Art. 94-197, 2. ed., Zürich 2008.

- MEYER, MARKUS Die interkantonale Konferenz – ein Mittel der Kantone zur Zusammenarbeit auf Regierungsebene, Bern 2006.
- PFISTERER, THOMAS Art. 56 Beziehung der Kantone mit dem Ausland, in: Ehrenzeller Bernhard/Mastronardi Philippe/Schweizer Rainer J./Vallender Klaus A. (eds.), Die schweizerische Bundesverfassung Kommentar zu Art. 1-93, 2. ed., Zürich 2008.
- SCHMITT, NICOLAS The Foreign Relations of Swiss Cantons, in Basta Fleiner Lidija R./Fleiner Thomas (eds.), Federalism and Multiethnic States, 2. rev. ed., Basel et al. 2000, p.165-212.
- STURNY, THIEMO Mitwirkungsrechte der Kantone an der Aussenpolitik des Bundes, Freiburg 1998.
- STURNY, THIEMO Die Rolle der Kantone in einem sich wandelnden internationalen Kontext, in: Hänni Peter (ed.), Schweizerischer Föderalismus und europäische Integration, Zürich 2000, p. 201-321 (cited: Sturny, Rolle der Kantone).
- THALMANN, URS Die verfassungsrechtliche Stellung der Kantone, in: Hänni Peter (ed.), Schweizerischer Föderalismus und europäische Integration, Zürich 2000, p. 56-117.