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DIPLOMATIC RELATIONS BETWEEN ROMANIA AND SWITZERLAND

Marilena-Oana NEDELEA¹

Abstract

Diplomatic relations between Romania and the Swiss Confederation raise the interest of specialists in the field, taking into account the new architecture of European international relations. The Swiss the Confederation's neutrality diplomacy, the economic model, and the transparent and functional structure of legal realities are significant milestones in the world.

Keywords:

diplomacy, Switzerland, Romania, diplomatic relations

JEL: F13, F19

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In the current international context, diplomacy is perhaps the only way to resolve disputes that influence the evolution and development of diplomatic relations. In order to maintain a stable climate, supporting and promoting diplomatic relations by promoting economic, cultural and educational components is a factor in building and then ensuring stability and peace.

In the opinion of professors Ion M. Anghel and A. Maresca, “the existence of diplomatic relations is a normal state of relations between two states; they suppose the existence of a state of peace and cooperation in various fields, the relations being, by definition, instruments of peace between the respective states [2: p. 495]; so it involves even a minimal relationship of understanding and collaboration” [14: p. 48].

In the book *Diplomatic and Consular Law*, Professor D. Nastase emphasizes that “one of the defining objectives of diplomatic activity is the peaceful settlement of disputes that occur between states. The diplomatic path is the way of using the compromise to avoid the use of force” [3: p. 19].

In this context, the approach and analysis of the diplomatic relations between Romania and the Swiss Confederation can be understood. (Schweizerische Eidgenossenschaft in German, Confédération suisse in French).

“Switzerland is a specific case in the European political landscape because of its departure from the dominant political model based on the majority representative democracy. The Swiss exception is characterized by: a) direct consultation of the population through referendum and popular initiative; b) the absence of the power-opposition and governance division based on collegiality in government and consensus in parliament; c) federal organization that assigns reduced administrative responsibilities at central level and extended at local level (cantonal and communal) [4: p. 1].

Evolution of the Swiss Confederation

The current territory of the Swiss Confederation has been inhabited since ancient times by the Germanic tribes of the Helvetians, being integrated in the 11th century into the Roman-German Empire [5].

The representatives of the Cantons of Uri, Schwyz and Unterwald signed the Waldtatten Alliance Letter in 1291, opposing the influence of Austria, because in 1315, in the battle of Morgarten, the Swiss people would defeat the Habsburgs.

In 1648, the Treaty of Westphalia recognizes Switzerland’s neutrality and independence from the Holy Roman Empire.

The French troops conquered Switzerland in 1798. In 1815, the Congress of Vienna restored Switzerland's independence and its neutrality policy [10]. On August 7, 1815, the Swiss cantons signed a federal pact limiting federation's competence to issues regarding ensuring public order and foreign policy coordination.

The first Swiss Constitution was adopted in 1848 and regulated the organization of the modern Federal State.

The current *Constitution of the Swiss Confederation* was approved on April 18, 1999, by popular vote and entered into force on January 1, 2000, thus repealing the Constitution of 1874.

According to the *Constitution*, the Swiss Confederation is a federal republic.

The executive power rests with the **Federal Council** consisting of 7 federal councillors elected by the Federal Assembly for a four-year term. The Federal Council has the following composition: the Federal Department for Foreign Affairs; Federal Department for Home Affairs; Federal Department of Justice and Police; Federal Department of Defence, Civil Protection and Sport; Federal Department of Finance; Federal Department of Economics; Federal Department for Transport, Communications and Energy [11].

The President of the Federal Council is also President of the Confederation with a one-year *mandate*. In accordance with art. 174 of the current *Constitution* of the Swiss Confederation: "The federal council is the governing authority and the supreme executive of the Confederation"², having competencies such as: cooperation with cantons, supervision of the federal administration, while supervising the observance of federal law. The federal administration is divided into departments and is headed by the Federal Council. The federal system is organized on three levels: federation, cantons, and villages, each with its competencies [4: p. 58].

According to art. 3 of the Constitution, the cantons are sovereign "to the extent that their sovereignty has not been limited by the federal constitution; exercises all rights not delegated to the Confederation". Thus, the cantons participate in the federal decision-making process, but also in the drafting of legislation. Cantons apply **federal law**, respecting their autonomy, so that according to art. 46 of the Constitution of the Swiss Confederation: "the confederation leaves the cantons a wide margin of maneuver as far as possible and takes into account their peculiarities". Moreover, cantons are allowed to conclude conventions with each other,

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² Constitution of the Swiss Confederation endorsed on April 18, 1999 by popular vote and entered into force on January 1, 2000

having the statute and the right to set up joint institutions. Cantons have the right to conclude treaties with foreigners in the areas within their competence³. Article 49 of the Constitution of the Swiss Confederation states that “federal law is superior to cantonal law, which would be contrary to it”. At each canton, a Constitution is adopted, which is guaranteed and protected by the Confederation. Municipalities (about 2,600 in total, including cities / municipalities of about 300) have the competence to manage local transport, schools, public utilities, construction, local taxes [4: p. 58]. **Cantonal law** guarantees the autonomy of municipalities.

The Swiss Confederation is a model to follow in the application of the principle of subsidiarity, a principle of administrative law that “specifies that a task should be delegated to the higher level only if it cannot be achieved effectively at the lower level. Effective distribution of tasks between the Confederation, cantons and communes is the foundation of Swiss federalism” [13].

The Swiss Confederation has adopted a fair equalization system, which regulates the distribution of costs between low-financial and low-capacity municipalities. Article 135 of the Constitution of the Swiss Confederation on the “Equalization of Financial Resources and Tasks”, obliges cantons with a high level of resources to contribute, alongside the Federation, to funds for the equalization of financial resources, meant to:

- mitigate the differences in financial capacities of cantons;
- guarantee the cantons a minimum level of financial resources;
- encourage co-operation between cantons in equalizing tasks [13].

The Federal Assembly is made up of two chambers: the National Council composed of 200 members and the States Council composed of 46 members. The Cantons Council and the Federal Council have federal competence - we mention: external security measures, the conclusion of international treaties, the adoption of the national budget [1: p. 33].

The supreme court of the Confederation is the Federal Supreme Court [9], which examines complaints about violations of constitutional rights, complaints about breaches of the autonomy of villages, and disputes that may arise between cantons or between cantons and the Confederation.

Germany, Italy, France, USA are Switzerland’s main trading partners, which are also the 7th International Financial Centre. Although is not a Member State of the European Union, 80% of imports come from the EU.

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³ The current Constitution of the Swiss Confederation, art. 56

The Swiss Confederation is an active member of the following international organizations: the UN, the World Bank and the International Monetary Fund, the Organization for Economic Cooperation and Development, the Council of Europe. Due to the neutrality policy, in Switzerland are functioning a number of agencies of the United Nations, of which we mention: the International Labour Organization, the World Health Organization, the UN High Commissioner for Refugees, the International Telecommunication Union [8].

The political system is modelled in the following directions: direct democracy, federalism, volunteering (Milizsystem), cultural and linguistic diversity [12]. Thus, Swiss citizens can decide through the following tools:

- das Wahlrecht - the right to vote or to be elected - every four years, candidates for Parliament are voted;
- das Stimmrecht - decisions that are taken approximately 4 times a year;
- das Initiativenrecht - the right to initiative;
- das Referendum – the right to referendum [12].

Establishment of diplomatic relations between Romania and the Swiss Confederation

On May 9, 1911, the diplomatic relations between Romania and the Swiss Confederation were established at the level of legacy. Thus, on June 16, 1911, Nicolae Cantacuzino presents his letters of accreditation to Camille Decoppet – the President of the Swiss Confederation. On December 24, 1962, the diplomatic relations between the two states were raised at the embassy level.

The evolution of the relations between the two states results also from parliamentary visits:

- in the Swiss Confederation: 2003, 2013, 2015, but also in Romania: 2002, 2006, 2009, 2012, 2015, 2016;
- visits of foreign ministers in the Swiss Confederation: 1994, 1997, 2001, 2004, September 7, 2010, November 7, 2013, in Romania: 1993, 1996, 1999, 2000, 2001, 2006;
- visits at the **level of the Head of State** in the Swiss Confederation: 1997, 1998, 2000, 2001, 2002, 2003, December 4, 2007, in Romania: September 26-27, 2006, June 30 - July 1, 2011 [5].

The economic diplomacy provides an efficient framework for institutional cooperation with the basic objectives: to promote the economic

objectives of Romania abroad, and to attract foreign investments in Romania.

The economic cooperation is governed by the following agreements:

- 1972 – the Free Trade Agreement between the Swiss Confederation and the European Communities;
- 1993 – the Agreement on the promotion and reciprocal protection of investments [5];
- 1994 – the Convention between Romania and the Swiss Confederation on the avoidance of double taxation on income and wealth tax;
- 1999 – the Bilateral agreements I Switzerland - EU, aimed at regulating the free movement of persons, air transport, land transport, agriculture, technical barriers in international trade, public procurement, research and development;
- 2004 – the Bilateral Agreements II Switzerland - EU targeting: transformed agricultural products, environment, statistics, taxation (taxation of interest);
- 2010 – the Framework Agreement between the Swiss Federal Council and the Romanian Government on the implementation of the Swiss-Romanian Cooperation Program for the reduction of economic and social disparities within the European Union, signed in Bern (CHF 181 million for 5 years).

The amount of Romanian-Swiss trade was estimated on 30.12.2015 at 750, 88 million euros, out of which:

- Import EUR 442.86 Million
- Export EUR 308.02 Million [5]

On August 31, 2016, **2,742** Swiss-owned trading companies were registered, with a total subscribed capital of EUR **978,045.6** million (2.36%), the **10th place** among foreign investors.

Among the Swiss investors in Romania we can mention Holcim - the largest investor (cement), Swisspor, Sika (building materials), Sandoz, Helvetica Profarm (pharmaceutical), Nestlé, Valvis (food industry), Philipp Morris -Spitzen (textile industry) [5].

On October 21, 2015, the Economic Forum «Romania - An Attractive Business Partner» was held in Zurich, an event sponsored by the Embassy of Romania in Bern in cooperation with the Swiss-Central Europe / SEC Chamber of Commerce and the Swiss-Romanian Chamber of Commerce and Industry.

□ **Missions of Romania:** Romanian Embassy in the Swiss Confederation

Permanent Missions: The Permanent Mission of Romania to the United Nations Office in Geneva and international organizations based in Switzerland

Honorary Consulates: Honorary Consulate of Romania in Lugano, Honorary Consulate of Romania in Zurich, Honorary Consulate of Romania in Geneva

□ **Missions in Romania:** the Embassy of the Swiss Confederation in Romania

The community of Romanians in Switzerland is grouped into organizations such as: the Romanian Community of Switzerland (Geneva), the Neuchâtel Romanian Cultural Centre, the Baden Club of Romania, the Helvetian Romanian Club of Lucerna, RO-Chance – Platforme de compétence pour la Roumanie et la Suisse (Berna), ARCH-I, (Lausanne), Student Association of the Lausanne Polytechnic Institute (EPFL), Zurich Students Association, Romanian Foreign Students League – Switzerland Branch [5].

On May 10, 2011, the temporary exhibition “*Switzerland - Romania 1911-2011. 100 Years of Diplomatic Relations*” was opened within the National History Museum of Romania, organized in partnership with the Ministry of Foreign Affairs and the Embassy of the Swiss Confederation in Bucharest.

The exhibition revealed documents that reiterate the official political, cultural, economic and social ties between the two countries. The exhibited objects are part of the diplomatic archives of the Ministry of Foreign Affairs and of the Swiss archives. Thus, we mention:

- The Treaty of Commerce between Romania and Switzerland on May 26 / June 7, 1886;
- The royal decree appointing to Nicolae B. Cantacuzino as the plenipotentiary minister of Romania in Switzerland (May 9, 1911);
- Gustave Boisser’s letter of accreditation as an extraordinary envoy and plenipotentiary minister of Switzerland in Bucharest (November 19, 1918) [6].

The “Year of Romania in Switzerland” (2015) was marked by a series of projects promoting Romanian culture, tourism and the economy.

As a result of the 2000 census, about 20,000 people were declared Romanian citizens, and Romanian is the 27th of the 50 languages spoken in Switzerland [5].

The diplomatic relations between the two states have an ascendant trend supported by the projects carried out after 1989, with visible implications on the Romanian economic and cultural environment.

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