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The Swiss Federal Perspective on European Security

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Ladies and Gentlemen

Thank you for inviting me to the renowned Think Tank Summit of Avenir Suisse. As the Cantonal Minister of Justice and Security for Basel-Stadt and Vice-President of the Conference of Cantonal Justice and Police Directors (KKJPD), I have been asked to present the cantonal or federal perspective on current European security issues. I do not know whether I will be able to fulfil these expectations. But true to the motto "think global - act local", I will try my best.

Allow me to begin by making three preliminary remarks:

First, since I do not know how familiar you are with Swiss politics in general and Swiss security policies in particular, I would like to begin with how we are positioned in Switzerland in these areas: In our country, which, as you know, is organised in federal structures, the cantons are primarily responsible for internal security. Generally speaking, the cantons have a great deal of independence as well as a great deal of responsibility.

This is an expression of the fact that in the century before last, the cantons founded the Swiss Confederation with a bottom-up and not with a top-down structure. Well, in the meantime the Criminal Code and later also the Code of Criminal Procedure, have been standardised. In addition, the prosecution of certain offences - namely terrorism, counterfeiting of currency or organised crime beyond cantonal borders – all fall under the so-called federal jurisdiction. However, it has largely remained the responsibility of the cantons to ensure security both in the real and in the cyber space.

We have no federal security police, no federal reserve that could be called in quickly. Subsidiary support from the army and above all from the border guard is excluded here for the sake of simplicity. And the cantons in Switzerland, as you know, are small. Appenzell-Innerrhoden, for example, has a police force of around 30 people who have to handle everything – from right-hand overtaking on the motorway up to contract killings.

Second, the title of my speech - The Swiss Federal Perspective on European Security - can be construed in two ways: The external view, from the shiny city upon a hill looking upon the - dangerous! - European sea surrounding us; or Switzerland as part of Europe, so that these "European" - or simply: the new, big, much-discussed - issues would be just as much ours. Normatively, I clearly represent the second perspective, and Switzerland is de facto also part of the European security area.

This is not least due to the fact that little Switzerland is made up almost of border regions, and open borders nota bene: When I go jogging for an hour from my home in Basel, I regularly run from Switzerland to Germany to France and back again – of course, without personal protection, and not even with my identity card. . .

As is well known, Switzerland, as an associated state, is part of the Schengen/Dublin area. Fortunately, thanks to the clear approval of the population for the Swiss implementation of the EU weapons directive in 2019, nothing has changed. A no vote (a Swiss "Schengexit"!) would have had dramatic consequences for the security of the country: The SIS database is called more than 300,000 times a day in Switzerland. The Prüm Convention, to cite another example, which allows fingerprints and DNA profiles to be rapidly compared in the information systems of the participating countries, is also of central importance. In some cases, the exchange with other countries is almost better than between the cantons. For this reason, we are working both regionally and nationally to improve the linkage of databases within Switzerland as well.

In my opinion, finally, there is no such thing as a Swiss view of European security, but rather a shared and common view of the current challenges facing the Western world - or at least those on our common continent.

Third, these major or new challenges - which will also be discussed at this summit - however, are rarely part of the daily routine of our police officers. The occupation of the Crimea, China's new Silk Road, Nord Stream 2, the perceived ambivalence of the United States towards NATO - all of these are topics that are not in the forefront of daily police operations on the streets. The same applies to cantonal politics and most likely to large parts of the population as well.

Why is that the case?

On the one hand, hybrid conflicts and a so-called multipolar world order are more difficult to grasp and often remain diffuse in everyday life. The Cold War was more comprehensible: a clear enemy, an overall defence concept, comprising the entire society. This was reflected in the great standing of the army at the time, but also, for example, in the construction of bunkers throughout the country to survive the nuclear winter underground - and Switzerland is still building them today! And yet: even if the real uncertainty compared to the Cold War's time has probably not increased, the uncertainty has become more uncertain today, which is also the reason why the general acceptance of Switzerland's militia army, for example, has increased again in recent years.

On the other hand, the cantons are not directly tasked with these issues, since the Confederation is responsible for external security and "major" diplomacy issues. The often mocked "Kantönlicheist" cannot be a stumbling block in positioning Switzerland in this environment, but it may present some difficulties when it comes to dealing with new challenges internally - more on this later. In "small" border traffic however, the cantons have their role to play in day-to-day business: from the joint fighting burglary gang to mixed patrols at the Christmas market, at the borders the responsibilities of both sides are cooperating well.

Nevertheless, some of the big issues in the international security debate are also reflected in everyday police life in the cantons. I would like to limit myself to two: terrorism and cybercrime.

How does federalist Switzerland meet these challenges - and how well are we prepared? In general, it can be said that Switzerland's small size is both a curse and a blessing. This is particularly true in the area of terrorism and especially its possible precursors, radicalisation and extremism.

In that topic, in a relatively short period of time - politics in Switzerland is not without good reason considered slower but more stable than elsewhere - the federal government and the cantons to-

gether have put four major projects on track. First, a new intelligence service law has come into force. Electronic interception, which had long been common practice in other countries, can now also be carried out by the Swiss intelligence service – even though in a strictly limited and multi-controlled manner. Second, the Federal Council has submitted to parliament a tightening of the criminal liability of terrorism, and third, various police law measures, preventive measures have been proposed: Criminals who have served their sentence and been released, but are still considered to be a threat, are now to remain on the police radar under very specific circumstances, including house arrest.

The fourth project, and in my opinion the most important one, is the so-called "National Action Plan to Prevent and Combat Radicalisation and Violent Extremism". Together the Confederation, the cantons, and the cities have defined more than 20 smaller and larger measures, not in the sense of laws, but rather as recommendations and best-practice examples of how to recognise and counter extremism and radicalisation at an early stage. These range from contact points for concerned parents and teachers, to the involvement of sports and leisure clubs, as well as religious communities, and the development of a concrete threat management system to make possible the prevention of targeted violence.

And it is precisely the small size of Switzerland which is predestined for this: We know each other - or as the bad guys would say: "watch each other. . ." - help each other, and the militia involvement in clubs and associations as well as every neighbourhood is still great. Despite a general population with 25% foreigners, with over 50% in some districts, there are no consolidated parallel societies in Switzerland.

We don't have to wear rose-coloured glasses: So-called political Islam has also arrived in Switzerland and even Swiss people went into jihad before returning back home. The strong representation of certain ethnic groups, for example Turks and Kurds, is always associated with the risk of violent clashes. Likewise, left-wing and right-wing extremist groups in Switzerland are small, but they do exist.

But in spite of everything: The fact that Switzerland has been spared terrorist attacks in recent years is probably also connected with new laws or more police officers, or to a certain extent simply due to luck - but first and foremost, I am convinced, it is related to the clarity of a small country.

Finally, Switzerland's small size also contributes to the authorities knowing each other. A small country means short distances between different authorities. For instance, I have already called the director of the Intelligence Service directly, because I needed some specific information, which I received without any problem. This close cooperation is indispensable because - and this is the curse of smallness - human resources in Switzerland are thin. That is why the cantons help each other. For example, the police corps provide regional support when a major operation has to be tackled. Certain technical specialisations - bomb robots and police divers, for example - are concentrated in a few cantons and then offered to all.

This works well as long as major events are limited to a few cantons. But if a terror situation were to continue in large parts of the country, Switzerland's authorities would be overcharged. The Confederation and the cantons went through this last year, in the biggest exercise since the end of the Cold War (although the enemy still came from Eastern Europe, by the way). In any case, this would have consequences: Major events such as football matches or city festivals, which tie

up many police officers, could no longer take place, perhaps cash would become scarce, or petty crimes could no longer be reported. Ultimately, it remains a political question about what the country should do and use to prepare itself for some unlikely, but not impossible scenarios. And what is the country prepared to do without, if the worst comes to the worst?

On the "cyber" topic: In contrast to terrorism, which is fortunately not part of the everyday life of our security forces, cyber is omnipresent.

A distinction must be made here: Are we talking about "digital crime" or cybercrime in the narrower sense? The former means: young people threaten each other via Facebook instead of in the playground, blackmail is carried out via WhatsApp instead of by letter, balance sheets are falsified on the computer instead of on paper. But even this "Low-level Cybercrime" is a strong challenge for both the criminal and the preventive police. New technical skills are needed to understand the modus operandi, but also to solve conventional crimes: almost every violent criminal carries a mobile phone with him or her, which can be evaluated, but also has to be.

Accordingly, many Swiss police forces are investing in headcount and expertise. The recent increases in police force numbers, some of which have been significant, are not primarily due to general crime, which has tended to decline in Switzerland for years, but the trend away from the physical (contact crime) towards the digital realm (distance crime).

As far as cybercrime in the narrower sense is concerned, - for example, the fight against hacking, phishing or malware, - the situation is not very clear yet. Here too, it is a question of capacity - headcount and expertise - as well as about questions of jurisdiction. Where exactly are the boundaries between federal and cantonal responsibilities, what technical skills does each canton have to have and where does a cooperative effort become necessary, what is the legal position regarding the agent-provocateur problem in the Darknet?

These questions will be gradually addressed and answered. The cantonal police forces have laid the foundation with NEDIK ("Network Investigation Support Digital Crime Prevention"). The network promotes cooperation and the transfer of information and expertise between the cantons. In turn, as part of the federal strategy to fight cybercrime, the Cyberboard was created as a coordination body to analyse the initial situation and process reports of cybercrime. The operational area of the Cyberboard is formed by Cyber-CASE, a committee consisting of federal and cantonal representatives and the Reporting and Analysis Centre for Information Assurance (short: "MELANI").

All of these many new instruments and tools show that the traditional fight against crime, which was originally territorial and therefore small-scale in Switzerland, is reaching its limits in cyberspace. Not only does cybercrime automatically cross cantonal and national borders - but completely new questions also arise: Does a cloud even have a location, normally a condition for any criminal jurisdiction?

But here, as well, federalist Switzerland should be viewed not only as a challenge but also as an opportunity: certainly, there is a need for a national strategy - but one that is not dictated from above, but rather one that is gradually growing between the Confederation and the cantons. Within this framework, each canton can - or rather: must! - become active itself. The large cantons in particular have made further progress than the smaller ones. This makes it possible to try things out and, above all, to learn from each other.

Very in general: dealing with new things always follows a trial-and-error approach. This also applies to security issues. Not everyone has to make the same mistake, but may copy what has been successful and avoid what has failed.

I am therefore convinced that the Swiss security authorities are becoming more effective in their fight against cybercrime. And very in general, and if you will allow me, I personally believe that over the long term, the benefits of digitisation will be greater for the authorities than for criminals. Every leap in technology has finally resulted in greater security rather than less.

Back to present-day Switzerland. As I said, we are not allowed to be naive: Switzerland's small size poses special challenges in the fight against new and resurgent types of threats such as cybercrime and terrorism. That is why over the past five to ten years, these threats have triggered a wave of reforms in the Swiss security landscape that has not been seen for a long time. But nevertheless, as I tried to outline, Federalism - I am deeply convinced of this - also has significant and decisive advantages.

So, I remain confident that Switzerland will succeed in mastering these challenges. Therefore, as a safe country in the heart of Europe, Switzerland will be able to make a general contribution to the security of our common Europe.

Thank you very much.