

According to Professor Guggenheim of Geneva, it is the federal state and not the cantons which are internationally responsible for the execution of a treaty.

"La Fédération...est responsable sur le plan international de la violation d'un tel traité par le canton; l'acte contraire au droit des gens commis par le canton est imputable à la Fédération qui assume la fonction de sujet de responsabilité." 22

The Confederation has the power to make treaties with regard to matters falling within the central legislative competence.²³ The Confederation also has or can acquire powers to implement the treaty:

- (a) by legislation pursuant to its powers to perform treaty obligations;
- (b) through initiating a constitutional amendment;
- (c) through holding a popular referendum so as to acquire legislative jurisdiction.²⁴

Thus, on the international plane, the Swiss Confederation alone has the power to become bound by international law through the making of treaties, and the Confederation has, or can legally acquire, in broad manner, the power to implement treaties through legislation otherwise falling within cantonal jurisdiction.

- (c) Members of a federal union with powers to make certain treaties as principals (i.e. as subjects of international law) and not as agents for the federal state

1. The United States of America

Article 1, Section 10 of the United States Constitution