

The Rhine border takes shape

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The accession of 1501 transformed the meaning of the border around Basel. Before 1501, the city was surrounded by territories that belonged, like the city itself, to the Empire: the Habsburg possessions in the Sundgau and the Breisgau, the Margraviate of Baden, the Prince-Bishopric of Basel. The borders between these territories were borders between lordships within a common political and legal order. After 1501, and even more after the Peace of Westphalia of 1648, which recognised the independence of the Confederation from the Empire, the borders around Basel became borders between the Confederation and the Empire, and later, after the French annexation of Alsace in the seventeenth century, between Switzerland, France and the German territories.

The Habsburg territories around Basel, known collectively as Further Austria, *Vorderösterreich*, remained a powerful presence. The Fricktal, the region on the left bank of the Rhine east of Basel, remained Austrian until 1802, when it passed to the Helvetic Republic and later became part of the canton of Aargau.¹ The Sundgau passed from Austria to France by the Peace of Westphalia. The Breisgau remained Austrian until 1805, when it passed to Baden. Basel thus found itself at the meeting point of Swiss, Austrian, French and Baden territories, each with its own currency, tolls and trade policy.

This situation created the conditions for a border economy that has characterised Basel ever since. Differences in prices, taxes and regulations between the territories created opportunities for trade, including trade that the authorities of one side or the other regarded as illicit. The smuggling of salt, grain, tobacco and other goods across the borders of Basel is documented from the early modern period onwards. It is one of the forms of border economy that the modern customs administration continues to combat.² The capacity to operate across a border, legally or illegally, is a

skill that the inhabitants of border cities acquire early. Basel is no exception.

Today the border runs through the urban area of Basel. The districts of St Johann and Kleinhüningen border directly on the French town of Saint-Louis and the German town of Weil am Rhein, with trams running across the border to both towns. Since the entry into force of the Schengen Agreement for Switzerland in 2008, systematic identity checks at the border have been abolished, but Switzerland is not part of the European Union customs union, and goods crossing the border remain subject to customs control.³ Part H examines the trilateral economy of the Basel region and the legal questions it raises, from the taxation of cross-border commuters to the control of exports of dual-use goods and the enforcement of sanctions.

1 Notes

1. On the Fricktal as part of Further Austria until 1802 and its incorporation into the canton of Aargau in 1803, see HLS, article "Fricktal". To be verified. ↩
2. On smuggling across the borders of Basel in the early modern and modern periods, see HLS, article "Schmuggel". To be verified. ↩
3. Switzerland's association with Schengen and Dublin under the bilateral agreements of 26 October 2004 (SR 0.362.31), operational since 12 December 2008; customs controls continue under the Customs Act of 18 March 2005 (SR 631.0). To be verified. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/basel-the-rhine-border-takes-shape