

The task of Swiss diplomatic and consular representation

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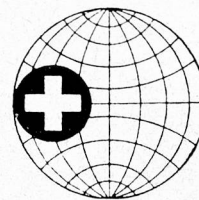
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1966 THE YEAR OF "FIFTH SWITZERLAND"



THE TASKS OF SWISS DIPLOMATIC AND CONSULAR REPRESENTATION

This is the conclusion of an address given by Monsieur l'Ambassadeur Pierre Micheli, Secretary-General of the Federal Political Department, at the Assembly of the Swiss Abroad in Solothurn last August. The theme of the meeting was "the Image of Switzerland in the World".

Since the end of the second world war, the form of international relationship has been simplified. Only big powers used to exchange ambassadors, the small and medium States were content with ministers. Since all nations have the same voting power in the General Assembly of the United Nations, all of them also wanted ambassadors and were no longer satisfied with ministers. Soon, only Switzerland adhered to ministers, which often proved a disadvantage. Against her will, she was forced to follow suit in order to look after her interests. Since 1957, all Swiss legations have been changed to embassies. All ministers have been replaced by ambassadors. The rank of minister has been kept only for heads of important services at the Federal Political Department (EPD) in Berne. The tasks of the heads of Swiss missions abroad has remained the same, however. Much the same has happened as with the third-class railway carriages which have become second class ones; the seats are the same, only the name has changed.

The federal service abroad has been enlarged and improved during the past few years. In 1938, there were 22 Legations and 103 Consulates (13 of which were Consulates-General). Today, there are 68 Embassies, 40 Consulates-General, 57 Consulates, one Vice-Consulate and five permanent Delegations (European Economic Community in Brussels, OECD in Paris, UNO in New York, EFTA in Geneva and Berlin). These alterations are not due to Switzerland wanting to play the part of a big power, but have arisen from the changes in the modern world. Within a generation, international relations have steadily expanded and multiplied. Independent States have increased. Wherever Swiss interests need to be protected, Switzerland has to be present. The Swiss policy of neutrality demands diplomatic relations with all countries, whatever their system of government.

It is important to stress that in Switzerland, the diplomatic and consular services form a unity. According to regulations of 29th December 1964, there are four categories in the civil servants of the Political Department: diplomatic and consular service, chancellery service, secretarial and general, the latter concerning staff permanently in Berne, who fulfill specific functions at the central office.

Naturally, the diplomatic relations (according to Vienna agreement of 18th April 1961) and the consular tasks (Vienna agreement of 24th April 1963) have to be differentiated. Fundamentally, though, the functions are the same, and staff may change over from Embassies to Consulates and *vice-versa*.

However, there is an important difference between the activities of an Embassy and that of a Consulate. Diplomatic intervention can only be made by Embassies. Negotiations and the conclusion and implementation of agreements belong to the tasks of Embassies.

To simplify matters, it may be said that the activities of the Swiss diplomatic and consular service are representation, information and, most important, protection and defence of Swiss interests. A false picture often exists of the duties of representation. The federal employees abroad represent Switzerland with foreign governments, and with the Swiss communities abroad. They are visible elements of the "presence" of Switzerland. This means that representation must serve to create interest and sympathy for the country, to make her value better known, to help Switzerland to the reputation which she deserves. These are difficult imponderables to manage. But today, in the age of "public relations", this task is more and more a necessity for Embassies and Consulates.

The duties to inform are dealt with in the two Vienna agreements already mentioned. According to these, the diplomatic representatives have the right "to gather information about conditions and development of events in the accreditory country by all licit means and to report thereon to the accrediting country". The consular representatives have the right "to gather information of conditions and evolution of commercial, economic, cultural and scientific matters in the country of residence by all licit means and to report to their country and to give information to interested people".

Swiss representatives have to report to Berne any information which could be of use to the Federal Council. A certain amount of initiative is expected of them in this matter. It is not good enough to wait until information is required. Consequently, it is necessary that they are well informed of what occupies the Swiss authorities at home.

The protection of Swiss interests is an important task for Embassies and Consulates. According to the above-mentioned Vienna agreements, the task of the diplomatic missions is "to protect the interests of the Envoy State and its nationals within the limits of international law". As regards consular relationships, the same wording is used; but it is amplified by the added right to give help and support to its own nationals and to look after their interest within the laws of the country of residence; to look after the interests of minors or other persons not capable of acting for themselves; to protect their interests in courts of law or with other authorities and to look after the interests of any of their nationals who are unable to look after them themselves due to absence or other reasons. The duties also include the supervision of their own air and sea traffic inasmuch as it concerns the country of residence and to look after any other matters which may be covered by international conventions or agreements between the two States in question.

Two principles must be adhered to in the course of protecting Swiss interests abroad; it has to be done within the framework of international law and by observing the laws and regulations of the hostess country. The Swiss representatives, therefore, have to consider certain rules, just as foreign diplomatic and consular representatives have to observe in Switzerland.

Where private interests are concerned, diplomatic steps may only be undertaken when all legal means in a national court of law have failed. At that point, help must be given and advice of how to proceed to get a fair trial. Diplomatic intervention is only possible when international law has been violated, if justice has been denied, or if there are no more legal means available.

If a Swiss citizen is attacked, apprehended or arrested, the first duty of the federal representatives is to see that he is treated decently. They have to find out the reasons for the charge. If arrest is against the law they demand his release.

If a citizen suffers with regard to his property, efforts are made first to recover it. There is no possibility to oppose nationalisation or confiscation, because these are legal measures. In such cases, the Swiss authorities try to get adequate compensation. This may be subject to very tough negotiations between the two Governments. If a contractual agreement is arrived at, the Federal Department (EPD) sees to it that it is carried out.

Unfortunately, it happens that demands are not or only partly met inspite of all efforts by the Swiss Government's representatives. In such cases, the latter are often asked to take reprisals. But measures of this kind are dangerous weapons which could be turned against the user and could do more harm than good. Such steps must be well considered, and the federal authorities, for good reasons, take them only rarely.

Are there enough means at the disposal of the EPD to protect Swiss interests sufficiently? The answer is, generally, in the affirmative. The proposed Constitutional Article for the Swiss Abroad will allow the authorities to use such means to a larger extent.

Some Swiss communities abroad wish a better division of work between the Embassies and the Consulates, especially in large capitals. Consulates-General are desired side by side with Embassies. This is not a new question, but it has been found undesirable to establish Consulates-General, for instance, in Paris. There seem to be little advantage if an Embassy is relieved of consular work. The diplomatic and consular services form a unity, as has been said before. It would not be according to Swiss neutrality and tradition if the diplomats became representatives who were no longer interested in the affairs of the Swiss abroad. The relationship between an Ambassador and his fellow countrymen should not only be of an administrative nature; in fact, they form one of the finest fields of activity for him. It would not be normal if the leading personalities of the Swiss community had only loose contacts with the Embassy.

The argument that an Embassy could get less effective protection for a Swiss national because steps on its part would have to be more carefully considered in order not to damage interstate relationship was not valid, and, in fact, no such cases are known. Anyway, if diplomatic intervention is necessary, it cannot be carried out by the Consul who has access to local authorities only.

Another reason for not establishing Consulates-General in addition to Embassies is the question of finance. The Federal Parliament would hardly grant the necessary credits.

To end his address, Monsieur Micheli expressed thanks to the Nouvelle Société Helvétique and its Secretariat for the Swiss Abroad. He said that the Federal Political Department appreciated the ready collaboration and co-operation always accorded to the federal authorities.

DEVELOPMENT AND SIZE OF SWISS COMMUNITIES ABROAD

At the end of 1964 there were 275,648 Swiss registered with the consular representatives abroad, of which 155,980 were full Swiss citizens. Their number, compared with the previous year, has been reduced by 50 only. The number of dual nationals, for whom registration is not compulsory, has at the same time been increased by 3,549 to a total of 119,668.

The Federal Aliens Police refers to the fact that the position of the full Swiss citizens whose numbers showed a retrograde movement during the last few years, has improved, due chiefly to the increased contingents from the homeland, but also on account of the decline in the number of deaths and the less numerous change-over to dual nationality citizens. However, the number of full Swiss citizens cannot be maintained by their own strength, seeing that last year there were 1,945 deaths as against 1,199 births. Due to the higher death rate in the Swiss communities abroad, the number of deaths is notably higher than in Switzerland, viz: 12.5 against 9.1 per thousand.

In accordance with the recorded statistics from 127 countries, the number of the colonies increased in 68 countries and decreased in 54 states, whereas the number remained unchanged in 5 countries.

The largest Swiss colonies abroad registered the following numbers of full Swiss citizens: FRANCE: 38,385 (- 730), WEST GERMAN REPUBLIC: 21,134 (+ 196), U.S.A.: 14,456 (+ 454), ITALY: 13,570 (+ 142), GREAT BRITAIN: 8,105 (- 143), CANADA: 7,060 (- 136), ARGENTINA: 4,671 (- 242) and BRAZIL: 4,307 (- 138).

The number of full Swiss citizens in Europe has dropped since 1950 from 123,172 to 103,547, which is due chiefly to the separation of the Eastern European States and the lack of revival in France. 23% of our countrymen abroad live in American States. Their number (36,141) is roughly 7,000 above that of the year 1950. It is however getting gradually weaker, due to the unstable situation in Latin America.

The number of full Swiss citizens in Africa is 9,017 (1950: 8,734) or 6%; in Asia 4,199 (2,877) or 3% and in Australia/Oceania 2,076 (1,342) or 2%.

The registered dual nationals have increased since 1950 from 72,363 to 119,668, whereby a new highest number was reached. In 19 countries the number of dual nationals is already greater than that of full nationality Swiss, particularly in France, Argentina, Australia, Chile, Morocco and Algeria. The largest numbers of dual citizens are registered in France, i.e. 52,132, in the Federal German Republic 10,408, in U.S.A. 10,015, Canada 5,982, Argentina 5,480, Italy 5,233, Great Britain 5,220 and in Brazil 3,621.

68% of the dual nationals are resident in Europe and 25% in American States.

A true picture regarding the size and development of the "FIFTH SWITZERLAND" can only be obtained by adding the full Swiss citizens and the dual nationals. Today there are 275,648 or about 38,000 more Swiss registered abroad than 14 years ago. Since 1950 the number in Europe has increased by 4% to 184,488, in America by 54% to 66,215, in Africa by 16% to 13,218, in Australia/Oceania by 146% to 6,240 and in Asia by 79% to 5,487. The number of non-registered full Swiss (Swiss only) is estimated to be 4,079 (4,238), of which about two-thirds reside in Great Britain and the U.S.A.