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Switzerland as a Protecting Power

At the start of 2014, Didier Burkhalter, President of the Swiss Confederation, met US Secretary of State John Kerry in Davos and Vice President Joe Biden at the White House. On both occasions, the US representatives expressly thanked Switzerland for acting as a Protecting Power on behalf of the USA. This gratitude is more than a matter of courtesy. It shows appreciation of Switzerland's services, which demonstrate our dependability, credibility and discretion.

A nation acts as a Protecting Power when it accepts a mandate to mediate between two States which do not have any diplomatic and/or consular relations with one another, in order to ensure a minimum level of reciprocal contact. A distinction is made between two types of mandate: the "Geneva mandate" and the "Vienna mandate". The less common "Geneva mandate" is based on humanitarian international law and aims to ensure the proper application of the Geneva Conventions of 1949 and the appropriate treatment of civilians, prisoners of war and injured persons. The ICRC usually acts as a Protecting Power under the "Geneva mandate".

Protecting Power mandates today are generally the representation of interests under the "Vienna mandate". They focus on the diplomatic and consular relations between two States and are based on the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

The specific content of the Protecting Power mandate differs depending on whether the emphasis is placed on technical/humanitarian or political aspects. The first case primarily concerns the performance of traditional diplomatic and consular tasks, such as conveying messages, providing support for citizens, protecting the property of the country represented, and handling passport and visa matters. In practice, consular tasks are today also sometimes undertaken by "interest sections" of the represented States. One example is Switzerland's mandate on behalf of the USA in Cuba. A US interest section

with some US staff that is affiliated to the Swiss embassy has been dealing with complex consular affairs here since 1977.

At the political level, the Protecting Power mandate often involves keeping a discreet and reliable channel of communication open between two States despite the breakdown of diplomatic relations. A representation of interests by a third State only comes into play if the governments of the Protecting Power and the two States concerned grant their approval.

A Protecting Power is entitled to receive payment for expenses from the sending State. If the consular tasks are carried out by interest sections of the represented States, the costs for the Protecting Power are limited. Switzerland therefore sometimes refrains from claiming compensation for its mandates in the reciprocal representation of interests between the USA and Cuba or Georgia and Russia.

There are various reasons why Switzerland represents interests between States whose relations have broken down. These include the objectives of promoting peace, providing a channel of dialogue between hostile parties and increasing human security for the citizens concerned.

Switzerland is currently exercising six Protecting Power mandates:

- USA in Cuba (since 1961)
- Iran in Egypt (1979)
- USA in Iran (1980)
- Cuba in the USA (1991)
- Russia in Georgia (2008)
- Georgia in Russia (2009)

USA – Iran

Special importance is attached to the mandate as a Swiss Protecting Power (SPP) on behalf of the USA in Iran. Following the Iranian revolution, the proclamation of the Islamic Republic and the occupation of the US embassy in Tehran by revolutionary students, followed by the hostage-taking of US diplomats for 444 days, the

USA broke off relations with Iran in April 1980. The US government subsequently approached the Federal Council to ask whether Switzerland would take over the representation of its interests in Iran. The Swiss government accepted the mandate in May 1980, in accordance with the Vienna Convention on Diplomatic Relations. Iran also confirmed its approval of this assumption of the mandate by the Swiss Confederation.

Foreign interests in Tehran

A team of ten employees represents the interests of the USA at offices physically separate from the Swiss embassy in Tehran. Close contact is nevertheless maintained with the embassy in terms of both administrative matters and political interventions in connection with the Protecting Power mandate.

The consular work of the "foreign interests" section is comparable with the duties performed by a chancery at a Swiss representation. Around 10,000 registered US and dual citizens are currently provided with support. The section also provides consular protection for various US nationals and dual citizens in Iran.

The SPP is in regular contact with the Foreign Interests Section at the FDFA in Berne. This is the interface at the federal administration for contact between the parties involved. It ensures communication with the US embassy in Berne through which most consular business with Tehran is conducted. The Protecting Power mandate is based on trust in Switzerland from both the US and the Iranian sides. The suc-



The Foreign Interests team at the embassy in Tehran: Giulio Haas, ambassador, Reza Goorabi, Francine Zuchuat, Nasrin Tamadon, Nooshin Davami, Mitra Nasirpoor, Mojdeh Sedighi, Safoura Joorabchi and Emil Wyss, head of the Foreign Interests Section (from left to right)

successful work over many years of the Swiss departments involved in Tehran, Washington and Berne is appreciated by both States.

USA – Cuba

The representation-of-interests mandate was assigned to Switzerland in 1961 following the Cuban revolution which led to the breakdown in US relations with Cuba. Switzerland accepted the Protecting Power mandate as part of its traditional “good offices” policy. On 30 May 1977, the USA and Cuba agreed the opening of interest sections in Havana and Washington and the dispatch of their own staff to conduct matters on the basis of bilateral exchange. The US interest section in Havana remains nevertheless under the diplomatic protection of the Swiss Confederation and is officially part of the Swiss embassy, despite being physically separate from it.

The activities of the US interest section in Havana comprise consular services for US citizens living in Cuba and tasks concerning the representation of US interests in Cuba. They are carried out by Cubans and, to a lesser extent, also by members of the US diplomatic service. The Swiss Protecting Power mandate is therefore primarily of a formal nature. In practice, besides consular business, diplomatic matters are also increasingly being dealt with directly between the USA and Cuba.

In early April 1991, Switzerland also took over the representation of Havana’s interests in the USA, which had previously been undertaken by Czechoslovakia, at the request of the Cuban government.

Russia – Georgia

Since the turn of the year 2008/2009, Switzerland has represented Georgian interests in Russia and Russian interests in Georgia. After the war between the two countries in August 2008 and recognition of the breakaway Georgian regions of Ab-

khazia and South Ossetia by Russia, Georgia broke off diplomatic relations with its northern neighbour. Following protracted negotiations, both countries decided to assign the representation of their respective interests to Switzerland. Switzerland’s role is greatly appreciated by both Russia and Georgia.

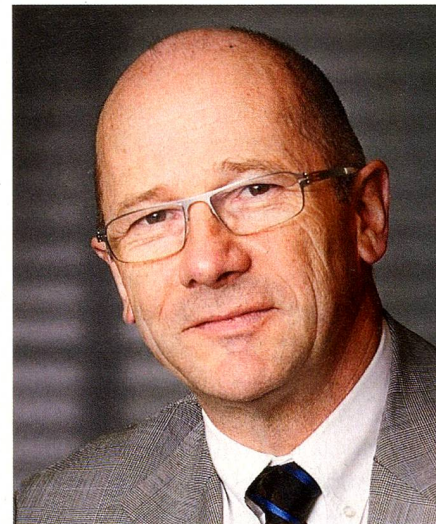
During its OSCE Chairmanship in 2014, Switzerland, together with the EU and the UN, will mediate at the Geneva Talks on the Georgian conflict over the key issues surrounding the breakaway regions of South Ossetia and Abkhazia.

FDEA, DIRECTORATE OF
POLITICAL AFFAIRS, AMERICAS DIVISION

Change at the top of the Consular Directorate

From 1 May 2014, I will take up my new position as Ambassador Extraordinary and Plenipotentiary to the Republic of Ghana, the Republic of Benin and the Republic of Togo based, in Accra. In my long professional career with the FDEA, I will be leaving Berne for a final time after setting up the Consular Directorate from 2010 and leading it for four extremely exciting and intensive years as Director. The contact with the Swiss community abroad was always one of my priorities. The lively exchange with the delegates of the Council of the Swiss Abroad will remain with me as an enriching and stimulating experience; it was the icing on the cake in terms of my position as head of the Consular Directorate. The insights from my many discussions with you will also serve me well in my

new position. I am sure that my successor will continue this dialogue and wish him every success and much enjoyment in this exciting role.



Gerhard Brügger
From Berne to Accra/Ghana



Jürg Burri
From the State Secretariat for Education, Research and Innovation (SERI) back to the FDEA

On 1 May, I took over the position of Director of the Consular Directorate at the FDEA from Ambassador Gerhard Brügger. I am highly motivated to represent the concerns of the Swiss abroad in performing my duties. I am 49 years of age and married with four children. I previously worked at the FDEA from 1996 to 2002 and from 2006 to 2009. During my studies and professional career, I have spent short and long periods in Spain, France, the USA, Belgium and China. After holding various diplomatic po-

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sitions, I was most recently head of the Research and Innovation Directorate at SERI. With the support of my highly motivated Consular Directorate team, I look forward to continuing the work of my predecessor on behalf of the Swiss abroad.

Publication

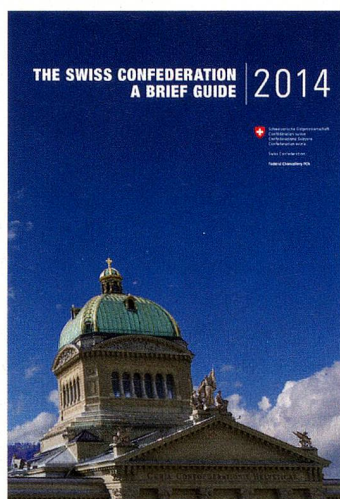
The Federal Chancellery published the brochure “The Swiss Confederation 2014 – a brief guide” in March. It provides current information on Swiss politics, the administration and the judicial system. With 237,000 printed copies in five languages, it has one of the widest circulations of all the federal administration’s publications.

How is Parliament made up? Why can it take years for a law to enter into force? How many people are employed by the federal administration? What does the Federal Supreme Court decide upon? “The Swiss Confederation – a brief guide”, published by the Federal Chancellery every year, answers such questions. The 80-page publication is aimed at anyone interested in the Swiss system of government. Many secondary schools and vocational colleges use it in the teaching of political studies.

The Federal Chancellery works closely on the text with the Parliamentary Services, the departments and the Federal Supreme Court. Graphical information illustrates the descriptions, and photographs show federal government employees in various roles.

237,000 copies of “The Swiss Confederation 2014 – a brief guide” have been published in the four national languages as well

as in English. The brochure can be ordered free of charge from the Federal Office for Buildings and Logistics at www.bundespublikationen.admin.ch (art. no. 104.617).



FEDERAL REFERENDA

The proposals to be put to the vote on 28 September 2014 had not been announced by the time of going to press with this issue.

2014 referendum dates: 28 September; 30 November.

POPULAR INITIATIVES

The following federal popular initiative had been launched by the time of going to press (deadline for the collection of signatures in brackets):

- “Wiedergutmachung für Verdingkinder und Opfer fürsorgerischer Zwangsmassnahmen (Wiedergutmachungsinitiative) (Compensation for contract children and victims of compulsory social welfare measures – compensation initiative) (01.10.2015)

The list of pending popular initiatives can be found at www.bk.admin.ch > Aktuell > Wahlen und Abstimmungen > Hängige Volksinitiativen.

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