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THE IMPORTANCE OF GRANTING "BELLIGERENT RIGHTS."

By G. J. KELLER.

The London Non-Intervention Committee's difficulties, which are responsible for the periodical outbreaks of new crises, have for some considerable time been mainly a question of granting belligerent rights to the two parties at war in Spain. The Berlin-Rome axis policy has for some months again and again insisted on the granting of belligerent rights to the two parties by the London Non-Intervention Committee. Anglo-French policy has until now strongly opposed this request; England, however, would to-day be inclined in principle to grant this request, if as a result the withdrawal of foreign volunteers is effected. France is not quite so inclined; it may be presumed, however, judging by available information, that the resistance is merely a formal one and that its abandonment is only a question of time.

What is the importance of granting belligerent rights? A rebellion of a part of the population against the legitimate government should really be considered a purely internal matter. But as soon as a part of the country has fallen into the hands of the rebels, the position is altered according to international law. If in addition a "lawful government" has been formed and the battle is being fought with an *organised* army, which observes the international rules of war, there are de facto two governments in the country concerned, waging war with one another. Strictly speaking, therefore, General Franco could claim the recognition of belligerency which would not at all mean that this government would ipso facto be recognised as legal. In theory, therefore, Franco has a claim according to international law; in practice, however, the custom has been evolved not to grant belligerent rights automatically with the existence of the above-mentioned provisions, but every Power has taken to itself the right to declare or not to declare this recognition, all according to whether or not it was reconcilable with the interests of the State to be or not to be recognised. That this practice, which only serves the special interests of the particular State, is a further proof of its incompleteness and shortcomings, is mainly due to the fact that there is a lack of any kind of enforcement. Naturally the granting of belligerent rights is of much greater importance politically than from the point of view of international law. As already mentioned it does not mean the automatic recognition of the legality of Franco's government, as Rome and Berlin have done. But it means actually a clarification of the relations between the rebels and third party States, so that these latter can treat the government of the Insurgents as a legal body according to international law and henceforth openly negotiate with it in the affairs of the Civil War. As regards the London Non-Intervention Committee and the efforts it is making to stop hostilities, this fact can be of considerable advantage. This recognition means further that both parties in the eyes of the country recognising are equal in status, namely that of two Powers engaged in war, and no longer constitute the legitimate Government on the one side and the rebels on the other. As a result of this the right of blockade is accorded to both parties, which means the right to stop and search ships of all nationalities not only within the three mile limit but also on the high seas, as well as the right to confiscate contraband and seize ships which carry contraband (law concerning prizes). The duty of neutrality thereby arises for the recognising States towards the parties at war, i.e. neither the one side nor the other must be in any way favoured or supported. As regards the relations between the two parties the recognition causes a change in that between the two (theoretically) the rules of international warfare apply. As the most important of these rules it may be mentioned that prisoners of war for example may not be shot down according to martial-law. But also these rules are like the greater part of international law unwritten and founded upon customs, and therefore cannot be enforced.

The granting of belligerent rights is theoretically dependent on the agreement of both parties. That Franco has a great interest in obtaining this recognition is evident; on the other hand, that the Spanish Government is doing everything to prevent this recognition, is also comprehensible, since only France would have advantages from it. He would be like the Spanish Government since its formation, recognised as being able to negotiate according to international law. As the granting of belligerent rights can only be accorded to both sides simultaneously and not to one side only, but since on the other hand only Franco's position thereby gains materially, it is altogether evident that the two Dictatorship States, Germany and Italy, absolutely wish to force this recognition. The Anglo-French group of States are well aware of the fact that the recognition once declared will mainly favour the Insurgents. It therefore does all in its power in order to secure neutrality simultaneously with recognition, which can best be effected by

the withdrawal of the volunteers and the re-establishment of the supervision of frontiers (land and sea-control) as soon as possible. In the Non-Intervention Committee these great differences of opinion have caused the quarrel which was started by Italy under the pretext of a question of procedure and which is to be settled by England forming three Sub-Committees which are to meet simultaneously, one for each of the three problems.

When recognition is finally declared, it will bind the 27 States which are represented on the London Committee. The other Powers will be at liberty to declare recognition on their part or not. In principle the two parties at war will not be automatically bound by the recognition declared by third party States, i.e., it has no value amongst themselves, London, will, however, as the procedure proves, be careful to avoid agreeing to this, the granting of belligerent rights, without possessing the agreement of Valencia and Salamanca. Be it mentioned in all fairness that Germany and Italy are making a sacrifice with this recognition as in so doing they also grant belligerent rights to the Spanish Government. For Berlin and Rome, who some months ago recognised Franco's Government as the only legal government in Spain, the Valencia Government means nothing else but an organisation that opposes the legitimate Government by force of arms. A complete change of rôles, therefore, as, through the adoption of this view the Valencia Government have been branded as Insurgents. If, therefore, the axis also grants the Valencia Government belligerent rights, it thereby undertakes to grant this party for example the right to intercept German or Italian ships on the high seas, to search them or even to capture them should these ships be carrying contraband. As Berlin and Rome are prepared to undertake this for the prize of the recognition of Franco by the London Committee, it may be concluded that there actually exists the will for Neutrality and Non-Intervention (or to end intervention) which can only be beneficial for the negotiations.

HOLIDAY IN SWITZERLAND

Buying Gentians and Alpine roses in Grindelwald to send home (a "Middlesex County Times" woman reporter writes), I asked the flower seller how it was she spoke such perfect English. She said she had lived in London at Swiss Cottage for two and a half years while she went to London University. She was at King's College, and when I said I had been there too, she gave me a precious piece of edelweiss. She wants to find work in London, because living is much harder in Switzerland.

It looks much harder. They are getting in the hay now; grass has been scythed on every little slope, and you see whole families at work. In one field on a very steep hillside women were loading hay on to the backs of the men, who were carrying it in. Children with baskets strapped on their backs carry home the bread or the lettuces—one always has lettuce here, even with hot meals—and when we started on our expedition at 7 o'clock one morning everyone was at work.

It is amusing, when one is out, to see English and Dutch people labouring up mountain sides wearing shorts and bathing tops and the pointed hats they sell for tourists, bent double under their ruck sacks, and then to come upon a Swiss lady walking quietly up in a white starched bonnet pleated at the back to protect her neck, a tight black bodice with pin spots, and an enormous black skirt down to her ankles. Over her arm she carries an umbrella.

The Swiss Like Umbrellas

The Swiss always have umbrellas. I saw a man leading a horse up a mountain side in pouring rain. He held the reins in his left hand and an open umbrella in his right. Quite often one sees the hotel porter going down to the station on his bicycle with his umbrella up. When it rains they do not mind because they have their umbrellas; when it is sunny they use them as parasols, and I expect when they are on the peak of the Jungfrau they use them as parachutes!

Umbrellas fit beautifully into the Swiss landscape. Just imagine a little Swiss boy in a grey-black cape with a pointed hood and his mother in her starched bonnet holding an umbrella; then imagine a wooden Swiss house, like the toy weather house one buys in England; then above the house imagine a green hummock the shape of the umbrella, and above it the roof of another house. Then imagine you can see twenty or thirty or forty green hummocks and houses rising up and up and up to dark green pines. Imagine a forest of dark green pines all pointing upwards and above that another forest—forests on forests pointing up to high hard battlements and cliffs of rock with streams running down like veins, and strings of pines pointing up, until at the very highest you can see clouds drift across a fringe of pine points. At night sometimes a star seems to rest on the very top. The best of Swiss scenery is that you can see such a lot at a time.

LES AMERICAINS CHEZ NOUS.

People of varied nationalities from the dark sentimental Italian, the self-disciplined German, the talkative warm hearted Frenchman to the more level headed and calmer Scandinavian have come my way.

But the most interesting and amusing experiences have always occurred, it seems, when in contact with Americans. They are really, despite their very many little defects, a most lovable race and seem to have inherited (gangsters and film stars excluded) the best traits of their mixed ancestry. Many dislike their native brogue, but I find it very refreshing and entertaining.

Once a very pretty young American said in my presence and quite seriously: "Why don't you English people speak English properly like we do?" Rather cute I thought.

Americans who were fresh from the States and who had sojourned for a few days in the Bernese Oberland and had participated in the different stereotyped tours of this picturesque region returned home with a very confused idea of Helvetia. It needed some explaining on my part to point out to them that what they had seen was but an "hors d'oeuvre", a cocktail of our country. They had seen but the heel of a beautiful woman called Helvetia.

I am afraid that they were rather disappointed with my physical appearance and capabilities. For I am not, as they had apparently expected to find, a hairy chested yodler able to jump from glacier to glacier like a modern Tarzan, clad only with a few edelweiss, and hunting for the wild and leaping chamois.

Where they obtained these distorted ideas, that I cannot explain, nor why they should be amazed at our possessing three (some argue four) languages. The majority, like Jules Verne, imagined the Mont Blanc to have its site in Switzerland. A good many were incited by a certain political and historical curiosity and wished to know more about William Tell and his apple, the League of Nations, our national hymn which they accused us of copying from the British, or even from one of their own native songs, the White cross and its significance and endless little facts of no importance which had struck them as peculiar.

A young native of New York found everything so "darned small" and quite rudely, I thought, said: "We have a state in U.S.A. that would cover twenty times your little stretch of land." Not at loss for a reply I answered in the true Genevese spirit "Well we have here in our little stretch of land quite a small lake called the Lake of Geneva which could easily drown all the Americans not only in the States but in the whole world." He gasped.

I was rather taken aback by two or three of their suggestions especially that of floodlighting the Matterhorn and organising submarine trips in one of our well known lakes.

It was nevertheless very gratifying to listen to their unanimous praise in regard to the little they had seen. They all expressed the desire to return there one day in order to further their investigations, eat some of our chocolate and bring back to their folks a watch that really works, provided as one said very slyly and knowingly, that next time some of our hotel proprietors would not charge them 1fr. 80. for an ordinary orangade!

(JEREMIAH)



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