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SWITZERLAND AND THE UNITED NATIONS

This was the title of a talk the Swiss Ambassador, Dr. Ernesto Thalmann, gave to a meeting of the Nouvelle Société Helvétique London on 25th May. The speaker was himself Switzerland's representative at the United Nations in New York and thus eminently qualified to talk on the subject.

The Ambassador began by saying that Switzerland would have to cope with a number of major political and economic problems in the next few years:

"May I just remind you in this connection of the redrafting of the Federal Constitution, the improvement of the federal finances, the creation of a new Canton, the search for new sources of energy and the protection of employment. All these problems are mainly domestic and will keep our political life busy for years. Nevertheless, domestic and will keep our political life busy for years. Nevertheless, around us. Fortunately, our relations with the world are, on the whole, sound. However, the old question of our membership of the United Nations remains unsolved, and, as you know, we shall have to deal with it in the very near future; and eventually we shall have to decide whether we want to join or not. So I think this talk tonight provides a good opportunity for me to make a very brief survey of our relations with the UN and to describe the current views of the Federal Council and of the majority of Parliament on this matter.

"Twice during the present century efforts have been made to call a halt to international anarchy and disorder through the establishment of a worldwide political organization and to ensure the maintenance of peace by setting up a juridical system mandatory upon every state. When the League of Nations was founded in 1919, Switzerland faced the dilemma: should she and could she — given the fact of her permanent neutrality — hold aloof from the new organization, or was it open to her to give evidence of her solidarity and, accordingly, harmonize her national interests with those of the rest of mankind? As early as 1920 the Swiss people answered in the affirmative and Switzerland became a member of the League of Nations but, as a matter of fact, was exempt from participation in any military but not economic sanctions which the organization might impose.

"A similar problem arose when the United Nations was established in the spring of 1945, in San Francisco. A commission set up by the Federal Council to appraise the issue had come to the conclusion, in November 1945, that, subject to the maintenance of her neutrality, Switzerland's accession was desirable. But, knowing that the UN couldn't allow any specific reservations in the event of our joining, this time no attempt was even made during negoti-

ations between Switzerland and the new organization to obtain membership on condition that our neutrality was recognized, that is, to exclude specifically the application of the UN Charter's chapter on sanctions. So we decided to co-operate with all the technical, that is to say non-political organizations of the UN family: ILO, UNESCO, WHO, and so on. Public opinion seemed to be quite satisfied with this position and the matter of our joining became merely a theoretical subject for politicians and scholars. The man in the street never felt involved and, moreover, the more the UN made dramatic headlines, the more the Swiss people were convinced they were right in keeping aloof.

Postulate

"In the late sixties, the question of Switzerland joining the UN was raised again in a "postulate" tabled in 1967 by National Councillor Bretscher and sponsored by his colleagues Konzett, Dürrenmatt, Eggenberger and Furgler. In answer to this move, the Federal Council prepared a report published in 1969, surveying the official position of Switzerland's relations with the UN and the prospects and possibilities of her joining the organization while at the same time maintaining a status of neutrality. The Federal Council refrained at this time from recommending entry to the UN to Parliament, because the studies made so far did not enable them to reach a final conclusion. They were likewise aware that the majority of Swiss remained somewhat sceptical or indifferent towards the UN. The Federal Council suggested, and this point of view was later adopted by Parliament, that for the time being Switzerland should increase her financial and technical commitments to the activities of the UN and its organs in order to create some goodwill for Switzerland's special position; they promised Parliament a new report in due time surveying the progress made in the matter.

"Accordingly, a second report was published in 1971. It summarizes the development of Switzerland's participation in UN activities. But, where the law of neutrality is concerned, that is, on the specific point of Switzerland's joining, no new element of a truly decisive nature had emerged in this relatively short period. However, the Federal Council concluded their second report by stating that, all things considered, it appeared that the data of the problems were such that an answer could not be given in purely legal terms. Therefore, the Federal Council suggested proceeding with the increase in Switzerland's commitments, launching a comprehensive programme of information on the UN and setting up a special advisory

committee whose task it would be to study the problem thoroughly.

"This committee, composed of representatives from political, diplomatic, administrative, economic and university circles, set to work in 1973 and made their recommendation to the Federal Council in 1976. The majority of the committee expressed the view that Switzerland should now join the UN. Endorsing that opinion, the Federal Council published a third and last report on the matter in June 1977."

The Ambassador emphasized that that was an important step. No deadline had been set, but it might be in the autumn of 1980 that a decision would have to be taken. Information was now most important. He continued:

"The United Nations has now become practically universal, not only in its composition but also in the scope of its tasks, which now embrace most aspects of international life. The attainment of this major goal constitutes, in the opinion of the Federal Council, the strongest argument in favour of Switzerland's entry. The fact is that Switzerland is now the only country in the world to stay out of the United Nations without being compelled to do so. More than ever before, her non-membership is of her own choosing and she will find it increasingly necessary to explain the reasons for this extraordinary situation. That will not be an easy task since it is a situation which is hardly consistent with the universality of our international relations — the corollary of our neutrality.

Global efforts

"Around the strictly political core there are emerging efforts at worldwide co-operation in the economic, social, legal, scientific, technical, ecological and humanitarian fields which are assuming an increasingly global character.

"In all these efforts, the United Nations is no longer content simply to provide statistical and documentary material as a basis for action. Little by little the concepts which it develops are tending to become universal norms that no government can ignore.

"Consequently, a State which does not belong to the United Nations is unable either to make its voice heard or to defend its positions in precisely that forum where trends emerge and decisions are taken that eventually determine the whole course of action of the United Nations system. Such a State finds itself confronting *faits accomplis* and options already exercised, which it has not been able to influence in any way.

"The Federal Council's report points out that the long-used distinction between the "political UN" and the "technical UN" is no longer relevant. There are not many technical activities of

worldwide significance that can be divorced from the major political options and the general context of international life, for they are inevitably part and parcel of that context.

"That is why Switzerland may find it more and more difficult to defend herself satisfactorily in the world while staying out of the United Nations. We must not close our eyes to the fact that the vast and laborious efforts of the United Nations in favour of world peace and economic development deserve more than a technical and financial contribution. These efforts also require political commitment from States which support them. In any case, a form of co-operation limited to so-called "technical" activities — however useful they may be — is bound to become increasingly inadequate for a country determined to play its part fully on the international scene.

"The Federal Council had already dealt abundantly, in 1969 and 1971, with the problem of neutrality, and made it clear that Switzerland's entry was conceivable only in terms of the maintenance of her neutrality. The latest report again discusses this question in detail, but the approach has changed: it is more realistic and more political. First it must be pointed out that there is a convergence of the objectives between the system of maintaining peace enshrined in the Charter and elaborated by the United Nations practice, and the policy of neutrality as conceived of by Switzerland. It should be noted that, while the Charter

does not expressly mention neutrality, it certainly does not exclude it. On the contrary, by accepting neutral States, the United Nations has given *de facto* recognition to the concept of neutrality and the specific role it plays. But what needs to be stressed most of all is that no neutral Member State of the United Nations has ever been placed in a position where it had to choose between its obligations under the Charter and the dictates of its policy of neutrality. That fact was strikingly demonstrated when Sweden and Austria were elected to the Security Council, where they play a very active role.

Conviction

"A number of factors serve to reinforce the conviction that membership of the United Nations and the practice of a policy of neutrality are in reality wholly compatible. In the first place, it should be remembered that the system of collective security provided for in Chapter VII of the Charter has in practice remained a dead letter and has gradually been replaced by what is known as peace-keeping (Lebanon). This is a development of cardinal importance. It is due to the fact that any "action" by the United Nations in the event of a threat to peace — and, a fortiori, any application of sanctions — implies the agreement of the five permanent members of the Security Council.

"However, the state of inter-

national relations being what it is, the prospect of such concerted action by the five Great Powers, or even of an absence of differences between them, is not very likely. There we have a factor which, in itself, significantly limits the possibilities of "action" by the United Nations. In that connection it may be said that, after all, the much decried right of veto reserved to the permanent members of the Council constitutes the surest guarantee that a neutral State will never run the risk, as a member of the Organization, of finding itself in a situation where it would have to participate in coercive measures in a major conflict, i.e. one that involves a Great Power, either directly or indirectly.

"It must be added that even if the Security Council should order military sanctions, a Member State would still be called upon to participate only under a special agreement duly negotiated with the Council. In the case of non-military sanctions, it is true, there is no clause requiring the Council to obtain the consent of the States concerned, although the Security Council has the right to exempt certain States from taking the action required for implementation of such decision. Given the very narrow limits which the international political situation imposes on any United Nations "action" under Chapter VII, however, it must be recognized that a neutral Member State of the United Nations might legally incur the obligation to apply non-military sanctions excep-



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tionally decided on by the Security Council.

"But it should be remembered that a non-member State too, even a neutral non-member State, can hardly ignore such a decision. This was well illustrated in the case of Rhodesia when we had to take — independently, it is true — measures designed to prevent Switzerland from constituting a loophole in the system of sanctions against Salisbury by serving as a turn-table for Rhodesia's foreign trade.

General context

"Let us now consider the problem of Switzerland's possible United Nations membership in the *general context of our foreign policy*, of which the basic components — be it remembered — are neutrality, solidarity and participation.

"Since the end of the Second World War, Switzerland has been able to cope with most of the major problems confronting her in the field of international co-operation. She belonged from the beginning to the OEEC, which became the OECD, and to EFTA. She concluded a free trade agreement with the EEC. She is a member of the Council of Europe and, at world level, of most of the United Nations' specialized agencies. She is strongly involved in development aid and she participated actively in two major conferences during recent years: the Conference for Security and Co-operation in Europe and the so-called North-South Dialogue.

"At the same time, however, her

participation in world co-operation still lacks its essential element — membership of the central and leading political institution. This is a veritable anomaly, which a country like Switzerland — with international ramifications of every kind extending far beyond her geographical and demographic dimensions — will find it less and less possible to cling to unscathed in today's interdependent world.

U.N. role

"To be sure, the role which a country like ours could play within the United Nations must not be exaggerated. But she is no less able at present to make herself heard on the key political issues of the day and even on the most critical problems, such as that of respect for human rights and its influence on international détente. Similarly, in other forums also, we have had to take a stand on the political questions under discussion. Nothing would prevent us, therefore, from defending, within the United Nations, the positions which we judged to be correct and this would certainly not jeopardize our policy of neutrality.

"In these last few years, and in particular since 1969, as I have already made clear, the policy of the Federal Council has sought to bring Switzerland closer to the United Nations. To that end various steps have been taken. It must be realized, however, that there are objective limits to such a policy. A non-member State should not and cannot forever

escape the consequences of its refusal to participate. It would be neither realistic nor fair for it to try to enjoy the benefits of full co-operation with the United Nations without bearing, along with all the other States, the political responsibility of membership.

"In that regard, one must see the situation as it really is: a threshold has been reached in the process of Switzerland's drawing closer to the United Nations. Admittedly, there are some measures in certain sectors that are still possible and, of course, desirable. But any or all such conceivable measures — apart from those that will inevitably fall victim to the Confederation's budgetary difficulties — can never be a **substitute** for the major political act that would be signalled by Switzerland's joining the United Nations.

"There is no denying that in recent years the General Assembly has taken decisions which were not always compatible with our juridical and moral conception of the international order. Some resolutions have even shocked Swiss public opinion, and rightly so.

Dangerous

"It would nevertheless be dangerous to rely on an incomplete picture of the part played by the United Nations in today's world. The United Nations is not an abstract, supranational structure functioning independently of the will of the States which it comprises. On the contrary, it is the forum *par excellence* where expression is given to all

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the political, economic and social contradictions of a world more complex and more divided but also more inter-dependent than ever before in history. The United Nations is the scene of both dialogue and confrontation, and thus of efforts to arrive at a new balance of forces by peaceful means. It is necessary to say once again that, in spite of its shortcomings and its failures, in spite of the disappointments it has caused, this forum continues to be indispensable, for the simple reason that the world has no other? By providing a continuously available setting for contacts and negotiations, the United Nations has helped to cushion and sometimes to defuse, if not settle, international crises. This essential role is illustrated by the new means of action it has acquired in the form of peace-keeping operations, which have enabled it to intervene quickly in a number of conflicts. Such operations have become, as in the Middle East and Cyprus, a very important element in cease-fire negotiations and, what is more, they create favourable conditions for a peaceful solution of the conflicts. There is thus reason to believe that without the United Nations many disputes would have had much more formidable consequences for world peace.

"An undertaking of such magnitude and such complexity can, of necessity, never be complete or perfect. The question we are facing is how much longer Switzerland intends to remain aloof from this universal enterprise aimed at bringing about, in peace and justice, conditions of life acceptable to all the

people of our planet.

"For all the above reasons and after full and thorough reflection, the Federal Council have become convinced of the desirability of Switzerland joining the United Nations. United Nations membership, as a necessary complement to our foreign policy, would provide Switzerland with the forum she needs to deploy fully her capabilities. It would therefore be in the best interests of our country."

Opinion polls

The speaker then mentioned that opinion polls showed that the public was still divided in its attitude to the United Nations, as it was in 1969 and 1971. This, in the view of the Federal Council, was of exceptional importance, given the fact that Switzerland is the only democracy which would have to submit the matter for public approval in a referendum. Clearly, Switzerland could not afford a negative vote by the people and the Cantons. This would create doubts abroad as to her desire for international co-operation. Moreover, it might provoke a major domestic crisis of confidence concerning Swiss foreign policy.

"Meanwhile, the Federal Council's report has been endorsed by Parliament. It is now the intention to increase information on the work of the UN, to start a broad discussion on this matter and, at a later stage, when the time is ripe, to ask Parliament to submit the question to the people and the Cantons. The Federal Council believe that that time, once again, is not too far off."

The large audience vividly applauded the Ambassador's talk, and a lively discussion followed which clearly showed that the subject was of great interest to all present. The President of the NSH thanked the speaker for kindly addressing the Swiss Community on this topical subject.

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