

Foundations of Swiss foreign policy [Fortsetzung folgt]

Autor(en): **Bindschedler, Rudolf L.**

Objektyp: **Article**

Zeitschrift: **The Swiss observer : the journal of the Federation of Swiss Societies in the UK**

Band (Jahr): - **(1964)**

Heft 1454

PDF erstellt am: **25.09.2024**

Persistenter Link: <https://doi.org/10.5169/seals-692999>

Nutzungsbedingungen

Die ETH-Bibliothek ist Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Inhalten der Zeitschriften. Die Rechte liegen in der Regel bei den Herausgebern.

Die auf der Plattform e-periodica veröffentlichten Dokumente stehen für nicht-kommerzielle Zwecke in Lehre und Forschung sowie für die private Nutzung frei zur Verfügung. Einzelne Dateien oder Ausdrucke aus diesem Angebot können zusammen mit diesen Nutzungsbedingungen und den korrekten Herkunftsbezeichnungen weitergegeben werden.

Das Veröffentlichen von Bildern in Print- und Online-Publikationen ist nur mit vorheriger Genehmigung der Rechteinhaber erlaubt. Die systematische Speicherung von Teilen des elektronischen Angebots auf anderen Servern bedarf ebenfalls des schriftlichen Einverständnisses der Rechteinhaber.

Haftungsausschluss

Alle Angaben erfolgen ohne Gewähr für Vollständigkeit oder Richtigkeit. Es wird keine Haftung übernommen für Schäden durch die Verwendung von Informationen aus diesem Online-Angebot oder durch das Fehlen von Informationen. Dies gilt auch für Inhalte Dritter, die über dieses Angebot zugänglich sind.

FOUNDATIONS OF SWISS FOREIGN POLICY

By Professor RUDOLF L. BINDSCHEDLER

Legal Adviser to the Federal Political Department, Berne

(Concluded.)

12) A problem which is raised over and over again is the problem of "good offices" which permanently neutral Switzerland can render to the world. There exist some rather exaggerated notions on these "good offices".

We have to start from the fact that permanent neutrality was chosen by Switzerland as a principle of foreign policy in order to safeguard its *own* interests. She did not make this choice in the interest of foreign countries or in order to render "good offices" to other States. It is rather the opposite: the possibility of rendering "good offices" is a consequence of neutrality. Contrary to frequently voiced assertions, the policy of neutrality also springs from the "egoism" of the State. However, Switzerland cannot be blamed for this, for each country — and above all the great powers — pursue their own ends first of all. Our attitude to this fact has to be quite clear and unequivocal; any other explanation could rightly be called insincere and hypocritical.

The permanent neutrality of Switzerland acts favourably on other States by its mere existence and with triple effect:

First of all it is a *factor of peace*. Its consequence is the appeasement of a given State which remains out of future conflicts. A potential source of conflict is thus removed. In conflicts between third countries permanent neutrality means restriction; these conflicts cannot grow at least in one given direction.

Permanent neutrality and its effects as a factor of peace rest, however, on two assumptions:

a. They presume giving up all claim to outward expansion. Only a saturated State can be permanently neutral. Thus, neutrality is a peace policy "par excellence".

b. Neutrality should not be allowed to lead to a political and a military vacuum. It presupposes therefore the will to defend the territory against attack and to provide a powerful armament.

Furthermore, permanent neutrality is an element of *stability* in world politics. It is common knowledge that unstable conditions easily lead to conflicts between nations and to widening of such conflicts because of the factors of uncertainty which are introduced into the foreign policy calculations of the Great Powers. The policy of a permanently neutral State is characterized by its calculability, it is therefore a factor of safety for other powers. Calculability, safety and stability are, incidentally, the basic qualities of every legal order.

Finally, permanent neutrality serves as a flankguard for both parties.

Now about the possibilities of action of the permanently neutral State in the shape of "good offices".

The first condition for the success of such missions is the confidence of the conflicting parties. This confidence will not so easily be placed in States which occasionally opt for neutrality according to circumstances, or take sides in a conflict for reasons of opportunity, whilst, on the other hand, the antagonists are greatly interested in such "good offices" as long as they are assured that the permanently neutral State act under all circumstances as a trustee to both parties. The neutral State has to pursue a policy

which is free from every kind of outside influence and deference to other States. Also in this context independence is the basis of neutrality.

To substantiate this statement, we have the practical example of our keeping away from purely political organizations such as the United Nations. This enables our country to stay in reserve in case of conflicts. As a non-member-State we are neither compelled to vote — which always hurts one of the parties —, nor to abstain from voting — which is frequently resented by both parties —, apart from the fact that such a policy could not be maintained in the long run and would be contrary to the purpose of the organization. Staying out of UNO makes it possible to retain unlimited confidence on a general basis.

The term "good offices" implies proposals for settlements and mediation in conflicts, acceptance of international mandates as for instance in Corea, protection of foreign interests, grant of the law of hospitality to international conferences and organizations, executing tasks for international organizations, arbitration and humanitarian actions. In addition to this we have the activity of private persons and corporations for whom neutrality is a particularly favourable prerequisite. Until very recent times Swiss lawyers have co-operated in numerous international courts of arbitration or even given judgment as sole judges. Swiss citizens have often been entrusted with or been considered for international tasks of a highly political and delicate nature. The activity of the International Red Cross Committee has also to be mentioned in this context.

Some observations are necessary with regard to the intervention of Switzerland in the spheres of political mediation, arbitration between conflicting parties, maintenance of peace, and disarmament. We have to start from article 3 of the Hague Treaty of October 18th, 1907, on the peaceful settlement of international conflicts, according to which the right to offer "good offices" or arbitration belongs to the non-committed States also during hostilities. It also states that the exercise of this right cannot be considered as an unfriendly act by any of the conflicting parties. At that time great hopes were set on the rôle to be played by the neutral States. Experience has shown, however, that possibilities of political intervention are limited. The weight of the small neutral States is too slight to exercise substantial influence on the politics of the Great Powers. We must not over-estimate our possibilities. In addition, a mandatory action presupposes the consent of both conflicting parties. The danger that even well-meant actions lead to one-sided aiding and to the misuse of neutrality is particularly great here. Neither in the Boer War nor in the First and Second World Wars could instigations to that effect be accepted. The Hoffmann affair has very clearly shown the risks involved.

However, there may be times of crisis of a particularly grave nature during which — owing to the international political institutions being paralyzed — it would be difficult to face dangerous situations even by the ordinary diplomatic procedure. This may one day give Switzerland an opportunity for intervention; similarly, in conflicts which oppose non-recognized States or governments, for instance in a case where there is fighting for the

dissociation of a region within a State. In such cases the competence of the United Nations is doubtful.

On the basis of experience, the following guiding principles for rendering "good offices" can be set down:

— The appeal has to be issued by all the conflicting parties. Uncertainties as in Corea where each party designated "its" neutrals and above which — in the Prisoners of War Commission with India — even a super-neutral mediator was set, are apt to make Switzerland look like the deputy of a single group of States and can lead to a devaluation of neutrality. Such situations are to be avoided in the future.

— There has to be agreement on the contents and extent of the mandate by all parties involved.

— The task has to be unobjectionable from the point of view of neutral policy. Participation in coercive measures (as in the Congo) does not come into consideration.

— The task has to be materially practicable; there should be some concrete prospects of success.

— The neutral State offering "good offices" must be granted freedom of action.

— There has to be a time limit to the mission.

The difficulties of a policy of "good offices" lie in the danger of their being misused. This fact asks for subtle reflection. Neutrality finds itself quite frequently placed in the service of one-sided aims of power policy. Thus, for instance, one group of powers wishes the neutralization of the member-States of another group in order to break up existing alliances but declines the neutrality of States pertaining to its own group. Actions and "good offices" of the neutral country which have a one-sided effect in favour of a certain party are to be strictly avoided. Such actions are often furthered as a means of propaganda for one group's own political aims whilst these initiatives are passed off for a mere policy of peace. Switzerland will have to take scrupulous care not to become a mere means to an end and therefore to desist from every action — no matter how theoretically worthy — which could offer points of attack to one side. Appeals for the abolition of nuclear weapons or for the summoning of summit conferences must be mentioned as examples here. Such initiatives would only devalue neutrality. On the other hand, the tasks neutral States are entrusted with should not be merely fictitious solutions of embarrassing problems which the powers cannot or will not solve themselves. By so doing neutrality would again be discredited in the long run. There may, however, be cases which would at least permit a "freezing" of an acute tension. These considerations are just as valid for the International Red Cross Committee which should be careful not to take up tasks which are beyond its calling and which could imperil the fulfilment of its mission in the future.

Final considerations

The above explanations have only given a survey of basic principles without entering into details. There are many more facets to various aspects which ought to be examined more closely. The question of co-operation in international organizations of an economic, technical, financial and cultural nature has not been dealt with, nor has international organizations of an economic, technical, financial — the very important issue of international co-operation in the spheres of science and research and the endeavours at codifying and extending the law of nations. Questions have been raised and no definite answer given.

The particularly significant relationship — on account of our State structure — between foreign and domestic policy and the question of the suitability of our institutions

for the requirements of foreign policy ought to be examined. Discussions with regard to economic and cultural relations with the East and in connection with the plebiscite on international treaties — to single out a material and an institutional problem — show the necessity of such an examination. One point must be kept in mind: every Swiss citizen carries part of the duties of a Statesman; he is called to make the often difficult choice between considerations of ethical conviction — which only concerns him personally — and of the ethics of responsibility.¹⁵⁾

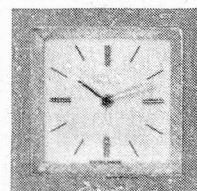
The policy of neutrality answers to this day the requirements of a realistic foreign policy of Switzerland. It does not need justification and publicity abroad. We have every reason to look upon neutrality as a constant element of policy and not to make it a subject for discussion abroad. But it must not be turned into a straightjacket and it cannot offer solutions of convenience. Each generation will have to come to terms with the basic problems of foreign policy. But this, our foreign policy, must always be sustained by solidarity and militant valour, carried out with courage and fearlessness and follow the guiding principles of "raison d'Etat" and of the idea of law.

¹⁵⁾ Max WEBER, op. cit., p. 55 ff.

(*"Schweizer Monatshefte"* April 1963.
Reprinted from *"Amerikanische Schweizer Zeitung"*.)

TELEVISION

There has been a further increase in television in Switzerland. On 24th April, the government agreed to allow advertising on TV, but only for twelve minutes every evening, not on Sundays nor on national holidays. All advertisements for tobacco, alcohol, drugs and patent medicines are banned, and so are political and religious propaganda. Advertising methods are to be governed by strict rules.



H. KAUFMANN

(1st Floor)

37 GEORGE STREET
(off Baker Street)

LONDON · W.1

Tel: WEL 8583

(Mon to Fri 9 am to 5.30 pm Sat 9 am to 1 pm)

SWISS WATCH MAKER

Wide range of Swiss watches available

SPECIALIST WATCH REPAIRER

Send Watches by Registered Post—Estimates free

All watches electronically tested

THE PERSONAL TOUCH—that's what counts

For all travels—by land sea and air

let A. GANDON make your reservations

Tickets issued at Station Prices no booking fee

HOWSHIP TRAVEL AGENCY

188, Uxbridge Road - Shepherds Bush W,12

Telephones: SHE 6268/9 and 1898