AN IMAGE OF THE EVOLUTION OF SWITZERLAND'S NEUTRALITY POLICY

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Abstract: *The specific elements of neutrality, namely, the national interests, the right to neutrality, the international situation, as well as aspects related to tradition and history, are determinants of Switzerland's neutrality policy. Switzerland's role on the international stage is the role of a "silent witness" who transmits his "testimony" through nonverbal language. The effort of the Swiss confederation to preserve its neutrality is the effort of a champion who puts his title to the test again and again to permanently reconfirm the legitimacy of his position.*

Keywords: neutrality, neutrality law, neutral country, military neutrality

1. Introduction

In a world subject to a multitude of challenges, but especially of security challenges, I tried to advance the idea of a European state declared neutral. Using a few questions and related answers, I tried to outline the profile of a country declared neutral and discover what are the pluses and minuses, but especially what is the tribute paid by Switzerland for its status in the family of European countries: if it is a privileged status and if so, why, what is the privilege and what are its limits. At the same time, I wanted to highlight the essential premises and conditions that must be met by a state in order to be considered neutral in the current international context. Basically, I lift the lid of a chest that contains important things related to the geopolitics of this European corner and the relationships it cultivates with other actors on the international stage. In my research I made use of empirical, theoretical and rational methods. Using information and bibliographic sources from historical, political and international relations research studies, I analyzed them through the filter of

the information shared by Swiss citizens with expertise on this topic and reached a personal conclusion that I intend to further develop. Basically, starting from things already proven in time, which have the confirmation of historical, political and security events, I wanted to bring in discussion the current image of Swiss neutrality.

- *Status accredited by a neutral country*
What is neutrality? Permanent neutrality is a principle of Swiss foreign policy. It contributes to peace and security in Europe and beyond. It serves to ensure the independence of the country and the inviolability of the national territory. Under the law of neutrality, Switzerland does not take part in the wars between other states.

- *Neutrality in the Federal Constitution*
According to the Federal Constitution, the Federal Council and the Federal Assembly take measures to maintain the neutrality of Switzerland. The authors of the Constitution did not consciously anchor neutrality in either the final article or in the principles of its foreign policy, as it is a means to an end.

- *The law of neutrality*

The law of neutrality, which was issued by the Hague Convention of 18 October 1907, is part of customary international law. It defines the rights and obligations of a neutral state. The most important of these rights is the inviolability of the national territory. One of the most important duties of a neutral state is to refrain from participating in wars in order to ensure self-defense providing equal treatment in terms of arms exports to all parties in the conflict, not making mercenaries available to warring factions, and not making their territory available to the warring parties. The law of neutrality applies only to interstate conflicts and does not apply to internal conflicts, which constitute the majority of conflicts today. The law of neutrality does not apply to a military operation authorized by the United Nations Security Council (UN), because the Security Council acts on behalf of the international community to restore world peace and security. Therefore, the law of neutrality does not prevent neutral states from supporting such operations.

- *Neutrality policy*

The policy of neutrality is not linked to legal norms. It represents all of the measures that a neutral state must take on its own in order to guarantee the predictability and credibility of its permanent neutrality. The implementation of the neutrality policy depends on the analysis of the current international environment. Switzerland's neutrality is humanitarian and peace-oriented. It is settled in the tradition of good offices and humanitarian aid. Switzerland models its neutrality by taking into account the requirements of international solidarity, putting it in the service of peace and prosperity [1].

Swiss neutrality benchmarks are:

- *Permanent military neutrality*

Neutrality is a concept with many references in international law and politics. In international law, the neutrality means

non-participation of a state in wars between other states. Neutrality is closely linked to the history of the Confederation and originated a century ago. "Non-involvement in foreign trades" had been for the Swiss, since the sixteenth century, an adequate position in terms of security and foreign policy, in order for it to survive as an independent state. At the same time, during the many conflicts of interest and beliefs within the State Federation they developed an internal policy, shaped by individual members. What gradually developed from this attitude was permanent neutrality, recognized by the great powers of that time, so that in 1815 they stated that in the neutrality of Switzerland, its inviolability and independence from any external influence, consists the independence of European policy itself. As a result, permanent neutrality led, among other things, to the resistance of the Swiss state-ship, which sailed on the high and rough waves of the late nineteenth and early twentieth centuries, the twentieth century, and especially through the storms of the two world wars. This resulted in the fact that neutrality is still deeply rooted in the consciousness of many Swiss.

Two features stand out in the previous Swiss neutrality tradition. First of all, it is a permanent neutrality, therefore Switzerland remains out of any conflict unrelated to the belligerent parties, it remains neutral anytime and in any context a war breaks out. This denotes Switzerland's determination to defend its independence; it is an armed neutrality, Switzerland is determined to defend its independence equidistantly, against all.

It defends itself against military attackers with all the means at its disposal against those who violate its neutrality in order to prevent belligerent acts on its territory.

- *The internal political functions of neutrality*

Historically, internal political motives have contributed to the emergence of Swiss neutrality by giving it an original argument.

In the Confederation, which is characterized by multiple interests, confessions, languages and cultural differences, a policy of non-intervention protects the state from division and dissolution. Neutrality had a unifying-integrating pacifist function. These internal political factors that justify Swiss neutrality are now regaining the importance lost due to the confessional division conflict in Switzerland that has been overcome.

- *External politics*

Conflicts of interest among individual cantons arose with the consolidation of the integrated federal state at certain times of the last century. The linguistic and cultural differences in this country reflect the long existence of the nation living on the territory of Switzerland. The amicable balance between this country and the neighboring countries lost some of its clarity during World War II. Even so, neutrality is too deeply rooted in the consciousness of many Swiss today.

Neutrality and internal policy were also closely linked in another way. Neutrality has for centuries formed a protective shield that has made it easier for the Swiss confederation to pursue a foreign policy of long-term abstinence with an almost exclusive interest in domestic policy and to develop a unique state structure with multiple characteristics. Indirectly, neutrality has contributed to the development and expansion of direct democracy, federalism and prosperity. These achievements were reached through intermediate stages, captured in the international law as: "neutral states and other states that are not involved in the conflict."

Due to the "non-interference in foreign relations", Switzerland was able to focus almost exclusively on itself, not being forced to group its forces in order to use the controversy in the foreign policy. Neutrality led to keeping the distance in order to take care of its own inner life, and to orientation towards small circles. In this way, the

neutrality and its associated peaceful distance, outside the questionable history of its development, is one of the reasons for the emergence of the "Switzerland special case". Unlike in the past, Switzerland is now surrounded only by peaceful neighboring states, and the way it values human rights, democracy, the rule of law and, to varying degrees, federalism, no longer threatens this particular state's structure. Central and Eastern Europe is increasingly devoting itself to the same basic principles. Switzerland no longer stands out because of its institutions themselves, but especially because of the challenges posed by their neighbors. In such conditions, it loses its neutrality in order to maintain an internal policy of a special importance. It is also noteworthy that despite all its peculiarities, Switzerland has many things in common with its neighbors. In terms of geography, history, culture and economy, it is an eminently European country. Yesterday, today and tomorrow it was, is and will be closely linked to this Europe [2].

2. Assessment of the dimension of Swiss neutrality

In this part of the paper I extracted information that I considered relevant in order to answer the question: how neutral is Switzerland?

"Neutrality practiced by Switzerland is a purely political means." The Swiss historian Hans-Ulrich Jost wrote that Swiss policy, conducted in the shadow of neutrality, hardly corresponded to the idea of moral infallibility [3]. Whether neutrality is ethically justifiable depends largely on the foreign policy behind it. Certainly, Swiss neutrality is given great moral authority, it is surrounded by an almost religious aura of infallibility. But the policy pursued in the shadow of this neutrality hardly corresponds to these ideas. A look at the history of Swiss foreign policy reveals many gray areas that infringe upon neutrality. When the great powers dictated neutrality to Switzerland at the Congress of

Vienna in 1814/15, it was only a matter of establishing the Confederation as a buffer zone between France and Austria. Metternich, the representative of Austria, saw neutrality as a free passage to meddle in Swiss politics at any time. On the other hand, neutrality did not prevent Switzerland from continuing to send contingents of mercenaries abroad and to join the Holy Alliance, the political association of the great powers. Neutrality also proved to be a discreet camouflage to benefit from international trade, after the colonial powers. In conformity to the changing power relations, they sought protection against one great power or another. In the twentieth century, and especially during the two world wars, neutrality was a more or less effective argument to counter the demands of foreign powers and at the same time to secure foreign trade - including warfare materials. This double game continued during the Cold War. Switzerland officially celebrated its neutrality, but in practice it fully supported the Western powers. Switzerland even signed, though veiled, an embargo agreement against the Eastern Bloc (Hotz-Linder Agreement 1951). It was, wrote J.R. von Salis, "the time of the schizophrenia of the political consciousness of the Swiss". Neutrality was also very useful to the financial sector, which thrives under bank secrecy. To some extent, it functioned as a pure moral health state. "Bank secrecy", it was said in an article published in NZZ, "is a form of fiscal neutrality towards foreign tax authorities". Neutrality has also been used, for example, to circumvent the UN embargo against the apartheid regime in South Africa and to massively expand the gold trade with that country. A popular patriotic myth has helped to embellish the questionable practice of neutrality. For example, Niklaus von Flüe's story was related to the alleged emergence of the principle of neutrality. When Edgar Bonjour wrote his first study on Swiss neutrality, the political department

intervened and asked the historian to start with the legend of Flüe. One of the glorious stories is the belief that Switzerland was exempt from both world wars because of its neutrality. Rather, services, exports of war material, financial transactions and the role of an intelligence center have made an unoccupied Switzerland attractive to the belligerents. Foreign countries have often seen neutrality as only an opportunistic strategy that promotes Switzerland's material interest. Therefore, in 1948, Federal Councilor Petitpierre proposed that more emphasis be placed on solidarity rather than neutrality. Switzerland's foreign policy position should be strengthened through "good services", such as conflict mediation abroad. Neutrality practiced by Switzerland is, despite legends and moral glorifications, a purely political means that can be used very flexibly depending on interests. Its most important role is probably to cover Switzerland's many international entanglements with a veil and to give citizens a sense that the country is above the deception of the times.

- *The controversy over Swiss neutrality*
According to literary scholar Simon D. Trüb [4], Swiss neutrality must be questioned from a moral perspective. It could suggest moral superiority, while Switzerland, he writes, often acts primarily in its own interest. Taking a politically neutral position is becoming more and more difficult in an increasingly polarized world. SWI swissinfo.ch reveals the practical challenges facing neutrality in Switzerland. But Swiss neutrality must also be questioned from a moral point of view. Does it deserve its status? Can Switzerland's reluctance to impose sanctions on Russia or its refusal to call for a thorough investigation into Khashoggi's assassination be considered neutral? Perhaps a discussion about Switzerland's non-intervention or strategic non-involvement would be more correct. Neutrality may suggest moral superiority, while Switzerland acts primarily in its own

interest. It is true that Switzerland is actively involved in consolidating international peace, and its reputation as a neutral state makes these efforts much easier. From a historical point of view, however, Switzerland's neutrality is primarily linked to its defense strategy and its economic interests. While political neutrality was initially a means to an end, over time it has become a Swiss myth to which a large part of the population adheres. This was illustrated by the clear rejection of the population to join the UN in 1986; the latest survey cited by SWI, which found that 95% were in favor of maintaining neutrality, suggests that not much has changed in this regard. In cases such as the Russian sanctions or the assassination of Khashoggi, the principle of political neutrality risks degenerating into an alibi for opportunism, if not a form of complicity in what the German-American philosopher Hannah Arendt "called the banality of evil." Arendt developed the idea of the "banality of evil" when she participated in the trial of Adolf Eichmann, a German Nazi leader, in Jerusalem in 1961. Eichmann was responsible for organizing the deportation of millions of Jews to concentration camps - where they were killed. However, Arendt was surprised to see that Eichmann was not a stereotypical villain role model. Clearly, he didn't look like a sadistic monster, but rather disturbingly normal. Unlike others, he was not motivated by fanatical hatred of Jews, but just did his job. Arendt concluded that Eichmann was evil in a "trivial" sense, rather than a "radical" one. In "Eichmann in Jerusalem", she explains: "*Eichmann was neither Jago nor Macbeth, and nothing would have been further from him than to decide, like that Richard III, he should*" become a villain.) [5]. Arendt attributes a lack of thinking to Eichmann, which she associates with his inability to judge. Several experts criticize Arendt's assessment of Eichmann and, regardless of this specific case, it is useful to judge not

only an inability but also a lack of desire to talk about *the banality of evil*. The idea of the banality of evil has become very important because it has clearly shown that it is possible to commit evil deeds without evil intentions. The banality of evil is able to explain how the Holocaust could happen without a population of evil monsters. It was enough to have depraved leaders and masses of people who run "their own business." Now an important question arises, to which there is no simple, definitive answer, but which must be put on a case-by-case basis: how similar to neutrality is this unwillingness to judge, in the sense of the "banality of evil?" Can this manifestation be attributed to a behavior resulted from the neutrality of Switzerland? Switzerland is not Europe's Eichmann, but, however, with the principle of political neutrality, it is engaging in an increasingly precarious moral note. Moreover, excessive adherence to an ideal of neutrality easily hides the fact that political neutrality is not an absolute position.

Firstly, neutrality is relative and inherently conservative. It is never seen as neutral to drive certain situations or change them. Secondly, neutrality is not an all-or-nothing problem. It must be possible to take a neutral position on some issues, but not on others. From a moral point of view, it makes a difference whether neutrality is invoked in a commercial dispute, in a confusing annexation or in the killing of a journalist at a consulate. In an increasingly polarized world, not only is it becoming increasingly difficult to define a politically neutral point of view, but it is becoming increasingly questionable to approach such a position. At a time when politicians with far-right nationalist ideas are becoming presidents (see India, Brazil or, until recently, the US), when governments like Myanmar or China commit genocide and when democratic structures and values are increasingly undermined even in European countries, Switzerland must avoid the

smooth transition from neutrality to the banality of evil.

"Positioning is poison to neutrality" said Yvette Estermann. Neutrality is more important than ever, because Switzerland cannot mediate and bring peace unless it takes a stand, says SVP national adviser and member of the Foreign Affairs Committee Yvette Estermann. The origin of Swiss neutrality can be dated to November 20, 1815, following the "Congress of Vienna". On this day, Switzerland was granted permanent neutrality by decree. At that time, Switzerland, more or less, reached a neutrality agreement. Later, however, in the Franco-Prussian War of 1870 and also during the First World War, Switzerland benefited from its neutrality because it did not have to take part. The humanitarian aspect proved to be an important point of neutrality. This became very important during the two world wars and afterwards during the cold war. Switzerland was left out of the action stage, unable to help and mediate. No one can say what would have happened to Switzerland in the World War II if, for example, it had presented himself as a friend of Hitler. Or if it were the other way around ...? Neutrality is a very valuable asset that plays an important role in times of peace and war - perhaps even a decisive role! Unfortunately, attacks on Swiss neutrality continue to be launched [6]. The discussion about their role and benefits is a positive thing, but a possible "softening" of neutrality does not seem to be profitable. This situation is detrimental to the country and the people. Former Foreign Minister Calmy-Rey coined the term "active neutrality." What profit can this bring to Switzerland, can it benefit in any way from it? On the contrary: Switzerland is no longer asked to organize mediation or diplomatic talks between opposing parties. Other countries have taken on this task. It sounds nice to classify people as "good" and "bad" when human rights are "upheld." But how can mediation or peace be made when there is a prior

positioning? This is poison to neutrality! It is very important to assess conflicts, disputes and accusations with a neutral attitude. But what is the benefit for the world or for itself if Switzerland takes part in every conflict? Failure to do so is not a sign of weakness or fear. It is a brave way to resolve conflicts in this world.

Regarding Switzerland's commitment to Kosovo, the Members of the Swiss army – as part of KFOR - have been of great importance for the people of this country. The people there realized that the soldiers were members of a neutral state. This may not play a major role for many outside Kosovo, but it does play an important role for those directly involved. What would happen if Switzerland renounced its neutrality? Would the world be made better or more peaceful? The conclusive idea that emerges is that Switzerland, as a neutral country, must continue to play an important role in this world - now and in the future. Without Switzerland as a mediator and intermediary, we would have even more chaos in this world and there does not seem to be any counter-arguments to this theory.

3. How neutral Switzerland really is

While other countries are saying goodbye to classical neutrality, Switzerland is using all the possibilities at its disposal to maintain its special role. But it has also moved away from the traditional concept of neutrality, and they face new challenges. When the victorious powers granted Switzerland permanent neutrality at the Congress of Vienna in 1815, the agreement was: Switzerland does not participate in conflicts and does not offer mercenaries. Instead, wars are no longer fought on its territory. In the twentieth century, the rather briefly formulated law of neutrality created the favorable context for a policy of voluntary neutrality: in terms of foreign policy, neutral states behave in such a way that other states acquire this neutrality, being convinced that it will keep them away from a war. Many previously neutral

European states, such as Belgium, Luxembourg, Denmark and Norway, have joined NATO, a military defense alliance. According to the traditional law of neutrality, this is actually a no go.

Sweden said goodbye to neutrality after the end of the Cold War when it joined the EU; it is now described as a "country without alliances". At the request of SWI swissinfo.ch, the Swedish Foreign Ministry wrote: "This policy serves us well and contributes to the security and stability in our neighborhood." Even NATO membership is no longer a taboo for Sweden. Sweden is building security with others, according to the Ministry of Foreign Affairs. Solidarity is the basis of Swedish security and defense policy.

Switzerland has also moved away from the traditional concept of neutrality and turned to the international community: in 2002 it joined the UN. Since then, it has had to understand UN sanctions. From the perspective of international law, the imposition of economic sanctions is not problematic, as it is not a question of taking a specific position in the context of an armed conflict. Switzerland assumes that the law of neutrality does not apply to UN military operations, as the Security Council "ultimately wants to restore world peace." That is why Switzerland's membership to the UN is unproblematic. On the other hand, Austrian international law expert

Peter Hilpold of the University of Innsbruck says: "Neutrality in the traditional sense is not compatible with UN membership, even less with the EU membership" [7]. Switzerland is even running for a non-permanent seat on the UN Security Council. According to the government, this is compatible with neutrality, because the UN is not a military alliance, and the Security Council's coercive measures rarely affect the interstate wars.

4. Conclusions:

The spectrum of Swiss foreign policy has fundamentally changed in recent years. Gone are the constants on which foreign and domestic policy have been built for decades.

In order to be able to effectively protect Switzerland's interests, even in these new framework conditions, the Federal Council has managed to adapt its foreign policy to the new circumstances, customized in different areas. It has also succeeded in realigning Swiss foreign policy in terms of neutrality initiation. The Federal Council intends to continue on this path, as it guarantees, on the one hand, optimal protection of national interests and, on the other hand, international cooperation, where it is a matter of reaching common ideals and preserving peace and security welfare.

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