

On Swiss neutrality

Switzerland is in danger

by Peter Hänseler*



Peter Hänseler.
(Photo ma)

Switzerland is changing its stance on neutrality and legal security at lightning speed to please the EU and the USA. This attitude endangers the foundation on which Switzerland stands. This article looks at Switzerland from the outside.

If you ask people all over the world what defines Switzerland in a few words, phrases like neutrality, reliability, stability, legal security, precision, loyalty, cleanliness, and wealth come up.

This essay attempts to demonstrate how the mindless actions of our politicians are endangering the foundations of Switzerland in the long term. In doing so, I will look at Switzerland from the outside.

Armed neutrality thanks to the Tsar's tutor

It is probably thanks to *Frédéric-César de La Harpe* from the canton of Vaud that the Russian Tsar *Alexander I* used his great influence at the *Congress of Vienna* to prevent Switzerland from being either partitioned or integrated into the German Confederation after *Napoleon I's* defeat. The result was an independent Switzerland with perpetual armed neutrality.

De La Harpe was the educator of the future Tsar *Alexander I* in St. Petersburg and had a great influence on the Tsar throughout his life. It is thanks to De La Harpe's influence that Switzerland exists in its present form.

A monument to De la Harpe was erected on an island named after him, "Ile de la Harpe", near Rolle on Lake Geneva. There stands a 13-

metre-high obelisk with the inscription of Tsar *Alexander I*:

"Je dois tout ce que je suis à un Suisse",
"I owe everything I am to a Swiss".

Tsar Alexander I

A priceless privilege for Switzerland

That neutrality was a priceless privilege for Switzerland was demonstrated twice in the last hundred years: without the status of neutrality, Switzerland would certainly not have been spared the horrors and destruction of the First and Second World Wars. Anyone who claims otherwise is a cynic.

Even the proudest Swiss person must thus concede that Helvetia – especially after 1945 – started the post-1945 modern era with a huge advantage. Our neighbour Germany needed decades and massive help from the USA to repair the damage and trauma of the war.

The Soviet Union, which had to bear the greatest sacrifices and damage from both world wars, was left completely alone by the West and was unable to ever recover. President *Roosevelt* promised *Stalin* aid for reconstruction, but his successor *Truman* cancelled the aid and started the Cold War.

Neutrality and legal security as one

If neutrality is the geopolitical pillar of Switzerland's stability, legal security is the domestic political guarantor of Swiss stability. Both great qualities have had a very strong external impact over the past 200 years, bringing the Switzerland advantages and great prestige.

In my opinion, the two concepts or characteristics should therefore be understood as a unified quality feature for Switzerland – as twins.

The fruits of the twins' "legal certainty – neutrality"

Financial industry

As a result, people from all over the world brought their savings – or parts of them – to Switzerland. This allowed the financial industry, which was flooded with foreign money, to flourish. Switzerland as a haven of security. People

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who did not trust the government in their home country put their trust in the reliable Swiss.

Industry

To see the advantages of neutrality and legal certainty only as an advantage for the financial industry would be short-sighted. These two pillars radiated to everything Swiss. Foreign clients who placed large industrial orders looked not only at the technical specifications of our products, but also at the enforceability of legal claims in the event of a dispute. In Switzerland, contractual partners could rely on the fact that their legal claims were protected by Switzerland.

Arbitration

For this reason, Swiss arbitration also developed into a goldmine for Switzerland.

Swiss Arbitration, the umbrella organisation of Swiss arbitration, brings together the most important players in this alternative dispute resolution in Switzerland and abroad.

It proudly points to the history of arbitration in Switzerland since 1866.

The *Alabama case*, the most famous international arbitration in the history of diplomacy, which took place in Geneva between Great Britain and the United States, is highlighted.

Swiss neutrality is used as one of the main reasons why international arbitration has flourished in Switzerland, expressed as follows:

“Built on the foundation of Switzerland as a neutral power and hub for international dispute resolution, Swiss arbitration has earned its credibility over more than a century.”

This comprehensive trust, which Switzerland has also built up in this area over almost 200 years, will be lost.

Independent courts

The EU is also putting pressure on Switzerland to give up its independent jurisdiction and accept EU courts as the court of last resort. That Switzerland, as an “independent” country, would even enter such a discussion is neither comprehensible nor worthy of discussion.

The destruction of neutrality and legal certainty

Switzerland’s accession to the UN

When Switzerland joined the UN in 2002, it began to undermine neutrality.

Twenty years later, on 9 June 2022, Switzerland was elected to the UN Security Council. The *Federal Department of Foreign Affairs* (FDFA) writes:

“The seat as a non-permanent member in 2023/2024 continues Switzerland’s commitment to peace and security within the UN and in the world. According to the Federal Constitution, Switzerland is committed to a ‘just and peaceful international order’. This also corresponds with the goal of the UN Security Council.”

This step is “fully compatible” with neutrality, it is claimed, and reference is made to a *Federal Council report* of 15 January 2013. The claims made therein by the Federal Council on neutrality are unconvincing to foreign countries, a fact which has already transpired – see below for further details.

Pressure from the USA

Over the past 30 years, it was the USA that increased the pressure on Switzerland and destroyed the famous Swiss banking secrecy – with the active help of the EU.

It is obvious that this American strategy had nothing to do with noble intentions. It was simply a matter of reducing Switzerland’s share of the so-called “offshore banking”. Money always finds its way. Undeclared money no longer comes to Switzerland. If you ask around where such funds are easiest to hide, the moral crusaders recommend: “Go to Miami!”

EU sanctions

Switzerland finally left the path of reliability in March 2022 when it adopted the EU sanctions against Russia in its entirety.

The sanctions do not only affect people who are close to the Kremlin and are called “oligarchs”, as was pretended at the beginning, whereby the term “oligarch” is nowhere even remotely defined.

Rather, Switzerland even tops it and blocks everything Russian: every Russian is now suspect in Switzerland. Conversely, all persons who merely reside in Russia, regardless of their nationality, are also suspect in Switzerland. Swiss citizens, for example, are also sanctioned for no reason.

In this way, Switzerland – at the level of ordinances (sic!) – is undermining fundamental rights that are enshrined in the Swiss constitution, in this case, the guarantee of property and right of establishment.

Confiscation of Russian assets

In the USA, the EU – and in Switzerland – there are now discussions about how to confiscate the blocked Russian assets.

In Switzerland, there is no legal basis for confiscating Russian assets. This does not stop politicians and the media from discussing whether a legal basis – post factum – could simply be introduced.

The fact that a post factum legal basis is even being considered makes Switzerland, in my opinion, finally degenerate into a banana republic.

A reference to darkest times is justified:

A legal basis is worth nothing on its own. The first legal basis that gave *Adolf Hitler* unlimited power was enacted on 24 March 1933, the so-called *Enabling Act*. Legally correct, but with consequences that we look back on with horror.

The entire genocides of the Jews (6 million) and of the Russian civilian population (16 million) took place “legally” under this conception of law. A legal basis in and of itself is thus worth nothing, especially when it is established post factum.

Consequences are already apparent

Politicians and the media in Switzerland emphasise almost daily that Switzerland’s behaviour is compatible with neutrality.

This shows a remarkable arrogance and narrow-mindedness. The fact whether Switzerland is neutral and legally secure cannot be conjured up and argued from Switzerland; the fact that politicians and the media talk about it so much is an indication that they know very well that this is not goal-oriented chatter. Example:

“After all, Roger Federer didn’t claim to be the greatest tennis player of all time, because it was a fact.”

The only important thing is whether Switzerland is considered neutral from the outside. It is the outside world that trusts Switzerland as a neutral negotiating partner or not. It is the international community and parties to the conflict who decide whether they want to call on Switzerland’s good offices as a mediator.

It is international contracting parties to private agreements who decide to hold arbitration hearings in Switzerland. It is foreigners who decide whether to entrust their assets to Swiss banks because they trust the legal security – or not.

If you talk to advocates of the sanctions policy, which in my opinion makes Switzerland a party to the war, you even hear that we don’t depend on the Russians anyway.

“The damage to Switzerland will be apocalyptic”

This statement is unparalleled in its arrogance and narrow-mindedness: these people do not have the ability to judge what foreign countries comprise: foreign countries are not just the EU, the USA, Japan, and Australia but also the rest of the world, accounting for over 80% of the world’s population which does not support the sanctions policy of the global West.

A good friend of mine, a Thai tax lawyer, could not believe that Switzerland, as a neutral country, is imposing sanctions against Russia: he will no longer advise his wealthy clients from Asia and the Middle East to keep assets in Switzerland.

Big companies and rich Chinese and Indians will think twice before doing business with Switzerland in the future: the damage to Switzerland will be apocalyptic.

It is already a fact that Switzerland’s *good offices* are no longer being called upon: the first –failed – peace negotiations in March 2022 did not take place in Geneva, for example, but in Istanbul.

The *Lugano Conference on the Reconstruction of Ukraine* of 4 and 5 June 2022 was a total flop. No one of distinction took part.

The “worldly” Swiss Foreign Minister *Ignazio Cassis*, who rebuked the Chinese at the first meeting of the Security Council in New York, launched a trial balloon in February by offering Switzerland as a mediator between Russia and Ukraine in Geneva.

The response from Moscow was not long in coming. The spokeswoman of the Russian Foreign Ministry, *Maria Zahkarova*, expressed herself succinctly and clearly as follows:

“Switzerland, which has joined the West’s illegal unilateral anti-Russian sanctions, is no longer a neutral state in our understanding and cannot claim a mediating role in the resolution of the Ukraine crisis.” (*Maria Zahkarova*, 23 February 2023)

Result

It is therefore completely irrelevant what Swiss politicians claim regarding Swiss neutrality and

legal security; it is the world that decides, not Switzerland.

Last chance

All is not yet lost. The Swiss Federal Constitution allows any Swiss to launch a so-called “federal popular initiative”.

A group of Swiss, who in my opinion correctly assess the danger to Switzerland from the mindless and arrogant actions of our politicians, have launched a corresponding popular initiative. It is thanks to Switzerland’s direct democracy that the federal popular initiative “*Preservation of Swiss neutrality*” became possible.

“Over the centuries, the Swiss people have proven time and again that they are wiser than their politicians.”

The initiative was launched on 8 November 2022 and needs the signatures of 100,000 citizens by 8 May 2024 for a nationwide referendum to be held. If the initiative is accepted by a majority of the people and the cantons, the Swiss Federal Constitution will receive a new article with the following wording:

Art. 54a Swiss neutrality

¹ Switzerland is neutral. Its neutrality is perpetual and armed.

- ² Switzerland shall not join any military or defensive alliance. Cooperation with such an alliance is reserved in the event of a direct military aggression against Switzerland or in the event of acts preparing for such an aggression.
- ³ Switzerland shall not take part in military conflicts between third states, nor shall it take non-military coercive measures against a belligerent state. Its obligations to the United Nations Organisation (UNO) and measures to prevent the circumvention of non-military coercive measures taken by other states are reserved.
- ⁴ Switzerland shall use its perpetual neutrality to prevent and resolve conflicts and shall make its services available as a mediator.

Many Swiss politicians and media oppose the initiative. Nevertheless, all is not yet lost, but even if the initiative is accepted, Switzerland will have lost a lot of credibility. I call on all Swiss citizens – including those living abroad - to sign this initiative, because over the centuries, the Swiss people have proven time and again that they are wiser than their politicians.

Source: <https://voicefromrussia.ch/die-schweiz-ist-in-gefahr/>

(Translation “Swiss Standpoint”)