On Swiss Neutrality

"Cooperation" before "Neutrality": Switzerland's New Security Doctrine

by Pascal Lottaz, Japan*

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(Photo ma)

Although Switzerland's Federal Council rejected its Foreign Minister's idea for "cooperative neutrality", the recently approved new security doctrine reverses parts of the country's traditional neutrality concept. Preparations for collective defence with NATO and the EU are underway.

The long-awaited report

On 7 September 2022, the Federal Council (Switzerland's seven-member cabinet) invited the press to a presentation of a long awaited *"supplementary report"*[1] to its 2021 new security policy.

It was widely assumed that the supplement would redefine Swiss neutrality and replace the previous interpretation of 1993. Journalists were disappointed when it became clear that a redefinition of Swiss neutrality was not on the agenda and that the Federal Council had not even taken up Foreign Minister Ignazio Cassis' concept of "cooperative neutrality," which he had been touting from Berne's rooftops since the beginning of the year. The NZZ and other newspapers interpreted the omission as a *serious setback*[2] for Cassis.

However it must be noted that the supplementary report substantially expands Switzerland's security strategy, especially in conjunction with two external reports (a *study by the ETH Zurich,*[3] and *an expert report*[4] by former ambassador Jean-Jacques de Dardel). The three documents together create the pillars of a new Swiss security doctrine, which, despite a commitment to neutrality, substantially deviates from earlier principles.

"Cooperation" over "neutrality"

Despite the rejection of "cooperative neutrality," the supplementary report names "cooperation" as a new core concept of Switzerland's security strategy. On the 37-page report, the word is used 52 times ("neutrality", on the other hand, appears only 29 times). In terms of content, it is clearly stated with whom Switzerland should cooperate and how it defines security: NATO and the EU are the only partners mentioned and it portrays security only as a military issue under the lens of civil defense.

Neither diplomatic cooperation in multilateral forums is discussed (the OSCE and UN are mentioned, but only because of their inability to find a solution to the Ukraine war), nor are there references to unilaterally improving Swiss relations with Russia, China, or other non-Western third countries in order to reduce external threats.

On the contrary, the Federal Council unequivocally declares that Switzerland counts itself as part of the "Western community of values"[5] and that only the West's institutions can be considered as security policy partners. In this context, NATO is given a special role since, according to the Federal Council, it will "form the backbone of the common defense"[6] in Europe for the foreseeable future and must therefore be considered the most important security partner.

The ETH report in particular recommends "not to play off vessels of international cooperation

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(NATO, EU, bilateral) against each other, but to use them in a complementary manner".[7] Accordingly, the Federal Council's recommendations for action are reduced to a simple formula: more security policy cooperation at ministerial and technical level with the EU and NATO, and above all the promotion of "interoperability"—i.e. increasing Switzerland's ability to integrate its military assets in EU and NATO structures. The report even literally states that:

"If Switzerland seeks a new level of cooperation with NATO, the level of ambition could be raised by having the Swiss Armed Forces participate in NATO exercises across the spectrum, [...]".[8] The report pre-emptively defuses the potential criticism that so many "ambitions" could endanger Swiss neutrality by saying that "cooperation opportunities" should be used "while respecting neutrality".[9] However, the report fails to define what Swiss neutrality actually entails.

Cooperation without binding obligations

The report rejects NATO accession but envisions rearmament of up to 1% of GDP by 2030. Furthermore, it states that "(t)he military cooperation in case of emergency [...] shall be prepared as far as possible and practiced with the partners without entering into commitments or creating constraints",[10] whereby the report understands "constraints" as an automatic commitment to defend other states (as the NATO treaty requires under Article 5).

The thought process behind this logic is that under a hypothetical attack on Switzerland, its neutrality obligations would cease and Switzerland would be allowed to defend itself instantly in alliance with other states. This is the core of the new Swiss security doctrine, or as it is called in the supplementary report:

> "Switzerland's defense policy strategy aims to have the ability to protect and defend itself independently as far as possible, while at the same time having the ability to defend itself in alliance with other states if necessary."[11]

In other words, the report recommends Switzerland should already practice collective defense, even if it is not yet willing to provide security reciprocally. The new Swiss concept of cooperation is not only one-sided (pro-Western) but also petty. It could be called a "NATO accession light". How NATO partners will perceive Switzerland's idea remains to be seen.

Departure from previous principles

The new security concept of the Federal Council is a partial reversal of earlier strategies. What General *Guisan* practiced secretly and without the knowledge of the entire Federal Council before World War II – cooperation with France and collective defense in the event of a German attack on Swiss soil – is now state doctrine. Even in the context of the Cold War, an official link to defense structures of a military alliance would have been unthinkable. Thus, the "father" of Swiss neutrality in the Cold War, *Rudolf Bindschedler,* legal advisor on international law to the Political Department (1961–1980), stated in a much-respected report in 1954 that

> "(b)y participating in international conferences and international organizations, a distinction must be made as to whether these have a predominantly political or predominantly economic, cultural or technical aspect. If the conferences or organizations are of a political character, participation is only possible if they have a certain universality. The main representatives of the political groupings in question must take part, in particular both parties to a possible conflict. Here, too, it is important for Switzerland to avoid taking sides."

The report was never officially made a state security strategy by the Federal Council, but unofficially known as the "Bindschedler Doctrine"[12] shaped an entire generation of Swiss foreign policy makers. It stands in stark contrast to the ETH analysis, which now recommends in 2022: "If Switzerland wants to have the option of 'deterrence and defense in concert' in a spatially expanded defense case, then the enablement of the armed forces to cooperate across the entire capability spectrum should be pursued."[13]

Limits of credible neutrality

Switzerland's "permanent neutrality" is a principle of state theory that has an impact on foreign policy in times of war and peace, but as a security strategy neutrality is always and everywhere a reaction to a conflict between third parties. The nature of a conflict defines the nature of the neutrality to be practiced.

The security logic of neutrality always aims at not allowing a neutral actor to become a threat to either side, so as not to inevitably make itself a target of attack. Whoever takes sides and makes their security assets available to one side should not be surprised if the other side

perceives this as a threat that must be eliminated in case of emergency. This is part of the so-called security dilemma (the deterrent potential of one side becomes a threat to the other side).

In addition, in the current precarious conflict situation in Europe, two dimensions of conflict must be distinguished. On the one hand, there is a "hot" shooting war raging between Russia and Ukraine, with many dead soldiers, civilians and millions of refugees. On the other hand, a new "cold" war is clearly taking place, in which Russia (and increasingly China) on the one hand and the collective West in the form of NATO and some other countries are confronting each other.

The collective West is imposing sanctions against Russia and providing massive military support to Ukraine in unprecedented proportions, including weapons and training for Ukrainian military personnel. Russia imposes countersanctions and prevents vital goods such as its oil from reaching Western Europe.

In this constellation, the supplementary report reduces Swiss neutrality to its core of international law, which only concerns the "hot" war. In this area, the Federal Council proclaims that Switzerland wants to adhere to the *law of neutrality* (regulated, for example, by the *Hague Conventions* and other sources of international law) and cannot allow arms exports to warring parties, even in accordance with its own War Material Act.[14]

In the "new cold war" with Russia, however, Switzerland has clearly taken NATO's side not only verbally but also materially, through the imposition of sanctions and now also through its expanded security doctrine, which prepares Switzerland militarily for collective defense.

It is obvious that Russia will not consent to Switzerland's semantic game. On the one hand Berne is claiming to adhere to the *law of neutrality,* but it still wants to use various possibilities for "intensifying and expanding security and defence cooperation"[15] with NATO and the EU.

Russia just won't have that. This became clear in August 2022, when Moscow rejected Berne's request to be allowed to serve as a protecting power for Ukraine in Russia. The Kremlin announced that Russia no longer regarded Switzerland as neutral because of its sanctions policy, thus closing Switzerland's diplomatic window as a bridge builder.

The Federal Council can insist as much as it wants on the point that it is adhering to the law of neutrality. In the end, perception is everything in international politics. And politically, Switzerland has taken sides. The Russians know this as well as the Swiss and NATO do.

This departure from Switzerland's traditional understanding of neutrality is currently being loudly criticized only by the right-wing conservative *Swiss People's Party* (SVP).[16] The left-wing *Social Democrats* (SP) do not support the creation of interoperability with NATO, but they do advocate moral and economic partisanship.[17]

The crucial question is: What is an attack in terms of neutrality policy?

What makes the situation even more dangerous than it looks is not the vagueness of the concept of neutrality, but the absence of any definition of an "attack".

Since, according to the Federal Council, Switzerland's defense strategy from now on is based on the idea that in the event of an "attack" the restrictions of neutrality under international law will cease to apply and that Switzerland will fire back in concert with other powers, it would be necessary to explain what acts are considered as an "attack."

Do missiles or bombs have to fall on Swiss territory, or would, for example, a cyberattack on Switzerland's digital infrastructure be enough to count as an "attack"? What about attacks on a Swiss embassy abroad? Or if radioactivity from a nuclear attack in Europe moves into Switzerland? What if a Swiss citizen dies from acts of war abroad, or if a Swiss dies on board of a belligerent ship that gets sunk? These questions are not hypothetical. In 1917, the U.S. government used the deaths of its citizens on the high seas (on ships of belligerents) to end its neutrality and enter World War I on the side of the "Entente" powers.

Conclusion

Switzerland thinks of "security cooperation" only as something to take place with western countries. Berne does not think of "cooperation" under a multilateral framework beyond the EU and NATO. Switzerland is clearly signalling its partisanship in the developing great power conflicts between NATO and Russia as well as NATO and China. Despite its commitment to neutrality law

in hot wars, Switzerland is taking sides in the New Cold War.

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[1] *https://www.fedlex.admin.ch/eli/fga/2022/2357/de*

[2] *https://www.nzz.ch/meinung/die-schweiz-duckt-sich-weg-ld.1701588?reduced=true*

[3] *https://www.vbs.admin.ch/de/home/suche/suchmaske.detail.document.html/vbs-internet/de/documents/sicherheitspolitik/sicherheitspolitische-berichte/2021/CSS-ETH-Kooperationsstudie.pdf.html*

[4] *https://www.vbs.admin.ch/fr/home/recherche/masque-recherche.detail.document.html/vbs-internet/fr/documents/politiquedesecurite/rapports-politique-de-securite/2021/Politique-securite-Suisse-Raport_expert_independant_Dardel.pdf.html*

[5] "Supplementary Report", p. 11 & p. 17

[6] "Supplementary Report", p. 14

[7] "Supplementary Report", p. 35

[8] "Supplementary Report", p. 21

[9] "Supplementary Report", p. 33

[10] "Supplementary Report", p. 18

[11] "Supplementary Report", p. 18

[12] Rudolf Bindschedler, "The Concept of Neutrality", 1954. in *Diplomatic Documents of Switzerland,* dodis.ch/9564.

[13] ETH Zurich, "Swiss Security and Defense Cooperation in Europe: Options for Further Development", *CSS Briefing Paper,* August 24, 2022

[14] "Supplementary Report", p. 11

[15] "Supplementary Report", p. 34

[16] "The Federal Council endangers the security of Switzerland", SVP Switzerland, September 7, 2022. *www.svp.ch/news/artikel/medienmitteilungen/der-bundesrat-gefaehrdet-die-sicherheit-der-schweiz/*

[17] "Social Democratic Peace and Security Policy on the Foundation of Active Neutrality", Position Paper of the SP Switzerland, September 6, 2022. *https://www.sp-ps.ch/datei/sp-positionspapier-neutralitaet-2022*