



Switzerland is in danger

Switzerland is changing its stance on neutrality and legal security at lightning speed to please the EU and the US. This attitude endangers the foundation on which Switzerland is built. This article looks at Switzerland from the outside. Prof. Dr. Marcel Niggli will look at Switzerland from the inside in the coming weeks.

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Introduction

If one asks people all over the world what makes up Switzerland in a few words, one hears words like neutrality, reliability, stability, legal security, precision, loyalty, cleanliness and wealth.

This essay tries to prove how the mindless acting of our politicians endangers the foundation of Switzerland in a sustainable way. In doing so, I observe Switzerland from the outside.

My friend of many years from our joint assistantship at the University of Zurich, Prof. Dr. Marcel Niggli, full professor for criminal law and legal philosophy at the University of Fribourg, will treat this topic philosophically from a Swiss perspective in a follow-up article, which will appear in the next few weeks.

Armed neutrality thanks to the tsar's tutor

It is probably thanks to [Frédéric-César de La Harpe](#) from Vaud that the Russian [Tsar Alexander I](#) used his great influence at the Congress of Vienna and prevented 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.



Frédéric-César de La Harpe and Tsar Alexander I of Russia
Teacher and grateful student

De la Harpe was honored with a monument on the island named after him "Île des la Harpe" in Rolle on Lake Geneva. There stands a 13 meter 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.



"I owe everything I am to a Swiss".
Picture: Wikipedia

A priceless privilege for Switzerland

That neutrality was a priceless privilege for Switzerland was proven 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 must thus concede that Helvetia - especially after 1945 - started the post-1945 modern era with a huge competitive advantage. Our neighboring country Germany needed decades and huge help from the USA to repair the damages and traumas of the war.

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

Neutrality and legal certainty as a unity

If neutrality is the geopolitical pillar of Switzerland's stability, legal security is the domestic guarantor of Swiss stability. Both of these great qualities have developed a very strong external perception over the last 200 years, which has brought the Swiss enormous advantages and great prestige.

In my opinion, the two concepts or qualities can thus be understood as a unified quality characteristic for Switzerland - as twins.

The fruits of the "legal certainty-neutrality" twin

Financial Industry

As a result, people from all over the world moved 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 who did not trust the government in their home country trusted the reliable Swiss.

Industry

To understand the advantages of neutrality and legal certainty only as an advantage for the financial industry would be inadequate. These two pillars radiated to everything Swiss. Foreign customers who awarded large industrial contracts 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, contract partners could rely on their legal claims being protected by Switzerland.

Arbitration

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

[Swiss Arbitration](#), the umbrella organization for Swiss arbitration, brings together the most important players in alternative dispute resolution in Switzerland and abroad.

It proudly points out 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.

As one of the main reasons for the flourishing of international arbitration in Switzerland, Swiss neutrality is used as an argument [as follows](#):

«Building on Switzerland's foundation as a neutral power and hub for international conflict resolution, Swiss Arbitration has earned its credibility over more than a century.»

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

Independent courts

The EU is also exerting pressure on Switzerland to give up its independent jurisdiction and accept EU courts as the court of final instance. That Switzerland, as an "independent" country, would even enter into such a discussion is neither comprehensible nor worthy of discussion.

The decomposition of neutrality and legal certainty

Switzerland joining the UN

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

20 years later, on June 9, 2022, Switzerland was elected to the UN Security Council. The Federal Department of Foreign Affairs (FDFA) [attributes](#):

«Switzerland's non-permanent 2023–24 seat furthers the country's commitment to peace and security within the UN and globally. The Federal Constitution states that Switzerland is committed to a "just and peaceful international order" – the same goal as that 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 fact that the Federal Council's claims made therein regarding neutrality for foreign countries are not convincing has already been revealed - see below for more on this.

Pressure from the U.S.

It was the USA that increased the pressure on Switzerland over the last 30 years and destroyed the famous Swiss banking secrecy - with the active help of the EU.

It is obvious that this strategy of the Americans had nothing to do with noble intentions. It was simply a matter of reducing Switzerland's share of the so-called off-shore banking pie. Money always finds its way. Untaxed money no longer comes into Switzerland. If you ask around where undeclared funds are easiest to hide, the clean man's name comes up: "Go to Miami!"

EU sanctions

Switzerland finally left the path of reliability in March 2022 when it adopted the EU sanctions against Russia *tel-quel*.

The sanctions do not only affect people who are close to the Kremlin and are called "oligarchs", as it was pretended in the beginning, whereas the term "oligarch" is not even defined anywhere.

Rather, Switzerland blocks all things Russian at the end of the day: every Russian is now suspect in Switzerland. Conversely, also all those persons who merely have their residence in Russia - regardless of their nationality. Thus, for example, Swiss citizens are also sanctioned without cause in case of doubt.

In this way, Switzerland - on the level of ordinances (*sic!*) - undermines fundamental rights that are contained in the Swiss constitution - in this case, the guarantee of property and freedom of residence.

Confiscation of Russian assets

In the USA, the EU - and also in Switzerland - there are now discussions about how to confiscate frozen Russian assets.

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

In my opinion, the fact that a *post factum* legal basis is even being considered definitively relegates Switzerland to the status of a banana republic.

Here, 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 March 24, 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 understanding of law. A legal basis in and of itself is thus worth nothing, especially when it is established post factum.

Consequences already here

Politicians and the media in Switzerland emphasize almost daily that Switzerland's behavior is in accordance with its neutrality.

This shows a remarkable hubris 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 pointless chatter.

"After all, Roger Federer didn't claim he was the greatest tennis player of all time - he was."

The only important factor is whether Switzerland is considered neutral by the outside world. It is the foreign country 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 use the good services of Switzerland 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 belligerent, you even hear that you are not dependent on the Russians.

"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 are: foreign countries are not the EU, the USA, Japan and Australia; the rest of the world, which does not support the sanctions policy of the global West, accounts for over 80% of the world's population.

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 big 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 services are no longer being used: the first - failed - peace negotiations last March took place not in Geneva, but in Istanbul.

The Lugano conference on the reconstruction of Ukraine on June 4 and 5, 2022 was a total pipe failure - no one of distinction took part.

The "worldly-minded" Swiss Foreign Minister Ignazio Cassis, who rebuked the Chinese at the first meeting of the Security Council in New York, let a trial balloon go up last week 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, made the following concise and clear statement:

"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 resolving the Ukraine crisis."

MARIA ZAHKAROVA, 23. FEBRUAR 2023

Result

It is therefore completely irrelevant what Swiss politicians claim regarding Swiss neutrality and legal security - the world decides, not Switzerland.

Last opportunity

All is not yet lost. The Swiss Federal Constitution allows every Swiss to start a so-called 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 neutrality initiative became possible.

"The Swiss people have proven time and again over the centuries that they are wiser than their politicians."

The [initiative](#) was launched on November 8, 2022, and needs the signatures of 100,000 citizens by May 8, 2023, to go to a referendum. If the initiative is accepted, a new article will be added to the Swiss Federal Constitution:

Art. 54a Swiss neutrality

- 1) Switzerland shall be neutral. Its neutrality shall be perpetual and armed.*
- 2) Switzerland shall not join any military or defense alliance. Cooperation with such alliances is reserved in the event of a direct military attack on Switzerland or in the event of acts in preparation for such an attack.*
- 3) Switzerland does not participate in military conflicts between third countries and does not take any non-military coercive measures against belligerent states. This is subject to obligations to the United Nations Organization (UNO) and measures to prevent the circumvention of non-military coercive measures by other states.*
- 4) Switzerland uses its perpetual neutrality for the prevention and resolution of conflicts and is available as a mediator.*

Many Swiss politicians and media are fighting the initiative. Nevertheless, all is not already lost, but even if the initiative is accepted, Switzerland has lost a lot of credibility. I call on all Swiss - including those living abroad - to sign this initiative,

because the Swiss people have proven time and again over the centuries that they are wiser than their politicians.

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