

# The Swiss Neutrality Debate: An Overview

Since the “Zeitenwende”, the shape of Switzerland’s neutrality has once again become a controversial subject domestically. The Federal Council has so far seen no need to change course, but will have to brace itself for intense debate in view of the “Neutrality Initiative”. This is also an opportunity to discuss in depth the question of a foreign and security policy that is fit for purpose and that serves Switzerland’s interests.

By Daniel Möckli

In response to Russia’s military aggression against Ukraine, the Federal Council took a clear stance in late February 2022, condemning the breach of international law “in the strongest possible terms” and adopting the EU’s sanctions. However, since then, Switzerland has found it difficult to draw strategic conclusions from the *Zeitenwende* and is more divided than usual in terms of its geopolitical positioning and security policy.

One of the controversial issues is the future shape of Switzerland’s neutrality. Calls by Swiss Foreign Minister Ignazio Cassis to initiate a reform debate were not taken up by the Federal Council. Instead, the Federal Council concluded in its Neutrality Report of October 2022 that “the practice of neutrality established in 1993 and pursued since then still provides Switzerland with sufficient leeway to respond to events in Europe following the outbreak of the Ukraine war.”

While the Federal Council opted to stand by the status quo as per the neutrality conception defined in the 1993 report, individual issues, such as EU sanctions and the (re-) export of war materiel, have sparked controversies over neutrality. On the one hand, these controversies have lacked clarity as to what neutrality actually means, which is partly due to the fact that Swit-



Swiss President Viola Amherd and Ukrainian President Volodymyr Zelensky inspect the guard of honor of the Swiss Army in January 2024 in Switzerland. *Keystone / Alessandro Della Valle / Pool via Reuters*

zerland has not had to engage politically with the concept of neutrality since the war in Iraq in 2003 and the war in Lebanon in 2006. On the other, it has become clear once again that such debates on neutrality are prompted by profound differences regarding the foreign and security policy roles Switzerland should play in the world, which are sometimes overshadowed by the vocabulary of neutrality and the clash over the “right” interpretation of neutrality.

Amid these debates, fundamental changes to the Swiss conception of neutrality have been proposed. Two of the most significant are the Neutrality Initiative and the “Neutrality 21” Manifesto. Ultimately, these proposals also involve course alterations in foreign and security policy. Their strategic features and implications are analyzed below. This analysis is intended to contribute to a factual discussion about the future of Swiss neutrality. It will also look at how

Switzerland could maximize its leeway with regard to neutrality policy and safeguard the foreign and security policy interests set out by the Federal Council in a “status quo plus” option involving considerably less extensive changes to its neutrality practice.

### Neutrality – To What End?

First, it is necessary to clarify what a neutrality conception is designed to achieve. The Federal Council has handled its approach to neutrality in different ways over time. At each of the historical turning points in 1919, 1945, and 1989, it responded with different conceptions of neutrality (albeit with some delay after the Second World War and the Cold War). What all these notions had in common was the fact that they were based on the law of neutrality, which was codified in the Hague Convention in 1907 and set out the rights and duties of neutral powers in wars between states. The Federal Council has always emphasized that Swiss neutrality is permanent and recognized under international law. At the same time, neutrality was never enshrined as a goal in the Constitution, but instead was handled as an “security, foreign and economic policy instrument” (2022 Report). It is worth noting, however, that neutrality has in some cases certainly been ideologized, for example in the 1950s.

From a long-term perspective, neutrality has been ascribed differing political functions, which have varied in their importance depending on the time. In periods when the lines of conflict were near the Swiss border, the focus was on the *protective function*. A second function concerns the role played by neutrality in ensuring stability in Europe – in times of intra-European polarization, it was assigned a *balancing function*. As a *foreign policy function*, neutrality became a basis for good offices and for Switzerland’s global soft power in general. In *terms of foreign trade*, neutrality also facilitates a geographically broad-based free trade policy. The inward-looking integrative function of neutrality for Switzerland as a *Willensnation* (nation by will) and its self-image should also be mentioned.

Depending on the international order, these functions of neutrality have come into play to varying degrees. However, there is no political agreement about how they should be assessed today. One thing is clear, however: neutrality still enjoys an

exceptionally high level of public support in Switzerland. There are also a number of binding points of reference regarding what neutrality as an instrument needs to achieve in the current context. Besides the Federal Constitution (in particular Art. 2 on the aims of the Swiss Confederation), they include the Foreign Policy Strategy 2024–27.

In the Foreign Policy Strategy 2024–27, published on 31 January 2024, the Federal Council explicitly positions Switzerland within a changing world for the first time (chapter 3.2). Although a great deal had to remain vague so that the strategy could garner majority support, one thing is clear: Switzerland is seeking a balance between greater shared responsibility (in terms of security policy) in *Europe* on the one hand, while maintaining a *globally-oriented* foreign policy and foreign economic policy on the other. As also set out in the supplementary report to the 2021 Security Policy Re-

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port, it aims to take account of the heightened threat level in the region. At the same time, it has to adapt to a world that is less Western-centric.

Assuming that neutrality is not conceived purely from a security policy perspective, it should now be configured in a way that creates as few barriers as possible to Switzerland’s shared responsibility in Europe, while preserving as much as possible the global opportunities deriving from neutrality.

### The “Neutrality Initiative”

The new constitutional article proposed under the “Neutrality Initiative” would, if accepted, result in Switzerland positioning itself further away from its European partners on the Europe/world axis than it does at present. Its ability to impose sanctions outside of the UN would be restricted, but to what extent is open to interpretation. The term “belligerent states” and the notion of neutrality put forward in the proposed constitutional article indicate that the non-military coercive measures are meant in connection with *wars between states*. In concrete terms, this would mean that Switzerland could no longer adopt EU sanctions against Russia, but it arguably could adopt EU sanctions in domestic conflicts, as it does in many cases.

### Proposed Constitutional Article

According to the “Neutrality Initiative”, the following article should be added to the constitution (unofficial translation):

#### Art. 54a Swiss neutrality

- 1 Switzerland is neutral. Its neutrality is permanent and armed.
- 2 Switzerland shall not join any military or defense alliances. Cooperation with such alliances shall remain reserved if Switzerland is under direct military attack or facing such an attack.
- 3 Switzerland shall not participate in military conflicts between third countries and shall not take any non-military coercive measures against belligerent states. Commitments towards the United Nations (UN) and measures to prevent the circumvention of non-military coercive measures by other states shall remain reserved.
- 4 Switzerland shall use its permanent neutrality to prevent and resolve conflicts and remains available as a mediator.

Whether this distinction reflects the intention of the Initiative Committee is another matter. Either way, Russia is a key file in transatlantic security policy. If Switzerland were to break ranks and unilaterally lift its sanctions against Russia, this would put a strain on its relations with Western partners. A more distinct geopolitical positioning *between* the various centers of power brought about by such a decision would be a risky bet on the future. If international relations become further polarized, reliable partners will become even more important. In addition, the proposed return to a policy of *courant normal* (normal flow of trade) to prevent the circumvention of sanctions would be even more difficult to implement than it was during the Cold War given Switzerland’s interrelationships and the scope of the current sanctions.

The text of the initiative is also open to interpretation on the matter of security policy cooperation. The caveat as it is worded (in the German original) relates to the narrow question of the circumstances under which joint defense with NATO would be conceivable. However, the sentence can also be understood as stating that cooperation with NATO would only be possible if Switzerland were facing an attack. Compared with the way things currently stand, this would probably have to involve scaling back cooperation with NATO (with almost unavoidable repercussions for bilateral security cooperation, too). Unless we

interpret the current threat situation as Switzerland already being in a “pre-war phase” and part of a “hybrid war”, as expounded in the [Report by the study commission on security policy](#).

Two other points are worth mentioning here. First, a new constitutional article 54a would mean that neutrality would lose its previous instrumental nature. Second, this article would mean that elements of a specific conception of neutrality would be enshrined in the Constitution for the first time, which would limit the Federal Council's future room for maneuver.

### “Neutrality 21” Manifesto

The Manifesto “A neutrality for the 21st century” wants Switzerland to establish an enhanced security partnership with European partners. It was developed by a seven-member committee and published at the end of May 2024. Among the 87 initial signatories are three former federal councilors (Joseph Deiss, Samuel Schmid, Kaspar Villiger), a number of parliamentarians, and other current and former representatives of Swiss public life.

The Manifesto calls for neutrality to be adapted “as swiftly as possible” and identifies ten cornerstones for a new approach. The most far-reaching is the call for Switzerland to cease drawing on the Hague Convention of 1907 and the law of neutrality, and instead for neutrality to be defined and implemented “in an autonomous and situational way”. It states that neutrality should no longer be grounded in international law, but should be politically motivated. This political codification should be based on various pillars, including the [UN Charter](#) and the Federal Constitution.

According to the Manifesto, Switzerland should stay neutral as long as military neutrality is conducive to its security, which should be considered on a case-by-case basis. In peacetime, Switzerland should therefore join with NATO and the EU in preparing to be able to defend itself militarily together with the democratic constitutional states. It calls for the [Embargo Act](#) to be amended so that Switzerland can also put its own measures in place. Likewise, the [War Materiel Act](#) should be revised, according to the Manifesto, so that neutrality no longer has a role to play in arms exports.

The proposed political and non-permanent notion of neutrality is similar to the freedom of alliance enjoyed by Sweden and Finland before they joined NATO. The ten

cornerstones are preceded by a two-page rationale on why Switzerland should fundamentally redefine its neutrality. A core argument is that the Hague Convention, and therefore the foundation for neutrality in international law, is “outdated” and no longer a suitable basis for neutrality. In particular, the Manifesto argues that the prohibition of the use of force under the UN Charter renders obsolete the principle of equal military treatment of belligerents under the Hague Convention. This refers to the obligation of neutral powers to treat parties to a conflict equally in the state regulation of the export and transport of military equipment by *private* entities. This is in addition to the general ban on neutral states supplying arms from their own military stocks to parties to a conflict. The Manifesto specifically criticizes the fact that Switzerland treats “Russia the aggressor” in the same way as “Ukraine the victim”, which as a UN member it is not entitled to do.

The Federal Council and arguably the majority of international law experts in Switzerland counter such a view, stating that the Hague Convention is still valid as a treaty and still retains the character of customary international law despite the UN Charter. Under the current neutrality conception, the law of neutrality takes effect if the Security Council is unable to agree on collective security measures in accordance with the UN Charter. In its 2022 Neutrality Report, the Federal Council highlights the contin-

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ued global relevance of the law of neutrality outside of UN Security Council resolutions. It is also worth noting that, of all countries, Ukraine was the last to ratify the Hague Convention, only doing so in 2015.

The Manifesto does not feature a similarly plausible argument based on international law *against* the relevance of the law of neutrality. The rationale for why Switzerland should take a more pragmatic approach is largely political. For example, the Manifesto argues that the protective, balancing, and integrative functions of neutrality are now obsolete.

### Law of Neutrality and UN Charter

- Two different instruments under international law that address the problem of use of force on different levels and are complementary.
- Dual understanding of international law by the Federal Council: The law of neutrality only applies if the UN system of collective security fails to work.
- The law of neutrality is amoral (but not immoral): it does not distinguish between good and evil; however, such a distinction can be made in neutrality policy and foreign policy.
- Specific rights and obligations for neutral parties under international law can only be derived from the law of neutrality and not the UN Charter.

Wherever one stands on this argument, two questions remain. First, it is doubtful whether the Swiss political system would generally be able to determine Switzerland's specific neutral position in a timely manner in new conflict situations without recourse to the law of neutrality. While the Hague Convention also leaves an unsatisfactory number of questions unanswered today, without this international framework, Swiss neutrality would likely be even more nebulous.

Second, it remains to be seen how eschewing the “legal codification of the neutrality policy” as proposed in the Manifesto, would impact Switzerland's international reputation. On the Europe/world axis, Switzerland would likely be seen more strongly as part of geopolitical Europe. In any case, implementation of the Manifesto would have at least as far-reaching an impact on Switzerland's foreign and security policy as the “Neutrality Initiative”, albeit in the opposite direction. It is worth noting, however, that no political decisions are due to be made directly as a result of the Manifesto; so far it is merely food for thought.

### The “Status Quo Plus” Option

The Hague Convention and the principle of equal military treatment of belligerents have been core elements of Swiss neutrality up until now. When it comes to increasing the scope for action in terms of security cooperation, compared to the Manifesto, more evolutive – rather than disruptive –

changes to neutrality would be conceivable. They would not challenge permanent neutrality or the Europe/world balance, but could allow Switzerland to position itself more clearly as a co-producer of European security.

These measures are summarized here as the “status quo plus” option. They can be implemented in combination or individually. They mainly concern adaptations to neutrality practice within the scope of the *ex-*

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*isting* neutrality conception. This soft approach to reform is based on a dual rationale. First, that a credible neutral party must be able to withstand a certain amount of international pressure. Second, that Switzerland should not merely maintain the status quo either, in view of new geopolitical realities.

In essence, this is about the fact that the Federal Council and Parliament have developed security policy cooperation with partners to a considerably lesser extent over the last three decades than the 1993 conception that is still valid today would have allowed. One example is military cooperation. More extensive participation by the Swiss armed forces in *exercises* by NATO or NATO members to bolster its defense capabilities would be perfectly compatible with neutrality. This includes Article 5

exercises. What is not allowed, however, is military cooperation that would give rise to obligations to provide assistance or to practical constraints that would prevent Switzerland from remaining neutral in the event of an international armed conflict.

In the area of *arms exports*, the room for maneuver in terms of neutrality policy could be better utilized, for example, through a more pragmatic approach to re-export declarations by partner countries.

Potential solutions for a corresponding amendment to the War Materiel Act are on the table (such as the parliamentary initiative 23.403). The political discussions remain difficult as they involve issues of neutrality, the arms industry, human rights, and democratic control. A more flexible approach could also be adopted with regard to *transit issues*. Whether, for instance, NATO’s efforts to reinforce its eastern flank will be seen as potential intervention in the Ukraine war is a judgement call. Another example is the question of whether the principle of equal military treatment of belligerents is not sometimes interpreted too extensively when it comes to *protective materials* (like vests) that do not have any direct military relevance. The red lines on such matters appear in some cases to be shaped more by the domestic political realities of recent decades than what would be conceptually possible.

### Looking Ahead

The Federal Council has decided to recommend that the people and the cantons reject the Neutrality Initiative without a counterproposal, thereby taking a considerable either-or-risk. In this context, exten-

sive changes to the current conception of neutrality of 1993 seem politically unrealistic ahead of the scheduled public vote in 2026/27.

“Status-quo-plus” changes to the neutrality course remain a more realistic option. A plausible argument can be made for such changes in *security policy terms*. In terms of *foreign policy*, opinions are bound to remain divided. The Summit on Peace in Ukraine held on the Bürgenstock in June afforded Switzerland some respite from the criticism levelled at its neutrality policy by European countries, but in no way does this mean that there is less need for discussion today. It is not advisable to put Swiss efforts to achieve a negotiated peace between Ukraine and Russia ahead of foreign policy considerations on European security cooperation, especially as the prospects of such efforts remain unclear.

In these uncertain times, much remains in flux. A broad-based discussion about the threat situation, Switzerland’s positioning, and its approach to neutrality is essential. Security and foreign policy interests must be aligned as far as possible. Such a joined-up approach to security and foreign policy is also a prerequisite for a coherent and comprehensive security concept, which the Federal Council is trying to achieve with the Security Policy Strategy 2025.

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**Daniel Möckli** is Head of Think Tank at the Center for Security Studies (CSS) at ETH Zurich.