

# Switzerland's good offices: a changing concept, 1945-2002

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# **Switzerland's Good Offices: A Changing Concept, 1945-2002**

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## **About the Author**

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## **Publication note**

A slightly abridged version of this article will be published under the title "From Good Offices to an Active Policy of Peace" in an edited Volume by Jürg Martin Gabriel and Thomas Fischer on *Swiss Foreign Policy in a Changing World, 1945-2002* (Houndmills, Basingstoke: Palgrave, forthcoming)

## Introduction

The purpose of this contribution is to examine the practice of Swiss good offices since the Second World War and to analyze the impact of the end of the Cold War and the conceptual changes in Swiss foreign policy dating from 1993. This will reveal that the traditional categories of Swiss good offices – protecting power mandates, arbitration, good offices in a narrow sense, and bilateral mediation – have decreased in number and in importance since 1945, while at the same time international mandates and new approaches to international conflict management have become more relevant. In fact, Switzerland's role as an active contributor to multilateral missions and mediation only became possible when neutrality was reinterpreted to embrace active politics of peace.<sup>1</sup>

Since the end of the Cold War, civil conflicts having either a religious or ethnic background have begun to replace classical forms of war. It has therefore become necessary to modify established approaches to peaceful conflict settlement. Today, multilaterally coordinated third-party activities, mostly within the framework of the United Nations, play a much more important role than unilateral or bilateral measures initiated by single states. On the basis of its neutrality, Switzerland long considered itself predestined to act as an international go-between. In a recent example however, the Swiss Foreign Department tried – in vain – to mediate in the Afghan civil war by applying traditional 'good offices' to a domestic conflict situation. That experience demonstrated clearly that bilateral activities conducted by a neutral are by no means more successful than the activities of multilateral organizations.

From the time the Soviets withdrew in 1989, and especially after the Soviet supported government lost power in 1992, Afghanistan experienced constant turmoil. In 1998, UN Secretary-General Kofi Annan set up a Special Mission to engage the authorities of neighboring countries and the different Afghan factions in negotiations, but to no avail. After two rounds of intra-Afghan talks in early 1999, initiated by Kofi Annan's Special Envoy, Lakhdar Brahimi, the leaders of the unofficial Taliban government announced in the spring that they would not resume the negotiations under United Nations auspices. In July 1999, the

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<sup>1</sup> Swiss military activities in the field of international peacekeeping and its efforts in arms control and reduction are discussed in separate publications and are therefore not taken into consideration here. Also excluded from this paper is the subject of humanitarian aid, which deals with the consequences of conflicts and not with their prevention or peaceful resolution.

Taliban launched a military offensive against the northern United Front, which was under the leadership of Ahmed Shah Massoud, but they were unable to gain a decisive advantage.<sup>2</sup>

After Brahimi's failure, the Swiss initiated a bilateral mediation effort.<sup>3</sup> In the second half of 1999 and in early 2000, high-ranking Taliban representatives and delegates of the United Front met secretly in Switzerland. In order to establish contacts and to prepare the negotiations, each side was invited for separate talks with Swiss officials and representatives of the Swiss National Bank, the ICRC, and the State Secretariat for Economic Affairs. In the autumn of 1999 the talks were followed by a meeting of the conflict parties in Switzerland, moderated by Andrej Motyl, a Swiss diplomat formerly stationed at the Swiss embassies in Teheran and Tashkent. However, when Motyl tried to resume the negotiations in Afghanistan, the atmosphere had cooled and the military conflict had resumed. The two parties met in Switzerland for the last time in March 2000, and when a new Taliban offensive was launched in August, the United Front refused to continue the talks. In the end, the Swiss initiative, just like the UN mediation effort, came to nothing.<sup>4</sup>

Today, good offices are part of a wide range of diplomatic and even military activities. As traditionally defined in international law, good offices constitute measures undertaken by a third party (a state, an international organization, or a single citizen) to induce two conflicting countries to resume negotiations *without* the third party taking part in the actual negotiations.<sup>5</sup> The Swiss conception of good offices after the Second World War was broader, however. It included any initiative and measure taken by an international organization, a state, its authorities, or one of its citizens with the aim to contribute towards peaceful settlement of a conflict between other states.<sup>6</sup> This wider definition includes legal arbitration, good offices in

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<sup>2</sup> UN General Assembly, Official Records, *Report of the Secretary-General on the work of the Organization*, Fifty-fourth Session, Supplement No. 1 (A/54/1), 31 August 1999, para. 83.

<sup>3</sup> Since 1990 Swiss diplomacy had been involved in the Afghan civil war. See more in the following section on “good offices and bilateral mediation”.

<sup>4</sup> Artur K. Vogel, “Bin Laden diskret loswerden: In Afghanistan hätte die Schweiz beinahe Weltpolitik gemacht”, *Weltwoche*, 20. September 2001, p. 9; “Schweiz organisierte Afghanistan-Gespräche: Abbruch wegen Offensive”, *NZZ*, 2. November 2000, p. 14.

<sup>5</sup> The Hague Convention for the Pacific Settlement of International Disputes (1907) states explicitly that “Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities” (Art. 3, para. 2), and that “the exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act” (Art. 3, para. 3).

<sup>6</sup> This widely accepted definition is taken from: Konrad Stamm, *Die Guten Dienste der Schweiz: Aktive Neutralitätspolitik zwischen Tradition, Diskussion und Integration*, Herbert Lang, Bern 1974, p. 5.

a narrow (or technical) sense, mediation, conciliation, judicial settlement, and the protecting power institution.<sup>7</sup>

Throughout the Cold War period, Switzerland tried to adhere to its policy of classical neutrality, which implies strict abstention from international conflict situations. However, this strict conception of neutrality came under much pressure towards the end of the Second World War and in the immediate post-War period. In order to avoid international isolation, a less traditional definition of neutrality was called for.<sup>8</sup> The provision of good offices became an important Swiss instrument to that effect. It was Max Petitpierre, Swiss Foreign Minister from 1945 to 1961, who established a link between neutrality and solidarity, thereby emphasizing that neutrality is more than a defensive concept based on abstention and passivity. For Petitpierre, neutrality implied the will and obligation to take on responsibilities abroad, particularly in the case of international conflicts. Together with an emphasis on humanitarian assistance, the Swiss government then promoted its availability for good offices, based on the formula of “neutrality and solidarity.” At the time there was a strong conviction that a permanent neutral was in a privileged position to assist other nations in settling their conflicts.<sup>9</sup> However, the fear that neutrality would be damaged by political involvement in fact hindered the government from taking on assignments in a number of instances. This was particularly the case with mandates and mediation initiated under the auspices of the United Nations.

The establishment of the UN in 1945 created a new framework for the prevention and resolution of international conflicts, and the world organization soon became the most important player in international conflict management.<sup>10</sup> Multilateral preventive diplomacy

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<sup>7</sup> Michael E. Dreher, *Die Institution der Guten Dienste im Völkerrecht*, Diss. Zurich 1980, p. 103f. Mediation and conciliation go beyond good offices in the sense that the third party takes active part in the negotiations and submits its own proposals for settlement of the dispute.

<sup>8</sup> Edgar Bonjour, *Geschichte der schweizerischen Neutralität: Kurzfassung*, Helbing und Lichtenhahn, Basel und Stuttgart 1978, p. 106.

<sup>9</sup> This argument was repeatedly brought forward by Raymond Probst, former Secretary of State in the Swiss Department for Foreign Affairs. Raymond R. Probst, “Die ‘Guten Dienste’ der Schweiz”, in *Annuaire de l’Association suisse de science politique*, Lausanne 1963, pp. 21-25; Raymond R. Probst, ‘Good Offices’ in *the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht/Boston/London 1989, pp. 13-15; Raymond R. Probst, “Die Schweiz und die ‘Guten Dienste’”, in Alois Riklin, Hans Haug und Raymond Probst (ed.), *Neues Handbuch der schweizerischen Aussenpolitik*, Schriftenreihe der Schweizerischen Gesellschaft für Aussenpolitik 11, Paul Haupt, Bern, Stuttgart and Vienna 1992, p. 660f.

<sup>10</sup> More than a quarter of all international mediation efforts since 1945 fell under the responsibility of the UN. Marquis, Lionel und Gerald Schneider. “Wer kommt als Vermittler zum Zuge? Überschätzte und unterschätzte Anforderungsfaktoren für Mediationstätigkeiten”, in *Schweizerische Zeitschrift für Politische Wissenschaft*, Vol. 2, Issue 3, 1996, p. 72f.

and peacekeeping replaced the traditional procedures of good offices and arbitration. Although not a member of the UN due to its neutrality, Switzerland retained its policy of good offices and tried to increase its influence by taking on international mandates, supervising armistices or internationally agreed plebiscites, offering hospitality to international organizations or conferences, and providing various services to settle disputes and to soften the effects of war.<sup>11</sup>

However, since the Swiss concept was mainly meant to promote neutrality, it suffered from rhetorical overstretch. In fact, the country was most reluctant to participate in multilateral UN activities, and the significance of neutrality as a basis for good offices was highly overestimated. This only changed when the Cold War confrontation ended and the isolationist policy of neutrality lost its relevance. The conceptual changes affecting Swiss foreign policy since 1993 emphasized a need for new instruments exercised in close international cooperation, including diplomatic, economic, humanitarian, and even military measures.

In the following five sections, Switzerland's achievements in the field of good offices since 1945 will be discussed and evaluated. These include the country's activities as a protecting power, as a host for international organizations and conferences, as an arbitrator and mediator, and also as an executor of international mandates. The concluding section will highlight recent changes in the Swiss concept of mediation and preventive diplomacy.

## **1 – Serving as a protecting power**

Much of Switzerland's reputation in the field of good offices is due to its experience as a protecting power. A state can become a protecting power by representing another state in a third state, in the absence of direct diplomatic relations between the latter two states. The protecting power task consists of maintaining an indispensable minimum of contact between belligerents, or between states that have broken off diplomatic relations for another reason, until hostilities cease and/or until both countries resume their ties.<sup>12</sup> Switzerland first acted as a protecting power in the Franco-German War of 1870/1871, when it was entrusted with the

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<sup>11</sup> Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, p. 11; Pierre Du Bois, "Neutrality and Political Good Offices: The Case of Switzerland", in Hanspeter Neuhold, and Hans Thalberg (ed.), *The European Neutrals in International Affairs*, Wilhelm Braumüller, Vienna 1984, p. 7f.

<sup>12</sup> The protecting power mandate is founded on art. 45 and 46 of the 1961 Vienna Convention on Diplomatic Relations, and art. 8 of the 1963 Vienna Convention on Consular Relations.



interests of the Kingdom of Bavaria and the Grand Duchy of Baden in France. During the First World War, Switzerland had already assumed 36 such mandates before it reached the absolute peak of its activity in protecting foreign interests in the Second World War. By then, Switzerland was simultaneously representing the interests of 35 nations, with over 200 single mandates, including most of the belligerents and all of the big powers except for the Soviet Union.<sup>13</sup> At that time the Foreign Interests Section was by far the largest office of the Swiss Foreign Ministry in Bern.

During the first period of the Cold War, from 1947 to 1963, Switzerland was – most likely due to its vast experience and availability – requested to act as a protecting power whenever international tensions rose. This was the case after the Suez Crisis of 1956, when several Western states turned to Switzerland to represent their interests in a number of Arab states – e.g., Great Britain in Egypt and Syria; France in Egypt, Jordan, Iraq and Syria – raising the total number of Swiss mandates from 5 (in 1954) to 17 (in 1956). Most of these mandates were gradually rescinded in the course of events until the start of the 1960s, when the United States and several South American nations asked Switzerland to represent their interests in Cuba after the break of the diplomatic relations between the United States and Cuba in 1961. This event raised again the number of Swiss mandates to 16 (1962). The mandate for the United States in Cuba became the most enduring one, and it included a spectacular airlift between Cuba and Florida instigated by the protecting power in 1965. The airlift enabled more than 260,000 Cubans who opposed the regime to emigrate to the United States over the next seven years.<sup>14</sup> Switzerland has also been representing Cuban interests in Washington since 1991, a mandate that was shifted by the Cuban government from Czechoslovakia to Switzerland after the dissolution of the Eastern bloc.

The Cold War crises of the 1950s and 1960s led to a clear increase in the number of Swiss mandates for protecting foreign interests, but the ongoing process of worldwide decolonialization also had an impact on Switzerland's activities as a protecting power. From 1967 to 1973, for example, the Swiss represented American and British interests in Algeria.<sup>15</sup> When India and Pakistan severed relations in 1971, it was the first time that two developing

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<sup>13</sup> Reto Borsani, *La Suisse et les bons offices*, mémoire, IUHEI Geneva 1994, p. 16.

<sup>14</sup> See Wayne S. Smith, "The Protecting Power and the U.S. Interests Section in Cuba", in David D. Newsom (ed.), *Diplomacy under a Foreign Flag: When Nations Break Relations*, Hurst, London 1990, pp. 99-112; Raymond Probst, 'Good Offices' in the Light of Swiss International Practice and Experience, Martinus Nijhoff Publishers, Dordrecht 1988, p. 114f.

<sup>15</sup> Cf. William Eagleton, "Evolution of the U.S. Interests Sections in Algiers and Baghdad", in David D. Newsom (ed.), *Diplomacy under a Foreign Flag: When Nations Break Relations*, Hurst, London 1990, pp. 90-98.

countries asked Switzerland to represent their interests reciprocally.<sup>16</sup> Discussing the value of neutrality with Swiss members of Parliament, Foreign Minister Graber emphasized that this mandate confirmed the importance of neutral countries in world affairs, even as the focus was shifting from East-West to North-South conflicts in the 1970s.<sup>17</sup> In fact, following the outbreak of the Yom Kippur War in the Middle East in 1973, the number of foreign interests represented by Switzerland reached its highest level since the Second World War with 25 assignments.

The rising Cold War tensions in the 1980s once more seemed to confirm the importance of Switzerland's role as a protecting power. This was particularly true for Switzerland's role in the Iran hostage crisis in 1979/80.<sup>18</sup> Nearly a year after the Islamic revolution led by Ayatollah Khomeini and the exiling of Shah Reza Pahlevi to Egypt and Morocco, and finally to the United States for medical treatment, 52 U.S. diplomatic staff members in Tehran were taken hostage. The embassy compound was occupied by Islamic militants on November 4, 1979. Although formal diplomatic relations between the United States and Iran continued to exist, the American Embassy in Tehran obviously could no longer function under those circumstances. The American government therefore approached Raymond Probst, Swiss Ambassador in Washington, D.C., and asked for Switzerland's informal support in Tehran. The fact that the Swiss already represented U.S. interests in Cuba, where they had proven their ability and usefulness to the United States in another difficult country, made Switzerland in the words of an American official the "natural choice" for this task.

For five months Switzerland acted discreetly as a kind of de facto caretaker of U.S. interests in Iran. The communication channel started with Ambassador Probst and his Assistant Franz

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<sup>16</sup> According to Probst, the Swiss, at the request of both parties, also embarked on some mediating efforts, which helped to pave the way for an agreement on the repatriation of prisoners of war and civilians – an agreement that finally led to the restoration of diplomatic relations between New Delhi and Islamabad in 1976. Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, p. 114.

<sup>17</sup> Foreign Minister Graber in a speech to the Parliamentary Committee on Foreign Affairs of the Council of States. Swiss Federal Archives, Bern, E 1050.12 1995/512, 3, Kommission für auswärtige Angelegenheit des Ständerates, 10. Januar 1972.

<sup>18</sup> For the Swiss role in the U.S.-Iran hostage crisis, see the following first hand accounts: Raymond R. Probst, "The 'Good Offices' of Switzerland and Her Role as Protecting Power", in David D. Newsom (ed.), *Diplomacy under a Foreign Flag: When Nations Break Relations*, Hurst, London 1990, pp. 18-31; David D. Newsom, "The Sensitive Link: The Swiss Role in the U.S.-Iran Hostage Crisis", in David D. Newsom (ed.), *Diplomacy under a Foreign Flag: When Nations Break Relations*, Hurst, London 1990, pp. 32-43. For the context of the Swiss activities in the larger context of American diplomatic efforts, see: Harold H. Saunders, "Diplomacy and Pressure: November 1979-May 1980", in Warren Christopher, Harold H. Saunders, et al. (ed.), *American Hostages in Iran: The Conduct of a Crisis*, Yale University Press, New Haven 1985, pp. 72-143, especially p. 88f.; and Harold H. Saunders, "Beginning of the End", in Warren Christopher, Harold H. Saunders, et al. (ed.), *American Hostages in Iran: The Conduct of a Crisis*, Yale University Press, New Haven 1985, pp. 281-296.

Muheim in Washington D.C., went through the Swiss Foreign Ministry in Bern (Ambassador Edouard Brunner), and ended at the Swiss embassy in the Iran capital (Ambassador Erik Lang). David D. Newsom, U.S. Under Secretary for Political Affairs, called it the “sensitive link.”<sup>19</sup> The Swiss government also offered to help by providing a Swiss civilian aircraft for transport when thirteen hostages, women and blacks, were released early in the crisis. However, the Iranians disapproved of the special aircraft and chose another option.

The Swiss channel subsequently served mainly to transmit urgent messages, and Ambassador Lang in Tehran became one of the prime sources of information on the spot. When diplomatic relations between the United States and Iran broke down on April 7, 1980, the Swiss link was already well established. It was only a matter of formality to assign to Switzerland the official mandate to represent U.S. interests in Iran. In the course of events, the Swiss authorities were able to arrange for secret contacts through their embassies in both countries and even for top-secret meetings of emissaries from both sides on Swiss territory.<sup>20</sup> Yet the decisive breakthrough in the hostage crisis came only when, late in August 1980, the United States received word through Germany that the Ayatollah regime was ready to enter top-level negotiations. Finally, Algeria, which had previously been asked by Iran to represent its interests towards the United States, acted as an intermediary in protracted negotiations. This opened the way for decisive bargaining by U.S. Deputy-Secretary of State Warren Christopher, which ultimately led to the release of all hostages in January 1981. The role of the Swiss in this final phase was limited to offering a reliable diplomatic back channel.<sup>21</sup>

Another important mandate was entrusted to Switzerland in the 1980s by Great Britain at the outbreak of the Falkland (Malvinas) Islands conflict.<sup>22</sup> The request to take care of British interests in Argentina reached Bern on April 2, 1982. The members of the Swiss embassy in Buenos Aires were informed accordingly, and after obtaining the consent of the Argentine government, they were able to fulfill the new task within hours. Apart from taking charge of

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<sup>19</sup> Based on the title of David D. Newsom’s article on the Swiss role in the hostage crisis, which was first published in a commemorative publication for Ambassador Probst: David D. Newsom, “The Sensitive Link: The Swiss role in the U.S.-Iran Hostage Crisis”, in Edouard Brunner, et al. (Hg.), *Einblick in die schweizerische Aussenpolitik: zum 65. Geburtstag von Staatssekretär Raymond Probst*, Verlag Neue Zürcher Zeitung, Zurich 1984, pp. 291-303.

<sup>20</sup> Harold H. Saunders, “Beginning of the End”, in Warren Christopher, Harold H. Saunders, et al. (ed.), *American Hostages in Iran: The Conduct of a Crisis*, Yale University Press, New Haven 1985, pp. 285-287.

<sup>21</sup> *Ibid.*, pp. 289-296; Cf. Raymond Probst, ‘*Good Offices*’ in the Light of Swiss International Practice and Experience, Martinus Nijhoff Publishers, Dordrecht 1988, p. 116f.

<sup>22</sup> Raymond Probst, ‘*Good Offices*’ in the Light of Swiss International Practice and Experience, Martinus Nijhoff Publishers, Dordrecht 1988, p. 117f.; Raymond R. Probst, “The ‘Good Offices’ of Switzerland and Her Role as Protecting Power”, in David D. Newsom (ed.), *Diplomacy under a Foreign Flag: When Nations Break Relations*, Hurst, London 1990, p. 29f.

the large British embassy and two consulates general, they also assumed the protection of thirty thousand British subjects in the country. Since the Falkland Islands continued to be considered British territory by London, the interests of the British citizens on the islands were excluded from the mandate.

The Swiss had to handle administrative matters, such as organizing the repatriation of the British embassy staff as well as a number of journalists. Their task was facilitated by a mutual agreement that permitted four diplomatic and four consular officers of each of the conflicting parties to remain on the spot at the disposal of the protecting diplomatic mission. While Switzerland represented British interests in Buenos Aires, Argentina mandated Brazil with the role of its protecting power in London. After the hostilities on the Falkland Islands ended, it still took almost eight years until the two sides finally decided to resume diplomatic relations, and the Swiss and Brazil mandates ended in 1990. By then, Switzerland still held ten protecting power mandates, among others those for the United States in Cuba and Iran as well as one for Iran in Egypt.

During the two World Wars, neutrality and abstention from world politics definitely predestined Switzerland as protecting power for nations at war. In the Cold War period, Switzerland's vast experience with such mandates, its lack of ambition in world politics, a wide-spread network of embassies and friendly relations with almost every nation seemed to be the key reasons that Switzerland was chosen as a protecting power. Last but not least, the Swiss were eager to prove the usefulness of the neutral position in times of troubled world affairs. In the meantime, however, the circumstances have changed. Despite a growing number of worldwide conflicts since the end of the Cold War, Swiss mandates for representing foreign interests have decreased continuously since the late 1980s. Three main reasons account for this development: First, several formerly hostile states resumed official ties after the end of the East-West confrontation. Second, the nature of worldwide conflicts in general changed from classic interstate disputes to intrastate conflicts and civil wars, in which classic diplomatic means and the protecting power institute in particular can no longer be applied. Third, the Swiss themselves became less keen to accept any possible mandate. This can best be illustrated by the events accompanying NATO's war in Kosovo in 1999.

As early as October 1998, when the likelihood of allied air attacks on Serbia could no longer be excluded, Great Britain and Germany sounded out the willingness of the Swiss Foreign Ministry to represent their interests should diplomatic relations with Belgrade be severed. The

Swiss authorities rejected this possibility at the time.<sup>23</sup> The official explanation, by Swiss Foreign Minister Flavio Cotti, that he could not guarantee that the embassy in Belgrade would stay open once allied air raids began, seems somewhat ephemeral. Following the new conceptual guidelines in foreign policy of 1993 that departed from the strict neutrality policy during the Cold War years, it is more likely that the Swiss government, after vigorously condemning the Serbs for their expulsions in Kosovo, did not want any closer relationship with the misanthropist regime of Milosevic.<sup>24</sup> Nonetheless, the Swiss government changed its attitude in the course of the NATO operation against the Milosevic regime in the spring of 1999, by returning to its neutrality policy and offering its availability as a protecting power to other nations in Belgrade.<sup>25</sup> It took on the task of representing France in Belgrade and received an identical request from the United States.<sup>26</sup> While Switzerland, still with some reluctance, was now prepared to take on the U.S. mandate, the assignment could not be effected in the end due to lack of Yugoslav consent.<sup>27</sup> After the end of the hostilities in former Yugoslavia, the mandate for France was handed back in November 2000, and by the end of the year 2001 Switzerland was only exercising five protecting power mandates; for the United States in Cuba and Iran, for Iran in Egypt, for Israel in Ghana, and for Cuba in the United States.<sup>28</sup>

## 2 – Hosting international organizations and conferences

Similar to its availability as a protecting power, Switzerland long regarded its readiness to host international organizations or conferences as an expression of international solidarity.<sup>29</sup> Switzerland's reputation as a host for international organizations originated with the

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<sup>23</sup> After the opening of the NATO air campaign, the British interests in the Serb Republic were officially represented by Brazil and German interests by Japan.

<sup>24</sup> "Schlechter Start für Gute Dienste", *NZZ*, 16. April 1999, p. 13; "Cotti a refusé de protéger les intérêts allemands et anglais à Belgrade", *La Liberté*, 10 juin 1999, p. 35.

<sup>25</sup> This attitude is best represented by the official explanation of the Federal Council of April 21, 1999 on the War in Kosovo: "*The Federal council first of all confirms its readiness to take on any assignment that is likely to contribute to a political solution of the conflict – be it by lending its good offices, representing the diplomatic interests of other nations, or by offering its territory to negotiators of the parties to the conflict.*" (Translation by the author)

<sup>26</sup> Switzerland was only the second choice after Sweden, which had previously been rejected by Milosevic as a U.S. protecting power because Washington had objected to Yugoslav interests being represented by China in the United States.

<sup>27</sup> "Gute Dienste nach wie vor gefragt", *NZZ*, 21. April 1999, p. 15.

<sup>28</sup> Information by the Foreign Interests Section of the Swiss Foreign Department, dated October 10, 2001.

<sup>29</sup> Jon A. Fanzun und Patrick Lehmann, *Die Schweiz und die Welt: Aussen- und sicherheitspolitische Beiträge der Schweiz zu Frieden, Sicherheit und Stabilität, 1945-2000*, Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung 57, ETH Zurich 2000, p. 101.

establishment of the League of Nations in Geneva after the First World War. Switzerland also organized a number of important international conferences, among them the peace conference between Turkey and the French-British Entente and Greece in Lausanne, which led to the conclusion of a peace treaty in 1923, and the conference between Germany and the Western powers in Locarno, which produced the so-called Locarno pact of 1925.

After the Second World War, the United Nations Organizations followed the former League of Nations to Geneva by making use of the Palais des Nations as its European headquarters. Although the main center of the United Nations was established in New York, Geneva became the host of many special agencies and bodies of the United Nations Organization.<sup>30</sup> At present, more than 20 international intergovernmental organizations and more than 120 non-governmental organizations (NGOs) are located in Geneva, and some 30,000 international officials and diplomats reside in the city. During the Cold War, Switzerland's political stability, its independent position between the blocs, its lack of a colonial past as well as its favorable geographical location, good communications, and infrastructure were the main factors that enabled Geneva to become a center of international relations. However, the times when Geneva seemed to be the "logical" choice as a seat for an international organization are gone. The end of the Cold War produced a wide range of potential residence cities for organizations and conferences: Geneva won the struggle for the seat of the World Trade Organization (WTO), but the Secretariat of the World Climate Convention was established in Bonn, the Secretariat for Biodiversity in Montreal, and the Organization for the Prevention of Chemical Weapons in The Hague.<sup>31</sup>

Moreover, Switzerland's attitude towards hosting international conferences has changed considerably in the past few years. In the early Cold War years, the Swiss were proud to host a number of important conferences in Geneva, such as the Indochina Conference of 1954 and

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<sup>30</sup> The special agencies in Geneva include the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), the World Meteorologic Organization (WMO), the General Agreement on Tariffs and Trade (GATT), and most recently the World Trade Organization (WTO), the International Bureau of Education (IBE), as well as the International Telecommunications Union (ITU) and the International Labour Organization (ILO), which were established previously to the founding of the UN. Further United Nations bodies located at Geneva are the Economic Commission for Europe (ECE), the Conference on Disarmament, the United Nations Conference on Trade and Development (UNCTAD), the Office of the United Nations High Commissioner for Refugees (UNHCR), and the Commission on Human Rights, whereas the Economic and Social Council (ECOSOC) alternates its regular sessions between New York and Geneva. Other important independent international organizations located in Geneva are the European Free Trade Organization (EFTA), the European Organization for Nuclear Research (CERN), the International Committee of the Red Cross (ICRC), and the Interparliamentary Union (IPU).

<sup>31</sup> Bundesrat, Bericht über das Verhältnis zwischen der Schweiz und der Organisation der Vereinten Nationen (UNO) vom 1. Juli 1998, p. 26.

the Laos Conference of 1961/1962 on the neutralization of the country, as well as the summit meeting of the “Big Four” (USSR, USA, Great Britain, and France) in 1955. The subsequent period of international détente in the late 1960s and early 1970s saw the Second Strategic Arms Limitation Talks (SALT II) between the United States and the Soviet Union from November 1972 on, the important second phase of the Conference on Security and Cooperation in Europe (CSCE) held in Geneva between 1973 and 1975, which led to the Final Act of Helsinki,<sup>32</sup> as well as the Middle East Conference in 1973 following the Yom Kippur War.<sup>33</sup> At the height of the second Cold War in the early 1980s, Geneva hosted the initial Strategic Arms Reduction Talks (START), which led to the signing of the Soviet-American Agreement on the Elimination of Intermediate-Range Nuclear Forces (INF) in 1987. In the same period the first superpower summit in over ten years took place in 1985: President Reagan and General Secretary Gorbachev met between November 19 and 21 in Geneva, an event to which Switzerland has always referred with special emphasis.<sup>34</sup>

After the Cold War there was a general increase in the number of international conferences, most of them under the auspices of the United Nations or a group of states leading in crisis management in a specific area of tension. Although Switzerland was the host of the International Conference on Former Yugoslavia in 1992, the decisive diplomatic talks to end the war in Bosnia were held elsewhere.<sup>35</sup> Today Switzerland no longer aims primarily at hosting international conferences but rather applies to hold conferences at which it can contribute actively to international politics of peace. This was the case when the intergovernmental “Network Human Security”, consisting of thirteen states working in close collaboration with NGOs, met at ministerial level in Lucerne in 1999 and 2000. At these meetings the prevention of small arms and light weapons and the role of non-state actors in

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<sup>32</sup> Subsequent CSCE expert meetings took place in Montreux 1978 (peaceful settlement of disputes), in Bern 1986 (human contacts), and in Geneva 1991 (national minorities).

<sup>33</sup> The tensions in the Middle East would again be the subject of discussions in Geneva at the 1983 United Nations Conference on Palestine and once more when the special sessions of the UN General Assembly in 1988 and the Security Council in 1990 on the Palestine question were transferred from New York to the European headquarters of the UN.

<sup>34</sup> For an overview of selected conferences organized in Geneva between 1945 and 1991, see the table in: Jean-Pierre Vettovaglia, “La Suisse en tant que pays d’accueil d’organisations et de conférences internationales”, in Alois Riklin, Hans Haug und Raymond Probst (ed.), *Neues Handbuch der schweizerischen Aussenpolitik*, Schriftenreihe der Schweizerischen Gesellschaft für Aussenpolitik 11, Paul Haupt, Bern, Stuttgart und Wien 1992, p. 784.

<sup>35</sup> The talks to end the war in Bosnia were organized and headed by American Ambassador Richard Holbrooke in Dayton, Ohio, in the United States. Richard Holbrooke, *To End a War*, Random House, New York 1998.

regions at risk were discussed, and Switzerland took a leading role not only as organizing state, but also as an active participant in the talks.<sup>36</sup>

### **3 – Arbitration activities**

Just like its role as a protecting power or as a host for international organizations and conferences, Switzerland's experience in international arbitration contributed considerably to its reputation regarding good offices. Yet due to the fact that the instrument of arbitration is used less and less in international conflict management, Switzerland's role as an impartial arbitrator has lost much of its attraction.

As a small state that is best protected by the rule of law in international affairs, Switzerland has always been keen to promote dispute settlements through judicial means. In the late 19th century, Switzerland – and more often individual Swiss citizens appointed by the Federal Council – helped third states to settle their differences by taking on an arbitral role in over 20 cases. The Alabama case of 1872 between Great Britain and the United States during the American Civil War was certainly the most prominent case. Yet, once the Permanent Court of Arbitration was established after the Second Hague Peace Conference of 1907 and the Permanent Court of International Justice was set up in The Hague by the League of Nations in 1922, it was no longer necessary to have a special court of arbitration for every conflict. Hence Switzerland's bilateral activity in this field lost much of its relevance. Thanks to Max Huber, who was elected to the Permanent Court of Justice and presided over it from 1925 to 1929, Switzerland – a full member of the League – was nevertheless instrumental in contributing to international jurisdiction.<sup>37</sup>

After the decline of the League of Nations, the International Court of Justice quickly replaced the Permanent Court of Justice as the principal judicial organ of the United Nations. Although Switzerland was the first non-member of the United Nations to adhere to the Court's Statute and to acknowledge the obligatory nature of its jurisdiction in 1948, it was no longer represented in the most important multilateral judicial organ by judges of Swiss nationality. Switzerland therefore tried to preserve its position by strengthening the notion of bilateral

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<sup>36</sup> Eidgenössisches Departement für auswärtige Angelegenheiten, *Gewalt vorbeugen, Frieden mitgestalten, Demokratie stärken: Die Friedenspolitik der Politischen Direktion des EDA*, Bern Juli 2001, p. 4.

<sup>37</sup> Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, p. 49f.



arbitration and by promoting multilateral arbitration procedures within the context of the Conference on Security and Cooperation in Europe (CSCE).<sup>38</sup> Yet the Swiss project for the peaceful settlement of disputes between member states of the CSCE introduced as early as 1973 faced considerable resistance because of its obligatory character.<sup>39</sup> Only after the end of the Cold War did a meeting of CSCE experts in La Valetta produce a final draft for a European Court of Arbitration on CSCE (nowadays OSCE) matters, which was finally constituted in Geneva in 1995.

In recent decades, it seems that only disputes of secondary importance in interstate conflicts have been taken to the International Court of Justice, and international arbitration has only rarely been applied as an instrument of conflict management. Therefore, Switzerland has played a lesser role as a promoter and executor of international arbitration, both in quantity and relevance. As mentioned above, a substantial part of the efforts in peace politics has been transferred to the United Nations, and in post Cold War conflicts political solutions are usually preferred to judicial ones.<sup>40</sup> Up to now the European Court for Arbitration on OSCE matters, which was initiated by the Swiss, has not been called upon a single time. In the field of peace politics, services such as participating actively in multilateral mediation efforts and taking over international mandates are much more prominent today. Consequently, arbitral activities are no longer mentioned as a primary goal in the official Swiss concept of preventive diplomacy and conflict management.<sup>41</sup>

#### **4 – Good offices and bilateral mediation**

So far we have looked at traditional services provided by Switzerland, mostly *upon request* by a state or a group of states, to ease tension in international affairs. We now turn to the initiatives Switzerland promoted during the Cold War years as part of its ‘active neutrality’ politics: good offices (in their original sense) and bilateral mediation efforts that we would

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<sup>38</sup> Rudolf L. Bindschedler, “Verfahren zur friedlichen Streiterledigung”, in Alois Riklin, Hans Haug und Hans Christoph Binswanger (ed.), *Handbuch der schweizerischen Aussenpolitik*, Schriftenreihe der Schweizerischen Gesellschaft für Aussenpolitik 2, Paul Haupt, Bern/Stuttgart 1975, pp. 875-889.

<sup>39</sup> Christoph Breitenmoser, *Sicherheit für Europa: Die KSZE-Politik der Schweiz bis zur Unterzeichnung der Helsinki-Schlussakte zwischen Skepsis und aktivem Engagement*, Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung 40, ETH Zurich 1996.

<sup>40</sup> Jon A. Fanzun und Patrick Lehmann, *Die Schweiz und die Welt: Aussen- und sicherheitspolitische Beiträge der Schweiz zu Frieden, Sicherheit und Stabilität, 1945-2000*, Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung 57, ETH Zurich 2000, p. 109.

<sup>41</sup> Eidgenössisches Departement für auswärtige Angelegenheiten (EDA), Politische Abteilung III/B, Konzept friedensfördernde Massnahmen (Legislaturperiode 2000-2003), Dezember 1999, p. 5.

now call 'second track' third-party conflict resolution activities. These two terms differ in so far as good offices aimed originally at initiation or resumption of negotiations only, with no active participation of the third party; in a mediatory process, on the other hand, the third party tries to bring the conflicting parties to an agreement for peaceful settlement by actively participating in the process of negotiations. In practice the borderline between the two methods is often blurred.<sup>42</sup>

Before and after the First World War, Switzerland mainly promoted international jurisdiction and procedures of arbitration to settle international disputes. During the war, the Swiss government had made a few attempts to act as a mediator between the major powers, but most of them failed. In the Second World War, the absolute refusal of the Allies to even contemplate Hitler as a trustworthy negotiating partner and the demand for unconditional surrender made it difficult for Switzerland to initiate independent mediating efforts. The only successful initiatives were those undertaken by individual Swiss officials and representatives abroad to prevent needless sacrifice of lives and pointless destruction in the last stages of war in Western Europe.<sup>43</sup>

Invoking the concept of 'neutrality and solidarity' after the Second World War, Switzerland stressed its willingness to act as a facilitator and mediator in international conflicts, particularly in the emerging Cold War crises in which the United Nations was paralyzed by the veto of the superpowers in the Security Council.<sup>44</sup> Yet an examination of the early Cold War period shows that after an initiative in the Suez-Crisis in 1956 failed, the Swiss government was extremely reluctant to offer its services as a mediator in the crises in Berlin and Cuba at the beginning of the 1960s.

After British troops left the Suez Canal region in summer 1956, Egypt's president, Gamal Abdel Nasser, immediately nationalized the company running the canal. Following these events Israel, with the secret consent of Great Britain and France, invaded Egypt at the end of October 1956. As the Soviet Union was preoccupied with the rebellion in Hungary, the British and French seized the opportunity to support the Israeli intervention with air raids and landed their own airborne troops at Port Said. When, on November 5, the Soviet prime

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<sup>42</sup> The Hague Convention for the Pacific Settlement of International Disputes (1907) set up the same rules for offering and handling good offices and mediation (Art. 2-8).

<sup>43</sup> Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, p. 38-40.

<sup>44</sup> Raymond R. Probst, "Die 'Guten Dienste' der Schweiz", *Annuaire de l'Association suisse de science politique*, Lausanne 1963, p. 22f.

minister, Nicolai Bulganin, demanded under threat of war that their troops be withdrawn from the canal region, there was a worldwide fear that the Hungary/Suez crisis could lead to another world war.

On November 6 the Swiss government launched an urgent appeal to the president of the United States as well as to the governments of France, Britain, the Soviet Union, and India (as the leading non-aligned power) to hold a summit meeting on the Suez question, which could be held in Switzerland.<sup>45</sup> Although the Swiss initiative was, according to the British Ambassador in Bern, “*a very interesting and significant departure from Switzerland’s traditional aloofness, at the governmental level, from all those international political problems in which she is not directly concerned*” and an “*unprecedented intervention of the Swiss Government into world politics*”<sup>46</sup>, Switzerland’s offer soon turned out to be moot: by the time it reached Downing Street, the British cabinet was already about to take the decision to end the hostilities. The Swiss initiative therefore had no influence on the peaceful settlement of the crisis. By noon November 6, the British prime minister, Anthony Eden, had given in to American diplomatic pressure to hold the fire in the Middle East and to Soviet military threats and adopted a cease-fire resolution by the UN General Assembly of November 2.<sup>47</sup>

The Suez crisis illustrates clearly what a delicate matter it was for a small state to intervene in Cold War power politics: Not only had the Swiss authorities failed to contact in advance the UN Secretary-General, who was already deeply involved in the crisis management, and the major powers, which irritated both the UN and the United States government, who supported the Secretary-General’s efforts for peace. The Swiss were also criticized sharply by the French, who resented the comparison of British and French intervention in the Middle East with Soviet oppression in Hungary and disapproved of raising India to the level of a superpower. Only the Soviet Union and India reacted positively to the Swiss initiative. The public in Switzerland, on the other hand, reacted negatively to the invitation to the Soviet

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<sup>45</sup> The Swiss at the same time notified the UN Secretary-General of their initiative. Raymond R. Probst, “Die ‘Guten Dienste’ der Schweiz”, *Annuaire de l’Association suisse de science politique*, Lausanne 1963, p. 28.

<sup>46</sup> Ambassador Lionel Lamb cited in: Mauro Mantovani, *Schweizerische Sicherheitspolitik im Kalten Krieg (1947-1963): Zwischen angelsächsischem Containment und Neutralitäts-Doktrin*, Orell Füssli Verlag, Zurich 1999, p. 209, fn. 4.

<sup>47</sup> *Ibid.*, p. 210f.

Union, due to its intervention in Hungary, and the whole undertaking turned out to be more of an embarrassment for the Swiss government than anything else.<sup>48</sup>

Consequently, Switzerland declined to offer its good offices and to mediate actively between parties in conflict in the following years. When Cold War tensions reached their peak in 1961 (Berlin) and in 1962 (Cuban missile crisis), the Swiss Foreign Ministry adhered to a firm policy of abstention. During the Berlin crisis, the Swiss informed the U.S. State Department that Switzerland would not make any approaches on either side because it considered this an abandonment of its policy of neutrality.<sup>49</sup> One year later, at the outbreak of the Cuban missile crisis, rumors in the national press had it that on October 23, 1962, the Swiss government had discussed the possibility of offering to mediate. Raymond Probst, assistant secretary in the political division of the Foreign Department, denied these rumors instantly and categorically to the American Ambassador in Bern. In fact, the Swiss foreign minister, Friedrich Traugott Wahlen, had not even been present at the preceding session of the Federal Council due to an EFTA meeting of foreign ministers in Oslo.<sup>50</sup> By that time, Bern had definitely abandoned the idea that neutral Switzerland could actively mediate in Cold War crises involving the superpowers.

There is but one example in the Cold War years where Switzerland was called upon to offer its good offices and was able to play a decisive role in conflict settlement: the French-Algerian negotiations, which finally led to the independence of the Algerian Republic in 1962. When the resistance against the French domination at the beginning of the 1960s became increasingly violent, an exiled emissary of the Algerian government in Rome contacted Swiss Ambassador Olivier Long and asked him to establish contacts with French officials in order to find a possible peaceful solution of the conflict. Long, who had been a personal friend of the French minister for Algerian affairs, Louis Joxe, for over 25 years, first consulted the Swiss Foreign Department. After obtaining an official mandate from Foreign Minister Max Petitpierre, he met with the French minister in January 1961. Joxe transmitted the contents of this peace initiative to General De Gaulle, who gave his consent to negotiations with the Algerians and thanked the Swiss for their help.

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<sup>48</sup> Ibid., p. 212f.

<sup>49</sup> Ibid., p. 215.

<sup>50</sup> Thomas Fischer, *Die guten Dienste des IKRK und der Schweiz in der Kuba-Krise 1962*, Beiträge der Forschungsstelle für Internationale Beziehungen 30, Zentrum für Internationale Studien, ETH Zurich Oktober 2000, p.12f.

A French delegation headed by Georges Pompidou, later to become president, met with emissaries of the Algerian National Liberation Front (FLN) for the first time in February 1961 in Lucerne, Switzerland. Long and his team also organized the following round of secret talks between the two parties in May and July 1961. While the meetings themselves were held in Evian and Lugrin on the French side of Lake Geneva, the Algerian delegation was hosted in the villa of the Emir of Qatar in Bois d'Avault near Geneva. The Swiss played their role as facilitators by hosting the Algerians and assuring their security, by organizing their transport (by helicopter or boat) to the meeting places on French territory, and by providing the necessary means of communication and information. When the negotiation process was in danger of breaking down, Long acted as an intermediary by bringing the parties together again in February 1962 in Les Rousses near the French-Swiss border. This secret meeting paved the way for the final round of French-Algerian negotiations in Evian in March 1962, which led to the conclusion of a cease-fire agreement and ultimately to the independence of Algeria in July 1962. During the final phase of negotiations, the Algerian delegation was again hosted on the Swiss side of Lake Geneva, this time at the Hotel Signal de Bougy near Lausanne.<sup>51</sup>

Both Ambassador Long and Ambassador Probst, who was equally involved on the Swiss side in the final phase of the negotiations, later stated that in this case Switzerland had been able to demonstrate to other nations the usefulness of its neutral position in world politics. Yet, closer examination reveals that Switzerland was chosen as intermediary between the FLN and the French government primarily due to Long's personal relationship with French minister Joxe as well as Switzerland's lack of a colonial past, its geographical location, and the availability and secrecy of Swiss facilities. Institutional neutrality was certainly not the main reason, except for the usual requirement of impartiality of a third-party mediator.

As far as we know, the French-Algerian negotiation process was the last occasion during the Cold War where Switzerland successfully mediated on its own in an international conflict.<sup>52</sup> In contradiction to statements of the government there was obviously no need for neutral Switzerland's help in international crises beyond acting as a protecting power and providing

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<sup>51</sup> Olivier Long, *Le dossier secret des Accords d'Evian: Une mission suisse pour la paix en Algérie*, 24 heures, Lausanne 1988.

<sup>52</sup> A later attempt in the 1960s by Ernesto Franzoni, a Swiss member of parliament, to initiate talks for a peaceful solution in the Biafran Civil War failed, since Swiss intermediaryship did not meet the requirements of all parties. Pierre Du Bois, "Neutrality and Political Good Offices: The Case of Switzerland", in Hanspeter Neuhold, and Hans Thalberg (ed.), *The European Neutrals in International Affairs*, Wilhelm Braumüller, Vienna 1984, p. 14.

humanitarian aid in the later Cold War years. The role of the main intermediary instead fell to the UN, a leading power, or to a state having closer relationships with the parties at dispute. The latter preference became obvious to Swiss diplomats during the Iran hostage crisis, where it was Algeria who played the mediator's part in the final phase of the crisis. As long as it was the primary goal of Swiss foreign policy to avoid any endangerment of its neutral status, the potential and possibilities to engage in mediation efforts were highly limited.

When the Swiss government tried to make use of their involvement as a protecting power in the Falkland conflict by arranging informal conversations between the British and the Argentineans in Bern on July 18, 1984, the problem of initiating talks without setting an agenda became obvious: Following an approach by the British ambassador Powell-Jones, the Swiss Foreign Department organized an informal meeting between high-ranking diplomats from both countries. However, the talks broke down on the first day, as the two delegations held fundamentally opposing views as to whether the major point of controversy, sovereignty over the Falkland Islands, should form part of the conversations. Had the British known in advance that the Argentineans would insist on the inclusion of the sovereignty issue, they would have rejected the meeting in advance.<sup>53</sup> Consequently, the British foreign minister declared the talks a disappointing and frustrating experience and stated that he did not see any prospects for continuing the dialogue in the near future.<sup>54</sup> In this case, the specific arrangement of the talks served to poison the atmosphere even more and produced new tensions between the parties.

The possibilities for Switzerland to act successfully as a go-between remained equally limited after the end of the Cold War. When, in 1990, Switzerland was asked by the president of Afghanistan, Muhammed Nadjibullah, and by different Afghan factions to mediate in the emerging intra-Afghan conflict, Swiss diplomats engaged in various activities: several meetings of representatives of the Afghan opposition were held in Switzerland in 1991, and former Secretary of State Klaus Jacobi embarked on various missions to Kabul to prepare the handing-over of power and the establishment of a widely accepted government, but to no avail.<sup>55</sup>

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<sup>53</sup> Edouard Brunner, *Lambris dorés et coulisses: Souvenirs d'un diplomate*, Georg, Geneva/Paris 2001, p. 61-66.

<sup>54</sup> Victor H. Umbricht, *Multilateral Mediation: Practical Experiences and Lessons – Mediation Cases: The East African Community and Short Comments on Mediation Efforts between Bangladesh-Pakistan-India and Vietnam-USA*, Martinus Nijhoff Publishers, Dordrecht 1989, p. 227f.

<sup>55</sup> Reto Borsani, *La Suisse et les bons offices*, mémoire, IUHEI Genève 1994, p. 27.

Although the transition from the communist regime to the opposition in the following year was relatively well regulated, the different Afghan factions soon engaged in a civil war over power in Kabul. In 1995 the new Afghan president, Burhanuddin Rabbani, asked Switzerland again for its help in mediating the conflict, yet this renewed request was declined. Although it was reported that there were voices opting for an active engagement of Switzerland in the Afghan case in the Foreign Department, the answer of the Swiss foreign minister, Flavio Cotti, remained negative. As long as the UN special mission lead by Mahmoud Mestiri and the Office of the UN Secretary-General in Afghanistan (OSGA) – established in Jalalabad in January 1995 – were present in the country, Switzerland did not want to interfere.<sup>56</sup>

Chances to mediate successfully in this conflict without the assistance of a leading world power, an international organization, or a group of like-minded states were small. This fact is illustrated by the most recent failed attempt of Swiss diplomacy at active intervention in 1999/2000.<sup>57</sup> In the course of the United States' military action against the Taliban regime following the terrorists attacks on New York City on September 11, 2001, Switzerland once more offered its territory to the United Nations as the site for a conference on the possible future government structure of Afghanistan. Yet while Vienna and Berlin were also mentioned as possible hosts, the United Nations finally chose Bonn as the conference site.<sup>58</sup>

While the Swiss government's Foreign Policy Report of 1993 introduced important *conceptual* changes in promoting peace and security as a primary goal of foreign policy, it took several years for a shift in Swiss *politics* in the field of bilateral initiatives – from the rather passive offering of traditional good offices to a more active strategy of contributing to the peaceful settlement of international conflicts. Today, about a third of the means of the Foreign Department for civil activities in peace promotion is spent on bilateral activities in preventive diplomacy, confidence building measures, and mediating efforts, including projects for democratization, human security, and for the establishment of further capacities in peace promotion.

The following two projects illustrate the Swiss government's new approach to preventive diplomacy and conflict management without the involvement of an international organization: Since 1998 Switzerland has been – together with other third parties, state and non-state actors

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<sup>56</sup> Philipp Dreyer, "Kabul bittet Bern vergebens um Vermittlung", *Tages Anzeiger*, 15. Juni 1996, p.3.

<sup>57</sup> See the introduction to this chapter.

<sup>58</sup> "Schweiz will Afghanistan-Konferenz durchführen", *NZZ*, 19. November 2001, p. 10; "Keine Nationaltrauer um entgangene Konferenz", *NZZ*, 22. November 2001, p. 15.

– engaged in the “Arusha peace process” for Burundi by actively supporting international efforts for peace in the Great Lake region in central Africa. While the role of facilitator and mediator in the Burundi conflict was assigned first to Julius Nyerere, former president of Tanzania, and in autumn 1999 to Nelson Mandela, former president of South Africa, Switzerland’s main contribution consisted in delegating an expert on federalism to the “international commission on democracy and good governance,” over which it presided together with South Africa. In the course of its work, the commission won the confidence of all rebelling factions and was able to negotiate the basic constitutional framework that should be guaranteed in a democratic, pluralistic, and multicultural Burundi once the actual conflict was resolved.

The mandate of the international commission officially ended when the warring factions signed a peace agreement in neighboring Tanzania in 1999. Yet the war in Burundi continues, and Switzerland is on stand-by to continue negotiations.<sup>59</sup> What is new in the Burundi case, as compared to earlier attempts at mediation, is that Switzerland worked in close cooperation with other states, such as South Africa and Tanzania, from the very beginning. It also restricted itself to a specific domain in which it has particular knowledge and competence: constitution building and democracy.

In another long-standing intrastate conflict, in Colombia, Switzerland was asked by the government and one of the rebellion movements, the Ejército de Liberación Nacional (ELN), to supervise the peace talks they had recently begun. Together with France, Spain, Norway, and Cuba, a group of states called Países amigos (friends of the peace process), Switzerland has been moderating and facilitating the meetings of the two parties since early 2000 in order to build an atmosphere of confidence and to keep the peace talks going. In February 2000 a government delegation and representatives of the Fuerzas Armadas Revolucionarias de Colombia (FARC), the largest rebellion movement in the country, were invited to Switzerland to establish contacts and prepare negotiations.

Switzerland was present when FARC and the government held peace talks in June 2000 in Colombia, and from March 2001 on an international commission of ten states, including Switzerland, was formally engaged in organizing the negotiation process between the two parties.<sup>60</sup> However, despite all third-party efforts, the process broke down again after another

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<sup>59</sup> Eidgenössisches Departement für auswärtige Angelegenheiten, *Gewalt vorbeugen, Frieden mitgestalten, Demokratie stärken: Die Friedenspolitik der Politischen Direktion des EDA*, Bern Juli 2001, p. 10.

<sup>60</sup> *Ibid.*, p. 8f.



rebellion offensive caused more than a hundred deaths and casualties at the beginning of 2002. It has not been resumed since.<sup>61</sup>

In Colombia as in Burundi, the Swiss initiative sought to combine traditional good offices with more active involvement by fostering alliances and establishing a network of like-minded states and other actors motivated and qualified to contribute to the systematic search for peaceful conflict resolution. In an active approach, the third party not only provides neutral ground or personnel for negotiations in case of immediate crisis, but also acts as a 'friendly state' towards the parties to the dispute, remaining engaged on a long-term basis.

The most recent example of this approach to conflict settlement is Switzerland's engagement in the Sudan conflict. Josef Bucher, former ambassador to various Northern African and Sub-Saharan states and today Switzerland's official "ambassador for conflict resolution," had held long-standing relations with the Sudanese government in Khartoum. This is why both the Sudanese government and the Sudan People's Liberation Army (SPLA), who engaged in a blood shedding civil war in central Sudan, turned to Switzerland when they were looking for neutral ground for cease-fire negotiations for the Nuba mountain region in response to an American initiative. In the talks, which were held under Swiss-American patronage on the mountaintop of the Bürgenstock in central Switzerland in January 2002, Josef Bucher again played a decisive role.<sup>62</sup>

## **5 – International mandates**

While bilateral activities in conflict mediation generally declined, international mandates became more and more important with the establishment of the United Nations system. Switzerland had already had some experience with this type of mandate from the period before 1945. As a full member of the League of Nations, it had contributed on a number of occasions to the resolution of conflicts arising in the border regions of the German Reich in the aftermath of the First World War. Former Federal Councillor Felix Calonder was thus appointed mediator for Upper Silesia and Professor Carl Jacob Burckhardt High

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<sup>61</sup> "Kolumbiens Friedensprozess gescheitert", *NZZ*, 22. Februar 2002, p. 1.

<sup>62</sup> "Suche nach Teilfrieden im Sudan", *NZZ*, 15. Januar 2002, p. 2; "Einigung zwischen Khartoum und den Rebellen", *NZZ*, 21. Januar 2002, p. 5; "Josef Bucher – Schlichter zwischen Streithähnen", *NZZ*, 18. Februar 2002, p. 9.

Commissioner of the League of Nations in Danzig. Switzerland also prepared and observed the execution of the Saar Plebiscite in 1935.<sup>63</sup>

After the Second World War, a new opportunity to contribute to international efforts for peace arose in connection with the Korean War. Since Switzerland had not joined the newly founded United Nations in 1946, it was eager to show that neutrality was more than international abstentionism. Therefore, Switzerland reacted positively, when it was sounded out by the U.S. State Department in 1951 on whether it would cooperate in a neutral commission to supervise an eventual armistice agreement between United Nations forces in the south and the North Korean People's Army.<sup>64</sup> When the armistice was finally concluded on July 23, 1953, two commissions with Swiss participation were installed, the Neutral Nations Supervisory Commission (NNSC) to observe the peace agreement and the Neutral Nations Repatriation Commission (NNRC), whose task was to implement the regulations concerning prisoners of war unwilling to return to their homeland.

The main difficulty with these two commissions was their composition, which besides Switzerland, included Sweden, Poland, and Czechoslovakia in the NNSC plus India in the NNRC. While the latter completed its task of discharging the prisoners of war by the end of February 1954, Switzerland and Sweden, the two permanently neutral nations in the NNSC nominated by the Commander in Chief of the UN forces, were in constant disagreement with the two other member states of the commission, Poland and Czechoslovakia. The latter two states were neutral only in so far as they had not participated in the hostilities in Korea, but they clearly supported the point of view of the Korean People's Army and the Voluntary Forces of the Chinese people, who had designated them as 'their' members in the commission.

In the summer of 1956, after less than three years, the commission was forced to withdraw its inspection teams in the north and in the south. The Swiss had originally shown great interest

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<sup>63</sup> For these cases, see Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, pp. 81-86, 88-94.

<sup>64</sup> Sources: Denise Bindschedler-Robert, "Les commissions neutres instituées par l'Armistice en Corée", *Annuaire suisse de droit international*, Lausanne 1953, pp. 89-130; Raymond R. Probst, "Die 'Guten Dienste' der Schweiz", *Annuaire de l'Association suisse de science politique*, Lausanne 1963, pp. 29f; Peter Duft, *Das Mandat der Neutralen Überwachungskommission in Korea*, Zürich 1969; Institut für Geschichte ETHZ (ed.), *Dreissig Jahre Schweizerische Korea-Mission 1953-1983*, Archiv für Zeitgeschichte, Zurich 1983; Marius Schwarb, *Die Mission der Schweiz in Korea* Peter Lang, Bern/Frankfurt a. M./New York 1986; Raymond Probst, *'Good Offices' in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, pp. 94-98; Jürg Martin Gabriel, *The American Conception of Neutrality After 1941*, Updated and Revised Edition, Palgrave, Houndmills/Basingstoke/New York (forthcoming), pp.132-137.

in participating in the commission to demonstrate the usefulness of their permanent neutrality in Cold War conflicts, yet the NNSC turned out to be practically ineffective. Its mandate was soon reduced to prevent renewed escalation and military incidents between north and south on the borderline at the 38<sup>th</sup> parallel. Despite these problems, the Swiss government decided to remain in the NNSC (and is to this day), although it cut the size of its delegation from 140 persons in the initial phase to a minimum of five military officers.<sup>65</sup> In response to the negative experiences with the mandate in Korea, which had in fact damaged the image of Swiss neutrality, the Swiss Foreign Department elaborated a catalogue of conditions to be fulfilled for future mandates.<sup>66</sup> When Switzerland was asked by the Sudanese parliament in 1955 to participate in an international commission to control the process of establishing full sovereignty from the British-Egyptian dominion, the Swiss government agreed, provided that the mission would be limited in duration and that the mandate could effectively be carried out. Yet the mandate never came into force, since Egypt and Great Britain granted independence to Sudan before the end of the year, and the control commission was no longer required.<sup>67</sup>

When the first official peacekeeping mission in the history of the United Nations, the United Nations Emergency Force (UNEF) for the Middle East, was established in 1956 in the aftermath of the Suez crisis, it was clear that neutral non-member Switzerland would not contribute any troops.<sup>68</sup> However, UN Secretary-General Dag Hammarskjöld turned to Switzerland with a request for Swiss national airline (Swissair) airplanes for the transport of troops under UN command from Naples to the area of operations in Egypt.<sup>69</sup> The Swiss government agreed upon the condition of Egypt's consent.

A similar request was sent to Switzerland again in 1960, when the United Nations embarked on a large operation (ONUC) to prevent the newly independent Congo, formerly a Belgian colony, from falling apart. Again Swissair provided means for the transport of troops, and the Swiss government participated in the supply of foodstuffs to the Congo. Besides the UN civil

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<sup>65</sup> After the end of the Cold War, Poland and Czechoslovakia were expelled from the commission. The commission was no longer welcome in North Korea as such, but Sweden and Switzerland, together with Poland – although no longer present on the spot – continued their work.

<sup>66</sup> The conditions were formulated by the later Secretary of State Raymond Probst and included: requests by all parties to the conflict, a common and clearly defined mandate by the parties, the innocuousness of the mandate for the status of permanent neutrality, a concrete chance of success, the guarantee of freedom of action for the Swiss government, as well as a limitation to the duration of the mandate. Robert Diethelm, *Die Schweiz und friedenserhaltende Operationen 1920-1995*, Paul Haupt, Bern/Stuttgart/Vienna 1997, p. 157.

<sup>67</sup> *Ibid.*, p. 156; Raymond R. Probst, "Die 'Guten Dienste' der Schweiz", *Annuaire de l'Association suisse de science politique*, Lausanne 1963, p. 31.

<sup>68</sup> Troops were sent by Brazil, Denmark, Finland, India, Indonesia, Yugoslavia, Canada, Colombia, Norway, and Sweden.

<sup>69</sup> Planes were equally made available by the United States and Canada.

mission to build up and strengthen the social and political structures, the Congo was in need of French-speaking personnel from countries other than Belgium or France. Switzerland agreed to participate with a larger number of civil experts in finance, business, employment, and judicature, as well as with a medical team of 25 persons, provided that the Swiss personnel were recruited and financed directly by the UN and that no Swiss citizens were employed for military or police action.<sup>70</sup>

Switzerland did not always react positively to such requests during the first phase of the Cold War, however. When the superpowers and the UN were seeking inspection personnel for an international verification mission in the settlement of the Cuban missile crisis in 1962, the Swiss government declined to offer its services. As Foreign Minister Wahlen explained to the American Ambassador in Bern: “Normally [we] would say yes to such [a] request, but our representation of other nations in Cuba – particularly [the] United States – raises [the] question [of] dual interests. We would therefore expect to decline.”<sup>71</sup> The execution of a protecting power mandate (for the United States in Cuba) obviously hindered the provision of assistance due to the Swiss fear of losing its absolute neutrality, which was considered a prerequisite for a protecting power. In general, the Swiss government was less reluctant to execute international mandates during the Cold War as long as they were of a ‘technical’ nature and had few political implications.<sup>72</sup> However, in all its activities the Swiss Foreign Department adhered to the conditions established after the failure of the Korean mission to safeguard its neutrality in the execution of such mandates.

Nevertheless, on various occasions throughout the Cold War, a few Swiss individuals served the UN Secretary-General as special envoys in regions at risk. Among the first to fulfill this type of task were diplomats Victor Umbricht, as Senior Financial Adviser and President of the Monetary Council of the United Nations Mission in Congo (1960), and Edouard Zellweger, as special representative of the Secretary-General in Laos (1960/61). In order to trace the reasons

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<sup>70</sup> Raymond Probst, *‘Good Offices’ in the Light of Swiss International Practice and Experience*, Martinus Nijhoff Publishers, Dordrecht 1988, p. 154f; for more detail, see: Robert Diethelm, *Die Schweiz und friedenserhaltende Operationen 1920-1995*, Paul Haupt, Bern/Stuttgart/Vienna 1997, pp. 158-175.

<sup>71</sup> Telegram from the American Embassy in Bern to the Secretary of State, November 1, 1962. Cited in: Thomas Fischer, *Die guten Dienste des IKRK und der Schweiz in der Kuba-Krise 1962*, Beiträge der Forschungsstelle für Internationale Beziehungen 30, Zentrum für Internationale Studien, ETH Zurich Oktober 2000, p. 22.

<sup>72</sup> In 1963, for example, the Swiss consulate-general in Saigon took over the safekeeping of sensitive documents and the transmission of coded messages and material for the United Nations Fact Finding Mission on the violation of human rights in South Vietnam to the General Secretariat of the United Nations. “Schweiz und UN: Gute Dienste der Schweiz für die UN-Untersuchungskommission in Südvietsnam”, Swiss Federal Archives, Bern, E 2003 (A) 1984/84, 699, Direktion für Internationale Organisationen, 23. Juni 1964.

why Swiss officials were chosen as personal representatives of the UN Secretary-General, the case of Ambassador Ernesto Thalmann's observation mission to Jerusalem in 1967 in the aftermath of the Six-Day War is particularly enlightening:

When the UN General Assembly requested a detailed report on the situation in East Jerusalem, which was de facto annexed by Israel, Burmese UN Secretary-General U Thant first intended to entrust a Swede with the fact-finding mission. When Israel rejected this proposition, he turned to the Swiss government. Out of two possible Swiss candidates indicated by the Secretariat General, U Thant chose Ambassador Thalmann, a former Swiss observer at the United Nations in New York, whom he knew personally.<sup>73</sup> As the Swiss mission in New York explained in the message transmitting the Secretary-General's request to Foreign Minister Willy Spühler, "*it was not because Switzerland was not a member of the United Nations that U Thant finally decided to ask for a Swiss representative for this mission (...) but due to the quality and competence of the two Swiss diplomats in question.*"<sup>74</sup>

Thalmann's two-week mission to Jerusalem to gather information on the assumption of control by Israel's authorities produced a lengthy report that was considered well balanced by both sides and by the Secretary-General. Consequently, it was submitted to the UN General Assembly. U Thant himself later wrote that he had chosen Thalmann because he was "*highly respected for his political acumen and impartiality*"<sup>75</sup> throughout the UN. If Thalmann had not been known personally to the Secretary-General and the parties involved, Switzerland – irrespective of its neutral status – would most likely have been ignored in this search for a special envoy to the Middle East.

Some years before, in the conflict of the divided island of Cyprus, it had become evident that the Swiss were not always welcome as the UN Secretary-General's personal representatives in crisis regions. In March 1964 the U.S. State Department and the British urged U Thant to nominate a Swiss personality as UN-mediator in the crisis, proposing the names of Ambassador August Lindt, former High Commissioner for Refugees of the United Nations, Paul Rüeegg, a long-standing diplomat and former president of the International Committee of the Red Cross, and former Foreign Minister Max Petitpierre. Although the Turkish and

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<sup>73</sup> The other potential candidate was Ambassador Paul Jolles, another leading figure of Swiss diplomacy at the time.

<sup>74</sup> Telegram Swiss Observer Mission NY to Foreign Minister Spühler, 27 September 1967. Cited in: Robert Diethelm, *Die Schweiz und friedenserhaltende Operationen 1920-1995*, Paul Haupt, Bern/Stuttgart/Wien 1997, p. 187, fn. 92. (Original in French, translation by the author).

<sup>75</sup> U Thant, *View from the UN*, David & Charles, Newton Abbot/London 1978, p. 282.

Greek governments were supposedly in favor of this proposition, the leadership in Nicosia would not give its consent to a Swiss mediator. The Archbishop and President of the Cypriot Republic, Makarios III, rejected Petitpierre or any Swiss citizen on the grounds that a Swiss mediator, coming from a neutral, multicultural and federal country, would most likely prefer a “cantonal solution” to the conflict.<sup>76</sup>

The choice of a Swiss representative proved to be luckier when the East African Community (EAC) and the World Bank were looking for a mediator in the late 1970s. After the Community of Kenya, Tanzania, and Uganda had collapsed in 1977 due to increasing political and financial difficulties, Ambassador Victor Umbricht, given the rank of a United Nations Under-Secretary-General, acted as a mediator. He recommended proposals for the permanent and equitable division of the assets and liabilities of the former EAC and assisted the states in reaching a definitive settlement.<sup>77</sup> After seven years, a mediation agreement could be signed by all parties involved, and Umbricht continued to act as a coordinator of future regional cooperation in East Africa for some time.<sup>78</sup> The fact that Umbricht had acted as a UN special representative on various previous occasions (Congo, Bangladesh), as well as his knowledge of financial and monetary administration, certainly contributed to his choice as mediator for the dissolution process of the EAC.

The examples mentioned show that during the Cold War, the Swiss contribution to international, and especially United Nations, peace missions consisted mainly in individual missions and was limited strictly to civil action or financial support.<sup>79</sup> This was about to change in 1986, when Switzerland prepared a request to become part of the United Nations. Although the government’s plan to become a full member was clearly rejected by the Swiss in a national referendum, an internal inquiry of the Foreign Department showed that Switzerland could contribute most effectively to international crisis management by participating in

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<sup>76</sup> I owe these details to one of my colleagues in Zurich, Claude Nicolet, who recently published his dissertation on American foreign policy in Cyprus. Claude Nicolet, *United States Policy towards Cyprus, 1954-1974: Removing the Greek-Turkish Bone of Contention*, Bibliopolis, Mannheim 2001. Cf. Robert Diethelm, *Die Schweiz und friedenserhaltende Operationen 1920-1995*, Paul Haupt, Bern/Stuttgart/Vienna 1997, p. 186, fn. 87.

<sup>77</sup> In the early 1970s, Victor Umbricht had already acted as Chief of the United Nations Relief Organization for Rehabilitation and Reconstruction of Bangladesh (1972 – 1973).

<sup>78</sup> Victor H. Umbricht, *Multilateral Mediation: Practical Experiences and Lessons – Mediation Cases: The East African Community and Short Comments on Mediation Efforts between Bangladesh-Pakistan-India and Vietnam-USA*, Martinus Nijhoff Publishers, Dordrecht 1989.

<sup>79</sup> Except for the Korean mission, the Swiss military department only once placed one of their officers at the disposal of a mission abroad in the Cold War period. When chemical weapons were used during the first Gulf War between Iran and Iraq, Colonel Ulrich Imobersteg, Chief of Chemical Weapons Defence of the Swiss Army, was sent on three missions (in 1984, 1986, and 1987) to investigate the situation at the front together with a Swedish, a Spanish, and an Australian expert.

multilateral efforts for peace. For this reason, and despite the negative vote on UN membership, the Swiss government decided in 1988 to increase substantially its financial and logistic efforts for peace operations.<sup>80</sup>

In 1988, Switzerland for the first time dispatched a complete medical unit for the care of the United Nations Transition Assistance Group (UNTAG) to Namibia, which consisted of 150 persons, mainly doctors and nurses, and ground transportation and two airplanes.<sup>81</sup> Two years later, when free elections for a constitutional assembly were organized as a final step to Namibian independence, Switzerland contributed more than 30 observers to the international supervision of the election process.<sup>82</sup> The UNTAG experience became a precedent for the support of similar UN missions in the early 1990s, such as the Mission des Nations Unies pour le référendum au Sahara occidental (MINURSO), where Switzerland again participated with a medical unit. This was also the first time that a Swiss became head of a UN mission. Between 1990 and 1992 Ambassador Johannes Manz, given the rank of a special representative of the United Nations Secretary-General, was in charge of the mission.<sup>83</sup>

In the same period, Ambassador Edouard Brunner, former secretary of state, was called upon by the United Nations Secretary-General to act as his special representative in the Middle East to promote understanding and peace between the Arabs and Israel. In 1993 Brunner was entrusted with the task of finding a resolution in the conflict between Georgia and the Abkhazian region within the framework of the United Nations Observer Mission in Georgia (UNIMOG). While in the Middle East process the credit for the signing of the Oslo Peace agreement in 1994 clearly went to Norway and the United States,<sup>84</sup> Brunner was more successful in mediating a cease-fire agreement in 1993/94 in the Abkhaz conflict.

However, political progress in the negotiations on the status of autonomy of Abkhazia remained slow. Although a further round of talks between the Georgian and the Abkhaz parties was held in Geneva in November 1994, no agreement could be reached, and a few days later the Abkhaz parliament adopted a new constitution declaring the region a sovereign

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<sup>80</sup> Bundesrat, *Bericht über die Friedens- und Sicherheitspolitik der Schweiz*, vom 29. Juni 1988.

<sup>81</sup> Swiss diplomacy had been involved before in UN action in Namibia, when Swiss diplomat Alfred Escher was sent on a mission as the UN Secretary-General's personal representative in 1972.

<sup>82</sup> Numerous similar mandates for Swiss personnel to participate in international supervision of elections followed in Eastern Europe, Africa, Asia, and Latin America.

<sup>83</sup> At the same time, Swiss professor Walter Kälin, a human rights specialist, was entrusted with a UN fact-finding mission to Kuwait in 1991 to inquire about the violation of human rights during the Iraqi occupation in the previous year.

<sup>84</sup> Jane Corbin, *The Norway channel: the secret talks that led to the Middle East Peace Accord*, Atlantic Monthly Press, New York 1994.

republic. Apart from the difficulties in the Abkhaz region, the fact that Brunner was at the same time head of the Swiss embassy in France complicated his task. His double mandate was criticized publicly by one of Brunner's former colleagues, Ambassador Paul Stauffer.<sup>85</sup> When the assignment in Georgia became more demanding and the new UN Secretary-General, Kofi Annan, was looking for a special representative to reside permanently in the country, the choice fell to Brunner's former assistant, Liviu Bota of Rumania. Ambassador Brunner could not have accepted this new assignment due to his accreditation at the Swiss embassy in Paris.<sup>86</sup>

Still, the need for Swiss diplomats experienced in UN politics has remained, as another assignment of the 1990s shows: after the UN intervention in Somalia with U.S. and British troops failed miserably in 1995, the difficult task of reconciling the different clans fighting for power was entrusted to a Swiss diplomat. From July 1996 to October 1999 Dominik Langenbacher, former member of the Swiss Observer Mission to the UN in New York, was sent to the region as United Nations Humanitarian Coordinator and Resident Coordinator for Somalia. The mandate included no direct involvement of a military or political nature but was limited to observing and coordinating progress in negotiations between the warring factions.

On the whole, Swiss activities within the framework of UN diplomacy remained limited due to non-membership and because the government's plan to recruit its own blue helmets for UN peacekeeping missions was foiled by a negative referendum vote in 1994. At the same time, the Swiss contribution to international peace support operations of the Organisation for Security and Cooperation in Europe (OSCE) constantly increased after the end of the Cold War. Switzerland had already played a vital role within the group of the neutral and non-aligned member states of the Conference for Security and Cooperation in Europe (CSCE) when newly arising Cold War tensions in the 1980s nearly lead to the breakdown of the Conference in 1984.<sup>87</sup>

Yet with the shifting of the balance of power after 1989, Switzerland lost its role as a power broker in the revitalized CSCE (since 1994 OSCE). It subsequently concentrated on the newly established capacity of the organization to secure peace and democracy, particularly in the

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<sup>85</sup> Paul Stauffer, "Über Gute und nicht ganz so gute Dienste: Eine Zuschrift", in *NZZ*, 3. August 1994, p. 12.

<sup>86</sup> Another reason for terminating Brunner's mandate might have been the fact that he had made some public statements in Georgia strongly supporting Russian and Abkhaz positions.

<sup>87</sup> Andrew Williams, "Finding a New Role in International Conflict Resolution: Switzerland after the End of the Cold War", in Michael Butler, Malcolm Pender, and Joy Charnley (ed.), *The Making of Modern Switzerland, 1848-1998*, Macmillan, Houndmills, Basingstoke and London 2000, p. 119.



context of the violent process of dissolution of former Yugoslavia. Since 1991 Switzerland has taken part in various OSCE missions to the Balkans by recruiting and assigning experts in human rights, democracy, constitution building, forensic medicine, as well as civil observers, policemen, custom officers, and coroners.<sup>88</sup> When Switzerland held the chair of the OSCE in 1996, free elections were organized in Bosnia, and more than 100 Swiss observers were additionally placed at the disposal of the organization to supervise this process.<sup>89</sup>

Apart from Switzerland's contributions of personnel to UN and OSCE missions in the Balkans, where Switzerland was present with hundreds of civil experts, one Swiss representative in particular deserves to be mentioned for his mediating efforts within the framework of the OSCE in the Caucasus region: In 1995 and 1996, Swiss diplomat Tim Guldemann was head of an OSCE support group in Chechnya with the mission to initiate and facilitate negotiations between the pro-Russian local government in Grozny and the Chechens fighting for independence. At first, the Chechens were resolutely opposed to any OSCE activity, but after their leader Dschohar Dudaev died in a missile attack in April 1996, his successor Selimkhan Jandarbiev was more amenable to negotiations and agreed to meet with Russian president Boris Yeltsin.

The ceasefire agreed upon on May 27, 1996, in Moscow in the presence of Tim Guldemann did not persist, however, and Grozny was taken by the Chechens in early August 1996. This time it was Yeltsin's newly nominated security adviser, General Alexander Lebed, who brokered another ceasefire in Chechnya together with the military commander of the Chechens, Aslan Maskhadov. Subsequent endeavors by Guldemann finally led to the signing of an agreement between Jandarbiev and Russian Prime Minister Victor Tschernomyrdin in October 1996 in Moscow. They confirmed the ceasefire negotiated by Lebed and Maskhadov and called upon the OSCE support group to supervise the return of the prisoners of war and to organize presidential and parliamentary elections in Chechnya - a task that placed high demands on Guldemann's small group.

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<sup>88</sup> See Andreas Wenger und Jeronim Perovic, *Das schweizerische Engagement im ehemaligen Jugoslawien: Über Grenzen und Möglichkeiten der Aussenpolitik eines neutralen Kleinstaates*, Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung 36, ETH Zurich 1995, pp. 23-25.

<sup>89</sup> Armin Ritz, "Friedenspolitik vor neuen Herausforderungen", in *NZZ*, 11. April 1997, p. 13.

A few months later, the first round of elections could be held as provided, and after the second round Maskhadov was inaugurated as the new president in March 1997.<sup>90</sup> Guldemann and his group had thus been successful in facilitating talks in the initial phase in spring 1996 between Moscow and the Chechens and in organizing free elections after General Lebed had reestablished the ceasefire in August 1996. Unfortunately, the work and the presence of the OSCE could not prevent a second outbreak of the war on the long run. In 1999 the re-launch of Russian military operations in the southern border region vitiated the political progress achieved in the preceding years within just months.<sup>91</sup>

Today, more than two thirds of the money spent for Swiss peace support represents contributions to multilateral operations and missions of international organizations, namely the UN and the OSCE.<sup>92</sup> In 1991, 98% of the Swiss support consisted of strictly financial contributions to international peace missions and only 2% of the means were spent on Swiss personnel or projects. By 1999 the numbers had changed remarkably: 85% of the budget for peace activities was now spent on personnel missions and contributions to projects with Swiss participation, whereas only 15% made up direct financial contributions. On the whole, 235 Swiss civil experts were on peace missions abroad in 1999.<sup>93</sup> While Swiss personnel during the Cold War were deployed only on very rare occasions and personal contributions in international peace missions remained mostly individual, the need for experts in preventive diplomacy, forensic medicine, justice, democracy, and human rights had become particularly evident in the aftermath of the Balkan wars in the 1990s. The response of the Swiss Foreign Department to this development was the creation of a corps of civil experts that could be placed flexibly and rapidly at the disposal of UN or OSCE peace support missions.<sup>94</sup> The systematic registration of Swiss civil experts from previous international missions as well as

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<sup>90</sup> See Tim Guldemann, “Die OSZE-Unterstützungsgruppe in Tschetschenien – Ein Erfahrungsbericht”, in Laurent Goetschel (ed.), *Vom Statisten zum Hauptdarsteller: Die Schweiz und ihre OSZE-Präsidentschaft*, Paul Haupt, Bern/Stuttgart/Vienna 1997, pp. 109-125.

<sup>91</sup> By that time, Tim Guldemann was already in charge of a new OSCE mission in Croatia to supervise the observance of human rights and the return of the refugees in the demilitarized border region of Eastern Slavonia.

<sup>92</sup> In 2001 Switzerland spent approximately 40 Mio. Swiss Francs on bilateral and multilateral peace support activities. Norway, in comparison, spends five times more on similar undertakings.

<sup>93</sup> Eidgenössisches Departement für auswärtige Angelegenheiten (EDA), Politische Abteilung III, *Jahresbericht der Sektion Friedensfragen*, 1999, p. 8.

<sup>94</sup> Eidgenössisches Departement für auswärtige Angelegenheiten (EDA), Politische Abteilung III/B, *Konzept friedensfördernde Massnahmen (Legislaturperiode 2000-2003)*, Dezember 1999.

recruitment and instruction of new personnel began in January 2001 with the aim to build up a capacity to deploy 100 persons at a time on long-term missions.<sup>95</sup>

## Conclusions

Since the end of the Cold War it has become evident that the classical concepts of international law for the peaceful settlement of *inter*-state disputes, such as protecting power mandates, arbitration, good offices (in a narrow sense), and hosting international conferences, have been replaced and amended. New forms and instruments of international conflict prevention and management have been established that are more appropriate to the requirements of third-party intervention in *intra*-state conflicts having either religious or ethnical backgrounds. International civil missions in the field of human security, constitution building, civil administration, and economic development led by the UN and the OSCE are sent into crisis regions together with military deployments in order to coordinate the stabilizing and mediating efforts multilaterally. The tendency towards multilateral activities in conflict management is, however, not a recent development; it has only become more articulated with the enhanced possibilities for action within the framework of the United Nations and the OSCE since the end of the Cold War.

Compared to the World War years, Swiss good offices (in a broader political sense) have declined since the foundation of the United Nations in 1945. Switzerland at first tried to promote itself as a go-between in international conflicts by invoking the notion of ‘neutrality and solidarity’. Yet examination of specific cases of Cold War crises reveals that after the unsatisfactory Korea mission and a failed attempt to initiate an international peace conference in the Suez crisis, the Swiss Foreign Department was prepared to act only when there was absolutely no risk of endangering neutrality. In practice, Switzerland restricted itself to offering logistic support and services and hardly ever took the initiative in political questions. Under these circumstances, ‘active neutrality’ was obviously not much more than a flowery phrase, and the concept of good offices suffered from rhetorical overstretch.

In fact, there were only four occasions during the Cold War period on which Switzerland actually engaged in political mediation efforts on its own, and only one of them – the French-

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<sup>95</sup> NZZ, 5 December 2000, p. 13. So far, 600 to 700 names have been registered in a database; in addition to the corps of civil experts a diplomat in the Foreign Department, Josef Bucher, was nominated ambassador for conflict mediation.

Algerian negotiations – was a success. The argument that permanent neutrality predestined Switzerland to act successfully as an intermediary in conflicts where the UN would be paralyzed and great power interests would be at stake proves undeniably to be unfounded when we analyze the past fifty years more closely. Certainly Switzerland played a fairly important role as a protecting power and as a host for international organizations and conferences throughout the Cold War. Still, the concept of good offices as the basis of an active politics of peace seems to have been no more than a slogan to gloss over the negative aspects of neutrality and abstention to UN membership.

An active contribution to international conflict prevention and management became possible only with the conceptual changes in Swiss foreign policy of 1993, when efforts to promote peace were no longer linked with neutrality. Neutrality was no longer the sole corner stone of Swiss foreign policy; the goals of Swiss foreign policy now outlined included the safeguarding of ecological balance and Swiss economic interests abroad, the relief of worldwide poverty, peaceful understanding between the people, the observance of human rights and the promotion of democracy.

While this further enhanced the scope of Swiss activities in the field of multilateral preventive diplomacy and conflict management, especially with Swiss participation in UN and OSCE peace support missions in the Balkans, it reduced the notion of good offices to its traditional meaning. In the latest report on Foreign Policy, issued in 2000, the Swiss government explained the shift in its approach to conflict prevention and management by emphasizing the importance of broad and active support of international peace missions, including diplomatic, economic, and humanitarian aid.<sup>96</sup> The traditional good offices provided by a single state were incorporated into a concept of conflict management that relies strongly on international cooperation, with state and non-state actors alike. The end of the Cold War had a decisive influence on this shift in policy, since it paved the way for a redefinition of Swiss activities to promote peaceful solutions to international crises according to the needs of the parties involved and not primarily according to the requirement of the strict safeguarding of neutrality.

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<sup>96</sup> Bundesrat, *Aussenpolitischer Bericht 2000 - Präsenz und Kooperation: Interessenwahrung in einer zusammenwachsenden Welt*, vom 15. November 2000, p. 29-34. The annex to the report states clearly that Switzerland's status of neutrality since the end of the Cold War has lost its meaning as a prerequisite for the offering of good offices, Annex p. 7f; Permanent neutrality is not even mentioned in the study by the Federal Department of Foreign Affairs on the comparative advantages of Switzerland in international conflict prevention. See Eidgenössisches Departement für auswärtige Angelegenheiten (EDA), Politische Abteilung III/B, *Konzept friedensfördernde Massnahmen (Legislaturperiode 2000-2003)*, Dezember 1999, p. 4.