



Factsheet: Neutrality and sanctions

Overview

'Non-military coercive measures', or sanctions, describe measures taken by governments in order to enforce international law. Sanctions are an important instrument of responding to violations of international law and threats to the international order, such as a military attack on another state. Their aim is to induce a state committing a serious breach of international law to comply with the law in future. Examples of sanctions include embargoes of goods or services, financial sanctions, bans on entry and the termination of diplomatic relations.

Sanctions may be imposed by an individual state, a group of states, or an international organisation such as the UN or EU. Sanctions are a powerful instrument for the international community, including Switzerland. The adoption of sanctions serves to uphold international law and to maintain both Swiss values and solidarity with Switzerland's key foreign, security and economic policy partners. The adoption of sanctions thus ultimately serves the interests of Switzerland, whose commitment to a just and peaceful international order is enshrined in the purpose clause of the Federal Constitution.

Implementation in Switzerland

The adoption of UN sanctions has been the practice of the Federal Council since 1993 and has become mandatory since Switzerland joined the UN in 2002. The legal basis for adopting sanctions is the Embargo Act.¹ The Confederation may enact compulsory measures to implement sanctions that have been ordered by the UN, the Organization for Security and Co-operation in Europe (OSCE) or by Switzerland's most significant trading partners and which serve to secure compliance with international law. The Federal Council currently decides on a case-by-case basis whether international sanctions should be adopted fully, partially or not at all. This assessment considers foreign policy, trade and legal criteria.

Importance for Switzerland and its neutrality

The adoption of sanctions is in principle consistent with neutrality. The law of neutrality neither requires nor prohibits sanctions against other states. In practice, neutrality is a factor only in the case of goods that are militarily relevant, in other words have an effect on combat capability. If, in the context of sanctions, Switzerland places restrictions on the export or transportation through Switzerland of militarily relevant goods that are intended for one of the belligerent parties, under the law of neutrality it must apply the same restrictions on militarily relevant goods for the other belligerent party, or refrain from imposing sanctions on either party. The compatibility with neutrality is always a factor in any case-by-case assessment of Switzerland's willingness to adopt sanctions outside the UN framework. For example, in the Kosovo conflict of 1998–99, Switzerland opted not to join the oil embargo that the EU imposed on then-Yugoslavia. The Federal Council regarded oil as a militarily relevant good because Yugoslavia did not have its own oil reserves, which meant that its ongoing combat capability depended directly on the import of oil.

¹ Federal Act on the Implementation of International Sanctions, Embargo Act, SR 946.231.