

THE CONSTITUTIONAL FLEXIBILITY OF SWISS NEUTRALITY

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On September 27, 2026 Switzerland held a [popular vote](#) on its neutrality. The Swiss population rejected the right-wing initiative that advocated for a 'stricter' neutrality and upheld the well-established neutrality policy. The population thus followed the recommendation of the Federal Council ([BBl 2024 3136](#)) and the Federal Assembly ([BBl 2026 799](#)). I will first discuss the popular vote on Swiss neutrality (1), before turning to the question of how Switzerland, as a neutral state, justifies the adoption of sanctions (2), and conclude with some reflections on how Switzerland avoids isolation and reconciles neutrality with international cooperation (3). My claim in this post is that adopting sanctions is not only compatible but imperative for the credibility of a neutral state like Switzerland that bases its foreign policy on international law.

1. The initiative proposed to enshrine a definition of neutrality in the Constitution ([art. 54a](#)) with the goal of limiting the possibilities of the Swiss Government to engage in military cooperations with NATO partners ([para. 2](#)) and prohibiting the adoption of sanctions in accordance with the EU in the case of violations of international law and human rights ([para. 3](#)). The rejection of the popular initiative leaves the notion of Swiss neutrality largely undefined in Swiss constitutional law and thus allows the Swiss

government to continue its established practice of neutrality. The Swiss foreign minister Ignazio Cassis therefore concluded after the popular vote that “Switzerland has been neutral, is neutral and will remain neutral” (see [here](#)).

The neutrality of Switzerland has been codified in the Swiss Constitution since 1848. Neutrality was always closely connected to ‘foreign security’ and ‘independence’ (see art. 173 Abs. 1 Bst. a and Art. 185 Abs. 1 of the Swiss Constitution of [1999](#), as well as in the Constitutions of 1848 and 1874). However, although neutrality significantly shaped Swiss foreign policy, it was never defined, leaving a wide margin of discretion to the Swiss Government. The popular initiative on Swiss neutrality wanted to change that by introducing their interpretation of neutrality in the Constitution.

The question was not whether Switzerland wanted to stay neutral or not, but what conception of neutrality should the Swiss Government adopt. The debate ahead of the vote was thus shaped by competing conceptions of neutrality. The popular initiative advocated for a rigid interpretation of neutrality, while the Federal Assembly and the Federal Council stressed the importance of staying flexible. To strengthen a flexible interpretation, the Federal Council emphasized that in contrast to ‘security’ and ‘independence’ that constitute objectives of the Swiss Confederation (see art. 2 and 54 of the [Swiss Constitution](#)), neutrality is best understood as an *instrument* to promote the security and independence of Switzerland. However, flexibility is not a value in itself. The problem of the popular initiative was more fundamental: First, security in an interdependent world can only be ensured through cooperation. Second, international law based on a system of decentralized enforcement cannot function without sanctions. The popular initiative would have made it largely impossible for Switzerland to cooperate on matters of security and sanctions.

2. The neutrality profile of Switzerland results from a variety of sources. In this regard it is key to distinguish between the law of neutrality and the neutrality policy. The *law of neutrality* is based on the Hague Conventions on Neutrality of 1907 (see [SR 0.515.21](#) and [SR 0.515.22](#)). These two Conventions are applicable to neutral powers and neutral persons in

international armed conflicts on land and sea. They oblige states that decide to be neutral to refrain from supporting a party to an international armed conflict militarily, e.g. through the export of weapons owned by the state or through the use of their territory for military operations for example by denying overflight permission for military purposes. The *policy of neutrality* on the other hand encompasses all “measures taken by a state beyond compliance with the law of neutrality, with a view to maintaining and promoting the credibility and effectiveness of its status as a neutral state within the international community” (Eidgenössisches Departement für auswärtige Angelegenheiten, [Die Neutralität der Schweiz](#), Bern, 2022, S. 5.).

The law of neutrality as part of the law of armed conflict is restricted to the military domain. This leaves a significant margin of discretion to the policy of neutrality. Especially the issue of economic sanctions is not covered by the law of neutrality that only limits military forms of cooperation with view of taking sides in international armed conflicts. According to the Federal Act on the Implementation of International Sanctions, also called Embargo Act ([SR 946.231](#)) Switzerland «may enact compulsory measures in order to implement sanctions that have been ordered by the United Nations Organization, by the Organization for Security and Cooperation in Europe or by Switzerland’s most significant trading partners» (art. 1 para. 1 [Embargo Act](#)). These international sanctions must be aimed at securing «compliance with international law, and in particular the respect of human rights» (art. 1 para. 1 [Embargo Act](#)). Practically the most relevant sanctions are the sanctions of the EU that fall under the category of Switzerland’s most significant trading partners. Sanctions are thus an instrument that contributes to the enforcement of international law (Carl Jauslin, [Unverantwortliche Neutralitätsinitiative](#), Unser Recht, 21. September 2026). As such sanctions are compatible with a neutral position that refrains from taking sides based on political considerations and orients its foreign policy on values based in international law (Carl Jauslin/Christina Graf/Lea Schaad, [Kooperative Neutralität](#), Foraus, 2022).

Sanctions may «directly or indirectly restrict transactions involving goods

and services, payment and capital transfers, and the movement of persons, as well as scientific, technological and cultural exchange» and may include «prohibitions, licensing and reporting obligations as well as other restrictions of rights» (art. 1 para. 3 [Embargo Act](#)). The Federal Council is the competent authority: It has the power «to enact compulsory measures » but may also «stipulate exceptions in order to support humanitarian activities» (art. 2 para. 1 [Embargo Act](#)). The UN Committee on Economic, Social and Cultural Rights stressed already in 1997, the importance of distinguishing «between the basic objective of applying political and economic pressure upon the governing élite of the country to persuade them to conform to international law, and the collateral infliction of suffering upon the most vulnerable groups within the targeted country » (see [General Comment Nr. 8 \(1997\)](#), The relationship between economic sanctions and respect for economic, social and cultural rights). Humanitarian exemptions and/or exceptions « in particular for the provision of food supplies, medicines and therapeutic products for humanitarian purposes » (art. 2 para. 2 [Embargo Act](#)) contributes to the design of sanctions in conformity with international human rights obligations.

The [Swiss Embargo Act](#) has been enacted to allow the Federal Council to adopt measures in order to implement sanctions decided by international organizations (art. 1 para. 1 [Embargo Act](#)). The Embargo Act refers, however, also to the exceptional possibility of the Federal Council to adopt sanctions autonomously based on its emergency powers (see art. 1 para. 1 [Embargo Act](#)). This possibility is thus limited to exceptional circumstances « where safeguarding the interests of the country so requires » (art. 184 para. 3 of the [Swiss Constitution](#)). For reasons of preserving its independence it could be argued however, that a neutral state like Switzerland needs a statutory basis to enact sanctions independently from its major trading partners, where systematic violations of international law and human rights occur (for a similar discussion in the Parliament see [Motion 22.3395](#) APK-N «Kohärente, umfassende und eigenständige Sanktionspolitik»).

That Switzerland pursues its own line is shown in its practice of not

mirroring completely the sanctions of the EU against Russia. An important exception made by Switzerland concerned the EU ban of the broadcasting channels Russia Today and Sputnik. The Federal Council stated on March 25, 2022 that « it is more effective to counter untrue and harmful statements with facts rather than to ban them outright » ([press release](#)). However, while these two media outlets were not blocked, Switzerland followed the EU with a ban on advertising on them (see [press release on April 20, 2026](#)). Nonetheless, this example shows how Switzerland's neutrality policy in this case lead to a more generous interpretation of the fundamental right to freedom of expression.

3. Switzerland's neutrality profile is derived from a number of sources: *First*, the obligations under international law, which prohibit Switzerland from providing military support to a party to an international armed conflict (The Hague Conventions of 1907, see [SR 0.515.21](#) and [SR 0.515.22](#)). *Second*, the [Constitution](#), which stipulates that neutrality is not an objective but a foreign policy instrument (art. 173(1)(a) and art. 185(1) of the Federal Constitution in conjunction with art. 54(2) of the Federal Constitution). *Third*, various provisions in statutes have implicit or explicit implications for neutrality (see for example art. 22a(2)(a) of the War Material Act ; art. 6(2) of the Goods Control Act ; arts. 1 and 2 of the Embargo Act ; art. 69 of the Military Act ; art. 300 of the Criminal Code). Certain 'battles' on the scope of neutrality are therefore fought on the level of statutory laws. An example for this is the War Material Act ([SR 514.51](#)), which was revised in order to relax the restrictions and is now subject to a [referendum](#) that will be held on November 29, 2026. *Fourth*, the Federal Council reviewed its neutrality practice in its neutrality reports from [1993](#) and [2022](#). It hereby stated that "eutrality needs to be interpreted in light of the requirements of international solidarity" ([White Paper on Neutrality](#), 1993, p. 11) and highlighted that security can increasingly only be ensured cooperatively ([BBI 2022 2357](#)). A fairly clear profile of neutrality can be derived from these different sources. *However*, Switzerland lacks comprehensive all-encompassing written guidelines, that codify their neutrality practice and inform future decisions (see Carl Jauslin, [Neutralität nach der Neutralitätsinitiative](#), in: Jusletter 19. Oktober

2026 with further references).

That being said, Swiss neutrality is embedded in a broader set of foreign policy principles that reconcile neutrality with international cooperation (Ignazio Cassis, [Reality is multilateral](#), Opening Address at the World Economic Forum in Davos, 23 May 2022). Alongside with neutrality, universality and solidarity form the three guiding principles of Swiss foreign policy that can be extracted from strategic policy documents (see [Swiss Foreign Policy Strategy 2024-2027](#)). Universality requires Switzerland to keep its channels of communication open and to engage with all actors – regardless of whether Switzerland shares their position or not. Solidarity requires Switzerland to work towards ‘the alleviation of need and poverty in the world’ (art. 54 para 2 Swiss Constitution) – for example, through humanitarian aid and development cooperation – regardless of the country these people are in. Sanctions are another expression of solidarity (Botschaft zum Embargogesetz, [BBl 2001 1433](#), 1465) – on the one hand with the persons suffering from human rights violations and on the other hand with the states imposing sanctions to enforce international law. Neutrality thus gives a concrete expression to the principles of universality and solidarity by lending the necessary credibility to unbiased communication and impartial aid.

To conclude: Neutrality is the consequence of an international law oriented foreign policy. Relying primarily on international law to guide foreign policy decisions means necessarily to abstain from taking sides with regard to geopolitical actors and blocks. Adopting sanctions addressing violations of international law is thus not only compatible but imperative for the credibility of a neutral state like Switzerland.