

## Papiers d'actualité / Current Affairs in Perspective

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### The Security Dimension of Switzerland's Maritime Strategy

  
Fondation Pierre du Bois  
pour l'histoire du temps présent

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#### Introduction

Despite being a landlocked country, Switzerland's prosperity and security strongly depends on the sea. Switzerland's trade is as reliant on maritime transport as any other EU country with or without direct access to the sea. Maritime transport accounts (in value) for 30% of its imports and 17% of its exports<sup>i</sup>. In other words, Switzerland's economy is highly dependent on the global maritime supply chain.

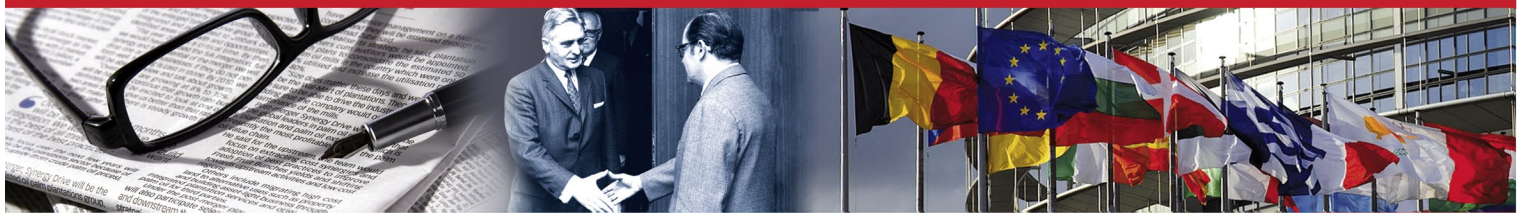
Not only does Switzerland's supply chain rely on the global sea lanes of communication but the maritime sector accounts for an estimated 0.4% of the country's GDP (at 2.4 billion CHF) and "Switzerland is ranked 4<sup>th</sup> in Europe and 10<sup>th</sup> in the world in terms of gross tonnage of the merchant fleet operated by companies based in Switzerland"<sup>ii</sup>. Switzerland is also a Flag State with a high seas fleet comprising 18 ships as of 2021<sup>iii</sup>. However, its size and reputation have recently diminished raising concerns as to the survival of the Swiss Flag<sup>iv</sup>.

In this context, the Federal Council commissioned in February 2022 a "Swiss Maritime Strategy", which will focus on the legal, economic, social, and environmental dimensions of Switzerland's maritime interests<sup>v</sup>. However, many of these interests are directly or indirectly linked to security considerations. In fact, Switzerland's history as a seafaring and ship-owning nation has always had a forgotten but crucial geopolitical dimension. This paper discusses the security dimension of Switzerland's maritime interests and strategy.

#### Switzerland and the sea: a geopolitical (hi)story

Switzerland is a landlocked country, but since the 19<sup>th</sup> century, as a result of a conjunction of factors ranging from the effects of the industrial revolution on global trading patterns to Switzerland's comparative advantage in high value manufactured good, the country has become growingly dependent on its import/export economy. Consequently, the Swiss Confederation has had to account for the evolution of geopolitics and balance of power beyond its direct neighbours, including at sea.

At a time when Britannia ruled the waves and upheld freedom of navigation, "landlocked countries have seen freedom of the seas as a guarantee of their right to access the ocean and its resources and to fly their flag on oceangoing vessels"<sup>vi</sup>. The principles of the free sea (*mare liberum*, i.e. the right to navigate the Seven Seas and to exploit ocean



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

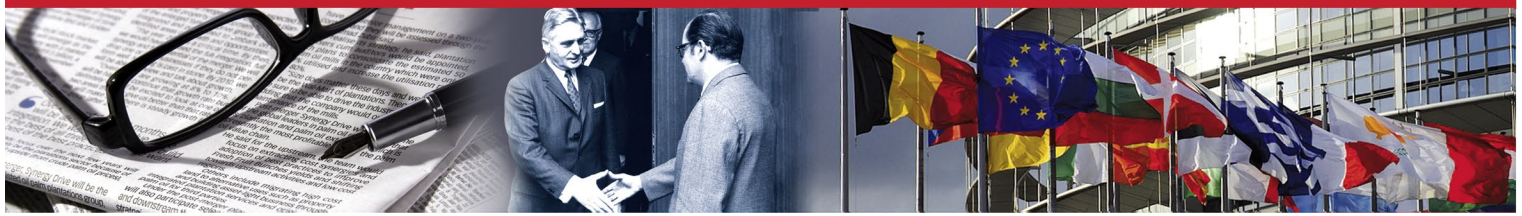
resources as opposed to *mare clausum* and the territorialization of the sea<sup>vii</sup>) and the growing corpus of *jus in bello* guaranteeing the right of neutral states served Switzerland indeed. However, the Concert of Europe did not prevent wars and instability from emerging on the continent, and Switzerland's lack of control over distant (maritime) supply chains remained a challenge epitomised by the supply crisis during the First World War<sup>viii</sup>. In the face of repeated disruptions of maritime trade, the idea of a Swiss merchant marine was considered in 1915 but did not materialize.

In the interwar period, discussions started around the idea of “Swiss-Ocean”, i.e. a *port franc* for Switzerland on the Atlantic coast, which would grant the country with free access to the high seas. In the geopolitical context of the time, this project seemed not only destined to serve the economic interests of Switzerland but also to contribute to put Switzerland as well as a portion of North Italy and Central Europe outside the control of Germany (i.e. via the Rhine) when it comes to economic security<sup>ix</sup>. The project never materialized for various reasons (notably the cost of constructing relevant rail and later road infrastructures) and was still under consideration in the 1950s and 1960s. By then, the economic rationale was prominent, both for Switzerland and for the Loire Atlantic region in France (notably La Rochelle) which would benefit from a Swiss hinterland<sup>x</sup>.

Although the idea to bring the Swiss Flag to the high seas had been discussed and proposed since the mid-19<sup>th</sup> century, the Swiss Merchant Marine was eventually created only in April 1941, by decree of the Swiss Federal Council in order to guarantee food supply to neutral Switzerland during World War II. At the end of the war, it had reached 150,000 tonnes. The objective behind this radical move by the Swiss authorities was thus first and foremost food security and more generally to guarantee the independence of the country in wartime. Switzerland is a case in point; indeed, since this landlocked and neutral country does not possess a navy, the impacts of the creation of its merchant marine are to be directly linked to non-naval interests and strategies outside the scope of traditional seapower politics whereby a flourishing maritime trade is backed by a powerful navy and a mutually beneficial relationship develops between the merchant shipping industry and the navy<sup>xi</sup>. It is nonetheless a direct outcome of the persistence of war and contentions on the continent.

Operating a high seas fleet had three interrelated objectives: 1) To avoid reliance on belligerents or even other neutral countries for food supply in wartime, 2) To strengthen Switzerland's narrative on neutrality by demonstrating to belligerents that this position was sustainable despite the current world war, and 3) To increase Switzerland's soft power by flying the country's flag on the high seas. The neutrality and soft power element were all the more prominent since, whereas the government made it clear that the Swiss ships were to only serve Swiss objectives, the Swiss flag could also be used by ships commissioned by the International Committee of the Red Cross (ICRC). In other words, during the war, the ICRC could deliver humanitarian/emergency aid under the Swiss flag. This played a positive role in enabling the humanitarian actor to operate under difficult conditions, but it can also be said to have contributed to Switzerland's national interest by cementing its particular position as a neutral country, but one that can nonetheless play an active role.

During the war, the understanding was that Switzerland would relinquish its high seas fleet at the end of the hostilities<sup>xii</sup>, but in the after-war period, the merchant marine was actually maintained and even consolidated, which illustrates the importance it had in terms of national interests, especially in the context of the newly established Cold War. Yet, to avoid any issues related to neutrality, the criteria set in the *Federal Act on Maritime Shipping under the Swiss Flag* for



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

ships to fly the Swiss Flag were (and still are) very strict: ships flying the Swiss Flag must be owned by a Swiss-based company, and the government can “place Swiss navigation at the service of the economic supply of the country”<sup>xiii</sup>, for example in case of war or supply crisis. Switzerland also requested (seemingly to no avail) NATO’s insurance that “in time of war ships under the Swiss flag would be allowed to refuel in NATO harbours on the same conditions as NATO ships and that Swiss ships would not be requisitioned or subjected to restrictive measures”<sup>xiv</sup>.

In sum, this shows that the Swiss merchant marine is strongly rooted in security considerations: it has been considered as part of the country’s strategic assets and an instrument worth funding (the Confederation has offered financial guarantees to Swiss ships since 1959<sup>xv</sup> - c.f. below for a discussion of the recent crisis), and the strict regulations attached to the Swiss Flag demonstrate a desire to keep this civilian asset under public authority.

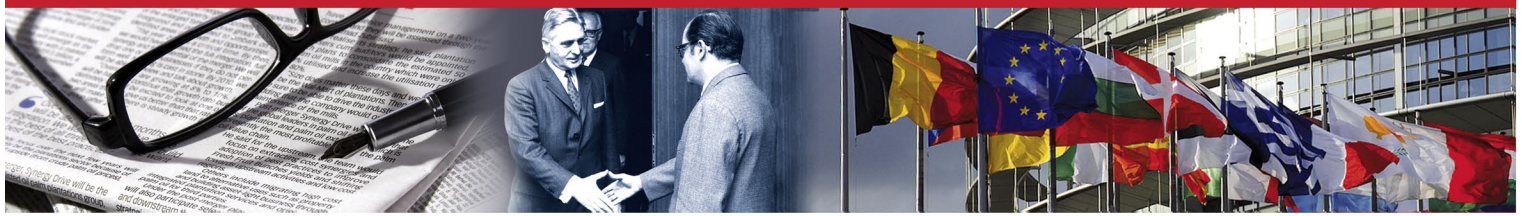
### From peace dividends to the Ukraine War: Switzerland and civilian seapower

At the end of the Cold War, with the dream of peace and peace dividends as well as Switzerland’s bilateral cooperation with the growingly powerful EU, Swiss politicians and public opinion started to believe that Switzerland’s access to the high seas was *de facto* guaranteed. At the same time, with Yeltsin’s Russia opening up to market economy and China becoming a prime trading partner of the West, Switzerland’s access to the global shipping lanes was considered as a given. Disruption, such as piracy at the Horn of Africa would remain limited and dealt with by other actors, such as the EU or NATO. In sum, Switzerland could benefit from the stability of the global maritime order.

At the same time, sea blindness (i.e. “as a general lack of interest for the marine space, and the failure to recognise how it connects and matters to societies, cultures and people’s identity”<sup>xvi</sup>, which is not a phenomenon limited to Switzerland but obviously exacerbated by its geographical location) contributed to a lack of interest for the maritime dimension of Switzerland’s national interests as well as a reluctance to invest in support of the high seas fleet. However, as long as the Swiss merchant marine was flourishing, it remained a relatively costless asset for Bern.

Since 2008, due to the ongoing economic difficulties facing the maritime transport sector, the Swiss government has had to actually spend several hundred million Swiss Francs in support of Swiss ships whose exploitation was not viable<sup>xvii</sup>. On top of that, the Swiss Flag has been placed on the grey list of the Paris Memorandum, not due to poor maintenance of the fleet but to the insufficient number of controls given the small size of the fleet and thus a high immobilisation/control ratio<sup>xviii</sup>. In this context, the Finance Delegation of the Swiss Parliament recommended in 2019 to halt the system of financial guarantees<sup>xix</sup>, and the Federal Council, while honouring the current cautions till 2032 and being in favour of not totally abandoning an instrument that is at the service of the Confederation’s national interest, decided to carefully review the whole system, raising doubts about its persistence in the long-term<sup>xx</sup>. Additionally, voices in Bern started to not only question the system of financial guarantees but even to suggest renouncing a high seas fleet altogether<sup>xxi</sup>.

The need for an independent, neutral instrument for the supply of the country was relevant during the Cold War under the ‘Damocles sword’ of a generalized conflict in Europe but in the post-Cold war era, this leverage has increasingly been considered as a financial burden. The lack of a maritime tradition in Switzerland explains the lack of support by the public opinion and politicians, whose sea blindness contributes to biasing the cost-benefit analysis of supporting



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

the Swiss merchant marine. With the scenario in which Switzerland would be reliant on its marine for food and energy supply considered unlikely (until recently), the high cost of maintaining the fleet was questioned, regardless of considerations of prestige or other potential benefits in terms of soft power.

However, Brexit showed that institutional arrangements can change quickly and radically and cannot be taken as granted. Then, the Ukraine War further demonstrated the limitations of taking freedom of the seas for granted. The prospect of a large-scale war on the European continent has resurfaced and, with it, the challenges facing the supply chain of landlocked countries. Sooner than later, Switzerland will have to make decisions in order to prepare for potential supply issues in the future volatile geopolitical context.

Another feature of Switzerland's maritime sector in the 21<sup>st</sup> century is the increasing number of ships owned or operated by companies registered in Switzerland. Indeed, since the end of the Cold War, the liberalisation and globalisation of finance and markets had made the link between owning (or operating) a merchant fleet and the geographical position of the owner's (or operator's) country irrelevant. Concerns have been raised regarding flags of convenience, the proposed 'tonnage tax' system, responsibilities, and accountability when it comes to environmental protection and labour law<sup>xxii</sup>. Yet, the new Cold War between Russia and the West has demonstrated the crucial role played by civilian maritime stakeholders. For example, all major shipping companies but the Chinese ones have suspended their regular operations to and from Russia, including the Swiss MSC, which in 2022 is the world's biggest container shipping company. This is having impacts on Russia's economy and overall war effort<sup>xxiii</sup>.

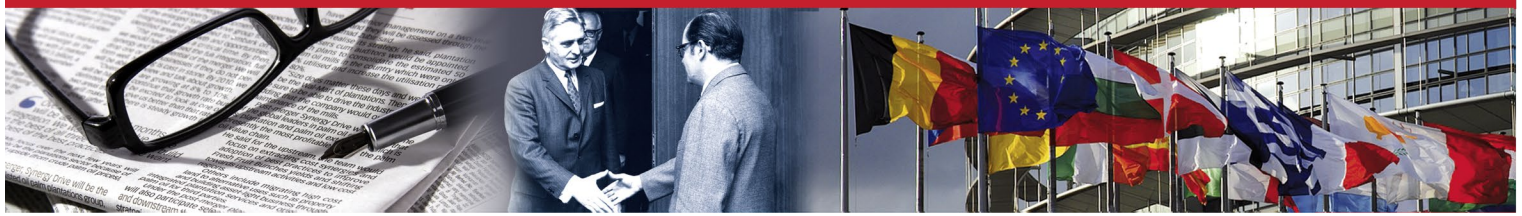
Civilian seapower is a form of economic and soft power linked to maritime assets and enacted by actors that are distinct from the states but not entirely independent from them. State and non-state actors within a solidaristic society of maritime nations have developed a mutually beneficial relationship that includes common objectives in terms of the security and stability of the global maritime order<sup>xxiv</sup>. Thus, although mainly outside the regulatory power of Switzerland, the maritime sector is worth accounting for from a global maritime security perspective.

### **Towards a maritime security strategy for Switzerland**

Switzerland's national interest is closely linked to the sea. Maritime security thus matters for the Swiss Confederation. This section reviews Switzerland's strategic maritime interests in the current geopolitical context and proposes some recommendations regarding the security of the fleet as well as international cooperation in the field of maritime security.

#### *Freedom of navigation:*

With 90% of international trade being seaborne, Switzerland is dependent on the free flow of goods, people, and capital through the sea as much as any maritime country. The free flow of goods and the security of the global sea lanes of communications (SLOCs) is crucial to supplying Swiss industries, exporting 'made in Switzerland' products as well as responding to Swiss citizen's consumption needs. It is thus strategically vital for Switzerland that the sea remains free for all to use within the boundaries set up by United Nations Convention on the Law of the Seas (UNCLOS) and customary international law of the sea. Upholding freedom of navigation and the principles set up in UNCLOS is thus crucial.



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

Yet, recent events have shown that maritime trade can be accidentally or involuntarily disrupted, and seemingly minor incidents can engender substantial shortages and costs. For example, in 2021, Switzerland's supply has been disrupted due to the unexpected closure of the Suez Canal as a result of a maritime accident. Similarly, the shortage of maritime labour resulting from the Covid-19 pandemic, although limited in time, demonstrated the vulnerability of the maritime supply chain. Freedom of navigation can also be disrupted on purpose. The war in Ukraine (with Russia's blockade of Ukraine creating a global food crisis) as well as China's assertiveness in the South China Sea indicate that freedom of navigation cannot be taken as granted in the current geopolitical context.

It is in Switzerland's interest that freedom of navigation be guaranteed and upheld. Indeed, without a navy to defend its maritime interests, Switzerland depends on the freedom and stability of the global maritime domain. To be in a position to pre-emptively respond to incidents, Switzerland needs to strengthen its maritime domain awareness capabilities. In practice, Switzerland depends on the capacities and actions of like-minded nations, which possess naval forces and benefit from a direct access to the sea. However, the Swiss Government can also engage with relevant international fora to contribute to strengthening international law of the sea and its application by members of the international community. Exchange of information and intelligence with NATO and EU partners is also crucial in terms of early warning. Switzerland should also use to its advantage the fact that MSC's headquarters are in Switzerland to claim a role in relevant international fora, like Denmark does thanks to its organic relationship with Maersk<sup>xxv</sup>.

### *Perennity of the Swiss Merchant Marine:*

Despite recent debates in the Swiss political circles, media, and public opinion on the relevance of the Swiss high seas fleet, in the current turbulent geopolitical context, maintaining a national merchant marine, on which the Federal Council can count in time of hostilities, is of uttermost importance for Switzerland's supply and sovereignty interests. In addition, as a Flag State, Switzerland has a rightful place at the table of the relevant international institutions such as the International Maritime Organization (IMO) and benefits from communication channels with like-minded, maritime states.

Thus, being a Flag State does not only provide economic advantages and logistical security; it also increases Switzerland's prestige and leverage on the international stage. And more than leverage (for Switzerland will always remain a minor Flag State with a limited margin of manoeuvre), it is still very important to 'occupy the space' to participate in big decisions. Indeed, 'if you are not at the table, you are on the menu' and without a high seas fleet, there is a risk that Switzerland's interests would not be considered anymore<sup>xxvi</sup>.

### *Sustainable oceans:*

Resilient oceans are in Switzerland's interests. Indeed, a flourishing maritime economy depends on the sustainable exploitation of marine resources and on a protected marine environment. Polluted waters, ocean acidification, and depleted marine resources will impact negatively on Switzerland's companies engaged in maritime economic activities from tourism to fishing to offshore industries. In addition, marine environment protection and a sustainable use of the oceans feature in the UN Sustainable Development Goals (SDGs) that Switzerland's foreign policy champions<sup>xxvii</sup>.



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

This is an area for which Switzerland has a comparative political advantage in. In the context of Switzerland's successful achievement against the SDGs and given Bern's further commitments, the status of a landlocked country shall not prevent the Swiss Confederation from promoting the tenets of a blue economy<sup>xxviii</sup>.

### *Maritime crimes:*

Free trade and a sustainable use of marine resources are reliant on a secure and safe maritime domain: Piracy infringes on freedom of navigation (and creates challenges for the Swiss high seas fleet); illegal, unregulated and unreported fishing (IUUF) threatens marine ecosystems; and arms, drug and people trafficking at sea impact negatively on states' security ashore, including Switzerland. In other words, what happens at sea then impacts, downstream, on what happens on land. Switzerland's security and economic prosperity is negatively impacted by criminal activities in the maritime domain. However, being surrounded by EU (and NATO) countries, Switzerland has tended to forget these important vectors of insecurity, or at least to count on other actors to address them.

### *The security of the ships flying the Swiss Flag:*

For a small country without a navy, the challenge consists in ensuring that technical, safety and security regulations and standards are respected by ships flying the Swiss Flag as well as assuring the security of the ships flying the Swiss Flag. As a Flag State, Switzerland has jurisdiction over its ships and thus the Confederation has responsibilities for enforcing environmental and safety norms, standards of labour conditions as well as anti-terrorist measures as per relevant conventions and regimes (c.f. UNCLOS, International Convention for the Prevention of Pollution from Ships (MARPOL), International Convention for the Safety of Life at Sea (SOLAS), IMO, International Labour organization (ILO)). That Switzerland has been put on the 'grey list' of the performance indexes of Port States (including the EU one) is indicative of the need for Switzerland to limit its reliance on Port States by further investing in control and enforcement capabilities. In the current context, this is money worth investing.

Addressing direct threats is more challenging. During the 2008-2009 piracy crisis at the Horn of Africa, the Swiss Parliament opposed both the participation of Swiss military units in EU operation Atalanta (i.e. an EU Common Security and Defence Policy (CSDP) operation) and the presence of Swiss armed personnel on board ships flying the Swiss Flag. Swiss ships were thus left to rely on private security companies, at the expense of transparency and control by the Federal Council. Furthermore, Switzerland's reliance on partner organisations, such as the EU or NATO, to uphold freedom of the seas and secure the maritime domain can be interpreted as a form of free riding, whereby Switzerland (including Swiss companies such as MCS) benefits from the stability of the global maritime order without having to contribute to the common effort<sup>xxix</sup>. Similarly, in terms of security in time of hostilities, the respect of the neutrality of the ships flying the Swiss Flag is dependent on the good will of belligerents and their propensity to abide by international law of the sea and law of war. The war in Ukraine demonstrates the extent to which Russia is ready to violate those norms.

The Swiss Maritime Strategy shall account for the need to assure the security of its merchant marine and for the ensuing cost. Contributing to the security and stability of the maritime domain would also be welcomed by international



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

partners. If Switzerland wants to be serious about the future sustainability of its merchant fleet in particular, and its future Maritime Strategy in general, half-measures will not be sufficient.

### *Maritime migration:*

As a member of the Schengen space, Swiss authorities have cooperated with EU partners, within the framework offered by FRONTEX (the EU agency responsible for the control of the external borders of the Union) in counter-immigration operations in the wider Mediterranean, although Swiss border guards were “not deployed on coast guard vessels”<sup>xxx</sup>. This shows that Switzerland includes geographically distant (and maritime) spaces into its zone of interest in terms of security, based on the idea that threats must be tackled as far away from home as possible and as soon as possible<sup>xxxii</sup>.

The distinction between counter-immigration operations within the FRONTEX framework (civilian operations) and counter-piracy operations or counter-immigration within the EU CSDP framework (military operations) is crucial because whereas the first one is acceptable by the Swiss public opinion (as reaffirmed by the result of the May 2022 referendum on FRONTEX approved by 71.5% of the population<sup>xxxii</sup>), the latter one was clearly not.

### *International cooperation for ocean governance:*

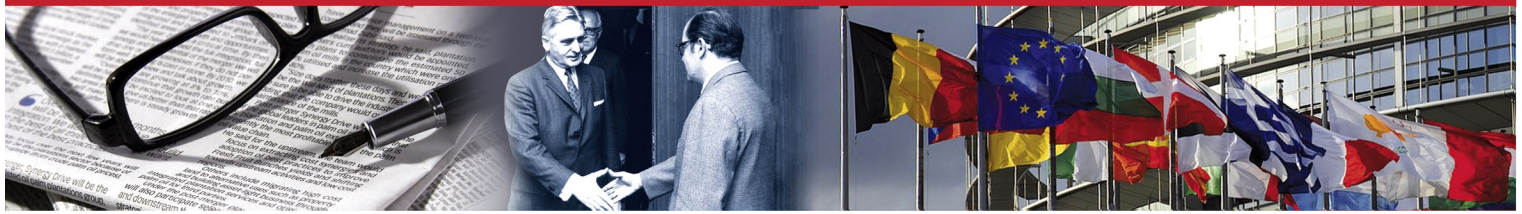
To achieve the above maritime strategic interests, Switzerland strongly relies on global ocean governance and cooperation with partner states. The global ocean governance regime is very fragmented, both in terms of areas (viz. marine spatial planning, marine environment protection, maritime domain awareness, maritime security, maritime safety, labour law, international law of the sea) and in terms of levels of governance (viz. multilateral cooperation between states, EU, NATO, IMO, other UN agencies).

Switzerland cannot afford to disperse resources devoted to its maritime strategy and shall focus on some areas/levels of governance that the Federal Council will have to prioritise. In the short to mid-term, priority shall be given to marine environment protection, maintaining and securing the Swiss high seas fleet, and considering options for collaboration with EU and NATO partners toward the stability of the global maritime order.

### **Conclusion: Switzerland’s Maritime Strategy requires competences in maritime security**

The prosperity and security of Switzerland strongly depends on the sea. Three sets of maritime interests guide Switzerland’s comprehensive maritime strategy: freedom of navigation, oceans’ sustainability, and global maritime security. A specificity of Switzerland as a landlocked country is the size of its merchant marine but also its *raison d’être*. The Swiss Merchant Marine was created in April 1941, by decree of the Swiss Federal Council, in order to guarantee food supply to neutral Switzerland during World War II hostilities. Switzerland is also a shipowner’s giant.

With the return of the Cold War dynamics at the forefront of international relations and the growing challenges posed by maritime criminal actors, it is evident that the Swiss Maritime Strategy requires competencies beyond maritime trade and marine environment protection. The current geopolitical context highlights the importance of the Swiss



## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

merchant marine in terms of logistics, food supply, and political leverage. But challenges in terms of security and regulations require attention.

Switzerland needs to develop operational and early warning capacities in terms of maritime domain awareness and maritime security, so as to be in a position to react swiftly and pre-emptively to any challenges arising in the maritime domain that is susceptible to impact negatively on Switzerland's security, supply chain, and economic interests. If Switzerland wants to sustain its merchant fleet in the longer term and develop a truly comprehensive Maritime Strategy, the security dimension of maritime affairs and its relevance for Switzerland must be acknowledged and acted upon.

This cannot be achieved in isolation. Switzerland must work with partners in a bid to strengthen international law of the sea and maritime governance in a way that serves its national maritime interests. Switzerland has comparative advantages in terms of soft power in relevant maritime fora. To fulfil its maritime strategic interests, Switzerland relies on cooperation with like-minded 'maritime' states but also on institutions and mechanisms of ocean governance. The Federal Council shall prioritise areas of involvement and keep in mind that within the solidaristic society of maritime nations, every actor has its role to play to maintain the stability of the global maritime order.

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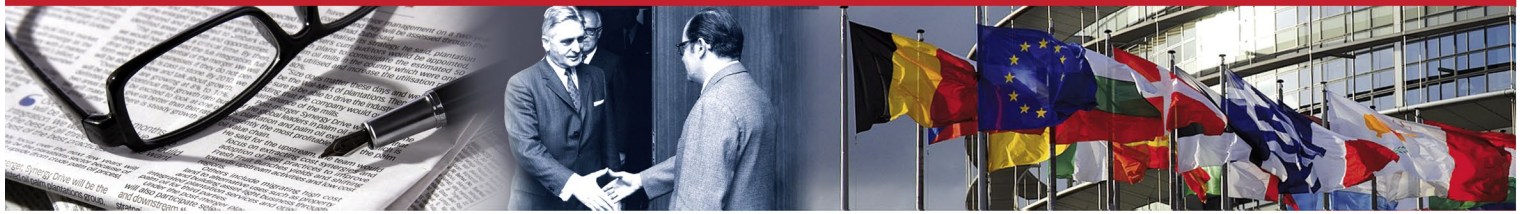




## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

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## Papiers d'actualité / Current Affairs in Perspective

N°10 | December 2022

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