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HOME AFFAIRS.

by MAX NEF.

Once again, the problem of the export of arms is being discussed by the Swiss public. Through a report, which still requires to be elucidated, attention has been drawn to the alleged intention of certain West German authorities, to obtain arms from Switzerland. We will not, however, proceed to make any further comments on this affair, prior to the publication of an explanatory statement, which has been ordered by the Federal Council, and before the latter has decided what attitude to adopt in regard to this matter. Nevertheless, it might be of interest, in this connection, to say a few words about the manner in which the production and the sale of arms is regulated by Law, in Switzerland.

Our country is perhaps unique, in that regulations governing the manufacture of, and trade in, arms are contained in the Swiss Constitution, that is to say in the country's fundamental law. In this connection, one will recall the efforts made by the League of Nations in order to introduce an international regulation in respect of this question. The League of Nations' Agreement contained corresponding instructions for the organs of that organisation. A Convention on international control of commerce in arms and war material was drawn up in 1925, but as it was not ratified by a sufficient number of countries, it never attained the status of Law. It was under the disappointing impression caused by the failure of these efforts made for the maintenance of peace that the Swiss people decided to introduce such regulations in the Federal Constitution itself, which became operative in 1938.

In accordance with the International Law now in force, there are no regulations prohibiting a neutral State, even in war-time, from sending arms abroad. Thus, in peace time, countries are still more at liberty — and this in accordance with International Law — to engage in trade in arms and other war materials, without in anyway violating the obligations imposed by International Law.

If, in spite of this, Switzerland has imposed upon herself voluntarily and through her own legislative measures, certain restrictions in this domain, she has done this in pursuance of her special traditional policy of neutrality. Switzerland, being as she is a permanent neutral State, strives, in her relations with foreign countries, to avoid, even in peacetime, everything which might, in case of war, tend to weaken the confidence of foreign powers in her will to maintain absolute neutrality. On the other hand, she avails herself of every opportunity to strengthen this confidence abroad, by means of measures suitable for this purpose. To these belongs also, Switzerland's military national defence, organised entirely by herself on the principle of general obligatory military service.

This "armed neutrality", as it is usually called, makes it also necessary for Switzerland to make proper provision for the equipment and arming of her forces. In normal times this can be easily done by imports from abroad. But, already in times of

political tension, not to speak of war, it is not possible to obtain these supplies from foreign countries. So, production in Switzerland itself cannot be avoided. There can be no question of any absolute prohibition in regard to the manufacture of arms. This means, however, that, in order to be able to exist, the various plants for the manufacture of arms are dependent to a certain extent on the export of their products.

On the other hand, Switzerland cannot, and will not expose herself to the reproach of having, in her capacity of a neutral country, in any way contributed to, or supported, or even made possible any belligerent conflict between foreign powers, through the supply of arms and of war material.

It is because of her recognition of this that the existing administrative regulations were passed, in accordance with which the manufacture, sale, importation and exportation of arms, munitions and war material are made subject in Switzerland to a Government permit. By means of State control it is possible, in regard to both individual cases and general deliveries to issue permits only then when such exports do not serve any direct military activities, or, at any rate, any offensive actions. Negotiations with foreign customers only take place directly with the relevant Government offices and guarantees are demanded in individual cases, which will safeguard any possible evasion from the conditions laid down by Switzerland.

Moreover, export permits are only issued in respect of certain categories of war materials, and only in such cases where no international agreements will be violated through the granting of such permits. Furthermore, permission to export must form an exception to the rule and in certain cases — provided for by the Law — is not to be granted.

The Federal Council, which reserves to itself the right of decision, always considers very carefully the existing political situation which, under certain circumstances, may urge upon it the necessity for refusing to grant the export permit, even if, under different conditions, it might have been granted.

