

# Current Concerns

The international journal for independent thought, ethical standards, moral responsibility,  
and for the promotion and respect of public international law, human rights and humanitarian law

English Edition of *Zeit-Fragen*

## Uniting against terrorism – but under UN umbrella

by Zivadin Jovanovic, President of the Belgrade Forum for a World of Equals



Zivadin Jovanovic  
(picture ev)

This month, 24<sup>th</sup> and 25<sup>th</sup> of November, Serbian capital Belgrade was the venue of the Scientific International Conference titled “Yalta, Potsdam, Helsinki, Belgrade: in search of security order”. The gathering of scientists, diplomats, politicians and public personalities from about 20 countries of Europe and the World was devoted to the 70<sup>th</sup> anniversary of Yalta and Potsdam conferences (1945) and the 40<sup>th</sup> anniversary of the adoption of the Helsinki Final Document (1975). The organizers were *The Belgrade Forum for a World of Equals* and two Russian organizations – *Center of National Glory* and the *Fund of Saint Andrew*. One week later (December 3<sup>rd</sup> and 4<sup>th</sup>) Belgrade will host a Ministerial OSCE Conference in order to sum up results of one year of Serbia’s presiding of this organization, commemorating the important jubilee and giving impetus to strengthening its peace, security and cooperation role today and in the future.

Security and stability in Europe is indivisible from security and stability in surrounding regions and the world. That’s why the future of peace and stability in Europe cannot be properly perceived if it is not closely linked with peace and stability in the Middle East, Asia, Northern Africa (Maghreb) and Africa, as a whole.

Unfortunately, nowadays world is faced with growing risks and threats to security and stability. Mutual respect and trust among powers is in profound crisis. Some powers have proclaimed themselves exempted from the legal order established and developed after the Second World War. Whenever the law stays on the way of their imperial expansion they simply ignore or remove it and abide by rule – might is right! Taking the role of an ultimate arbiter and executor at the same time, power centers have been intervening militarily all over the world. Violations of the basic principles of International

Law, including the UN Charter, the Helsinki Final Document, bypassing the authority of the UN Security Council since 90<sup>ies</sup> of the 20<sup>th</sup> century have become order of the day. It is appropriate to remember that Serbia (FRY) was the first European victim of unprovoked and illegal military NATO aggression in 1999. This happened to become a blueprint for the ensuing aggressions and military interventions in Afghanistan, Iraq, Somalia, Libya, Yemen, Mali, Syria ... We need to ask ourselves what these aggressions have brought to the peoples of the Balkans, Europe, Middle East, Maghreb, Africa...? To the world? To UN and OSCE? To the International Law? Who can profit from fragmentation of viable states, from national, tribal and religious divisions, from chaos, hundreds of thousands of killed people, millions of refugees, displaced, emigrants...? Who were (are) those leaders, masters of our destiny, “independent” thinkers, philosophers, journalists, public figures in general, who believe(d) that taking part in, or publicly defending, or justifying military aggressions, illegal regime changes and destabilization of sovereign states was the right way to reinforce human rights, introduce democracy, freedom and prosperity?

Following the first NATO war on European soil since Yalta and Potsdam agreements we have witnessed kind of a new edition the old strategy “Drang nach Osten”, namely mushrooming in USA military basis towards Russian borders.

In 1999, taking part in NATO aggression, Europe participated in the war against itself, against own stability. More than that: This was a turning point binding NATO/EU member countries to take part in many other imperial wars and regime changes. Regrettably, Europe participated in destabilization of Ukraine and in sanctions, apparently, against Russia, in fact, again, against own interests.

Europe can hardly be amnestied of responsibility for destructions of Afghanistan, Iraq, Libya, Syria... An unprecedented flow of refugees and immigrants which has caused the state of emergency on the continent has to be attributed to the lack of responsibility, vision and statesmanship of EU (NATO) leaders.

Nowadays, Europe is suffering the consequences of own terrible mistakes. Of hazardous behavior. The level of egoism and unwillingness of EU leadership to recognize the real causes of the problem and deal with its roots, not only with its consequences – are astonishing and do not promise positive outcome. The enormous flow of immigrants is certainly not only a humanitarian, social and economic problem. It is a security problem, too. Nevertheless the problem cannot be solved by erection of new wars, massive police and military border patrols, refugee centers like concentration camps of 21<sup>st</sup> century, even less by invoking the Dublin principles or so-called readmission agreements, kind of 21<sup>st</sup> century deportation models.

Right now the world public is mourning the victims of unprecedented terrorist attacks in Paris. While sincere expressions of solidarity with bereaved families and with the whole French nation come from all corners of the world, sense of uncertainty, insecurity and fear – who is next – is very much in the whole atmosphere. No doubt that terrorism is universal, an extremely serious threat to security, stability and cooperation – in Europe and the world. In spite of all various actions and “successes” in the struggle against terrorism, it has not diminished, in reality, it has been rapidly growing. Spectacular military actions against international terrorism after 2001 may have killed some terrorist leaders, may have destroyed some terrorist headquarters but certainly have not dealt with ideology and roots of this evil. Calls for uniting the world in the struggle against terrorism are logic, welcome and necessary. To act seriously and responsibly, to our opinion, means uniting under the authority of United Nations, i.e. UN Security Council. Further, this requires coming to consensus concerning definitions of terrorism, terrorist and terrorist acts in the manner that excludes “good” and “bad”, “our” and “your” terrorism and terrorists. Double standard approaches and abuse of the struggle against terrorism for promotion of egoistic or geopolitical objectives

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# What is to follow the proclamation of EU mutual defence clause? Once again, as after September 11?

by Karl Müller

## France invokes mutual defence clause ...

“The war on terror may take 50 years or longer.” – This statement was made by the former US Vice President, the neo-conservative *Dick Cheney*. Don't we have to remember this statement, especially at the present time – since the terrible attacks in Paris on 13th November 2015, and when the French President *François Hollande* says that his country is now at war? Many of the current prominent opinions remind us of the many public statements in the days, weeks and months after 11 September 2001. Abiding by these words has the world not made a safer place in the past 14 years. On the contrary.

On 17 November the French Government referenced the EU Member States on article 42 of the EU Treaty and requested “support” to be provided. Article 42 of the EU Treaty contains provisions on the common security and defense policy. The first sentence of the seventh paragraph reads as follows: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United

Nations Charter.” Paragraph 7 is commonly referred to as “mutual defence clause” in the EU and calls for more effort by the other EU member states than Article 5 of the NATO Treaty. In the NATO Treaty the member states of NATO can freely decide how they will comply with their treaty obligations, Article 42, paragraph 7 of the EU Treaty, however, calls on the other Member States, to grant “aid and assistance by all the means in their power” to the State which is the victim of an armed aggression on its territory. Article 42, par-

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must be excluded. Struggle against consequences of terrorism, processing and punishment of the terrorists are beyond any dilemmas. But, what has been lacking so far is an understanding of the complexity of the problem which is deep-rooted and long lasting. It has political, socio-economic and religious roots. To eradicate the causes, in my opinion, it is necessary to return to:

- negotiations, peaceful, political, compromised solution of all problems, respecting legitimate interests of all involved parties, without any prejudices and double standards, be it in Afghanistan, Syria, Iraq, Libya, or any other country;
- stopping financing, training and arming terrorist groups and organizations;
- equal, universal standards to terrorism and terrorists;
- respecting basic principle of international relations such as freedom of choice in internal and foreign policy, sovereignty and territorial integrity, including respect of sovereignty over natural and economic resources of any country;
- socio-economic development of the countries of origin of terrorism and emigration, including plans for reconstruction, education and employment of young generations, particularly in war-torn regions (Middle East, Maghreb, Sub-Saharan);

Is it not the right moment to initiate the convening of a UN World Conference on the struggle against terrorism with the objective to set up organization, mandate and timetable for the adoption of a World Convention on Terrorism? •

## Security Council calls for eradicating ISIL safe havens in Syria and Iraq

20 November 2015 – The United Nations Security Council this evening called on all countries that can do so to take the war on terrorism to territory controlled by the Islamic State of Iraq and the Levant (ISIL) in Syria and Iraq and destroy its safe haven, warning that the group intends to mount further terror attacks like those that devastated Paris and Beirut last week.

In a unanimously adopted resolution, the 15-member body declared the group's terrorist attacks abroad “a global and unprecedented threat to international peace and security” following the “horrifying terrorist attacks” it perpetrated recently in Sousse (Tunisia), Ankara (Turkey), over Sinai (Egypt) with the downing of a Russian plane, and in Beirut and Paris.

It warned that ISIL, or Da'esh as it is also known, “has the capability and intention to carry out” further strikes and called upon “Member States that have the capacity to do so to take all necessary measures, in compliance with international law, in particular international human rights, refugee and humanitarian law” on its territory.

Condemning “in the strongest terms” ISIL and other terrorist groups in the region such as Al-Nusra Front, the Council called upon Member States “to eradicate the safe haven they have established over significant parts of Iraq and Syria.”

It called on Member States to intensify efforts to stem the flow of foreign terrorist fighters to Iraq and Syria and to prevent and suppress the financ-

ing of terrorism, and reaffirmed that those responsible for terrorist acts, violations of international humanitarian law or violations or abuses of human rights must be held accountable.

It cited “the continued gross, systematic and widespread abuses of human rights and violations of humanitarian law, as well as barbaric acts of destruction and looting of cultural heritage” carried out by ISIL.

The resolution also expressed deepest condolences to the victims of the terrorist attacks and their families and to the people and Governments of Tunisia, Turkey, Russia, Lebanon and France, and to all Governments whose citizens were targeted in these attacks and all other victims of terrorism.

“By its violent extremist ideology, its terrorist acts, its continued gross systematic and widespread attacks directed against civilians, abuses of human rights and violations of international humanitarian law, including those driven on religious or ethnic ground, its eradication of cultural heritage and trafficking of cultural property,” ISIL constitutes “a global and unprecedented threat to international peace and security,” the Council stressed.

It also cited the group's control of natural resources in Iraq and Syria and its “recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States, even those far from conflict zone.”

Source: [www.un.org/apps/news/story.asp?NewsID=52623#](http://www.un.org/apps/news/story.asp?NewsID=52623#)

**"What is to follow the proclamation ..."**

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agraph 7, presumes the state of war. The EU Treaty leaves it open how article 42, paragraph 7 is to be precisely defined. Accordingly, the current comments are now wide-spread. Politicians with close ties to the leading German media vary between appeasement and calls to war.

**... and Germany agrees**

While on 16 November some German media and politicians expressed great concerns about the use of the word "war" in connection with the attacks dated 13 November the German government announced in a press release dated 17 November – citing the German Defense Minister *Ursula von der Leyen* – that also Germany would "do everything in [its] power to help and support". Thus, the German Minister of Defense took over the wording of article 42, paragraph 7 of the EU Treaty and has joined in the interpretation of the French President, that since 13 November France is in a state of war. The press release of the Federal Government adopted the French request for application of article 42, paragraph 7 also without any distance or constraint. The end of the press release reads: "Already last Saturday Chancellor *Angela Merkel* had phoned with French President *François Hollande*. She condemned the barbaric terrorist attacks in the strongest terms and underlined that Germany stood firmly at the side of France. Germany would send all possible support to Paris in the fight against terrorism, said Merkel. 'This attack on freedom applies not only to Paris – it concerns all of us, and it hits us all. Therefore, we all will jointly provide the answer', said Merkel."

**Are the serious doubts merely waste paper, now?**

Yet on 16 November *Rainer Arnold*, the defense spokesman of the SPD (Social Democrat Party), had warned in an interview with *Deutschlandfunk* (German World Service radio): "I'm still very attached to our decisions regarding Afghanistan, and that I, and probably other parliamentarians, who were involved in these discussions were under high emotional pressure. At that time I decided, that this must never be repeated even in case of a severe tragedy. We have to do that which makes sense. We need a smart collaborative approach, and of course you will need to talk in this alliance against terrorism about what is necessary to be done in addition. And Germany will then also be asked, what else can we do, and we will talk about it. But if a few generals and perhaps a few media are forcing us today to enter into a de-

bate, for instance, about the mutual defense clause, I do not consider this adequate". Are all these considerations now merely waste paper?

**Who commemorates the victims of violence and war in the world?**

On Monday, 16 November, the EU leaders had called on all citizens in the EU to observe a minute's silence at 12:00 clock in memory of the victims of Paris. Politicians said that now it was about solidarity and also about working together to defend the values of freedom and democracy. That morning, the German Minister of Education called on the schools of their Federal States that all students should observe a minute's silence, as well. What should one make of this? Unfortunately, that Monday was not used to commemorate all victims of war and violence. Unfortunately, there was no discussion about the history behind it and the circumstances that young people have entered such an erroneous path and are so filled with hatred and delusion that they are ready to destroy the lives of more than 100 people and to throw their own lives away, as well.

**Willy Wimmer: "The IS (Islamic State) is the creation of a hell organized by our friends"**

Two days after the assaults of Paris, Willy Wimmer, who has served the CDU (Christian Democratic Party) in the German Bundestag for more than 30 years and was State Secretary in the German Ministry of Defense, wrote: "Our experiences teach us that from the moment of an attack onward, interested forces used such a horrible crime for their own purposes and did not even have to wait for the the massacre to happen. Let us remember: It was the mid-nineties, as a senior representatives of the US State Department spoke about the Taliban in Afghanistan as 'our boys', at that time hardly known. As was followed by the surprising insight that you 'can rent an Afghan, but cannot buy him'. Renting of course, to help enforcing one's own interests. Since that time a trail of blood by known financiers has been running through the terrorist organizations extending to the IS. We can read about the states which are involved. These publications are so numerous that it is almost overwhelming. The US are at the top of the named countries, ever since the Mujahedeen and Taliban have existed. They left nothing out, but there are Saudi and Qatari, as well and, unfortunately, also French and British forces. You just have to take a look at the local newspapers, since it was clearly written there, how the current Syrian civil war had been fired by such states or forces. Hundreds of thousands of victims

in Syria could have been prevented without these forces. [...] The IS is the creation of a hell organized by our friends." Is it still allowed to write anything like that? Is this not apt to weaken the readiness and legitimate defense against terrorist attacks? Yes, it is the right time now, that you have to write something like that again. As long as the fight against terrorism is lacking sincerity, we must not trust those an inch, who pretend to fight against terrorism.

**"War is always a defeat for humanity"**

"War always marks the failure of peace, it is always a defeat for humanity." These were the Pope's words more than two years ago. Why should this have changed? Would it not mean much less suffering and destruction, if the international community agreed on fighting with all legal means against all forces who commit acts of terror, whether they call themselves Islamic State, or whatever name they give themselves – and: to stop delivering weapons, to stop buying oil, to stop providing money, to stop offering any more retreat possibilities, etc., etc. - instead of calling for a war once again? Would it not really make sense to consult the law before breaking the law again, as was done so often during the past 25 years? •

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## Statement of the International Syria Support Group, Vienna, November 14, 2015

Meeting in Vienna on November 14, 2015 as the *International Syria Support Group* (ISSG), the Arab League, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United Nations, and the United States to discuss how to accelerate an end to the Syrian conflict. The participants began with a moment of silence for the victims of the heinous terrorist attacks of November 13 in Paris and the recent attacks in Beirut, Iraq, Ankara, and Egypt. The members unanimously condemned in the strongest terms these brutal attacks against innocent civilians and stood with the people of France.

Subsequently, the participants engaged in a constructive dialogue to build upon the progress made in the October 30 gathering. The members of the ISSG expressed a unanimous sense of urgency to end the suffering of the Syrian people, the physical destruction of Syria, the destabilization of the region, and the resulting increase in terrorists drawn to the fighting in Syria.

The ISSG acknowledged the close linkage between a ceasefire and a parallel political process pursuant to the 2012 *Geneva Communiqué*, and that both initiatives should move ahead expeditiously. They stated their commitment to ensure a Syrian-led and Syrian-owned political transition based on the Geneva Communiqué in its entirety. The group reached a common understanding on several key issues.

The group agreed to support and work to implement a nationwide ceasefire in Syria to come into effect as soon as the representatives of the Syrian government and the opposition have begun initial steps towards the transition under UN auspices on the basis of the Geneva Communiqué. The five Permanent Members of the UN Security Council pledged to support a UNSC resolution to empower a UN-endorsed ceasefire monitoring mission in those parts of the country where monitors would not come under threat of attacks from terrorists, and to support a political transition process in accordance with the Geneva Communiqué.

All members of the ISSG also pledged as individual countries and supporters of various belligerents to take all possible steps to require adherence to the ceasefire by these groups or individuals they support, supply or influence. The ceasefire would not apply to offensive or defensive actions against Da'esh or Nusra or any other group the ISSG agrees to deem terrorist.

The participants welcomed UN Secretary General *Ban's* statement that he has ordered the UN to accelerate planning

### International conference in Vienna: 9-point plan for Syria

*ef. On 30 October 2015 a conference on Syria took place in Vienna. Participants were the foreign ministers of 17 countries as well as representatives of the UN and the EU. For the first time also Iran was involved in the international conference on Syria. It was the first time that all important foreign actors in the conflict took a seat at the negotiation table. At the conference key parameters for a peaceful settlement of the Syrian conflict were established. In the joint final declaration it was expressly stated that the Syrian people – and no international actors – should decide on the future of the country. According to the Vienna newspaper "Die Presse" the talks in Vienna will continue on 14 November 2015. Here is the exact wording of the final declaration:*

Final declaration on the results of the Syria Talks in Vienna as agreed by participants Meeting in Vienna, on October 30, 2015, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United Nations, and the United States ["the participants"] came together to discuss the grave situation in Syria and how to bring about an end to the violence as soon as possible.

The participants had a frank and constructive discussion, covering major issues. While substantial differences remain among the participants, they reached a mutual understanding on the following:

1. Syria's unity, independence, territorial integrity, and secular character are fundamental.
2. State institutions will remain intact.
3. The rights of all Syrians, regardless of ethnicity or religious denomination, must be protected.

4. It is imperative to accelerate all diplomatic efforts to end the war.
5. Humanitarian access will be ensured throughout the territory of Syria, and the participants will increase support for internally displaced persons, refugees, and their host countries.
6. Da'esh, and other terrorist groups, as designated by the U.N. Security Council, and further, as agreed by the participants, must be defeated.
7. Pursuant to the 2012 Geneva Communiqué and U.N. Security Council Resolution 2118, the participants invited the U.N. to convene representatives of the Government of Syria and the Syrian opposition for a political process leading to credible, inclusive, non-sectarian governance, followed by a new constitution and elections. These elections must be administered under U.N. supervision to the satisfaction of the governance and to the highest international standards of transparency and accountability, free and fair, with all Syrians, including the diaspora, eligible to participate.
8. This political process will be Syrian led and Syrian owned, and the Syrian people will decide the future of Syria.
9. The participants together with the United Nations will explore modalities for, and implementation of, a nationwide ceasefire to be initiated on a date certain and in parallel with this renewed political process.

The participants will spend the coming days working to narrow remaining areas of disagreement, and build on areas of agreement. Ministers will reconvene within two weeks to continue these discussions.

Source: [http://eeas.europa.eu/statements-eeas/2015/151030\\_06.htm](http://eeas.europa.eu/statements-eeas/2015/151030_06.htm)

for supporting the implementation of a nationwide ceasefire. The group agreed that the UN should lead the effort, in consultation with interested parties, to determine the requirements and modalities of a ceasefire.

The ISSG expressed willingness to take immediate steps to encourage confidence-building measures that would contribute to the viability of the political process and to pave the way for the nationwide ceasefire. In this context, and pursuant to clause 5 of the *Vienna Communiqué*, the ISSG discussed the need to take steps to ensure expeditious humanitarian access throughout the territory of Syria pursuant to *UNSCR 2165* and called for the granting of the UN's pending requests for humanitarian deliveries. The ISSG expressed concern for the plight of refugees and internally displaced persons and the imperative of

building conditions for their safe return in accordance with the norms of international humanitarian law and taking into account the interests of host countries. The resolution of the refugee issue is important to the final settlement of the Syrian conflict. The ISSG also reaffirmed the devastating effects of the use of indiscriminate weapons on the civilian population and humanitarian access, as stated in *UNSCR 2139*. The ISSG agreed to press the parties to end immediately any use of such indiscriminate weapons.

The ISSG reaffirmed the importance of abiding by all relevant UN Security Council resolutions, including *UNSCR 2199* on stopping the illegal trade in oil, antiquities and hostages, from which terrorists benefit.

## World at a turning point: Heads of UN and Red Cross issue joint warning to the world community

The Secretary-General of the United Nations, *Ban Ki-moon*, and the President of the International Committee of the Red Cross (ICRC), *Peter Maurer*, have issued an unprecedented joint warning about the impact of today's conflicts on civilians and appealed for urgent and concrete action to address human suffering and insecurity.

The two leaders stressed the importance of respect for international humanitarian law in order to stem the chaos and prevent further instability.

They called on States to take the following urgent actions:

- Redouble efforts to find sustainable solutions to conflicts and take concrete steps to that effect.
- Individually and collectively, use every means to wield influence over parties to armed conflict to respect the law, including carrying out effective investigations into breaches of international humanitarian law, holding perpetrators accountable, and developing concrete mechanisms to improve compliance.
- Condemn those who commit serious violations of international humanitari-

an law, such as deliberate attacks on civilians and civilian infrastructure.

- Ensure unhindered access to medical and humanitarian missions and protect medical and humanitarian workers and facilities.
- Protect and assist internally displaced people and refugees while they are fleeing insecurity, and help them to find long-term solutions, while supporting host countries and communities.
- Stop the use of heavy explosive weapons in populated areas.

"Rarely before have we witnessed so many people on the move, so much instability, so much suffering," said Mr Maurer. "In armed conflicts in Afghanistan, Iraq, Nigeria, South Sudan, Syria, Yemen, and elsewhere, combatants are defying humanity's most fundamental norms. Every day, we hear of civilians being killed and wounded in violation of the basic rules of international humanitarian law, and with total impunity. Instability is spreading. Suffering is growing. No country can remain untouched."

Some sixty million people around the world have been displaced from their homes because of conflict and violence

– the highest figure since the Second World War. Conflicts have become more protracted, meaning that many displaced people face years away from their homes, communities and livelihoods.

"In the face of blatant inhumanity, the world has responded with disturbing paralysis," said the Secretary-General. "This flouts the very *raison d'être* of the United Nations. The world must reaffirm its humanity and uphold its commitments under international humanitarian law. Today we speak with one voice to urge all States to take immediate, concrete steps to ease the plight of civilians."

The two leaders stressed that the UN and the ICRC occupy a unique position in bearing witness to the consequences of conflict. The principle of humanity is at the heart of both the UN Charter and the ICRC's mandate and mission.

Both the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent in December 2015 and the World Humanitarian Summit in May 2016 will focus on the urgency of taking concrete measures to protect civilians in conflict.

Source: <https://www.icrc.org>, Geneva, 31 October 2015

### "Statement of the International ..."

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Pursuant to the 2012 Geneva Communiqué, incorporated by reference in the Vienna statement of October 30, and in U.N. Security Council *Resolution 2118*, the ISSG agreed on the need to convene Syrian government and opposition representatives in formal negotiations under UN auspices, as soon as possible, with a target date of January 1. The group welcomed efforts, working with United Nations Special Envoy for Syria *Staffan de Mistura* and others, to bring together the broadest possible spectrum of the opposition, chosen by Syrians, who will decide their negotiating representatives and define their negotiating positions, so as to enable the political process to begin. All the parties to the political process should adhere to the guiding principles identified at the October 30 meeting, including a commitment to Syria's unity, independ-

ence, territorial integrity, and non-sectarian character; to ensuring that State institutions remain intact; and to protecting the rights of all Syrians, regardless of ethnicity or religious denomination. ISSG members agreed that these principles are fundamental.

The ISSG members reaffirmed their support for the transition process contained in the 2012 Geneva Communiqué. In this respect they affirmed their support for a ceasefire as described above and for a Syrian-led process that will, within a target of six months, establish credible, inclusive and non-sectarian governance, and set a schedule and process for drafting a new constitution. Free and fair elections would be held pursuant to the new constitution within 18 months. These elections must be administered under UN supervision to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including the diaspora, eligible to participate.

Regarding the fight against terrorism, and pursuant to clause 6 of the Vienna Communiqué, the ISSG reiterated that Da'esh, Nusra, and other terrorist groups, as designated by the UN Security Council, and further, as agreed by the participants and endorsed by the UN Security Council, must be defeated. The Hashemite Kingdom of Jordan agreed to help develop among intelligence and military community representatives a common understanding of groups and individuals for possible determination as terrorists, with a target of completion by the beginning of the political process under UN auspices.

The participants expect to meet in approximately one month in order to review progress towards implementation of a ceasefire and the beginning of the political process.

Source: [www.auswaertiges-amt.de](http://www.auswaertiges-amt.de) from 16.11.2015

# Refugee crisis without a concept?

by Hermann Ploppa\*

The so-called refugee “crisis” is a gigantic humanitarian catastrophe without precedence in the history of mankind. Sixty million fellow humans have been driven out of their home region. Most of them vegetate in gigantic camps without appropriate food and clothing; and most of them have been and will be vegetating like this forever, until their lives’ end, deprived of their freedom without having committed any crime. Some two million of these uprooted people have summoned sufficient energy, money and connections to the outside world to search asylum in other countries. Every day this army of uprooted people is complemented by as many as 43,000. Their number has quadrupled since 2010. The growth rate of this expulsion movement is still dynamically increasing.

Most of these refugees remain in their home country, but in a different province. Most of those who have to flee to a foreign country find refuge in neighbouring poor countries which are mostly labile themselves. Refuge champion is Turkey with 1.6 million refugees. However, while Turkey is a dynamically growing economic power which will be able to integrate the refugees in the long run, Jordan and Lebanon are facing an uncertain perspective, lacking significant resources. Lebanon has some 4.5 million inhabitants and now cares for more than one million refugees. It is quite unclear how this small country, shaken by civil wars, may cope with such an extreme burden without any help from outside.

## Political caste in Europe without a concept

Only a small part of the uprooted is making it to Europe. Most of those are young people, physically and mentally resilient and with financial resources. They are the privileged among the dispossessed and disenfranchised unfortunates. While Lebanon, Uganda, Chad or Jordan have to deal with millions of refugees, rich Europe is facing hundreds of thousands of expatriates. In principle this would be manageable – if it wasn’t for a number of factors which are currently incapacitating Europe:

Firstly, the political caste in Europe does not have the slightest idea of a concept how to react to the exodus. Some states are building walls again; other states are anarchically letting the streams of refugees flow towards the north. And the Federal Republic of Germany has immobilised itself by its lack of an immigration policy. Only those who apply for asylum, who are able to prove the status of being persecuted for a number of reasons, are allowed to immigrate for a longer period of time. In the strict interpretation of the law this applies only for a very limited number of persons. Similar to the US green card, Germany is also trying to attract highly qualified specialists whose expensive education has been paid for by another country, in most cases a Third World country. This allows the German economy to profit from their expertise without input. The German Foreign Office answers questions about immigration shortly and crisply: “Germany is not a classical immigration country which defines annual quota like the USA or Canada or Australia.” And now politics, media and also above all the economy are reacting to the tide of refugees as if a right to immigration to Germany existed: sermonizing is to be heard everywhere that the German population was ageing within the next decades so that it would be difficult for the coming generations to pay the pensions. And thus integrating a few million refugees into the work process would come handy. Even empty apartments are suddenly discovered everywhere. The regions which have just been cleared in East-Germany can be repopulated again, just like with the Huguenots, we are told.

## Germany without a functioning social structure of consensus

Millions of traumatised people from foreign cultures with completely different customs and traditions are just right to fill gaps in the German demographic structure? Experts have their doubts about it – but even this obstacle could be overcome quite easily – if Germany had still a functioning social structure of consensus and smoothly interlocking cogwheels, like the Germany of the sixties or seventies. Now the society has been massively reconstructed, however – not to its advantage. Schröder’s policy *Agenda 2010*, the systematic ruining of the state budget, the withdrawal of politics from the proactive shaping of society, the paralysis of public and cooperative structures: All of these factors have caused the situation that the Herculean task of a renewed integration of millions of refugees cannot succeed. The harmonious interac-

tion of social groups has become a fierce battle against each other, for resources are becoming increasingly scarce.

The merciless economisation of the actually existing market radicalism has driven millions of formal job holders into inner mental resignation. In addition – as the sociologist *Heinz Bude* recently explained once again in a readable essay – that millions of people veg out in low-wage jobs as “service proletariat”, without any hope of improving their own employment situation (in numbers: 900 to 1100 euros per month for a full time job). The sentence reads: life sentence to cleaning toilets, delivering parcels, dwelling in truck cabs far from the family in or levering the sick and elderly out of their beds. The serving proletarians join, as potential allies in a possible future class war, the educated academics who do not manage to sustainably secure their existence. Thus, in its social stratification, the Federal Republic of Germany has become somewhat equal to the United States of America. And it just takes a glimpse into the history books to realise how, since the mid 19th century, always new waves of immigration of ever different populations upset the already established workers in the US. Immigrants, now competitors, threatened the hard-won standard of living of those who were already there. In the repeatedly renewed reduction of wages by the oversupply of labor, the old residents regularly responded with pogroms and lynchings.

## Media generated an enormous potential of violence

In Germany, the dispossessed and exploited of the service proletariat might soon respond in a similar way. The media - consciously or unconsciously – which remains to be seen – have worked in this direction: because for years the media have generated young people who, up to the age of 18 have already virtually consumed more than 36,000 murders in TV, movies and computer games (“FPS”) at least. If there was not one or the other social studies lesson at school, the impression from the virtual world would be exported into the real world that in the modern industrial society pure Stone Age logic would be reigning. Moreover certain tabloids are breed systematically the envy of demographic and occupational groups against each other, freely after *Caesar’s* recipe “divide and conquer”. And now we are getting to the point where the quantity of virtual violence threatens to turn into reality. When the *union of train drivers* in Germany carried out a rail strike that hit the railway users to the quick, a Fa-

\* *Hermann Ploppa* lives in Marburg/Germany and is a journalist and author of several books. He wrote, among others, the books “Hitlers amerikanische Lehrer. Die Eliten der USA als Geburtshelfer des Nationalsozialismus” (Hitler’s American teachers. US elites as midwives of Nazism; 2008, ISBN 978-3-9812703-0-3) and “Die Macher hinter den Kulissen. Wie transatlantische Netzwerke heimlich die Demokratie unterwandern” (The string-pullers behind the scenes. How transatlantic networks are secretly subverting democracy; 2014, ISBN 978-3-939816-22-5). The readers of *Current Concerns* know Hermann Ploppa from an interview in *Current Concerns* No. 26 of 18 October 2015.

**"Refugee crisis without ..."**

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cebook user demanded in his post to dispatch all train drivers in a train to the gas chambers. This hatred posting got 22,000 "Likes", i.e., other Facebook users joined this demand. As environmental activists resisted the destruction of the landscape in the North Rhine-Westphalian municipality Garzweiler by lignite mining, they were bombarded with sadistic hatred emails: You should roll the train on the protesters, they should be put to sleep like the animals, etc. It turned out that the hate mails had been sent from employees of the energy company RWE which operates lignite mining. On a Monday demonstration by the Islamophobic movement *Pegida* in Dresden finally, two gallows were erected: one was, as could be read in the inscription, intended for the German Chancellor *Angela Merkel*, the other for her deputy *Gabriel*.

**Targeted kindling of violence**

The increasing isolation of the people when they feel threatened causes the adoption of a kind of paranoid personality disorder traits. This becomes especially dangerous and has the effect of an accelerant when traumatized war refugees encounter insecure citizens. Targetted kindling of mistrust takes place, if all refugees are now generally suspected of being child molesters, rapists or notorious shop thieves. Or

that they "somehow" belong to the *Islamic state* IS. One should not disregard the fact that at least 99 percent of all violence victims of the IS are themselves Muslims. But for the owner of the website "Politically Incorrect" it seems to be clear: the Germans will soon be victims of IS-terror. That is what they are predicting for the the end of the year 2016:

"In naive Germany, there should be no problem for a fairly enthusiastic IS-fighter, to kill 20 to 30 people a day even with simple handguns – at least on the first day, if the attack is coordinated and carried out by surprise. Counting 250,000 men, that could well mean 4 to 5 million dead within 24 hours. Before the army could or would like to respond (or react), about ten millions could be killed relatively undisturbed alone within the first week – if there was enough ammunition."

**What part do the "Antideutschen" (Anti-Germans) play?**

But not only the political right spectrum is being mobilised. Since about 15 years the typical left milieu has been systematically subverted by mysterious forces which call themselves "antideutsch" (anti-German). The traditional left have been marginalised by a highly-professional scheme – an "antideutsch" team game. Now the "Antideutschs" toughen up on the so called "conspiracy theorists" and "right-wing pop-

ulists". Addressees are those individuals who dare to challenge the US politics and the *Netanyahu* government in Israel. This affects the Swiss historian *Daniele Ganser*, for instance. He ventured to confront the official tale of the Bush-government about the 9/11-background with opposing explanations approaches. Recently, when the Witten-Herdecke-university invited the Swiss historian for a lecture, the "Antideutschen" dispersed among the groups of "Jungsozialisten" (German Social Democratic Party youth organisation members), the "Junge Grüne" (German Green Party youth organisation members), the "Antifaschisten" (anti-fascists) and the "Piraten" (German Pirates Party), tried to force the university to take back Ganser's invitation. The university did not comply. Facing the great amount of visitors to Ganser's lecture the "Antideutschen" did no longer attempt to break up the event.

The "Antideutschen" have no backing in the population. For that reason they concentrate their activities point by point at German universities. The academic recruits who are to take over leading functions in our society are maltreated by some kind of sombre Old Testamentary doctrine of original sin: The Germans had lost their *raison d'être*, because they murdered six million Jews. In the language of the only

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**Refugees in Europe – constructive solutions are required**

km. Europe currently seems to be concerned with only one question: How to deal with the millions of people from other continents, thronging to Europe? The question has significant dimensions, legal, economic and eco-political ones, as well.

In countries like Germany, to which most refugees within Europe want to come, changes are imminent that will make the country ungovernable. A common search for solutions is no longer possible. Positions in the country are polarized. Social peace is threatened by this polarization. Meanwhile there are countless theses and hypotheses about the causes, the contexts and the consequences of the refugee movements. Who can ever check out what is true and what is untrue?

The following is alarming: Hardly any of the many opinions is oriented versus the common good. Instead, the splitting into "good" and "evil" wherever you look. The choice of words has become very coarse; in case the words match thoughts and feelings and are followed by deeds, we should be very concerned.

Where are the voices, where are the forces that are looking for constructive solutions? What is the framework in which the search for such solutions becomes possible? Find below a proposal to make the following aspects the *conditio sine qua non*:

1. Dealing with refugees must be based on law. Much is already regulated by positive law: in Germany, for example, in the "Grundgesetz" (Basic Law) and in various further laws. Internationally there are provisions, as well. At present, the law is not being respected. Those responsible have constructed an "emergency" case. This is highly dangerous.
2. All human beings have human rights. Europeans as well as the peoples of other continents who are now thronging into Europe. Solutions must not ignore human rights.
3. No country can absorb an unlimited number of people, especially not if these people come from very different cultural backgrounds. This fact must be discussed without polarization. The citizens of every country have a right to be involved in the search for solutions. Not only as volunteers, who are now asked to shoulder the consequences of a policy in which they had no say. Also in this issue the principle of popular sovereignty applies to this issue as well. No nation can be forced to do what it is unwilling to do. The opinions of all citizens have to be taken seriously. The place to discuss the different viewpoints is the negotiating table. Only arguments count. Fact is: If such dis-

cussions are conducted honestly and on an equal footing the creative potential of people will grow. There will be more constructive ideas and less polarization and destruction.

4. The causes of the refugee movement need to be addressed: no more wars; a just economic world order that gives all men the chance to live in dignity in the region, where they are domiciled. All the states are called up to be responsible in this regard. It is never a good solution, if millions of people leave their homes, wherever they might find accommodation. It is therefore only logical to assume that the refugees who are now coming to Europe, will return to their home countries as soon as they are no longer endangered there and be able to live in dignity. The request, to try to solve the "demographic problem" of European countries with refugees, is once more a new injustice done to the peoples and countries from which these refugees come.

I do not intend to set up hypotheses about what political plans might be connected with the fact that millions of people are flooding into Europe. That's not a priority. The results count. But these are not compulsory. The citizens themselves are to decide in the last; in case they want to and are allowed to.

# International trade: UN expert calls for abolition of Investor-State dispute settlement arbitrations

*“Trade must be made to work for human rights and development and not against them,” the United Nations Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, has said today.*

In his fourth report\* to the UN General Assembly, Alfred de Zayas focuses on the adverse human rights impacts of free trade and investment agreements and calls for the abolition of *Investor-State dispute settlement mechanism* (ISDS) that accompanies most of these agreements.

“Over the past twenty-five years bilateral international treaties and free trade agreements with investor-state-dispute-settlement have adversely impacted the international order and undermined fundamental principles of the UN, State sov-

ereignty, democracy and the rule of law. It prompts moral vertigo in the unbiased observer,” he noted.

“Far from contributing to human rights and development, ISDS has compromised the State’s regulatory functions and resulted in growing inequality among States and within them,” the expert stated.

In his report, Alfred de Zayas reviews a number of ISDS cases with adverse impacts on human rights, in particular when specific social policies have led to lawsuits by investors for alleged breach of trade agreements, and concludes that there is no justification to establish this privatized system of dispute settlement. “Investors can always bring claims before national jurisdictions with many appeal instances or rely on diplomatic protection and inter-State dispute settlement procedures,” he said.

The Independent Expert noted the European Commission’s recent proposal to create an Investment Court System for the *Transatlantic Trade and Investment Partnership – TTIP*. However, he warned that “it suffers from fundamental flaws and can only be adopted if the primacy of human rights is guaranteed, and those essential areas of State regulation including tobacco control, labour standards and environmental protection are carved out, i.e. excluded from the Court’s jurisdiction.”

The expert further called for a moratorium on all ongoing negotiations until all parties have been consulted, including labour unions, consumer unions, health professionals, environmental experts and other civil society, human rights and other interest organizations. Agreements

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## “Refugee crisis without ...”

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left super-power German universities concrete walls flaunt the words: “No Border, No Nations” or in German “Deutschland verrecke!” (“Germany, snuff it!”) and “EU-Grenzen öffnen!” (“Open EU-borders!”).

### Shock-strategy:

#### Market-radical dispossessors at work

The motive of delegitimising, i. e. depriving people of their right to integrity and dignity, always occurs, if abrupt encroachments on the possessions of certain groups of society or whole nations are taking place. Muslims in toto come under general suspicion of “Islamic State” terrorism, although they have to mourn the most of victims of the “Islamic State”. The inhabitants of the former GDR were collectively suspected of being agents of the so called *STASI* (national security service in the former GDR). Under the shock of this absolutely inappropriate insinuation the public-owned enterprises were requisitioned by western banks. The Swiss population is held liable for the immoral behaviour of Swiss big banking houses in order to take possession of the immense Swiss corporate assets in the long term.

Currently, masses of communal and citizens centers in German municipalities are being requisitioned in order to accommodate refugees there. Whoever opposes this undoing of social meeting places meets with the reproach of being xenophobic. “Home guards”, established by right-winged circles help to create a false picture of the citizens’ legitimate concerns. There is reason to suspect that once again Naomi Klein’s shock strategy is being applied.

Naomi Klein describes the method used by market-radical dispossessors who exploit catastrophes like tsunamis and earthquakes to “rewrite” the destroyed regions like empty blackboards – according to their own market-radical plans. It could be observed for instance that in Sri Lanka, after the Tsunami the fishermen were driven out in order to fill the tropical dream beaches with touristic resorts. Another example is New Orleans, that was rebuilt after the hurricane Katrina according to market-radical plans. That is the pattern which might serve as a model to reorganize Germany’s social topography when after the refugee crisis Germany’s population will have fallen into a state of shock: to sustainably undermine the social connectedness by closing community centres and by an inevitably intransparent re-distribution of social welfare benefit.

We’ve come full circle. The question remains: Why is it that neither the German Government nor the EU develop an sensible concept how to deal with the ever increasing refugee stream in the long run? Millions of immigrants without any immigration legislation – that does not look like a competent crisis management.

#### Marshall Plan for the rebuilding of destroyed countries

Nothing is more urgent than a long term concept. We are compelled to develop such a concept if we do not want to sink down into a “Clash of Civilizations” such as conjured up by Samuel Huntington. A concept might look as follows: (If there is a proposal, we have at least got something to talk about!) In a first step laws have to be passed to forbid the export of weapons. That would be the German Government’s

business. After all it is Germany that is still the world’s fourth biggest arms exporter. In a second step those who caused the disaster have to pay recompensation. Similarly to the tobacco industry in the nineties of the last century. These reparation payments will be deposited on a fiduciary account at the *International Development Bank* (the IMF counterpart of the so-called BRIC-States). This money will serve to fund a Marshall Plan with which the destroyed countries will be reconstructed. Since it is to be expected that most refugees will gladly return into their warm home countries, they will be educated and trained already in their host countries in order to help reconstructing their native countries effectively. Last not least the Federal Government has to finally do its homework and drive forth a sensible immigration legislation. In it one could honestly and frankly formulate the criteria which have to be met if somebody wants to obtain the desired German passport. For it is common sense that one day the boat will be full to the brim. If Germany and its middle-European neighbours want to guarantee their populations a life in dignity in the long term they must by no means expose them to a Darwinist struggle for Survival of the Fittest. Chancellor Angela Merkel knows only too well why she refused to participate in the assault on Lybia in 2011, that violated international law. She knew that ruining the state order in Lybia was going to render any coordinated dealing with the refugee streams at Europe’s borders impossible. Why is it that today Ms Merkel has the refugees immigrate into the country without any rule. Is she exposed to any pressure of some kind, to act against better knowledge?

(Translation Current Concerns)



**"International trade: UN expert ..."**

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that are not the result of proactive disclosure, public participation, or that are fast-tracked through Parliaments lack every democratic legitimacy.

"States have human rights treaty obligations to proactively inform the public, guarantee access to information, consult constituencies and ensure meaningful public participation in the conduct of public affairs," Alfred de Zayas noted. "Civil society should demand transparency and accountability from governments, invoke pertinent provisions of the International Covenant on Civil and Political Rights, and demand that the adoption of any future bilateral or multilateral agreements that have the potential to affect the life and rights of millions of people be subject to referenda."

"*Ex ante* and *ex post* human rights impact assessments must be conducted and under no conditions can the international community allow investors and transnational corporations to usurp State functions and thus prevent States from fulfilling their human rights treaty obligations," he insisted.

The Independent Expert also called for the organization of a World Conference on trade and investment agreements with a view to making them compatible with the UN Charter and human rights norms.

Recalling that States are treaty-bound by regional and universal human rights treaties, Alfred de Zayas called for a reaffirmation on the legal priorities, which should be issued by the *International Court of Justice* (ICJ) by way of an advisory opinion.

"The General Assembly should refer pertinent legal questions to the ICJ requesting an advisory opinion on the priority of human rights treaties over other agreements, with due application of article 103 of the UN Charter which stipulates that in the event of a conflict the UN Charter prevails over any other international agreement," the expert explained.

\* Alfred de Zayas (United States of America) was appointed as the first Independent Expert on the promotion of a democratic and equitable international order by the Human Rights Council, effective May 2012. He is currently professor of international law at the Geneva School of Diplomacy. Learn more, log on to: <http://www.ohchr.org/EN/Issues/IntOrder/Pages/IEInternationalOrderIndex.aspx>. The Independent Experts are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

**TTIP: Admission of cars from the USA would involve risks for Europeans**

For that matter the car industry on both sides of the Atlantic wanted their research study to show that the mutual endorsement of their standards under the Transatlantic Free Trade Agreement (TTIP) would be no problem. Up to now, cars from the United States have had to be inspected to verify whether they met EU standards, and vice versa. The entrepreneurs in the automobile industry hoped to make real savings with TTIP, because these controls would then disappear. However, now it has become apparent that US American cars are less reliable than European ones. As reported by the British «Independent», car manufacturers have tried to conceal this because they did not want to boost the opposition to TTIP: "... the research ac-

tually established that American models are much less safe when it comes to front-side collisions, a common cause of accidents that often result in serious injuries." research study co-author András Bálint from Chalmers University of Technology in Gothenburg told the newspaper. "The research showed that trade negotiators would potentially be putting lives in danger by allowing vehicles approved in the US to be sold in Europe and vice-versa." Obviously, TTIP critics are quite right in fearing that the agreement is "a whitewash blueprint for companies that put profits before the welfare of their customers."

Source: *St. Galler Tagblatt* online from 3 October 2015  
(Translation Current Concerns)

Besides the International Court of Justice, Alfred de Zayas also called on regional courts including the *European Court of Human Rights*, the *American Court of Human Rights* and the *African Court of Human and Peoples Rights* to test the compatibility of free trade agreements with their respective Conventions.

"The violation of human rights norms could also be tested by way of inter-State complaints procedures of the Human Rights Committee and Committee on Economic Social and Cultural Rights, since human rights obligations are *erga omnes* and all States parties have a legitimate interest in ensuring the integrity and proper application of human rights treaties," the Independent Expert noted. •

Source: Press release [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E)

\* Check the Independent Expert's full report: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/285](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/285)

Check the International Covenant on Civil and Political Rights: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E#sthash.k1V9baF.dpuf>

**TISA free commune Zurich**

*mw.* On 28 October, a clear majority of 83 to 39 voters agreed to a postulate of the Greens that Zurich "be declared a TISA free zone so as to send out a message" in the Zurich City Parliament. In addition, the Zurich City Council (executive) is to examine what legal options against the agreement it may have (for example, a complaint against the Federal Council). Several MPs pointed out that with the TISA agreement virtually the entire public service (for example, health care, education, energy) would be relinquished to the free market. Since the TISA agreement would restrict the municipalities' democratic options, they would be directly affected and therefore would have to speak up for themselves (see. "Neue Zürcher Zeitung" of 29 October 2015). With this the city of Zurich, the most populous city of Switzerland, is taking a bold step. It is to be hoped that other communities will follow, with the result

that Switzerland's well-functioning federal structure with its inherent principle of subsidiarity will once again be on the radar of all, including the executive on the top level (namely that of the federation). The duties of a well-functioning and citizen-friendly public service are namely first of all down to the communities (municipal autonomy). All along that citizens in their capacity as the sovereign have arranged matters of public policy in an exemplary way, as for instance the supply of drinking water and energy, elementary schools, waste disposal, the fire department, health care, and much more. What overcharges the powers of the individual community is solved in special purpose associations with other municipalities, and only in case this proves to be too much to handle does the canton take over. Only the national tasks of the public service such as the SBB (the federal railways) or the national road network (the motorways) are

# “The EFTA Court” has nothing to do with EFTA

by Dr iur. Marianne Wüthrich

Switzerland is a thorn in the EU's flesh. Unlike with the many member states in which citizens have no say, the basic principles of Swiss politics are determined by the voters. Without direct democracy, our country would have long since become an EU member. For the first time in 1992 did the Swiss people refuse to join the European Economic Area (EEA) (with 50.3% of the votes and with 16 out of 23 cantons); next they said No to the federal popular initiative "Yes to Europe" in 2001, that is to say No to EU membership (with 76.8% of the votes and all cantons). For many Europeans, the Swiss model is a prototype: Actually, every nation should be given the freedom to determine their own position in the world.

Unsurprisingly for many Swiss citizens, the bilateral agreements with the EU turned out to be what they actually were: agreements between states that could be re-negotiated in good faith in case the fundamentals would be significantly changed. Hence the agreement on the free movement of people resulted in a migration to an extent that no other country in Europe has ever experienced.<sup>1</sup> Therefore, the Swiss decided on 9 February 2014 that the federal authorities themselves should once again regulate migration from the EU states by fixing maximum numbers and quotas; if necessary, the Free Movement of Persons Agreement should be re-negotiated. – No more and no less.

Reactions were remarkable (we decided to ignore the unskilled outbreaks in domestic and foreign media). EU leaders repeated for the umpteenth time: "The free movement of persons is not negotiable." In Switzerland, political parties whose party programs had included the EU membership for years, are suddenly pledging themselves to the "continuation of the bilateral approach." A group of EU membership proponents filed the *Rasa*-initiative "Raus aus der Sackgasse" (Out of the impasse) a few days ago which requires the deletion of the Immigration Article 121 a of the Fed-

eral Constitution, because its implementation allegedly endangers the contents of the bilateral agreements. (One could almost have had the heretical idea that this action was coordinated with the federal administration ...)

The Federal Council – having received the order from the sovereign to concretise the immigration act within three years and, where appropriate, re-negotiate the Free Movement of Persons Agreement – claimed a few months ago, this issue could only be negotiated in connection with an Institutional Framework Agreement with the EU – which the Council would have liked to forward long ago. A few weeks ago we discussed the very far-reaching intervention of such an agreement with regard to the sovereignty of Switzerland in this paper.<sup>2</sup>

## **Crux of the Institutional Framework Agreement: The foreign judges**

The conclusion of an institutional framework agreement between Switzerland and the EU includes the recognition of an EU Court as the highest judicial body which would determine the interpretation of existing or future bilateral agreements. This very idea makes our hair curl. Yes, the Federal Council had to fear definitely that the whole package it had planned would go down the drain by the referendum because of this crucial point. "No foreign judges" – this corresponds to the concept of freedom and independence, which has always been indispensable to the Swiss people.

Being aware of this, the Federal Council made a laudable attempt – albeit doomed to fail from the outset – to win the EU over to consent to a special construct: it was a mix between EU Justice and the model of bilateral agreements with its Joint Com-



mittees. Thereafter, the Supreme Court of the EU, the (European Court of Justice) ECJ, at the request of a party should not deliver a binding judgment concerning the interpretation of EU law but merely give an expert opinion. How

this interpretation should be implemented in Swiss law would then be discussed in the Joint Committee (among representatives of Switzerland and the EU).

We could have bet that the EU would not agree to such a – relatively liberal – concept that maintained a small part of sovereignty for the contractor Switzerland! The ECJ rulings have to be binding, end of story.

## **“The EFTA Court – the little brother of the ECJ” (Carl Baudenbacher)<sup>3</sup>**

As early as 5 years ago EFTA Court President *Carl Baudenbacher* brought his court into play and campaigned for the EEA accession of Switzerland.<sup>4</sup> Recently, *Christa Tobler*, Professor at the *Institute for European Global Studies*, University of Basel blew into the same horn, "For the institutional issues the EEA model would be more suitable for Switzerland than the model of the unilateral invoking of the ECJ."<sup>5</sup>

Now, after the sobering results of the negotiations with the EU as to the resolution of disputes under a framework agreement, we hear amazing tones in the daily press about the "little brother of the ECJ": There is a talk of an "EFTA solution" or "EFTA model". Indeed, an otherwise well-known conscientious politician, who credibly had assured that she would never seek an EU membership of Switzerland and certainly no subordination under ECJ judiciary, is quoted with the words, that the EFTA solution had several advantages which could easily be imparted to the voters (!): There would be no foreign judges, since it did not concern an institution of the EU and a Swiss judge would be part of it. – Unfortunately, this statement is absolutely untrue. And she continued: The strategic goal behind the Framework Agreement was the conservation of bilateral agreements, and in order to achieve this, EFTA was more suitable than the EU institutions because of its manner of operation and because Switzerland was a member of EFTA.<sup>6</sup>

Now, dear journalists and readers, dear politicians: Let us hope that it was not on purpose that the truth was sacrificed to this strategic goal – at least not by the cited

## **"TISA free commune Zurich..."**

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– in accordance with the Federal Constitution – a federal matter. To add a remark in parentheses, it should be mentioned critically here that the federal authorities increasingly run the public service sectors assigned to them for cash and have even partly surrendered them to the open market: So post offices are closed, peripheral bus and train lines thinned out, and train tickets are becoming ever more expensive. Bearing in

mind the bedrock of the federal regulations for the public service in Switzerland the urgent question arises: Why does the federal government assume the right to get in touch with the great powers USA and EU with respect to trade in services behind the backs of communes and cantons and without informing us citizens comprehensively and in detail and asking us whether we want all this? At any rate it is good to know that from now on there will be TISA free communes – may many municipalities follow in the footsteps of the City of Zurich! •

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**“The EFTA Court’ has nothing ...”**

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councillor. Whoever wants to know the truth, but so far has not found the time to look for it, is kindly requested to read on.

*The following corrections are one and all literal statements of Carl Baudenbacher, in his capacity as President of the EFTA Court – and he must know it!*

*1<sup>st</sup> Correction: The EFTA Court has nothing to do with the EFTA.*

The EFTA Court was established by the EU (!) after the accession of the three EFTA member states Norway, Iceland and Liechtenstein to the EEA in order to ensure the uniform application of EU law in these three countries: “The EFTA Court in Luxembourg that has existed since 1 January 1994 is in charge of case law, which has its origin in the EFTA pillar of the European Economic Area (EEA)”.<sup>7</sup> The name EFTA Court is therefore incorrect and misleading. The EFTA Court is in reality an EU Court. The EU established it for the three EEA countries which were not members of the EU simultaneously and are therefore not incorporated in the EU’s judicial system.

*2<sup>nd</sup> Correction: The EFTA Court was installed by the EU to monitor the application of EU law in the three new EEA countries.*

The EFTA Court “is mainly competent to deal with infringement suits raised by the EFTA Surveillance Authority (ESA) against one of the three EFTA pillars (Norway, Iceland and Liechtenstein) concerning violations of the EEA agreement, for rendering preliminary rulings of national courts in these three countries and actions for nullity on the interpretation of EEA law in competition law and state aid law matters in the three mentioned countries.”<sup>8</sup>

Therefore Court President Baudenbacher called the EFTA Court the “little brother of the ECJ”. The second monitoring body, the ESA, does not only monitor the EFTA, but watches over the three EEA EFTA states’ “correct” application and implementation of EU legislation.

*3<sup>rd</sup> Correction: EEA law is identical in content with EU law – the EFTA Court follows the relevant case law of the ECJ.*

“The EEA law, effective in the EFTA pillar, is derived from EU law. [...] EEA law is essentially identical in substance with EU law. The uniform (‘homogeneous’) interpretation of its rules is guaranteed by special homogeneity rules. According to these rules the EFTA Court is bound to follow the relevant case law of the ECJ”.<sup>9</sup>

*4<sup>th</sup> Correction: “The ESA and the EFTA Court are parallel institutions*

*to the EU Commission and the European Court of Justice [...]” (Carl Baudenbacher).<sup>10</sup>*

This means that the EFTA Court rules on complaints by the EFTA Surveillance Authority (ESA) against one of the three countries (Norway, Iceland and Liechtenstein), for example, because of an alleged breach of the EEA Agreement. (The parallel: The ECJ rules on actions of the European Commission against one of the EU member states because of an alleged violation of EU law.)

Everything all right? ESA and the EFTA Court have been created solely for the purpose, to impose EU law on the three EEA countries Norway, Iceland and Liechtenstein. It is of the EFTA Court’s behalf to make its case law “identical in content” to ECJ case law. A “little brother” who must do what Big Brother tells him.

*5<sup>th</sup> Correction: No foreign judges?*

The EFTA Court consists of three regular judges, one for each member state, i.e. a Norwegian, an Icelander and the Swiss Carl Baudenbacher, who represents Liechtenstein. If Switzerland submitted to the EFTA Court as a final arbiter on contentious issues concerning the bilateral agreements, it could probably also send a judge. But:

*A court whose job consists only of controlling the application of EU law in the participating states and following the ECJ’s decisions, is and will remain an EU court, a “foreign judge” – even if one of the judges has a Swiss passport.*

### **Massive loss of sovereignty for the EEA countries as a result of the jurisprudence of the “EFTA Court”**

*Loss of sovereignty – example Norway*

“More Norwegian freedom of action and less control by the EU: Over the last 20 years the EEA has been increasingly expanded and is now touching policies, which the then parliamentary majority of supporters declared to be beyond the EEA. Examples are the Norwegian regional policy, the petroleum policy, the management of natural resources and the alcohol policy. For several years, rights and measures to prevent social dumping, were questioned by the supervisory authorities of the EEA, ESA and the EFTA Court.”<sup>11</sup>

*Loss of sovereignty qualified by judicial dialogue?*

According to Baudenbacher the loss of sovereignty of the EEA EFTA States will be qualified by the permanent judicial dialogue between the EFTA Court and the ECJ: “Of course, the ECJ’s case sets the tone. The EFTA Court has often delivered decisive input for its case-law.”<sup>12</sup>

No wonder Norway mourns the loss of sovereignty, which it has suffered since joining the EEA. The fact that Mr Baudenbacher conversed with the judges of the ECJ on the telephone and the latter graciously accept an “input” now and then, is certainly not what the Norwegians and of course democracy-used Swiss understand by sovereignty.

### **Pseudo participation rights as cover**

According to Baudenbacher EEA/EFTA states have “no right to co-determination” when new laws are established, however, they have “*more extended participation rights than Switzerland when drafting new EU legislation.*”<sup>13</sup>

Baudenbacher does not substantiate these participation rights. Just imagine how little even the EU Member States have to say in establishing new EU law (as for example in the issue of the euro rescue packages in the ESM)!

### **Step by step: first EEA accession, then full EU membership**

In reality, Carl Baudenbacher does not want Switzerland to join the EEA, but the EU, which, however, will only be possible by making use of salami tactics. “The political disadvantages of the new bilateralism, especially the ongoing and increasing loss of sovereignty and the isolation, could be best compensated by joining the European Union. However, there is a complete lack of political conditions for such a proceeding. So we should proceed step by step.” – “Switzerland should venture a second EEA-attempt. [...] If the Federal Council would launch an EEA II project, the error of 1992, when we presented an application for the EU membership simultaneously with the settlement of the EEA negotiations, should not be repeated. *That does not change the fact that EU membership will be inevitable in the long term.*”<sup>14</sup>

### **First Conclusion: EEA model or Institutional Framework Agreement? Neither nor!**

A closer look at the Framework Agreement and the EEA model necessarily lead to the conclusion: Both models would be the end of sovereign and direct-democratic Switzerland.

We would do better with bilateral agreements with the EU – but real agreements on an equal footing, not unilateral dictation by a great power imposed on a small state! The Swiss sovereign’s wish to re-negotiate, for example, the Free Movement of Persons Agreement due to the unexpected high immigration rates should be realisable between civilised contractors. Considering the large quantities of the *acquis communautaire* (EU law), that Switzerland has already

# Cash ban – the way into the nanny state

## Planned cash abolition leads to the deprivation of citizens' rights



*It is not only in the United States that plans are being forged out to abolish cash money. This debate is being re-initiated in Europe as well. What comes in as harmless as “cash-free”, on closer inspection turns out to be an attempt to put the screws on the citizens all over Europe. George Orwell would be cringing.*

rl. Cash, which was originally a substitute for gold, represents an easily transportable method of payment. For work performed or items sold, one would receive an equivalent amount in the form of cash money. With this – “my” money – I could then automatically buy other things or services. For example, goods for my livelihood or services such as dental work or the service of a car mechanic. This cash could also be used to pay taxes.

Now, if all purchases and sales are handled via “credit cards” – therefore cashless – I will no longer have an equivalent amount in my hands, but a small plastic card with a chip, which also can be manipulated and controlled at any time.

Now one could argue: Why, that’s a good thing. It is practical, it is clean and there will no longer be any criminal deals.

But let us consider the matter further. It becomes interesting when my “nest egg” will no longer be available under the pillow or can no longer be given to the nephew as interest-free loan with a handshake. My money is now stored on a smart card.

This smart card is managed by a bank or the government.

Now, what happens if the central banks such as the ECB, FED or SNB carry out a radical negative interest rate policy? Under my pillow my savings would have been spared. But with a negative interest rate, funds on my virtual account will be debited month after month. Therefore I’m forced to spend my money, so it will not simply be forfeited. Just as many governments would like it. A nest egg becomes impossible and with the plastic card, the chunk for the nephew is mercilessly destroyed even without my nephew ever having spent any of it.

It is well known that currently little or no interest shall be awarded and that Switzerland has already introduced a “soft” minus interest-rate policy.

It gets even worse. Asking an ironical question: Is it not harmful for me that I often buy cigarettes or liquor? Such purchases could now be stopped centrally via a plastic card. No purchase possible! The imagination produces many more far-reaching ideas of what could happen. The decision of what is good or bad for me and what I can do with my money, would be taken by others, no longer by myself. Any purchase or every sale I make, will be registered as personal data.

Undreamt-of possibilities arise for new taxes: since the purchase of certain products might be taxed directly. But even banks could impose new charges for certain transfers.

In the recommended paperback “Bargeldverbot. Alles was Sie über die kommende

Bargeldabschaffung wissen müssen” (Cash ban. Everything you need to know about the upcoming abolition of cash), the authors, Ulrich Horstmann and Gerald Mann describe the already completed steps as well as possible scenarios towards the short-term abolition of cash. The paperback was initiated by a presentation by noted Harvard professor Kenneth Rogoff in November 2014 at the Munich Ludwig Maximilian University. He praised the “advantages” of a cash-free society against the backdrop of the current financial crisis and made concrete proposals on how cash could be abolished.

Horstmann and Mann demonstrate that the current financial crisis of the US and Europe most likely leads to a radical negative interest rate policy (4–5%). They also describe the economic considerations behind it. Savers are to be forced, to invest their private assets in consumption or in investments, with the fiscal target, to thereby artificially stimulate the economy.

Among other things, the authors describe a media campaign in Sweden in 2010 that was targeted on abolishing cash (“cash-free now!”). Cash has been described as unsanitary and has been simultaneously linked conceptually with mafia and arms deals. Purposefully, images were and are put into circulation which should associate negative associations with cash. Anyone who paid with cash should come under suspicion. And who wants that?

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### “The EFTA Court’ has nothing ...”

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adopted as federal law by the so-called “autonomous reenactment”, it would be nothing but decent if the EU took a bit from the *acquis Suisse* from time to time as well, wouldn’t it? And: Since the existing Bilateral Agreements have already led to all kinds of – sometimes very serious – problems, we should refrain from adding some more.

#### Second Conclusion:

##### Why not fill the EFTA with new life?

We Swiss have always maintained intense cultural, legal and economic relations with the entire world, but especially with other countries in Europe since our country is situated in its center. Out of the desire to co-operate with other European countries, Switzerland was actively involved in the establishment of the European Free Trade Association EFTA in 1960 – an association of sovereign nation-states, which still exists today. The EFTA offers itself as a viable al-

ternative for European states that no longer feel in good hands in the EU.

By the way, many EU countries were EFTA members once, before they embarked on a path that has led them away from the Europe of nations. In addition to the present four EFTA states Switzerland, Iceland, Liechtenstein and Norway, there were Denmark, Great Britain, Austria, Portugal, Sweden and Finland as members of the EFTA over a shorter or longer period of time. Why not fill EFTA with new life? •

- 1 “Since 2007, the average of the annual growth rate is more than 1%. 2014 registered a rate of 1.2% and that makes Switzerland one of the most dynamic countries according to the population growth in Europe.” Swiss Federal Statistical Office, [www.bfs.admin.ch/bfs/portal/en/index/themen/01/02/blank/key/bevoelkerungsstand.html#d/Bevoelkerungswachstum](http://www.bfs.admin.ch/bfs/portal/en/index/themen/01/02/blank/key/bevoelkerungsstand.html#d/Bevoelkerungswachstum) (as of 9.11.2015)
- 2 “Wanted: Representatives who are not casting one eye at Brussels”, *Current Concerns* No 25 of 6 Oct. 2015
- 3 “Der EFTA-Gerichtshof – der kleine Bruder des EuGH” by Carl Baudenbacher, in: “prisma 341 – Weg” of 15.10.2012; © 2013 by prisma, St.Gallen

(Switzerland) /Amiado Group AG, Zurich (Switzerland); see also <http://carlbaudenbacher.com/profile>

- 4 Carl Baudenbacher, “Rechtsprechung: Rechtssicherheit als Standortfaktor”, in “*Souveränität als Härte-test*” ed. by avenir suisse and Verlag Neue Zürcher Zeitung, Zurich 2010, p. 272f. [emphasis by *Current Concerns*]
- 5 *Neue Zürcher Zeitung* from 23.10.2015
- 6 cf. “Was ist machbar?” commentary by guest writer Christa Tobler, *Neue Zürcher Zeitung* from 18.9.2015; see also “Würde ein Rahmenabkommen in die EU führen?” of the former ambassador Carlo Jagmetti, *Neue Zürcher Zeitung* from 6.10.2015
- 7 Baudenbacher, “Der EFTA-Gerichtshof” *ibid.*
- 8 Baudenbacher, “Der EFTA-Gerichtshof” *ibid.*
- 9 Baudenbacher, “Der EFTA-Gerichtshof” *ibid.*
- 10 Baudenbacher, “Der EFTA-Gerichtshof” *ibid.*
- 11 “EWR-Diskussionen in Norwegen” in *Europa-Magazin* from 25.2.2013, Copyright 1996–2013 *Forum für direkte Demokratie*, <http://edit.europamagazin.ch/zone/3bb68aba>
- 12 Baudenbacher, “Rechtsprechung: Rechtssicherheit als Standortfaktor”, *ibid.* p. 259
- 13 Baudenbacher, “Rechtsprechung: Rechtssicherheit als Standortfaktor”, *ibid.* p. 271 and 259 [emphasis by *Current Concerns*]
- 14 Baudenbacher, “Rechtsprechung: Rechtssicherheit als Standortfaktor”, *ibid.* pp. 272. [emphasis by *Current Concerns*]

# The right to work – impact on the Swiss Federal Constitution

## The significance of direct democracy to ensure social peace (part 6)

by Dr rer. publ. Werner Wüthrich

*A brief resume at the beginning:*

*Part 1 of this series of articles (Current Concerns 14 of 2 June 2015) showed how tensions between the workers and their organisations and the political leadership in Switzerland had increasingly intensified during the last years of the First World War and how finally the general strike was proclaimed in November 1918. After this national crisis many referendums contributed to establish social peace.*

*Part 2 (Current Concerns 15/16 of 16 June 2015) advanced to the roots of our economic constitution and stressed the significance of direct democracy for a peaceful economic development.*

*Part 3 (Current Concerns 17 of 30 June 2015) showed how, after the First World War, the Federal Council and Parliament circumvented the people's rights in the economic field via emergency law too often, and how the population resisted.*

*Part 4 (Current Concerns 19 of 29 July 2015) dealt with the 1937 peace agreement between the associations of employees and employers in the metal industry and its significance for Switzerland.*

*Part 5 (Current Concerns 23 of 23 September 2015) outlined the significance of people's rights as an instrument for crisis management and the preservation of social peace during the severe economic depression of the 1930s.*

*(Preliminary note: detailed information on the numerous polls and popular initiatives, please visit [admin.ch](http://admin.ch) => "Chronologie Volksinitiativen" (oder Volksabstimmungen)).*

The right to work is part of a decent life and – considered from the point of view of natural law – results from the right to existence. In 1948 this right was included as a human right in the *Universal Declara-*

*tion of Human Rights* of the UN: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." (Art. 23)

Even more binding is the UN Convention of 19 December 1966 on the economic, social and cultural human rights. So Art. 2, para 1 obliges the state that, "Nothing in this article shall authorize States Parties [...] to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention."

### Historical facts

In the history of mankind the right to work was by no means guaranteed. In the ancient world and the Middle Ages, it was slave labor or servitude which oppressed people's lives. Their work was associated with coercion and lawlessness. In the free cities in the Middle Ages the right to work was often dependent on membership in a guild or a professional community. The phenomenon of unemployment – as we know it today – was born in the time of the Industrial Revolution, which began in the 18<sup>th</sup> century and changed society profoundly, everywhere. In the stormy but often unstable economic development of the last two centuries, smaller and even larger parts of the population lost their jobs again and again. Today, unemployment is a serious problem in some countries and has become an ongoing issue in politics.

### Basics

In an economic order dominated by the private sector, the state cannot directly assign work. However, it may replace the unemployed people's loss of earnings at least partially, in order to support them and help them find a job. The state can generally protect the work by adopting regulations, for example on working



*On 29 August 1893, Albert Steck, president of the Social Democratic Party of Switzerland, handed in the first popular initiative of the federation, entitled "Right to Work". Until today, more than 300 additional federal popular initiatives should follow, more than 2/3 were put on the ballot. (picture ma)*

hours, the protection of health or against unfair dismissal. The state may decide on job creation programs. And it can generally focus its economic policy on full employment, while economists and politicians often disagreeing on how to achieve that. Understood in that way, the right to work is less a legally enforceable claim than an overall social responsibility that should be enshrined in the Constitution.

For the first time this happened in France. On 24 June 1793, the French National Assembly adopted not only the commercial and economic freedom (Art. 17) as a fundamental right in the Constitution but also the duty of assistance (*dette sacré*) for those, who lost their work and were in need (Art. 21). The first articles of this impressive Constitution read as follows.

*Art.1 Le but de la société est le Bonheur commun. – Le gouvernement est institué pour garantir à l'homme la jouissance de ses droits naturels et imprescriptibles.*

*Art. 2 Ces droits sont l'égalité, la liberté, la sûreté, la propriété. (...)*

*Art. 3 Tous les hommes sont égaux par la nature et devant la loi. (...)*

*Art. 17. Nul genre de travail, de culture, de commerce, ne peut être interdit à l'industrie des citoyens.*

### "Cash ban – the way into ..."

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Some EU countries like Italy, Greece, Spain, Belgium and France have banned cash transactions beyond 1,000 or 3,000 euros in recent years. In countries like Switzerland, Austria or Germany, however, cash is very popular. In these countries, the plans to abolish cash have therefore met with stronger resistance. At the end of their book Horstmann and Mann do not stop at their original analysis, but call for protest against any government plans to ban cash as a dangerous restriction on civil liberties. One countermeasure alone

is to continue to pay with coins and notes! In Switzerland, the issue of cash-abolition has also been launched. The radio program might have provided the original impetus for it. The program called "Criminal and expensive? Cash in investments". In this fictitious theatre play, cash was judged and ended up with a very positive verdict. This time it is ending with a positive outcome for cash ... (Swiss Radio SRF, *Magazin Trend* on 7 November at 8.13 am). •

Ulrich Horstmann, Gerald Mann. *Bargeldverbot. Alles was Sie über die kommende Bargeldabschaffung wissen müssen*, Munich 2015  
ISBN 978-3-89879-933-1

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*Art. 21. Les secours publics sont une dette sacré. La société doit la subsistance aux citoyens malheureux, soit en leur procurant du travail, soit en assurant les moyens d'exister à ceux qui sont hors d'état de travailler.*

This early constitutional work makes it clear that economy-related fundamental rights are there not only to give individuals the freedom to engage in economic activity. They shall contribute to the common good (*Bonheur commun*) – the ultimate objective of society (*But de la société*). Further articles even contained approaches to direct democracy (referendum law). This constitution dating at the time of the French Revolution was far ahead of its time and, unfortunately, did not remain ineffect for long. However, it was apt, in Switzerland's regeneration time after 1830, to inspire some politicians to rewrite the Constitution in their cantons (cf. Part 2 of the series of articles of 16 June 2015).

**The right to work in the teachings of socialism and communism**

Socialists and Communists have often understood or do still understand the right to work differently. They are of the opinion that the right to work can ultimately not be really implemented in a private economic order. The capitalist economic order should be abolished as a whole and work should be reorganized. The right to work is thus part of a new model of society. Much has been written about that, many ideas were developed and practical experiments were made. Here are some examples:

**Charles Fourier**

Early socialists like *Charles Fourier* (1772–1837) did not only have the economy in mind, but suggested new forms of life and society. Groups of about 1,500 people could jointly organize their lives by living in residential cooperatives and working together in productive and consumer cooperatives and supply themselves. Everyone has his place, so capital and labor would be in harmonious relationship. His scholar *Victor Considerant* (1808–1893) also made similar proposals. There were a number of practical tests. The Zurich Early Socialist *Karl Bürkli* (1823–1901), for example, travelled to Texas with a group of emigrants. They bought 10 sqkm of land and established there – virtually on a greenfield site – their 'utopia', a community in Fourier's sense. However, they were unsuccessful in the long term due to difficulties – which also occurred in the interpersonal relations – which made their enthusiasm vanish. Bürkli returned to Zurich and helped to build up the co-op association there, while he committed himself successfully to the cooperative system

and to direct democracy. April 18 1869 was a very special day for him. With a turnout of over 90 percent, the Zurich people said Yes to a revolutionary constitution, which contained not only far-reaching initiative rights and referendum rights but in particular encouraged the cooperative movement, as well:

*Art. 23: The State encourages and facilitates the development of self-help-based cooperatives. In the way of legislation, the state adopts the necessary provisions to protect workers.*

It was a signal to other cantons and the Confederation which – as the name suggests – is politically built on the cooperative idea. Nowadays, the cooperative movement is promoted at all political levels. The Bürkli-Platz on Lake Zurich is reminiscent of this Swiss Early Socialist's work.

**Louis Blanc**

The Early Socialist *Louis Blanc* (1811–1882) suggested that the state provides jobs for the unemployed. In 1839 he published his reform ideas in his paper "L'organisation de travail". After the February Revolution of 1848 he became Minister for Employment of the provisional government of France and was given the opportunity to put his ideas into practice. The Socialist-dominated parliament inserted the right to work as a fundamental right in the new constitution. Based on this, Louis Blanc had a variety of national workshops be built, where 100,000 Frenchmen were to find work. Soon, there occurred some difficulties. Often the manufactured products did not meet the consumers' wishes. Often it was unclear to them what they should produce at all, or the workshops competed with private enterprises which made life difficult for them. The project failed after a relatively short time. The Socialists lost the next election, and serious riots occurred in Paris with several thousand deaths. The French parliament removed the misunderstood right to work from the Constitution and replaced it by the obligation to support the unemployed.

**Karl Marx**

*Karl Marx* was far more radical. The problem of unemployment could – as Marx claimed – only be solved as a whole by the working class and its leaders if the economic and social order was completely transformed. They would have to abolish class antagonisms by leading the class struggle, taking over power in a revolution and nationalizing the factories and institutions of the manufacturing sector. After that the authorities would centrally and systematically plan production, labor and economic processes. The right to work would thus become a plan to work and for the individual it would become an obligation to work.

The weaknesses of this economic and social model are known today. The main

error lies probably in the concept of man ("Menschenbild"). "Existence determines consciousness", is a central tenet of Marx. In the field of work this means: The new conditions of production, in which there are no class distinctions, would bring about a new human being. Marx said: Man would be liberated "of religion, property and the selfishness of the trade", and it would create a "new man" who replaced the man "as he goes". Finally the state would gradually wither away. - Marxism and its implementation was to cause even greater social tensions than Louis Blanc's experiment in 1848. In the 20<sup>th</sup> century, about one third of mankind was forced into such an order more or less involuntarily.

How was the hotly debated right to work implemented in direct-democratically constituted Switzerland? It does not come as a surprise that it was subject of popular initiatives several times. It is worthwhile to look at these in more detail.

**Federal popular initiative "right to work" of 1893**

The Swiss workers' movement was ideologically influenced by various schools of thought. So the one side wanted to make the liberal economic order more social, others wanted to rebuild it entirely. Not much time passed until the first popular initiative was launched. In 1893 *Albert Steck*, president of the *Social Democratic Party of Switzerland*, announced the popular initiative "Right to work". It was a pioneering act in two ways: It was the first popular initiative, which was launched after this popular law had been included in the Federal Constitution in 1891. And it was the first popular initiative of the newly founded Social Democratic Party of Switzerland SPS. Steck spoke out against the class struggle, stressing that he was not aiming at the overthrow of the existing institutional framework. The initiative only required the "possible, i.e. what was practicable without changing the basics of our present economic order". Steck prevailed over the revolutionary-minded comrades in his party, leaving the liberal core of the economic constitution untouched. However, he suggested numerous additions and alterations – for example: reduction of working hours, public employment proof (i.e. establishment of public employment services), measures for protection against unfair dismissal, sufficient support for the unemployed and a guarantee of the right to be active in unions. Furthermore, the work in the factories and in state institutions should be democratically organized.

The initiative was clearly rejected by the people with almost 80 percent no-votes on 3 June 1894. The opposition came from two sides: Civil groups argued

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that the right to work was not practicable in a private sector economy and the proposed changes would gradually lead to socialism. Parts of the workers resisted reforms of this kind, because they did not want to improve the "system" but change it fundamentally. Marxism, which at that time was focused on class struggle and the conquest of power, made it difficult to have a calm, democratic debate.

**Impact on the development of law**

Most of the measures contained in the Socialist Party's popular initiative became established over the years through Swiss legislation, without ever threatening the private sector economic order. However, the development proceeded in small steps and in the context of economic development. The popular initiative of 1894 was far ahead of its time. However, it became the starting point for later social reforms. Let me mention only a few key words here: As early as in 1863 on the occasion of the Landsgemeinde (community assembly) in the Canton of Glarus 6,000 citizens had gathered under the open sky and decided on the then most advanced factory Act in Europe. In 1876 voters throughout Switzerland said Yes to a federal factory law, which substantially took over the provisions from the Canton of Glarus. The Glarus factory inspector, *Fridolin Schuler*, was appointed federal factory inspector. In 1914 the *Factory Act* was revised and later repeatedly supplemented and expanded until it was expanded in 1963 to become a comprehensive labor law for all companies (not only for factories).

In the field of unemployment insurance, the steps were small: The communes and cantons were responsible for unemployment benefits. An insurance against unemployment could be effected voluntarily. It was initially performed mainly by the unions – and later by the communes. In 1919, parliament decided on federal contributions for unemployment compensation and in 1924 subsidies for unemployment insurance. In the thirties, about 30 percent of the workers were insured. A federal law on unemployment, however, has only existed since 1951. In 1976 the voters agreed with considerable 68 per cent Yes-votes on the compulsory unemployment insurance, as we know it today.

The popular initiative "right to work" launched by the Social Democrats in 1894 had raised the politicians awareness and also caused the population to become more aware of social issues and accept the need to make corrections in the free enterprise economy.

**Right to work in the economic crisis of the thirties**

During the Great Depression of the thirties unemployment had become a worldwide mass phenomenon. In the "Popular initiative to combat the economic crisis", launched by the unions in 1935, the right to work was a core concern. The initiative text read as follows: The Confederation ensures the "planned procurement of labor and expeditious order of the work certificate". The popular initiative was indeed rejected by 56 per cent No-votes (see Part 5 of this series of articles on 23 September 2015.), however, the demands for public job creation schemes could not be silenced.

In the meantime, the Swiss Federal Council had indeed taken some measures. So it established a *center for job creation* and accelerated the construction of SBB railway routes, border plants and Alpine roads. In 1934 liberal circles exerted some pressure with the popular initiative "Extension of alpine roads and access roads". In the economic field, the Federal Council supported the textile, the watch industry, some banks and agriculture. The strongly grown government commitment during these years was expressed in the rise of so-called state quota. The share of government expenditure in the gross domestic product had doubled from about 10 percent before the First World War to 20 per cent in 1939 (today 35 percent).

The Federal Council – despite the crisis – handled its finances as a "good householder" and tried to balance its budget without any debt. This was almost always successful. Another comparison: Before the First World War, the federal government had no debt, but in 1939, they had grown to 1.5 billion Swiss francs (today they are more than 100 billion). This "mini-mountain of debt" was really modest, even if one takes into account that the monetary value was significantly higher then.

The "austerity policy" of the Federal Council was however criticized mainly by those circles that were oriented towards the theories of the English economist *John Maynard Keynes*, who determined the economic policy especially in the US. His motto was: No new taxes – but debt-financed overspending should boost demand and create jobs. Switzerland "was wired" differently: in 1932 the *Swiss Federation of Trade Unions* and the *Federative Association of Employees* launched the popular initiative "For an extraordinary federal crisis tax" in order to fill the "holes" in the state budget and prevent a reduction of wages for employees. The Federal Council took up the issue and decided on a Crisis Contribution in a 1934 emergency law, a temporary and progressive income tax which was a significant burden to higher incomes. In 1938 the people thus backed the Federal Council and very clearly consented to the

crisis tax at the ballot box with 72 per cent yes-votes.

**Closing ranks before the Second World War**

For the Social Democrats, the efforts of the authorities to create jobs were by far not sufficient. In 1937 they submitted the popular initiative "National employment program" (which they wanted to have financed with *National Bank* reserves) with 280,000 signatures. Now the state government accomplished a feat. The times had changed. Hitler had invaded Austria, and the threat from the north had become obvious. In the spring of 1938, Federal Councillor *Rudolf Minger* delivered a statement in the National Defence Commission, "To date, an isolated attack by a major power against us was unthinkable, today we have at least to consider this possible risk and remember that we can only rely on ourselves in the future." The cooperation of Federal Council, Parliament and the people was now working excellently. The government combined the concerns of the popular initiative with national defense and requested a total of 415 million francs: 200 million were intended for the purchase of fighter aircraft and the rest for job creation schemes. The people agreed with impressive 70 percent Yes-votes on 4 June 1939. The Social Democrats were well aware of the serious situation and withdrew their popular initiative on the same day. A few weeks later the Second World War began.

**Social democratic popular Initiative of 1943 "economic reform and labor rights"**

Even during the war, popular initiatives took place repeatedly. When in 1943, after the Battle of Stalingrad, the turn of the Second World War loomed, some politicians already thought about the post-war period. The Socialist Party in Switzerland was of the opinion that the "old world was going to collapse" and the socialist ideas would be given fresh impetus after the defeat of Nazism. It passed the program "New Switzerland". The "liberation from the domination of capital is to secure prosperity and culture for the entire Swiss people." The state should establish a fair economic system, systematically and increasingly plan the economic processes, transfer large corporations into public ownership, withdraw the ground and the houses from speculation, guarantee the right to work and many more. (see *100 Jahre Sozialdemokratische Partei der Schweiz*, 1988, p. 55, p. 346)

At the same time the SP launched a popular initiative entitled "Economic reform and labor rights" and submitted

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it with more than 150,000 signatures. While in 1894 the SP's popular initiative "right to work" wanted to turn the liberal economic constitution into a more social one, this initiative aimed at putting the economic order in the Federal Constitution on new grounds. The guarantee of freedom of trade and commerce in Article 31 was to be repealed and replaced by a governmental control of the economy.

*Art. 31 para 1*

1. *The economy is a matter of the whole people.*
2. *The capital shall be devoted to the work, the general economic rise and the people's welfare.*
3. *The federal government is empowered to order the measures that are necessary for this purpose in the structure and organization of national economy.*
4. *The livelihood of the citizens and their families must be protected.*
5. *The right to work and fair wages must be guaranteed.*
6. [...]

Popular initiatives are always a piece of party history. In 1894 the Social Democrats were still a weak party that had a single representative in the National Council, *Jakob Vogelsanger* of Zurich. They had submitted their first popular initiative "right to work" in 1883 with 53,000 signatures – only slightly more than required. In 1943 – sixty years later – the situation was quite different. The SP had become the strongest voter party that collected multiples of required signatures for their popular initiatives. With a level of up to 30 percent voter support, the party was at its peak regarding popularity (now 19 percent). In 1943 *Ernst Nobs* was elected the first Social Democratic Councillor to the Federal Council – a long overdue event.

The new popular initiative of the SP on the right to work was a socialist counterproposal to the economic articles in the Federal Constitution, which Parliament had revised shortly before and which the people should vote upon after the war. The draft of parliament adhered to the freedom of trade and provided for many opportunities, however, to deviate thereof in different areas. The Federal Council rejected the popular initiative. The argument was that the state could not give sufficient worthwhile work for the individual citizen without organizing economic life comprehensively.

**Popular initiative "right to work" by the "Landesring der Unabhängigen" (National Ring of Independents) in 1943**

However, the SP was not alone with the plan to counter the revised economic articles of Parliament with a counterproposal. The *Ring of Independents* launched, almost simultaneously with the SP, a popular initiative with nearly the same title "right to work".

However, the Ring of Independents, led by *Gottlieb Duttweiler*, pursued a very different objective than that of the Social Democrats. It also considered the reduction in unemployment to be of top priority in the communes, the cantons and the federal government. This could be achieved, however, not by means of more but of fewer laws and more economic freedom. The new economy acts contained too many do's and don'ts. In order to reconcile the capital with the work, the "old" economic liberalism should not be corrected by a multitude of new state rules but combined with a more ethical attitude and social responsibility. Shortly before, Duttweiler had converted his Migros from a plc into a cooperative and started to establish his own cooperative culture. (see more in Part 5 of the series of articles, on 23 Sep 2015).

For the unemployed, he intended the following: If someone lost his job, he should have the opportunity to get back to work within a short time. In the meantime, he would receive compensation for loss of income – combined with further training and retraining courses. This was a compensation by society and an outflow of the right to work and not just a supportive measure. These ideas were later used to form the basis of today's unemployment insurance.

Another popular initiative on the right to work, also launched in 1943, must not be forgotten. The *Peasant Home Movement* handed in the initiative to "protect soil and work by preventing speculation". The young farmers demanded that only those, who themselves worked on the agricultural soil and managed it as a basis for their existence should be allowed to purchase it. This initiative provided the impetus for a new peasant land law.

The numerous popular initiatives that had included the right to work in one way or another since 1894, represent important phases in the history of Switzerland, in which the population struggled to find

a solution for the social issues and a socially responsible economic policy.

**Federal Constitution with a new guiding principle**

What happened next? Almost simultaneously with the three popular initiatives of 1943, whose topic had been the right to work, two other popular initiatives were submitted, which also pursued social objectives. One of them related to a new orientation of the pensions and the other to a new family policy.

So after the war, there were numerous referendums on fundamental economic and social concerns of the population within a short period of time. Three proposals for the reform of economic articles in the Federal Constitution opposed each other, which significantly differed in their cores: In its draft, Parliament adhered to the freedom of trade and commerce as an individual fundamental right (and as a guiding principle for the economic order), but intended numerous possibilities to depart from the rule. The Social Democrats however eliminated the economic freedom from the Constitution and replaced it by the provision that the state should direct the economy. The Ring of Independents with *Gottlieb Duttweiler* saw this differently. They did not demand less but more economic freedom. The "old" liberalism should not be corrected with more laws but with a higher incidence of ethics and responsibility. Added to this, the people would decide on a new peasant land law and a new agricultural policy. This was not enough: no less important was the vote on a new family policy and a new pension scheme.

Within a short time after the war, the people voted in numerous polls on the fundamentals of the social market economy in Switzerland as we know it today. There was to be a total revision of the Federal Constitution on a small scale – a dawn of a new era (in which we live today). The people followed the development with keen interest. More on this in the 7<sup>th</sup> and final part of this series of articles. •

Sources: *Alfred Kölz*, *Neuere schweizerische Verfassungsgeschichte (mit Quellenbuch)*, Berne 2004; *100 Jahre Sozialdemokratische Partei*, Zurich, 1988; *Häner Isabelle*, *Nachdenken über den demokratischen Staat und seine Geschichte*, Beiträge für Alfred Kölz, Zurich 2003; *W. Linder, C. Bolliger, Y. Rielle*, *Handbuch der eidgenössischen Volksabstimmungen 1848–2007*, 2010; *Bruno Hofer*, *Volksinitiativen der Schweiz*, 2012; *Kriele Martin*, *Die demokratische Weltrevolution. Warum sich die Freiheit durchsetzen wird*, Munich 1987 and some more.



Signature deadline: end of November 2015 – deadline of the referendum: 10 December 2015

## Say NO to the production and destruction of surplus embryos

### Referendum against the amendment of the Reproductive Medicine Act (FMedG)

About 50 representatives of the political parties BDP, CVP, EDU, the Greens, SP, and SVP are responsible for the referendum against the Reproductive Medicine Act that in the present version is far exceeding the original objectives of the Federal Council. With the slogan *diversity rather than selection*, furthermore 18 organisations support the referendum. “Due to their social engagement”, as they have stated in a press release, “they favour a society without pressure to standardisation, as they want to live in an inclusive, caring society; to live together on an equal basis with both healthy and sick people, and people with and without disabilities.”

During the signature collection process for the referendum “Say No to this Reproductive Medicine Act”, the question is often asked why it is necessary to launch another referendum, although we have voted on pre-implantation diagnostics (PID) already in summer. The reason for the referendum will be explained here once again:

- On 14 June 2015, the Swiss people accepted the amendment to the constitutional Article 119 (2c). Thus genetic testing of artificially produced embryos (in vitro fertilisation, IVF), before they are transferred to the uterus (pre-implantation diagnostics, PID) has become possible in principle.
- The Law on Reproductive Medicine investigates how to implement PID. The law, approved by the parliament, would be implemented without a referendum and would allow PID without any limits. All embryos produced outside the mother’s womb could be tested and selected in a test tube (in vitro) by all technically available genetic tests!
- The use of PID needs clear ethical boundaries. Therefore, the new Law on Reproductive Medicine has to be rejected to the parliament. One possible limit would be the approval of PID for parents with serious hereditary diseases.

#### Major changes in the new Law on Reproductive Medicine

##### Applications of PID: Art. 5a (1–3)

A central change is the implementation of the new Article 5a (1-3), entitled “In vitro genetic analysis of reproductive cells and embryos and their selection”. Thereby the genetic search for hereditary diseases in genetically predisposed couples, as well for chromosomal defects in germ cells and embryos in all couples would become

possible. This means that, in general, all embryos produced outside the mother’s womb could be tested and selected in a test tube by all technically available genetic tests. With this examination, for example, embryos with Down Syndrome (trisomy 21) could be eliminated before their transplantation into the womb.

The wording is:

Title Art. 5a new FMedG: „In vitro genetic analysis of reproductive cells and embryos and their selection”.

Art. 5a (3): “Furthermore, they are admissible for the detection of chromosomal characteristics, which could affect the developmental capacity of the embryo”.

One may note here the blur, both in the first and the second part of the sentence!

From the rule of three to the rule of twelve: Art. 17 (1)

Now twelve embryos may be developed per treatment cycle. In the current law, there are only three. Therefore, an excessive number of supernumerary embryos will be generated.

##### Approval of the conservation of embryos!

Today the conservation of embryos is prohibited (Art. 17 (3), FMedG). This provision is to be repealed and the so-called cryopreservation, namely, the deep-freezing of embryos, would be allowed. Related damages to the embryo, which might occur, are still unknown.

#### Arguments

##### NO to the selection of embryos!

By the new Article 5a paragraph 1–3 – besides the already problematic screening for hereditary in a few couples per annum – an extraordinary extension of the nationwide screening for chromosomal disorders in all cases of in-vitro-fertilisation (IVF) would become possible. So the screened embryos could be eliminated in case of abnormalities as for example trisomy of chromosome 21 (Down Syndrome). Moreover embryos could be damaged through the examination or be fatally injured. Healthy embryos could be sorted out by mistake.

The pre-implantation genetic diagnostics (PID) including chromosomal screening entails the selection of the so-called best embryos in the laboratory. It selects between life worth living and inferior life. This sends out wrong signals for our society and their human future and belongs in the chapter of eugenics.

##### NO to an “experiment in vivo”

According to the European umbrella organisation for reproductive medicine

the benefit of chromosomal screening for childless couples is not scientifically proven. According to studies the prospect of success for a pregnancy is even lower after the screening. Therefore for example the German PID centre in Lübeck advises decidedly against this technique on its website. The procedure of a chromosomal screening of human embryos without proven benefit is an “in vivo experiment” and unethical.

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Letter to  the Editor

### Hands off human beings!

The Public Relations company Farner consults the Pro-PID-camp to avoid the theme “eugenics” and “selection” in order to win the popular vote! But: On 27 May of this year Felix Gutzwiller, one of the most prominent PID-advocates told the *Neue Zürcher Zeitung*: “The most comprehensive eugenics is what is practiced by nature itself, by selecting numerous embryos that are not able to develop. In the laboratory you don’t do anything else.” We can be nothing but grateful for this sentence. By equating nature and laboratory Gutzwiller has admitted that this is what it is all about: eugenics. It is indeed breeding what man does in the laboratory. But Nature does not breed. Eugenics means man wants to breed human beings. The social Darwinists and Mr Gutzwiller (as cited) imputes the evolution to act like a (breeding) human being; that man himself has to take the evolution in his hands. We should know where all this is heading to. Nature procreated life in the course of more than four billion years. And now we arrogate to know how it works within 50 years? The Public Relations company Farner advised the Pro-camp: Impute the No-to-PID camp that they are just evoking fear of eugenics. Indeed, I am afraid of people who do not shrink back from handling human life in the laboratory as if it was peas. Hands off human beings! This was the warning of the great anthropologist Adolf Portmann in the sixties when man-breeders got the upper hand again.

M. A. & lic. phil. Moritz Nestor,  
psychologist, Uzwil (CH)

(Translation Current Concerns)

# First SOL schools in Switzerland – a warning signal

## Criticism of Curriculum 21 is confirmed

by Dr. iur. Marianne Wüthrich

On 7 November 2015 about 150 parents, grandparents, private tutors and other citizens gathered on the school yard of the commune Niederhasli (Canton Zurich) to express their protest against the radical form of the so-called “Self-Organized Learning” (SOL) which the secondary school Seehalde has been practising for more than two years. The banners read: “SOL – Seehalde Ohne Lehrer (Seehalde without teachers)” or: “SOL – Stress – Ohnmacht – Leiden (stress – blackout – suffering)”.<sup>1</sup> Parents demand that their children be taught by teachers again.

In summer 2014 already 12 out of 30 secondary school teachers (7<sup>th</sup> – 9<sup>th</sup> class) quit their jobs at another secondary school in this district, because SOL is as well intended to replace the teacher-led lessons from 2016 onwards.

The cantonal directors of education affirm that this had nothing to do with the planned introduction of the Curriculum 21, as the latter allegedly preserved the free choice of teaching methods. Anyone who has studied only a few pages in this Curriculum 21 realizes: “Self-organized learning” is the basic principle of this botch-job. Freedom of methods? – Not at all! And of course, the cantonal directors of education are well aware of that.

A short information programme of the Swiss Television SRF provides insight into the type of school that we and our children would have to face under the reign of Curriculum 21 and the related training of teachers in all German Swiss

### What an elected member of the government council thinks about his electorate

Christoph Eymann, member of the government council in the canton of Basel-City and President of the Swiss Conference of Cantonal Ministers of Education (EDK), made statements in an interview with the German weekly “Die Zeit” that each Swiss will remember. Eymann made sure that the Curriculum 21 was implemented in Basel-Stadt as first Canton in summer 2015.

Answering the remark of “Die Zeit” that he didn’t have to have the curriculum approved by the people, he said:

Christoph Eymann: Thankfully not, I must honestly say. The voice of the people must have limits in detailed issues. [...] When it comes to curriculums, teaching materials and numbers of lessons per subject, professionals and not a Parlia-

ment are required. And certainly not the people. [Highlighting CC]

“Die Zeit”: So parents don’t have to understand the curriculum?

Eymann: They are not the target audience. It’s delicate to say: That’s not the parents’ business.

“Die Zeit”: But so do you mean it?

Eymann: A bit.

How a an elected member of the government council handles teachers’ resistance

“Die Zeit”: I talked to various teachers in Basel with regard to this conversation. They say: We didn’t even have time to organize resistance.

Eymann: We certainly took a toll on them with the pace.

cantons. Whoever saw and heard the program will realise that it is high time to do something about it: teacher training at teacher colleges is already modelled on these ideas today, appropriate text books are in planning. We must put a stop to this dangerous development, the sooner the better.

### A vivid impression of “Lessons” with SOL<sup>2</sup>

An open-plan classroom with individual seats, each divided by little walls from their neighbour’s; distributed in the room are some desks with several chairs, some

sofa corners. There is not one class, but a group of students between 13 and 16: mixed age learning! During the six-minute program hardly any of the students remains at the same place; some are busy with their iPad in some kind of berth, three are discussing at a desk, a teacher is unconcernedly sitting on the side studying his documents, others are standing at the door talking to a teacher, then again, eight or nine students are together in the back of the room, partly sitting, partly standing, four girls are sitting on a settee, one is handling her laptop, the others cannot even see the

### “Say NO to ...”

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### NO to salami-slicing policy leading to an unrestricted reproductive medicine

With a NO you set an example against a continual extension towards an unrestricted reproductive medicine to the legislator. Some politicians already demand the production of “rescue babies” and (the permission of) ovum donation. For some even embryo donation and surrogate motherhood which are prohibited by constitution are no longer a taboo. All those demands may be realised in an “optimised” way by the amended Reproductive Medicine Act.

### NO to discrimination of people with disabilities and their parents!

The chromosomal check leads to the discrimination of people with disabilities by

seeing them as unwanted and preventable risks. It further leads to an insidious erosion of solidarity in society. Consequences might be the denial of services by social and health insurances. On the other hand parents might in future have to justify themselves if they decide against an examination of the embryo and for a child with disabilities.

### NO to commercialisation of human life!

By allowing chromosomal screening for all in vitro fertilised embryos, Switzerland would have a pioneering role in Europe, because in many European countries PID is exclusively allowed in case of screening for hereditary diseases, or the screening for chromosomal disorders is permitted only by medical indication.

Neither shall our country be advertised as profitable opportunity for foreign reproductive physicians nor shall Switzerland

provide reproductive tourism for female foreigners.

### NO to production and elimination of surplus embryos!

Lifting the ban of deep-freezing for embryos is not acceptable: Because about 40 embryos have to be produced for one successful delivery, thousands of surplus embryos had to be left to an uncertain destiny or had to be eliminated by no later than ten years.

In the law passed by the parliament, which would be enforced without referendum, PID would be possible without limits. This referendum accomplishes the opportunity that we can go on with the urgently necessary ethical debate about life and living together in our country.

Dr med. Susanne Lippmann-Rieder

**"First SOL schools in Switzerland – ..."**

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screen. Constantly one or more young people are running around in this open-plan class room. The iPad – main teaching and work means of every student – is omnipresent. The school material is digitalized and can be downloaded by the young. Hardly anyone seems to be focussed on some work – a girl in a single cubicle is swiftly stuffing a few papers under the table as the camera moves towards her. No one knows what the different groups are talking about: Is it the explanation of a maths problem or a discussion about the last football match? To have an overview of the activities of all students is obviously not a duty of the teacher here.

Headmaster *Gregory Turkawka*, with a designer stubble and with a casually arranged scarf declares his "basic principles": "If we learn in a self-organized way, we actually want the students to learn to organ-

ize their learning process themselves. Our lessons reflect these principles."

A veraciously profound utterance! This headmaster passes the responsibility for their learning and their success to the young. In this school the word "lesson" is misplaced: The teachers only give short sequences of "inputs". The rest of the time the students have to organize on their own, as mentioned above. If questions arise, you have to make an "appointment" with a teacher. If you do not understand the subject hopefully your parents can tell you, or you need a private tutor – paid by the parents. Otherwise you will be left behind.

**Systematic structure - the Alpha and Omega of learning**

The missing systematic of subject matters entails serious consequences. Even for a college student it is essential to learn the topics according to a logical organisation – and he can be expected if necessary to ask for help by himself. In contrast, in el-

ementary school the structured knowledge transfer by a teacher is indispensable, namely during classroom teaching. Someone, who is only allowed to ask questions, but does basically not understand the content, will give up and will be left behind soon. The point is not, whether a school "moves with the times". Of course, students use the computer at higher grades of elementary school, if necessary, but these teaching units must be under the teacher's guidance and embedded in the teaching sequence. Searching the internet does not lead to memorized knowledge, if a certain knowledge base has not been laid yet. To abolish the entire curriculum and to digitise school books would have highly disastrous effects.

As important as the latter is a trusted relationship between student and teacher respectively fellow students. If a lively exchange in the classroom does not exist, confidence won't develop. So-called professional educators who characterise the

**Next Practice instead of Best Practice – the SOL Institute of Ulm**

The Consulting Office which advises the school management of the Secondary School Seehalde in Niederhasli in their activities is the SOL Institute of Ulm. According to own statements it maintains a "systemic constructivist understanding of learning"<sup>6</sup>:

"A systemic constructivist pedagogy doesn't want to depict knowledge, doesn't produce a most complete curriculum: education should not know what is good for the students before they participate. Constructivism: What we call knowledge must be built up by children, pupils, students. Knowledge is no longer considered a representation of reality, but any behavior in a world that you cannot accurately describe." Did you get it?

"SOL doesn't optimize the existing (best practice), but carries out a change in process patterns (next practice)." Thus, learning in school has to include "as much differentiation and individualization as possible, as less synchronization as possible". For this purpose, the

school management has to arrange the learning spaces – "to establish space as 3<sup>rd</sup> pedagogue"(!) – as well as "professional team work" and "systemic management". In plain words: SOL requires a paradigm shift: a minimum of class instruction, authoritarian control of teachers through the Executive Board and their integration in the "system" – no freedom to choose one's own methods for teaching at all!

**"Learning means interleaving the perspective and not 'teaching the learning materials'"**

"You cannot convey people anything due to their self-organization. Teaching is always interaction, an act of interleaving the perspective. A common new world is created through interaction" In plain English: This means the fundamental abolition of any teaching or even more extremely put: the sharing of human knowledge and experience from one generation to the next – the very basis of human development – will be wiped out with the

stroke of a pen. According to the constructivist ideology, the child creates his very own reality, from his own perspective. This type of "Interaction" communicates only to a lesser extent with one of the teachers who are present, it is largely confined to putting up signs saying "We have a question", "We need help", "All right", "We take a break". The interaction that is meant here takes place primarily between the child and his iPad.

The "implementation" of SOL, that is their implementation in schools, is tried out in pilot experiments: "This phase is used to try and gain experience. [...] Hence you cannot do anything wrong in development processes, but make decisions and thus gain experience. We will help you!"

In plain language: The Ulm Institute teaches the teachers that they may do experiments in the classroom, sorry, in their open plan office at their whim and gain experience – their guinea pigs being our children!

**"Learning phases instead of school subjects"**

A main demand of most people's cantonal initiatives against the Curriculum 21 is the maintenance of the distinct subjects with clear targets for each term. So, a stop is put to revolutionizing the school in terms of the systemic constructivist ideology.

A look at the homepage of the Ulm SOL Institute explicitly confirms how urgent the initiators' demand is: "How does SOL differ from conventional education? For example, in the fact that the timetable will be divided into learning phases and no longer in subjects."

*Timetable, divided into learning phases, full-time school*

	Mo	Tue	We	Thu	Fr
1	orientation phase	structured phase	orientation phase	orientation phase	reflexion phase
2	structured phase	structured phase	structured phase	structured phase	structured phase
3	free phase	free phase	free phase	free phase	free phase
4	free phase	free phase	free Phase	free phase	free Phase
5	structured phase	reflexion phase	structured phase	structured phase	conclusion phase

# The lack of courage for in-depth education

by Carl Bossard\*



Carl Bossard  
(picture Journal 21)

*Education requires depth and is more than the mere addition of current stocks of knowledge and “competences”. Remarks about the new Swiss “Curriculum 21”.*

The present loves the surface and the superficial; art draws on the love of beautiful appearances. This has consequences – for teaching as well. However, education requires depth. That is why education and school should develop a counter force. Humans need background.

## The “Zeitgeist” is surfing on the surface

The American artist *Jeff Koons* is probably the most successful contemporary artist. A

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“Life does just not start with the self. [...] That’s the simple secret of all education that it means work. Education is depth, a mental uphill process, no paved highway”.

master of shiny-smooth surface. In 2012, a highly regarded exhibition was dedicated to him by the *Foundation Beyeler*. It drew a large crowd. His art pleases; it is an oeuvre of Like. But looking at it critically you feel: Koons’ art remains deliberately banal. It lacks the depth, there is a lack of profoundness. It does not scandalize. No resistance emanates from the aesthetics of the smooth surface. Everything remains superficial. Today’s data streams remain on the surface, as well. Useful information can indeed be distilled from the data clusters like Big Data. But they are additive and hardly generate insights. And hardly education. Education requires depth. You have to struggle with a cause and via the detour of the unknown you have to make it your own, unconditionally. Uncompromisingly. Whoever watches a young violinist, knows

about that. She has to practice for years and she has to place playing violin above her acute whims and interests. It is only this way that scratching becomes music one day. And the unformed girl will become a confident musician, the philosopher *Ludwig Hasler* writes. Life does just not start with the self. And he adds: That’s the simple secret of all education that it means work. Education is depth, a mental uphill process, no paved highway. The path leads through undergrowth and scrub. That is exhausting. There is no shortcut.

## School challenges the additive

But does today’s school still demand this work? Is it at all capable of that? Considering what is real and essential for a

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## “First SOL schools in Switzerland – ...” continued from page 19

indispensable lively classroom instruction as so-called “frontal”, in which the teacher exclusively soliloquises while students just have to listen, either have no idea of today’s school or they are lying: no teacher of today teaches that way.

Read here a special comment on language teaching: It is impossible to learn a language by SOL or with the iPad, not even your mother tongue. To learn to read and to write can only be learned in interaction with other people.

## Private tutoring is booming – and what about those who can’t afford it?

The private tutoring school in this village has twice as many requests since the introduction of SOL at the secondary school Seehalde, because many pupils are lagging behind the curriculum. Often, the private tutor has to completely work once again through the lessons with the children.<sup>3</sup> As said above: only those children, whose parents can effort it, get this extra-curricular help.

What happens to the others? A parents councillor of the school: “I would say 80% of the students get along very well.» The SRF-moderator: “what about the other 20%. Parents Councillor: “I would say that they have anyway had difficulties. They have to work towards the abil-

ity to learn on their own – work until they understand what that means, to be independent.”

Maybe it’s rather the parental councillor who has difficulties and hardly understands. The mandate of compulsory elementary school is in any case, to do whatever it takes that every child acquires the academic basics needed for his or her life in nine years of schooling. This is what is called “equal opportunities” – it’s time that we enforce this genuine social concern in our schools again, rather than abelling the children who are left behind in this individualistic set-up with certain diagnoses and “release” them from achieving all learning objectives.

## SOL as preparation for professional life? No way!

There’s no timetable in the school Seehalde, where we can find the subjects of teaching “No *specific subject is on the timetable this morning*», so the TV moderator, “but every student works on his own, just as he must be able to do later as a professional. This is the idea of individualized teaching and self-organized learning, the vision of the headmaster.” The matching image: A student on a sofa, putting his legs high holding his iPad. *Exactly as he must do it later in his professional life?*

A 15-year-old student: “you can really decide on your own what you want to learn. However, there are a few things that

the teacher dictates and which are mandatory. But there’s just a lot of freedom.”<sup>4</sup> A teacher: “to see that the students really have fun in learning, that is worth the effort.”<sup>5</sup>

What does it take then to prepare for professional life? To say what you would just like to do? To do only, what you like? To be able to have a break whenever you want? Life is an everlasting party! Whoever acts out these visions by experimenting with our children, should look for another job. Because he knowingly concedes that the young people who could do at school what ever they wanted to do more or less, will encounter the harsh realities of professional life when they will be applying during for an apprenticeship. How many of them will fail? Already today, there are more and more young people who prematurely cancel their apprenticeship. •

<sup>1</sup> sources: SRF, Schweiz aktuell, 9.11.2015; Zürcher Unterländer (Local Newspaper), “Parents demonstrate against self-organised learning” 8.11.2015  
<sup>2</sup> source: SRF, Schweiz aktuell, 6.11.15, “Self-organised learning in Niederhasli ensures displeasure”, [www.srf.ch/news/regional/zuerschaffhausen/selbstorganisiertes-lernen-in-niederhasli-sorgt-fuer-unmut](http://www.srf.ch/news/regional/zuerschaffhausen/selbstorganisiertes-lernen-in-niederhasli-sorgt-fuer-unmut)  
<sup>3</sup> SRF, Schweiz aktuell, 6.11.2015, “self-organized learning in Niederhasli ensures displeasure”.  
<sup>4</sup> SRF, Schweiz aktuell, 6.11.2015, “self-organized learning in Niederhasli ensures displeasure”.  
<sup>5</sup> “The revolution of Niederhasli» 25.10. 2015 *SonntagsZeitung*  
<sup>6</sup> cf. in [www.sol-institut.de/](http://www.sol-institut.de/)

**"The lack of courage for ..."**

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school through a zoom objective, one realizes soon: the educational mission and the school's so-called mediation function concerning knowledge and skills have become more difficult. We are facing a much higher bulk of knowledge than once, also more complexity, and every day brings more information, and always faster.

At the same time the educational environment is losing strength and influence, because in everyday life, a loss of people's own initiative can be observed, an accelerated shift of values is taking place and more and more families are in trouble or even in a process of disintegration. We are facing

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**"What is the concept of man behind Curriculum 21? What are the values showing through? [...] partitioning our children and youth into competences does in no way correspond to our humanistic view of man."**

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a transformation of childhood and adolescence, dramatically changing the requirements for school. Teachers are increasingly left to themselves. "Free-forces" as "educational canon" or "self-discipline" are decreasing. But the basic task remains: to educate children and young people, to convey knowledge and skills to them, as well as humaneness and character.

**Mere addition**

This is demanding. Primary school has assumed many tasks, a lot, probably too many. They must integrate and individualize, socialize and cultivate, teach "Früh-englisch" (learning English from an early age) and "Mittelfrühfranzösisch" (learning French from a fairly early age), train High German and develop math skills. It is supposed to introduce themes of man and environment, promote fine arts and creative work, strengthen ethical behavior and encourage children to the joy of movement. And also teach learning. Everything has become somehow important. However, when it is no longer possible to determine what is important and significant, everything loses significance.

The school development's feature in recent years is addition. Much has been added – little was taken away. Subtraction continues to be non-existent as school operation.

**Many cannot read and write**

The consequences are perceptible: contents follow each other rapidly. They do not imprint deeply, will hardly become experience. The time to practice and deepen significant learning process-

es is often lacking. The time pressure renders lingering impossible, the hustle and bustle displaces contemplation. So the detour and the indirect are getting lost. Many things are only touched superficially. Nothing carries weight, nothing is incisive, hardly anything very important. Unfinished products become a permanent condition. The material that has been taught solidifies into a coherent whole only poorly.

How else can we explain, then, that many students can hardly read and write at the end of their school schooltime and that they "obviously are too stupid for vocational training"? ("Blick" from 2 February 2015) Or that in Zurich half of the police recruits fail the German test? Even

more depressing is the fact that the Berne Education Director *Bernhard Pulver* just accepts this fact in an interview. Like a God-given storm. The problem is evident. Why do they not tackle this actual language disaster?

**Glossing over does not help – acting is necessary**

Thinking happens verbally. Every thought needs a body: the language; it builds a relation to the world. The human body must be trained, it must be taken care of. Exactly the same applies to language. It must be developed and promoted. In the parents' home, at school. This is actually fundamental and therefore self-evident, you might think. And therefore elementary it is the elementary task of school.

But the unquestionable is not simply self-evident. "I note that the students' skills in the German language are partially catastrophic", states *Matthias Aebischer*, President of the National Council's Education Commission and lecturer at the University of Berne. What Aebischer has experienced first-hand ETHZ 'Director *Lino Guzzella* signaled three years ago: "People must be able to read, write and speak correctly. This also applies to natural scientists and engineers." But the skills were partly insufficient, he added. (*NZZ am Sonntag* from 29 July 2012) Too many were not able to write properly, a fact that some studies brought to light. "Everyone who has the pleasure to read baccalaureate papers will probably be shocked," the "Neue Zürcher Zeitung" writes and the paper adds: "There

are also problems referring to mathematical knowledge." ("Neue Zürcher Zeitung" from 1 September 2015)

**A look at Curriculum 21**

The deficits are known, the concerns of the elementary school are no secret. The question arises whether Curriculum 21 provides a remedy? Does it stay on the surface, or does it bring depth and does it set down what is important and essential in Swiss primary schools?

The second version of Curriculum 21 comprises 363 competences on 470 pages, partitioned into over 2,300 levels of competences. Skepticism remains: who suggests that much, suggests something for everybody. But everything is the enemy of something. In other words: If the abundance of objectives seems so comprehensive, they will hardly become reality in everyday life. It is not without any reason that the Basel SP Councillor *Anita Fetz* stated: "An over ambitious bureaucrats mouse has given birth to a mountain of documents." (*Die Zeit* from 13 October 2014)

She pronounces what not only a few fear: The many regulations might result in the fact that building knowledge and skills will remain rather random and systematic learning will come off badly. But young people need cognitive organizing structures. "If you split school and learning into countless individual competencies, the character of teaching eventually decays to dust", *Ralph Fehlmann*, didactics expert at the University of Zurich adds for consideration.

**Education is not an isolated training of individual competences**

What is the concept of man behind Curriculum 21? What are the values showing through? Whoever reads through the new Education Bible carefully, wonders over and again. And he cannot make head or tail of it. There is a lot of talk about monitoring and measuring. But one thing is obvious: partitioning our children and youth into competences does in no way correspond to our humanistic view of man. Decompositioning humans into segmented competences hosts a technocratic mind; something soulless is breathing there. It seems that the concept of an end to end output control is more important than a humanistic support of education. Checks and tests everywhere – and the teachers function as administrators of competences. This is problematic with respect to human development which indeed repeatedly eludes the power of the disposable.

School must meet the changing new demands of society with their curricu-

# Building peace 2015

## Opening address of Theo Dannecker art exhibition at welfare centre Hegau-West, Gottmadingen

by Dr Vera Ziroff Gut

In the art exhibition “Building peace 2015” at Hegau-West welfare centre in Gottmadingen (D) conceptual artist Theo Dannecker (77) shows both recent and earlier, already well-known paintings and objects from his comprehensive and long-standing body of work. Since the Vietnam War the artist has been concerned with the theme of war or rather that of peace, peaceful coexistence, understanding of other people, other cultures, the dialogue with other cultures. Today, with an increased threat of war in a number of crisis areas in the world and flows of refugees arriving in our countries, his reconciliatory work for humanity, for justice, for just peace are more relevant than ever. In addition, his paintings, objects and installations are rare exceptions in today’s world of art, which is not often about building and maintaining our social values. The works of Theo Dannecker should be displayed in large halls, in town halls, schools and churches, in order to enable a wide audience to enjoy and discuss and be inspired by them.

Building peace is the main subject of Theo Dannecker, a conceptual artist from Zurich who lives his life consciously in this world. Building peace is the title of the first exhibition in the welfare centre Hegau-West here in Gottmadingen. A nice coincidence that this exhibition takes place here in the welfare centre whose staff contribute to peace on a daily basis through their assis-

tance to their fellow human beings, by their care for those who are in need. Building peace must become the common topic of all of us if we want to solve the problems of our time, the crises, the wars and the resulting flows of refugees.

If you have mounted the stairs with me, you will already have got an impression of the abundance of issues that Theo Dannecker wants to address by looking at the paintings and objects there. On some I will seize in a brief overview of the exhibition.

### Reflections on war

For many years Theo Dannecker has been concerned with the issue of war and peace. Entering this exhibition there is the “Weinender Kopf” (Weeping head) from 1990, an expressive profile drawing, bewailing the state of humans who cannot live in peace with each other even after the end of the so-called Cold War. The dark gray plaster head, the “Mahnmal gegen den Krieg” (Memorial against war) from 2002, laments the victims of the battlefields of the past 25 years, in Yugoslavia, Kosovo, Bosnia, Congo, Afghanistan, Iraq, Palestine, Libya, Syria, Yemen ... a long list, indeed. The memorial was developed out of a stone the artist found in Venice on the day the US began to bomb Afghanistan. In its destroyed parts it symbolises the suffering of war victims, in its protuberances and sinkholes the grimace of aggressors. The small stone, the found

object, is an integral part of the memorial and illustrates the conceptual artist’s working process of, aiming at both a clear structure of composition and expression and intelligibility. Dannecker makes no secret of what inspired his work. Disclosing the process and genesis of a piece of art is rather a genuine part of conceptual art in order to enable a more precise perception.

Steles with black cardboard objects that can be opened, called “Die Schande” (The Shame), show the immediate harm and long term effects of recent wars: heavily armed soldiers shooting at fleeing children, leaving countless casualties, devastated and contaminated countries – and both the soldiers themselves as well as the native population, procreating malformed, children. “I remain silent, you remain silent, we remain silent,” conjugates Dannecker.

### Preconditions for peace: learning from each other

Dannecker, however, does not make a stop at depicting the misery and war crimes. He always raises the question to himself and the viewer: “What does it take to overcome the prevailing chaos, in order to create a peaceful world?” Each art piece contributes part of the answer: In the current exhibition the artist first guides us to the art object “Voneinander lernen” (Learning from each other) created in 2015. It consists

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### “The lack of courage for ...”

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la. That is indisputable. It remains questionable whether the Curriculum 21 with its abundance causes the necessary profundity.

### The “three big Bs” as an instructional compass

But looking at the basics may help. Our teacher of the fifth and sixth class always talked about it: You have to know something, you have to be able to do something, and these two ought to make us “think” or act in a better way. To him the “three big Bs” were important: basic knowledge, basic skills and basic attitudes. That was his pedagogical and didactic triad and it was what he demanded. This triad can not actually become obsolete, because it is the *ne plus ultra*. This seems like a law of nature to me, like the tablets from the didactic Mount Horeb. But per-

haps such formulations are as outdated as my school memories are.

The former wealth of subjects was modest. German and arithmetic were the central contents, additionally history and geography. High priority was given to the keeping of the exercise book, pronunciation and orthography. Everything we learned at school, we learned efficiently, both orally and in writing, with many senses, precisely and in a disciplined manner. Knowing one thing properly is more effective than knowing a hundred things only half way. Our teacher lived up to what Goethe said and he demanded it. Do not do numerous things but do one thing intensely and accurately! – Non multa, sed multum! according to Pliny. Our primary teacher corrected every composition we wrote neatly and discussed it with each of us individually. Individual feedback is the modern magic word. We wrote about twenty compositions in a two years time. For him this meant the correction of approximately one thousand texts.

Precision brings about elegance, the teacher told me. Even today I hear his sentence and I can still see how he felt responsible for my learning and my making progress.

### Verticality results in education

It was a hard and strict school, demanding and challenging, striving for fundamental knowledge – an education devoting itself to a subject matter and original experience with no ifs and buts. What a change of models, themes and styles, compared to today’s. Much of it looks like black pedagogy from today’s point of view, and yet it has influenced me for my life. Our fifth and sixth class teacher embodied and demanded something that has been put into words by the cognitive scientist Howard Gardner as intelligence for the 21<sup>st</sup> century: disciplined and creative working and thinking. Not on the surface but in the vertical. My teacher would have chafed at Jeff Koons’ art. •

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of the artist's reflection on a passage from the 1991 text "Begegnung am Fudschijama" ("Ode to the Grand Spirit: A Dialogue (Echoes and Reflections)") by the Kirghiz writer *Chingiz Aitmatov*. Aitmatov had chosen the Japanese philosopher and Buddhist *Daisaku Ikeda*, in order to contemplate his life and work. Both men tell their lives, express their thoughts, experiences, hopes and fears, exchange their personal memories and learn to understand each other even in their cultural differences; they admonish and think about ways out of the wrong tracks that politics is taking. Dannecker shaped two plastic heads made of pink ceramic; the material of similar type represents the common concern shared by the two men. Both are born in 1928 and experienced their youth during the Second World War – a time in which values were highly disintegrating. Both grew up in totalitarian systems: Aitmatov in the *Stalin* era and Ikeda in the super-militaristic Japan of

dhism and a teacher, he could really entrust himself to and who guided him over a long period of time, Aitmatov reported that the totalitarian regime of the Soviet Union demanded people to fully subordinate under the governmental diktat. But nevertheless Aitmatov encountered individuals who encouraged and helped him to go the challenging way of examining the totalitarian society on his own: "To my good fortune", he writes, "I have met individuals since my childhood, who inwardly opposed the ideas of totalitarianism. They have given me their courage; they have taught me in spite of it all to stay a human being and to respect human dignity above everything else. I will never forget my elementary school teacher who once addressed the harsh words to me: 'Never look down, when your father's name is mentioned.'" It is important to know that Aitmatov's father – one of the first Kirghiz communists in charge – was executed in Moscow, because he did not want to support Stalin's expropriation. His family had to flee back to Kirghizia, hide in their little home village and live under miserable

circumstances. Their father's name was forbidden to be mentioned. That the elementary school teacher at the peril of his life broke the silence and mentioned the name of Aitmatov's father in deep respect had remained a lifetime lesson in courageousness and courage for Aitmatov. This had given him a boost for his own involvement with his country's society and all issues of humanity. Plenty of his contemporaries had not been able to step out of the shadow of the Stalin era. Aitmatov on the contrary played an active part in *Gorbachev's Perestroika* and was the Kirghiz ambassador in Brussels since 1995.

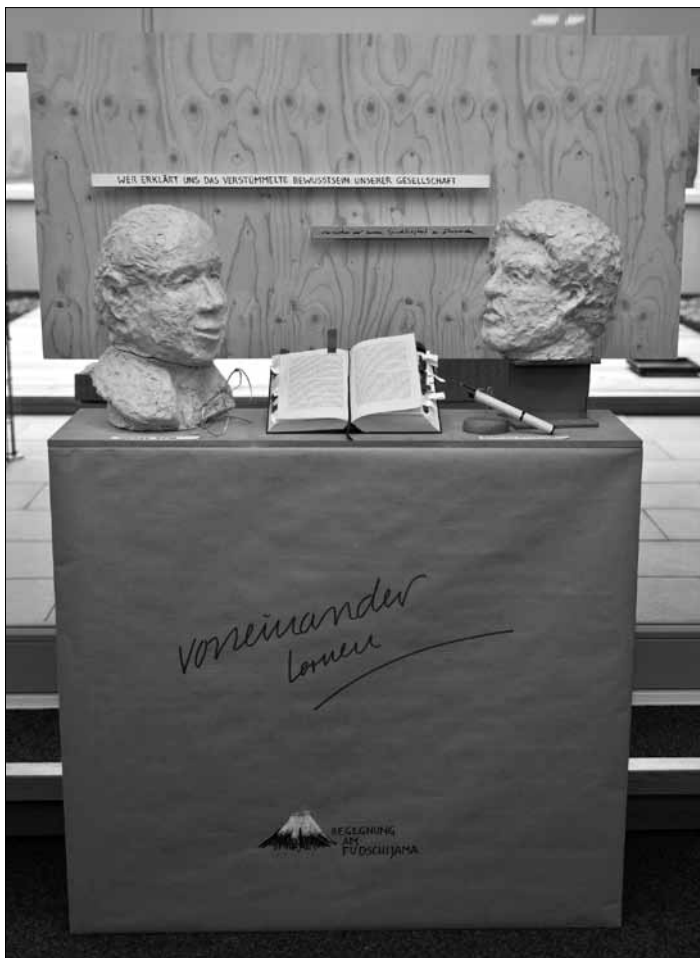
Whereas Theo Dannecker formed Ikeda's head of pink ceramic down to the collar and the cravat and worked a subtle smile into it, he shows Aitmatov's reinforced backbone under the mournful head with a significant furrow by a double T-girder of steel. The

philosopher and the writer are easily and clearly distinguished by either the metal rims respectively the pen holders in front of each bust. In between there lies a volume out of Aitmatov's complete works – the "Ode to the Grant Spirit" – opened. The two heads face each other, but look also directly towards us – the viewers, who are tired of enmity, suffering and bloodshed. Dannecker comments on a white-coloured fir wood panel: "Who explains the mutilated public consciousness of our society to us" and on a red slat we read: "Let us try to overcome our speechlessness."

**On learning**

From the work "Voneinander lernen" (Learning from each other) Dannecker leads us directly to learning as a prerequisite for peace. On a Styrofoam plate, a piece of ordinary building material, two large-format pictures are applied. They originate from the wallet "Wir Menschen und der Krieg" (We, the people and the war), which Theo had published already in 1977. On one picture we see a young teacher with a compass in his hand, who is obviously explaining geometric problems to an adolescent. The second photo shows two young girls who have got absorbed in an atlas, studying geographical problems together. The two pictures are interrelated by the text: "Only that person who is guided to independent thinking without force or violence may be enabled to establish a humane world." These two thoughts, instructions for learning and the in-depth study and practice are once again extended by an object poised in front with the title "Was uns die Erfahrung lehrt" (What experience may teach us). A clear shape of an equilateral triangle in the primary colours yellow, blue and red is fitted on a conventional blackboard, not a computer. The primary colours can not be produced by mixing. Any other colour, however, can be derived from the latter and their mixtures. Thus, textually we learn something about the theory of colours. Dannecker has charged the three primary colours with meaning. He connects them with three fundamental principles of learning: Yellow, the brightest colour, stands for instruction and guidance. If the teacher – as seen in the photo above – explains a substance matter, if he guides the student to learning, it is then when the world of ideas and the mind of the child are being illuminated. It begins to understand. Blue as the constantly flowing water represents the continuous exercise that deepens a thought, a substance which is called knowledge that becomes the possession of the child. Red stands for the benevolence of the teacher who with his personality turns to the child for its pro-

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"Voneinander lernen" (Learning from each other), 2015 (picture mb)

the Second World War. Both account that a teacher had helped them to escape the scopes of ideological thinking and to deal with them. But whereas Ikeda already in his adolescence had found guidance in Bud-

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motion, enabling it to develop independent thinking and understanding content.

A simple find is added to the blackboard: a walking stick, stuck in a hollow cement block in front of the wall panel. Theo found it when walking. In its upper part, the bark is notched several times in proportions of 1:2:3, treated by a hiker with reflection, with a sense for order, measure and mathematics. Dannecker, who had noticed and precisely calculated the measure proportions, writes: "Very early there have been people who began to look at natural phenomena accurately and to abstract everything except the measurable, by which they reached the concept of numbers. About 325 B.C. it was *Pythagoras*." The simple walking stick stands here as a symbol for number and order, for mathematics and for the content of that which has to be learned. Equally the small object next to it, a small piece of iron that displays the golden rule, a very harmonious ratio of measure, number and division already known in the ancient world.

Hence, the child learns acquisition, understanding and deepening of the respective subject matter through benevolent guidance and discussion. Learning without a clearly defined content, without a systematic build-up of knowledge – the technique of googling information or mere competence orientation – does not educate, educational researchers have found. Our children have to be trained, if they want to learn to understand our Christian western society, its structures and its values and to contribute to its preservation.

**Theo Dannecker, a conceptual artist**

We have now seen Theo Dannecker working frequently with accidentally found objects and with simple building materials, with Styrofoam or wood panels, with concrete hollow blocks or bricks, clamps and double T-girders. When entering the exhibition you might almost have the impression that you are entering a construction site. In our perfect, high-tech design world that is a great exception, however, it has a profound meaning. The artist wants to push-start the viewer, to encourage him to deal with material, form and content. In contrast to non-objective painting that has dominated the entire 20<sup>th</sup> century, the content of his objects is particularly important to Dannecker. He makes clear statements, however, leaving the viewer enough space to read the texts, to understand the matter and to sympathise. His concern is always that the viewer be stimulated to engage intellectually and – if he lets himself in for it – to discover profound human values.

An oversized boulder placed on the terrace, is a manifestation of the sentence "Der Stein der Gerechtigkeit muss gewälzt werden" (The stone of justice needs to be rolled). An infinite loop represents the foundation of human rights: "Die Würde des Menschen ist unantastbar" (The dignity of man is inviolable) and a figure of a head in a cage whose mouth has been sewn up, tells us: "Keine Macht darf unsere Stimme der Gerechtigkeit zum Schweigen bringen" (No power is allowed to silence our voice of justice).

The economic structure of society is also being considered, for example, by the clay-modelled head of *Wilhelm Röpke*, one of the great German economists who had advocated the social market economy. As a young man in the First World War he was injured and supported the cause of peace and freedom throughout his whole life as a fierce warrior.

**Family and humanity**

The foundations of our society, of course, include family and humanity. "Grossmutter ist krank" (Grandmother is ill) is the title of a painting showing the entire family assembled around grandmother's bed with their daily activities: While a young woman is freshly bedding her, grandfather sits in a chair next to the bed reading from a newspaper. The grandchildren are playing on the carpet in front of her bed. Even a young painter has set up his easel and is portraying her. The importance of the family as nucleus and calm anchor of social life, providing protection, security and support to the individual, even when he or she is old and sick, is very beautifully expressed here. "Das Samenkorn der Menschlichkeit legen" (Laying the seed of humanity) is the title of a large-scale painting depicting a young man and a boy, pushing together a woman in a wheelchair, this way directly practicing humaneness. The quite unspectacular way in which the large format figures are presented express a sort of calm and self-evidence, just as humanity is also being practised in this house, the welfare centre.

Of course, there are attitudes and character traits which make this completely natural aid impossible. Theo Dannecker does not hide them. They are manifested in the crimes interpreted in *Pieter Breughel's* moral "Sprichwört-



"Lernen" (Learning), 2015 (picture mb)

er" (proverbs) or, as a tribute to Pieter Breughel's "Angekettete Affen" (Chained monkeys), the object "Gier" (Greed) valuing mammon higher than man. And yet, in this exhibition the title "Das Samenkorn der Menschlichkeit legen" (Laying the seed of humanity) means to find a way out of the inhuman wars, a way out of the plight caused by politics, a way of how to reconcile the peoples at war.

**Building peace – international law applies to all**

Under the title "Frieden schaffen – das Völkerrecht gilt für alle" (Building peace – international law applies to all) Theo Dannecker developed an example how dignity could be given back to the humiliated and severely harmed peoples by making peace. On the main painting representatives of the Western world meet the representatives from Afghanistan, from Iraq and the members of African tribes. In this historic meeting as Dannecker conceives it, the Western politician goes to meet the Afghan with the words "Wir haben Unrecht getan" (We have done wrong). That means the West is taking the first step. Confessing one's guilt, the willingness to make amends, "Einander zuhören und sich verstehen lernen" (Listening to each other and learning to understand each other) is mentioned here as precondition for a genuine peace agreement.

**Sermon on the Mount**

Objects made of wooden slats, screwed together with clamps, wedged into one another are arranged around the canopy in the middle of the room, in which the bible passage from the "Bergpredigt" (Sermon on the Mount) is projected – "Blessed are those who hunger and thirst for righteousness, for they shall be filled". These objects symbolise character traits like



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"walking upright, bearing something, keeping together and penetrating" that are needed to achieve justice.

**Studio picture**

If we ask Theo Dannecker how he gets round to and where he takes the security from to want to build peace without war, without preemptive wars – contrary to what Western politicians tell us – Theo responds with his studio picture. Here he has gathered all those people around him who encouraged him in his idea of building peace":

*Immanuel Kant*, for example, the German philosopher, entitled his 1795 writing, in which he developed a first draft of the international law, "Zum ewigen Frieden" (Perpetual Peace). It is considered the most significant treatise on the subject of war and peace in German language. He concludes his work with the remarkable sentence "that perpetual peace is not an empty idea, but a task that needs to be solved gradually". In the studio picture Kant is sitting at the table on the right side of the picture. *Friedrich Schiller*, the semi-cut figure on the right side with her back turned towards us, was a great admirer of Kant and initially fascinated, like him, by the ideals of the French Revolution. But

when he gained knowledge of the executions, he turned away from it indignantly and even wrote a defense of *Louis XVI*. So, in this picture, Schiller is not only the poet of personal and political freedom – as we all know him – but a man of balance. The contemporary *Heinrich Pestalozzi*, educator and social reformer close behind Kant, adds a weighty humanitarian accent to the protest against war manifested by his aid for the surviving war orphans. He aims at strengthening the whole human person by natural education.

The importance of education for a peaceful living together is repeatedly stressed in this picture. The two prominent figures in the centre foreground, the elegantly dressed humanist *Erasmus of Rotterdam* with the scroll and *Leo Graf Tolstoy*, in modest white cotton dress represent the educational ideas as well as *Alfred Adler*, whose book "About the meaning of life" *Sibil*, Theo's wife and educator herself, is taking from the bookshelf. On Erasmus' scroll, the beautiful sentence from his pacifist "Klage des Friedens" (Complaint of peace) we read the quotation: "A concluded peace is hardly ever so unfair that it would not be preferable to the apparently 'most just' war." Erasmus devoted himself to the education of the regent, the later *Charles V*, to achieve a peaceful and beneficial policy; Tolstoy founded schools for his bondsmen, for the poorest, for the people. Alfred

Adler, on his part, fundamentally explored the educational problem, the social orientation of the human being, the feeling of community.

Ladies and Gentlemen, I leave it to you to discover the contribution of the other personalities to the topic "Building peace". Let me just add this: You will recognise Theo Dannecker, the artist, dressed in complementary colours to his wife *Sibil*'s, as he is just portraying *Käthe Kollwitz*, who – after she herself had lost a son in the first World War – used all her strength for peace. All of you will probably know her famous poster "Nie wieder Krieg" (Never again war) from 1924.

Here in the studio picture people are gathered who have protested with pen and brush, in word and deed, against the war, who contributed to the development of public education, pedagogy, human rights, international law, the foundation of the *Red Cross* and the *Good Offices* and who used their vital force for political independence, for a non-violent and peaceful coexistence.

Ladies and Gentlemen, Theo Dannecker, the artist, has done his job and the local welfare centre has practiced the idea of assistance for many years in its daily work. This obliges us, too. Let us seize on the artist's appeal: Let us build peace at last. •

*The Exhibition "Frieden schaffen 2015" (Building peace 2015)* in the German municipality Gottmadingen was open from 1 to 21 November.



"Atelierbild" (Studio picture) 2004 (picture hh)

## A dedicated designer of the humane

### The Basel painter Karl Aegerter found a new home in the Engadin

by Heini Hofmann

One of the last expressionists, *Karl Aegerter* (1888–1969), was not only a painter recognized beyond the country's borders, a draftsman, and illustrator, graphic artist but also a selfless advocate for all those who were less fortunate. Actually, he could have made a career in Munich, but for reasons of health he had to stay at a health spa in Graubünden, where he left his traces. Posthumously St. Moritz has now become his second home town.

On 16 March 1888, Karl Aegerter was born as the third child of a peasant family on a "Heimetli" (small mountain farm) in the Langen Erlen, near Basel. His parents had moved from the *Gotthelf* country Emental – their hometown was Röthenbach. But life was hard to him: In that very year his mother died.

#### Afoot from Basel to Munich

The father has to move to another Heimet. Here all his cattle was drowned during a flood. He was left with nothing. The boy was savoured against money. With six years he enters a home for poor children. *A.C. Looslis* "Life in an institution" says Hello. Therefore, the early teenage years already shape Karl Aegerter's social compassion and action. Hence, as early as a little kid he learns what suffering, worries, loneliness and poverty mean.

After finishing school, he earns a first crust in the factory and after that he takes up an apprenticeship as a decorative painter. But although raised in economic hardship he has a dream. Like his ten-year-older brother he wants to become a painter. In 1915, with some money that he had put aside, the 27-year old wanders afoot (!) to Munich, enters the Drawing School with the Starnberger painter Professor *Heinrich Knirr* and completes a four year-study at the Academy of Fine Arts.

Soon it shows – and the First (and later also the Second) World War spur this tendency on – that he, embossed by the early shadows of life will be no l'art pour l'art-artist, but that for him art also means an obligation to engage in ethical and social-critical commitment. What the feather was for *Emile Zola*, was the brush for Karl Aegerter. Thus, the blind and disabled, war injured, abandoned and desperate, refugees and starving, the very old men and the lonely were the themes of his first large painting cycle "People of Today".

#### Spa stay at the Grisons

Artists, especially when they get emotionally involved for a good thing, do not spare themselves. In 1924, for health rea-

sons Aegerter has to leave the city of Munich. Where does he go to cure himself? He goes to the therapeutic landscape of the Alps which in the meantime has become epitome with its European-wide famous climate cure: to be precise, the Grisons. Anyhow, his life is like a journey in stages. This also applies to his work. While in Munich the focus was on human destinies, here in the mountains, in nature, he turns to landscape painting.

He becomes truly aware of these parallels between man and nature. Both have to prevail, to struggle for light, to free themselves. The wild mountain nature becomes for him a parable of human life and the struggle for survival. Therefore, not flower meadows, mountains and sparkling lakes are his preference, but the struggle of the elements of nature: pathless wilderness, deep gorges, fall slopes, whirlpool water and harshness.

Karl Aegerter finds such motifs in the Rhine Gorge and the Via Mala, the Julier and Albula Pass or on his hikes in the Engadin. He crosses the Albula on foot, works in Sils-Maria and travels, the *Zarathustra* in his luggage, up to the Julier Pass. But he also paints in the Bernese Oberland, in the Valais, in the canton of Uri, in the Jura, and of course in the Regio Basiliensis.

#### Two people – one disposition

In 1932, Karl Aegerter marries his soulmate Elisabeth Gerter who has worked her way up as a simple embroiderer and later, on her own initiative as a Red Cross nurse to the sought-after writer. Both are not particularly fond of working in the aloof Artist Olymp, but their way is participation in the real life and the concerns of the people.

Several trips lead Karl Aegerter to different countries and cities, from Paris to Moscow and from Berlin to Rome. His work finds meets with immense precipitation when visiting the miners of the coal mines of the Borinage, the Ruhr area from Belgium at night: gaunt figures with dark, furrowed faces, marked by silicosis.

His wife Elisabeth accompanies him. That, which he captures in his pictures, his wife describes in a novel, since for both social compassion is the mandatory



*Viamala* (picture Galerie Curtins)

basis of their art. Anyway, both are of the opinion that art should not lead a life high above the reality of existence, but should bring a genuine humane set of mind into the darkness of the times. After Elisabeth Gerter's death, Karl Aegerter marries again. His second wife, *Martha Buchser*, takes care of his work even after his death (1969).

#### Social involvement in politics

Another stage in Aegerter's life journey let him, temporarily mutate from a painter into a politician, also with the intention of bringing about a juster world. As the long-time president of the Basle section of professional association of painters, sculptors and architects he advocates the social improvement of his fellow artists, he is member of the Basle Cantonal Parliament for nine years and acts as judge.

During this time, he develops a friendships with *Walter Bringolf* and *Hans Peter Tschudi*, an SP Member who later writes to him as Federal Councillor: "Each of your pictures is extraordinarily thrilling in its own way, and the more thrilling, the more and the longer one delves into it. This is true, noble art." And later the same in a preface about Aegerter: "Not with empty words, but with impressive pictures he wanted to shape the world not only more beautiful, but also improve it."

The Basle artist colleague *Heinz Fiorese* aptly characterizes him as follows: "The immersion into his work takes time, because it is particular, breaks through the traditional aspects and is so to speak difficult to inhale," a fact that "initially earned

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## New publication

## Direct democracy in the 19<sup>th</sup> century

cc. Like in no other country direct democracy in Switzerland is an essential part of the political culture, but up to now it is historically underexplored. For that reason the "Forschungsinstitut direkte Demokratie" (Research-Institute Direct Democracy; [www.fidd.ch](http://www.fidd.ch)) was founded, that aims at closing this gap in research by scientific conferences, publications and lectures.

On the 17 October 2014, the first conference under the title "Beiträge des

\* René Roca is a postgraduate historian with a doctorate and grammar school teacher in Basel. He is the founder and head of the "Forschungsinstitut direkte Demokratie" which holds scientific conferences on a regular basis ([www.fidd.ch](http://www.fidd.ch)).

Katholizismus zur modernen Schweiz" (Catholicism's Contributions to Modern Switzerland) took place. In two topic blocks the conference attended to the latest insights of research on democracy and education. Contributors from the subject fields history, church history (theology) and education presented their findings at the panel discussions "Katholizismus und direkte Demokratie" (Catholicism and Direct Democracy) and "Katholizismus und Bildung" (Catholicism and Education). This way the lecturers represented and deepened interdisciplinary aspects. They could show that Catholicism contributed important and basic aspects to modern Switzerland especially both with regard to direct democracy on the one hand

and to elementary school and high school on the other hand.

The research results are compiled in the now published volume (editor: *René Roca*)\*. Thereby a new scientific series has been founded planning to publish contributions to the exploration of democracy; volume 2 will deal with the topic "Liberalismus und moderne Schweiz" (Liberalism and modern Switzerland) and volume 3 will focus on the early socialists. This trilogy, which will examine emergence and development of direct democracy from different political perspectives, is meant to be the foundation to explore additional issues and projects of research, like for instance hypothetical questions about direct democracy. •

### Contributions to the exploration of democracy:

René Roca (ed.)

"Katholizismus und moderne Schweiz. Demokratie und Bildung im katholischen Raum" (Catholicism and modern Switzerland, democracy and education in the catholic area), 2016, 130 pages, 20 images, brochure, about EURO 48.–, ISBN 978-3-7965-3498-0

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### Contents volume 1

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### "A dedicated designer..."

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him some hesitation in following his artistic world". But that was soon to change!

### Staying modest despite fame

Already during his lifetime he enjoyed great recognition. Exhibitions in the Art Museums of Berne, Lucerne, Zurich, Basel, Geneva, Solothurn, Schaffhausen and Lausanne, as well as in Munich, Dresden and Brussels gave evidence of this. The Art Museum Basel possesses some of Aegerter's works, others are pri-

vately owned. And there are still large murals in existence. It is due to the gallery owner *Franz Rödiger* that the remaining overall work (paintings, woodcuts, drawings and sketches) have now found a new home in the gallery Curtin in St. Moritz.

Despite fame and honour this artist remains humble and true to himself until his death in 1969. He does not want to paint "nicely" but "truly". But how does *Rodin* put it: "Everything that has a character, is beautiful." If art tries to represent poverty and misery, this often seems academically contrived. Not so with Karl Aegerter,

because he painted as he authentically felt, out of his own life story.

Therefore, the Saarbrücken Sociology Professor *Georg Goriely* appropriately described him as "painter of the humane", for whom his art is supposed to help "change the world and to force others to deal with those problems, for which they are generally deaf and inaccessible". He concludes: "His art is timeless and always modern, it is a permanent current call of man for humaneness." The daily horror reports about wars and refugees prove him right! •

For more information: [www.galerie-curtins.ch](http://www.galerie-curtins.ch) or +41 79 431 86 63.