

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*

“Towards an economy for the benefit of all”

by Reinhard Konradi

There are many possibilities to respond to crisis of any kind. So at present, the nations plagued by debts are combating their economic problems with austerity packages, deregulation and privatization. Like the family silverware in times of distress, national companies providing basic supplies in the areas of traffic, energy, education and health are being sold to the creditors' dictate. Pensions are cut; public jobs are cut in thousands. National economies are looted, in Greece and elsewhere. The propagandized project of stabilizing the euro is considered more important than the operability of the afflicted national economies. There is no such thing as leniency where unchecked competition rules:

those who are not competitive enough forfeit their right to exist. In the so-called “free market”, the powerful – the global players – define the limits at their discretion. They deny the competence of the nation state, negate constitutionality and deprive the peoples of their right to self-determination and, hence, their freedom. The indebted states which do not have a *carte blanche* for debts but their disposal – as the US does – are taken in coercive detention until they vow to unconditionally serve big business, betraying the interests of their own population. Or alternatively, the citizens seize the initiative, requesting their governments to support a national economy which does justice to

the interests of all citizens and, hence, to the national interest.

“Towards an economy for the benefit of all”

The time has come. With the start of the federal people's initiative “Towards an economy for the benefit of all”, the Swiss people is invited to fundamentally discuss the goals and the manners of economy. This direct democratic clarification regarding the future of our country is about the economic order and fairness in national and international competition. This includes the claim to a careful use of natural

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“I dream of the first company that walks them Spanish” – US inspectors for Switzerland

by Helmut Hubacher

Imagine the following: The German government wants to find out with their own inspectors, how our products are made. That would be rejected with a chorus of outrage.

From Berlin, of course, no such request has been received, although from Washington. And what appears even more strange: it has been approved. In the course of the coming weeks, American spies will again inspect dairies and chocolate factories, so I read in the “Handelszeitung” (Commercial Paper) dated 6.9.2012. “Why does the US Food and Drug Administration want to know, what the recipes are for Swiss chocolate?”

What right or law do they refer to, those US authorities? It is of course not a matter of right or law, instead it is bare power politics or economic imperialism. The American market is equivalent to a fifth of the world market. “No international company can afford to ignore the USA. Swiss companies even less”, according to the “Handelszeitung”. Therefore banks, pharmaceutical companies, accounting firms and food companies submit to the extraterritorial monitoring regime of the United States with gritted teeth.” The doctrine of the US admin-

istration is that US laws, regulations and standards have to be mandatory for other states, as well. US law constitutes a kind of global obligation. Apparently, also larger countries other than just little Switzerland, submit themselves to this regime.

Since the “bank war” with the US we know that the proceedings with the taxes is the same. Washington doesn't cash only in its own country. Wherever Americans work and live in this world, they have to pay taxes to the United States. Transferred to Switzerland, that would mean that 750,000 Swiss expats would still be taxable to the federal treasury. An absurd idea.

We have always admired America as a friendly nation of unlimited opportunity. Now we feel the unlimited claims. Is the assumption wrong, that someone it is about industrial espionage?

Why do our authorities permit something like that? Isn't that a simple knuckling under? The United States give Swiss companies a choice that is none: bird, sink or swim! If the control is rejected, the US business is gone. In that case the US market stays closed. That is why the economy gives in and empowers the authorities in the Federal Parliament to let the watchdogs

come in. The “Handelszeitung” commented: “For more than a decade, the United States have been behaving like the land of unlimited surveillance.” This has been so even for years. And in the Federal House there is great silence. Thereby US inspectors have a severe bearing on Switzerland's independence. I dream of the first company that walks them Spanish. As a test of courage for others.

Source: *Basler Zeitung*, 15.9.2012

(Translation Current Concerns)

cc. The question arises for every citizen of our country: Who is selling us to foreign powers? Switzerland is a sovereign country and it is out of the question that we will not give away even one millimeter of our sovereignty towards no matter what state. We don't allow any other state to tell us how our laws should be applied and our politicians to nod faithfully and accept the demands, no matter whether our tax laws, our bank secrecy or any other of our laws are concerned.

When the question was raised who had let the inspectors into the country in the federal parliament building there was a rumour: “It is likely that it was Schneider-Ammann”.

“Towards an economy for the ...”

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resources. A purposeful exertion of influence on economic processes by the state is meant to limit the abuse of power by powerful corporations, unfair and ruinous forms of competitions and the excessive wear and tear economy. Another objective is to protect what is worth protecting. It will be a question of the political will to what extent the so-called “free market” is going to be complemented by subtle control mechanisms attuned to the interests of the country and the population.

An all-party consensus will have to be found to weed out some undesirable developments that have crept into our socio-politics, national policies and the structural, social and economic domains. Moving closer together, a peaceful communal life, would be a favorable basis which would allow the incurred losses in sovereignty and agency to return to the national level. The question: Who should benefit from the economy, capital or people? is clearly raised by the initiative. But of course this question leads further than an isolated consideration of economic life. We cannot avoid taking a stance on questions like: Can we permit foreign interference with our internal affairs? What is the importance of our inner cohesion? What is the place the economy is to take in our society? What about our right to self-determination?

**The initiative is necessary
because the propagandized
freedom proves to be a deadlock**

Deregulated markets are borderless. The promised freedoms are turning out to be a deadlock. The dissolved border guard is opening the gates for a massive steam roller crushing recklessly cultural and moral values as well as historically grown structures and draining the lifeblood from the nation states. More and more the dictate of the free market, propagandized by neo-conservative groups, is revealing itself as a Trojan horse. It is an attack on the cultural heritage of the Occident with the goal of its systematic disintegration. According to the taste of the empire, the created vacuum is to be filled with conformity and leveling on the lowest level. To prevent anybody from escaping this conformity, all states are taken into kin liability (Europe), unruly states are blackmailed (Switzerland).

The deception maneuver staged by ECB and the FED concerning the rescue of the indebted countries by an unlimit-

ed production of paper money serves no one but the capitalist system. However, an honest state leadership or economic politics which serve the common good of the peoples is not an utopia. We would just have to break the power of high finance. The financial, political and legal foundations are still there. The states would have to break out of the deadlock and regain their freedoms. Basically it is about a consistent implementation of each nation's constitutional mandate – without foreign interference.

Switzerland is in the way

Switzerland is in the way of the power strategy aimed at obscuring and concentrating because it points out an alternative path. By the introduction of a debt break, by farsighted economic and financial policies and the economic capabilities of our national economy Switzerland was capable to keep its state budget mostly in balance on all three levels (Confederation, canton and commune). This arouses envy and greed outside our borders, provoking dangerous power posturing of foreign government representatives.

Thus the attacks from Germany have reached a level of impertinence and lack of respect that urgently call for an unambiguous rejection. Brussels, Paris and Washington, too, intend to wear down Switzerland with its manifold locational advantages; a process that should be confronted more vigorously by our Federal Council but also by our Parliament. Instead, there are still too many Swiss representatives in international bodies and in the capitals, cities who put themselves at the service of the global capital. Even the selling of our locational advantages for dumping prices is no longer a taboo in this global leveling pact. Not only material assets and intellectual property but even our children's future is sacrificed to the voracious giant of “globalization and leveling”.

**Sending a strong signal
and protectind grown structures**

The structures grown since generations within our economy still dispose of a remarkable power to resist. Like the protective forests in the mountains, they are deep-rooted and cross-linked. This resistance is based on the political maturity of the people, on grown structures, education, social harmony and our traditions. Trustworthiness, power of innovation, quality and careful handling of the available resources are rooted in a socially compatible economic structure. They are based on our competitiveness and a high level of employment.

In context of international agreements, WTO, IMF and bilateral agreements with the EU and other free trade agreements, we incurred substantial interference with the established structures, followed by serious consequences for independence and self-determination of the nation state as well as security of supply. Free trade agreements are a temporary phenomenon, primarily serving a new global order for production sites. Allocations are based on the principle of the lowest production cost, the scale advantages and the absolute highest profit potential.

As production costs in Switzerland are relatively high, the place of work Switzerland is shifted to low-wage countries. The objective is to maximize revenues on a global scale. Yet, we are not sure what will be left for Switzerland. Unprofitable productions such as agricultural goods will be definitely outsourced through this optimization process – to China or India – regardless of quality, health risks, animal health and environmental contamination. But international excellently positioned banks and insurance companies are facing an uncertain future as well. It is the Swiss financial center that is attacked with unconventional, if not criminal methods. Maybe we are to be turned into an wellness oasis for the rich, which is to be feared if we look at the construction of wellness reservations and forced nature reserves which are financed by foreign billionaires. Or are we to experience a comprehensive urbanization of Switzerland as “Greater Area Switzerland”?

100,000 signatures under the people's initiative “Towards an economy for the benefit of all” is a very strong signal; a message that will trigger strong reactions both, at home and abroad. All those who are committed to a peaceful coexistence, to social peace, a fair form of economic activity, preservation of jobs and full employment with wages securing existence and social benefits, for the maintenance of a high standard in performance and quality as well as a humane future for following generations, cannot but follow the cause of the initiative. This initiative is not limited to party lines, but to the common concern of all: to preserve what is well-proved, to enhance the sense of responsibility towards the common good, the environment and the natural resources, to develop established structures, to hand down a responsible and fair economic order to future generations, in order to promote the work place Switzerland, the security of provision, the quality of life and living together. •

Syria

Negotiations without interference by foreign powers

Statement by Professor Hans Köchler, President of the International Progress Organization

“Without outside interference. This means that foreign fighters and mercenaries, including personnel of Western intelligence services, must leave the country.”

Considering disastrous results of Western policy towards Lybia, what could be proposed to avoid the same mistakes in case of Syria and Iran?

Hans Köchler: The military intervention of NATO in Libya has not only brought about disastrous “regime change”, but has led to the political fragmentation of the country and to a situation of anarchy. It has profoundly destabilized the political situation in the wider North African and Middle Eastern region – with repercussions now felt in Syria where Libyan arms have surfaced in the hands of insurgents. The Western countries have not acted in good faith, and have exploited Security Council *resolution 1973* (2011) for their own strategic interests. The adoption of the Libya resolution, supposedly motivated by noble humanitarian goals, was possible because of the abstention of two permanent members, namely China and Russia. It is essential that the Western powers in the Security Council – the United States, France and the United Kingdom – are not again given a *carte blanche* by the Council, which would allow them to go ahead with an armed intervention in Syria or against Iran with the supposed blessing of the international community.

The main element of a solution in the Syrian conflict will have to be negotiations among the concerned Syrian parties without outside interference. This means that foreign fighters and mercenaries, including personnel of Western intelligence services, must leave the country. Neigh-

boring countries such as Turkey must not offer their territory for infiltration of foreign fighters into Syria, or for logistical purposes of the insurgents. Such assistance constitutes a blatant violation of international law, and in particular of the Principles set out in Article 2 of the UN Charter. The new envoy of the United Nations Organization, *Lakhdar Brahimi*, should be given full support by all member states for his mediation efforts on the basis of the plan drawn up by his predecessor *Kofi Annan*. Unlike the initiatives of the “Friends of Syria” – who effectively are the “friends of the Syrian opposition”, the major countries of the Middle Eastern region may jointly play a useful role as facilitators of negotiations. The proposal of Egyptian President *Mohamed Morsi* for the formation of a “Contact Group”, consisting of Egypt, Iran, Saudi-Arabia, and Turkey, should be given due consideration. (Iran must not be excluded from such a regional initiative.) What has to be avoided by all means is the taking of sides in favour of a particular party or group in Syria. In a situation of domestic conflict, partisan action by foreign powers will make a peaceful and lasting resolution of the conflict virtually impossible. For the time being, the two existing regional organizations – the *League of Arab States* and the *Organization of Islamic Cooperation* – cannot play a constructive role because both have suspended Syria’s membership and, thus, taken sides in the conflict. A bilateral “working group” such as the one between the United States and a regional state (namely Turkey) will also be counterproductive to a peaceful settlement since this arrangement exposes the entire region to the geopolitical agenda of a distant superpower, and risks to “globalize” the ongoing

(regional) proxy war – with dangerous consequences for all involved (including Turkey).

Talking about civilizational dimension of Syrian conflict, what are your possible considerations on the future of Muslim-Western relations?

Because of the cultural and religious diversity of Syria, the domestic conflict in the country has implications for relations between the Muslim and Western world in general. Should religious fanaticism prevail and the Syrian state structure collapse, the situation of Christians – who have lived in the land since the days of Jesus – may become untenable, with repercussions all over the Middle East and Europe. At the same time, relations between Sunni and Shia communities in the entire Muslim world will be seriously affected. Those states that have declared themselves as “Friends” of the United Nations “Alliance of Civilizations”, such as Saudi-Arabia and Turkey, must not further engage in armed interference in the domestic conflict in Syria. Their actions have not only undermined the United Nations’ credibility in regard to inter-civilizational and inter-cultural dialogue, they now risk to lead the region into a long sectarian war, with unintended consequences for the intervening states, and unpredictable consequences for the entire world. •

Vienna, 23 August 2012

Source: Published by *World Public Forum* on 24 August 2012

http://www.wpfdc.org/index.php?option=com_content&view=article&id=967:statement-by-professor-hans-kochler-president-of-the-international-progress-organization-on-the-syrian-crisis&catid=40&Itemid=93&tmpl=component&print=1&layout=default&page=&lang=en

Assad acknowledges impartial work of the Red Cross in Syria

At a meeting with the head of the *International Committee of the Red Cross*, *Peter Maurer*, Syrian President *Bashar al-Assad* paid tribute to the work of the Committee of the Red Cross in settling the consequences of the Syrian crisis, as reports *afp*.

The day before the head of the ICRC had gone to Syria for a three-day visit. That was his first journey to Syria in his office as president of the humanitarian organization.

President Assad assured Maurer that he welcomed the humanitarian opera-

tions carried out by the committee on the ground in Syria. He emphasized that the organization’s employees did their work independently and impartially and that they did not support any side of the parties involved in the conflict.

Peter Maurer, a Swiss, has been president of the ICRC since the beginning of July 2012. *Jakob Kellenberger*, former head of this organization, had visited various regions of Syria for several times in order to get an idea of the country’s situation.

The conflict in Syria – of which 17,000 people have fallen victim according to UN information – has been persisting since March 2011. The Western countries and some Arab states are demanding the demission of President Assad as they hope that this will stop the violence. Russia and China on the contrary are afraid that interference from the outside might lead to an escalation of the conflict. •

Source: *RIA Novosti* 4/9/2012

<http://de.ria.ru/world/20120904264359356.html> (Translation *Current Concerns*)

Lavrov in favor of enhancing moral standards in high politics

According to Russian Foreign Minister, *Sergey Lavrov*, Moscow firmly rejects double standards in international politics and is pleading for the observance of the ethical and moral standards of behavior.

“Today the issue of moral landmarks in international relations is as topical as it has never been before. Global challenges become the focus of attention, challenges which threaten the existence of mankind”, said Lavrov in an interview with the recent edition of the magazine *Mesh-dunarodnaya Shisn* (International Life).

“The events of recent years have shown that these threats include a tendency of in-

tensification and involvement and that they can spread from one region to another.”

A unification of efforts and a deepening of confidence would hardly be possible if there were not an ethical foundation for common actions in the international arena, Lavrov continued.

The problems which modern world is confronted with will have to be solved on the basis of justice.

As soon as the moral values get lost, injustice and certain ideas would emerge that do not contribute to the solution of the problems but to their escalation, on the

contrary, said Lavrov. “We consider consolidation of the moral basis of international relations to be part of high politics.”

“The necessity to work towards the promotion of universal moral-ethical standards of conduct that might be generally accepted in international affairs together with their gradual democratization and liberation from ideological stereotypes and double moral standards is obvious”, he added.

Source : *RIA Novosti* 4.9.2012

<http://de.ria.ru/world/20120904/264359356.html>

(Translation *Current Concerns*)

Australians in Afghanistan suffer ‘single worst day’

by *Richard A. Oppel Jr. and Matt Siegel*

Five Australian soldiers were killed in southern Afghanistan within hours of one another on Wednesday and Thursday [August 29/30, three at the hands of a turncoat Afghan soldier, making it the single worst period in a decade of fighting here for one of the United States’ staunchest allies.

Two Australian soldiers died when their *UH-1 Huey* helicopter crashed Thursday morning in Baghran, a district of Helmand Province, NATO officials said. They said they did not know the cause of the crash, which injured other troops as well.

Three other Australian soldiers were killed Wednesday night when an Afghan soldier turned his gun on them in Uruzgan Province in Southern Afghanistan, the latest in a rash of attacks on coalition forces that have left 45 dead this year at the hands of the Afghan security forces or other Afghans working closely with them.

The attack happened at a fuel depot when a member of the Afghan National Army shot the Australians and then fled the base, said Lt. Col. Hagen Messer, a spokesman for the U.S.-led military coalition in Kabul. The international force command said that the motive in the shooting was unclear and that it was investigating.

With 1,550 troops in Afghanistan – most of them in Uruzgan – **Australia’s military presence** is the largest from

a non-NATO nation in the U.S.-led coalition fighting here. The only other Australian military fatality in Afghanistan this year was in July. Last year, 11 Australian troops were killed here, according to data from [Icasualties.org](http://icasualties.org), which tracks military fatalities.

The five new deaths stunned Australia. Prime Minister *Julia Gillard* called it “the most awful news” for the country. “This is a very big toll,” Ms Gillard said during a visit to the Cook Islands, where she said she would cut her trip short to return to Canberra. “This is our single worst day in Afghanistan.”

She said such insider attacks were “corrosive of trust” and difficult to deal with.

Earlier this year, Ms Gillard announced that Australia would withdraw its troops by the end of 2013 – one year ahead of schedule – citing what she said were security improvements in Afghanistan, while also acknowledging the unpopularity of the war.

On Thursday, she said the five deaths would not alter that plan. “Our strategy is well-defined, our strategy is constant, and we cannot allow even the most grievous of losses to change our strategy,” she said. “We went there for a purpose, and we will see that purpose through.”

The surge in insider attacks has increased tensions between NATO and the Afghan security forces at a crucial time in the training mission. NATO security forc-

es are working closely with the Afghan Army and the police as Western troops prepare to withdraw from the country in 2014, but the killings complicate the cooperation.

“We don’t have any idea if he was an infiltrator, or if there was another reason for the shooting,” said Gen. *Abdul Hamid Wardak*, commander of the *Afghan 205th Corps* in Kandahar. He identified the attacker as *Hikmatullah*, a soldier from Ghazni Province who had joined the Afghan National Army five months ago.

With the latest deaths, 15 members of the international coalition have been killed in insider attacks also called green-on-blue attacks, this month alone, 12 of them Americans.

Richard A. Oppel Jr. reported from Kabul, and *Matt Siegel* from Sydney, Australia. *Graham Bowley* contributed reporting from Kabul, and *Taimoor Shah* from Kandahar, Afghanistan.

Source: *The International Herald Tribune*, 31 August 2012

All states shall have the right to participate in global decision-making equally and equitably

UN Human Rights Council has created the mandate of the Independent Expert on the Promotion of a Democratic and Equitable International Order

Interview with Prof Dr iur et phil Alfred de Zayas



Alfred de Zayas
(picture thk)

thk. On 23 March the Human Rights Council appointed Prof Dr iur et phil Alfred de Zayas as an Independent Expert to the United Nations for the Purpose of Promoting a Democratic and Equitable International Order. He is the first expert to occupy this newly created function aimed at the promotion of democratization in the United Nations and within the member States. Already in the autumn 2012 session of the Council de Zayas submitted his first report, which met with great approval. The Independent Expert, who has had long career at the UN, was appointed to this office not quite unexpectedly, as he said himself, since he had devoted himself for a very long time already to the issue of furthering the emergence of genuine – that is direct – democracy, as it exists in Switzerland. Through his mandate Alfred de Zayas endeavours to advance the over-arching UN agenda of peace, development and the equality of peoples. Current Concerns met Professor de Zayas at the UN in Geneva.

Current Concerns: Professor de Zayas, how are we to understand your mandate?
Prof Dr de Zayas: The resolution that created this thematic mandate entails a synthesis of civil, political, economic, cultural and social rights. It is a conciliatory mandate, aimed at cooperation and solidarity. The states of the North, the South, the East and the West shall find themselves in this mandate and regard it as something connecting them. It is a constructive mandate, building on the purposes and principles of the UN Charter. Mine is not a so-called “country-madate” targetting any state, nor does it focus on a particular region, a particular philosophy or ideology. The mandate is epistemological and is aimed at discovering obstacles to the realization of an international order that can and should be more democratic and more equitable. The task is twofold: to democratize at the national level, but also at the interstate, the international level.

What are we to understand by democratization at an international level?

We need a world order that is truly democratic, that is geared to the needs of the people. This means that all states must be involved. In decisions that affect the co-existence in our world, all states should have a say as representatives of their peoples. This equality, the equitable participation of all, is central in the text of the resolution 18/6, which delivers the terms of reference of the mandate. I’m going to adhere very closely to the text of the resolution, as I have already shown in my first report.

What is to be achieved by this?

The states of the so-called third world, the countries of the South, want a world order based on justice. Both the trade and the distribution of resources have to be equitable. The gap between rich and poor must not continue to grow, but must be reduced. Without having to name certain states, I can address the topic epistemologically in such a way that I can clarify the meaning and give life to concepts such as democracy, justice, equity, equality, self-determination and national identity.

What is your approach?

There are considerable spiritual and intellectual resources at the United Nations. I am going to draw upon the reports of former rapporteurs, on studies of the sub-Commission on Promotion and Protection of Human Rights, of the Commission on Human Rights, of the Human Rights Council itself. I will also integrate the work of the relevant agencies of the General Assembly. I certainly do not intend to repeat what has already been done. However, I will build on it. As you know, I was secretary of the UN Human Rights Committee and head of the Petitions department. The Committee’s jurisprudence also lends support to the mandate.

How do you assess the effectiveness of this mandate?

I am very optimistic as with regard to the mandate because a lot of positive reactions have already reached me, since I was appointed and since my e-mail address at the UN became known to everybody, namely ie-internationalorder@ohchr.org. NGOs, intergovernmental organizations, governments, national human rights institutions, and civil society have contacted me with concrete proposals – for example, how they understand my mandate, where they

see the priorities, etc. I am taking these concerns and suggestions seriously. I am going to study everything carefully. In paragraph 11 of my report to the Human Rights Council I have already quoted a list of suggestions for topics, which I have received from interested parties. Of course, I will have to prioritize.

What is going to emerge from all these suggestions and inquiries?

Most likely I will write a report on the notion of participation, respectively the participation of the people in policymaking in a democracy, but also about participation at the national and international level, about questions of manipulation of public opinion etc. Next year I am going to present these studies to the Human Rights Council. Domestically this entails not only the right to vote in regular elections, but also the right to choose among policies, i.e. the right to influence the actual formulation of policy. Democratic elections every four years are a good thing, but you have to have real options and should not vote only pro forma. The people must also have the opportunity to shape their foreign policy authentically so that governments should no longer pursue a foreign policy against the people’s will. From an international perspective, the UN and the Security Council should be reformed to provide for the realization of more international participation and democracy.

In October you will give a presentation before the General Assembly. What will it be about?

Well, I will be presenting another more comprehensive report to the General Assembly. In this report I will identify several obstacles and will try to name good practices and submit recommendations. That will happen on 30 October 2012 in New York – Deo volente – I will see what the states’ responses will be like to my report in the General Assembly, and what they will suggest.

How can we teach other countries the basics of democratic coexistence? An “Arab spring” or military interventions of the NATO do certainly not help.

I understand my mandate not as a mandate of naming and shaming. My man-

UN Human Rights Council – Office of the High Commissioner for Human Rights/Press release

“Apply international law uniformly and not à la carte,” new UN independent expert urges world governments “We must build on the principles of self-determination, sovereignty, and respect for national identities and universal human dignity”

Geneva (13 September) – The newly appointed UN Independent Expert on the promotion of a democratic and equitable international order, *Alfred de Zayas*, today called on states to move forward to overcome “the many obstacles to the realization of an international order that is more democratic and more equitable.”

“This vision can be achieved by respecting the United Nations Charter as the World Constitution, by applying international law uniformly and not *à la carte*, by refraining from the threat or the use of force, by promoting a culture of dialogue,” said Mr de Zayas during the presentation of his first report to the Human Rights Council. “Civilization is a long journey from exploitation to solidarity,” he emphasized.

The Independent Expert proposed reforms in the international arena, including the UN Security Council and the UN General Assembly, and stressed that “a democratic and equitable international order requires not only international efforts but also enhanced domestic democracy and social justice, a narrowing of the gap between rich and poor in all countries, a strengthening of the rule of law, freedom

of expression and an independent judiciary.”

“An international order in which only a few powerful players take all the decisions, often disregarding the consequences for the less powerful, is hardly democratic,” he noted. “An international democratic order is one where all peoples have the opportunity to participate in global decision-making. We must build on the principles of self-determination, sovereignty, and respect for national identities and universal human dignity. Progress in democratization at the domestic level is also necessary to ensure a correlation between the true wishes of the people and the governmental measures, including foreign policy, that affect them.”

With regard to an equitable international order, he emphasized that *the riches of the planet must be equitably shared* and not controlled by a few countries or cartels. “Fair trade is possible, as are transfer of knowledge and technical cooperation based on mutual benefit. Globalization entails certain dangers but it also opens opportunities for international solidarity,” he said.

Mr de Zayas also referred to the ravages of the international financial crisis, remarking that “*markets are not the private playground of financial bankers, but a public trust that requires transparency and accountability.*” In his view, “the financial markets can further an equitable international order if they understand their role as a public responsibility and not as a closed-club of casino economics. Depression and unemployment are the results of irresponsible market activities.”

Among the obstacles to the achievement of a more humanistic international order the expert identifies “the status quo mentality and general inertia, which delay necessary reforms, as well as vested interests and privilege. A change of paradigm, away from short-term predator economics and a rethinking of the values that inspire the whole human rights edifice are necessary. A condition for sustainable change is the practical recognition of the human right to peace and a reordering of priorities away from war and toward disarmament and the realization of the Millennium Development Goals and post-2015. • Source: Alfred de Zayas, www.alfreddezayas.com

“All states shall have the right ...”

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date, as stated above, is a constructive one, aiming at helping to understand and apply norms of international law uniformly, aiming at defining fundamental terms that are used quite differently by States and civil societies. When I say democracy, it should mean more or less the same to a person in North America, South America, Australia, Eastern Europe, China, India or Africa. Democracy must not be understood *à la carte*, it has constitutive elements that can be measured, there are benchmarks and gradations. Similarly, it is unacceptable that international law is frequently applied by States as they feel but not as they should. One major obstacle to world peace and the achievement of a democratic and equitable “world order” is in fact, that many states do not evenly apply international law, here they say yes and there they say no. Without wanting to criticize certain states, I would like to point to this fundamental problem. Ultimately, I believe that the bottom line of democracy is participation.

Which means?

This means that citizens must be involved in politics and help to shape it directly. Here, the model of direct democracy offers an enormous contribution. You must have the possibility of initiating legislation. The possibility to review laws through referenda, but also the possibility to call government officials and politicians to account in case they pursue a policy very different from what they once promised – that must be the essence of democracy. The elected politicians must be held accountable if they have broken the promises they have given to the citizens, and thus abused their confidence. Therefore there must be a way to remove these people from office. Here in the US we have the concept of recall or impeachment in that case.

So I will study the model of direct democracy in greater breadth and depth. It is about the question of how to apply this model with some modifications to other countries. But in each country you have to take its history, its culture, its traditions and its individual ideas of coexistence into consideration.

What in this context is the role of the nation-state for you?

In ancient Greece the state arose with the polis, where the citizens could participate in the shaping of policy. Over more than two thousand years various forms of nation-state have existed, also various forms of democracy. From an international perspective, we want all countries to be equal and to have the right of equally shaping world politics. But internally, at a national level, the citizens of a particular state must adopt the correct laws that emanate from their own identity, their own culture and they must choose a policy that ensures the exercise of human rights and the primacy of human dignity of all inhabitants.

Professor de Zayas, we wish you every success in elaborating your mandate, and thank you very much for the interview. •

Readers are welcomed by Professor de Zayas to share their ideas and are asked to send them to ie-internationalorder@ohchr.org.

(Translation *Current Concerns*)

Creating fear is the means of German policy against Switzerland

by Dr René Schneider

I. Top News

On 21 September 2012 the North Rhine-Westphalian (NRW) "Landtag" (state parliament) published the state government's response to a "Minor Interpellation" to the parliament.¹

1) Parliament of North Rhine-Westphalia, No. 16/924 of 18.9.2012, www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMD16-924.pdf.

The questions and answers in wording as follows (excerpt, with critical remarks by the author).

Introductory remarks of the state government

The constitutional order allows and requires considering the needs of a functioning criminal justice and criminal tax investigation. The prevention, prosecution and investigation of criminal offenses are of great importance taking into account the assessments of the "Grundgesetz" (Basic Law). The announcement of details of completed acquisition transactions may jeopardize the investigation purpose on the one hand, as long as the resulting tax proceedings are not legally completed. The disclosure of details of the purchases on the other hand, might lead to an unwanted identification of providers. If details lead to an identification of providers, the disclosure of the details would be contrary to tax secrecy.¹ Secrecy of certain taxes and ratios, whose disclosure would provide a reference to the taxpayer or private third parties, may be mandatory with reference to the Basic Law, Article 2, paragraph 1 in conjunction with Article 1 paragraph 1 and Article 14.

1) Parliament of North Rhine-Westphalia, No. 16/924 of 18.9.2012, www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMD16-924.pdf.

Seen from the point of the employer's duty of care towards his employees (particularly in view of the arrest warrants issued against North-Rhine-Westphalian tax police officials in Switzerland) details must not be communicated.

In view of these considerations, the state government can publish only limited information on completed acquisition transactions.

Note: Why identifying the "supplier" i.e. the "data thieves" (perpetrator, accomplice or participant does not matter) should fall within the scope of the tax secrecy (§§ 30 to 31b of the Tax Code), will remain an eternal mystery of the state government. Tax secrecy protects the taxpayer and not the

foreign criminal with whom the state of North Rhine-Westphalia pursues its criminal activities. However, misusing the "rule of law" (Article 20, paragraph 3 Basic Law) for forms of governmental and state crime means to pervert the tax secrecy as well in favor of one's accomplices, of course!

1. Data records of how many citizens from NRW are on the purchased tax CDs? Please re-encrypt the data according to the individual purchase transactions.

The previous evaluation of the acquired information revealed that particulars on an overall of 2,831 investors from North Rhine-Westphalia are provided by the disks. The number will certainly increase.

Note: The MP's question is phrased in an amateurish and clumsy way. For statistical analysis, with which one could check the NRW government's data purchases with regard to budget embezzlement (§ 266 CC), the following questions should have been asked and the answers evaluated; but unfortunately the author did not find any parliamentarian with enough legal expertise – or at least political vision – to ask these questions: The weekly magazine *Focus* reported on 16.9.2012 that the state of North-Rhine-Westphalia "had purchased six tax data CDs since 2010": "According to a preliminary analysis, the data media list a total of 6,989 investors. So far 2,624 criminal proceedings have been initiated in Germany." Such purchases became known to the public for the first time after the public arrest of the then-head of the German Postal Services *Klaus Zumwinkel* on 14.2.2008 on account of data theft by the Liechtenstein inhabitant *Heinrich Kieber*.²

2) www.focus.de/magazin/kurzfassungen/focus-38-2012-nrw-zahlte-gut-10-millionen-euro-fuer-daten-aus-der-schweiz_aid_820499.html

Against this background, I ask the state government:

1) How many data CDs or other media (e.g. DVD, USB sticks) has the state government bought so far (including the case *Kieber/Zumwinkel*)? We ask for the exact number of disks!

2) How many people who are or have been taxable in North Rhine-Westphalia were identified on each disk? We ask for the exact number of taxable persons in NRW per disk!

3) How many people who are or have been taxable in North Rhine-Westphalia were identified on each disk, even though they had correctly handed in

their tax information and will or were therefore not prosecuted as criminals? We ask for the exact number of taxable persons in NRW per volume that are innocent under criminal law, respectively persons who were not or are not being prosecuted!

4) How many persons that are or were not taxable in North Rhine-Westphalia have been identified on each disk, even though they had handed in their tax information correctly and therefore will not be or were not prosecuted as criminals? We ask for the exact number of persons per data carrier who are not taxable in NRW, i.e. who are innocent under the criminal code and are or were not prosecuted!

2. How many of these people from NRW have given a voluntary declaration? Please re-encrypt the data according to the purchase transactions, and how many of these voluntary declarations have successfully prevented a criminal proceeding or how often legal actions were additionally taken. There are very few, if not any voluntary declarations at all of those people whose data can be found on a tax-CD, because a voluntary declaration requires that the tax evasion has not been recognized by the authorities. Should this question refer to the number of voluntary declarations that have been made beyond the CD data, this number has amounted to 6,732 in NRW (as of 9.6.2012) since the first sale in February 2010 – solely related to Swiss banks.

In general it should be noted that the number of completed voluntary declarations is registered in the nationwide statistics of criminal and legal proceedings. A separate statistics concerning the levy and execution of voluntary declarations (in particular in relation to the data acquisitions) is not compiled. Therefore, the numbers cannot be provided in the desired manner. A subsequent collection of relevant data would – if at all – only be possible at an unacceptable effort.

Basically, there is a comparison of the information contained on the disks with probably voluntary declarations. In principle, a voluntary declaration also leads to formal criminal tax proceedings, as an examination of the completeness of the information provided by the declaration, and the announcement of an amnesty are only possible in such a process. In case of an effective voluntary declaration criminal proceedings are closed.

“Creating fear is the means ...”

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3. *How much is the total tax revenue for NRW from the voluntary declarations by a person in question 2, itemized by purchase processes?*

Basic reference is made to the answer on question 2.

A classification of additional results from voluntary declarations related to individual purchase transactions is not possible. According to estimates by the Ministry of Finance NRW voluntary declarations in the context of capital income in Switzerland will amount to a tax income of more than 300 million euro in NRW alone.

It does not include the additional results that emerge from the analysis of the data records.

4. *Against how many of these people from NRW has a criminal case been initiated due to the information contained on the data carriers? Please re-encrypt the data according to the acquisition process and then, if already completed, say if the criminal proceeding successfully resulted in a conviction to fine, probation or imprisonment, whether it resulted in a settlement if it is still going on or whether it resulted in an acquittal or was terminated without consequences for the defendant or whether it was terminated.*

It must first be noted that the number of investors and the number of investigations are not identical, since in addition to the investors themselves named on the disk criminal investigation against other people (e.g. spouses) were probably also initiated in different cases.

As far as figures could be compiled, investigations have been initiated against at least 3,413 people from North Rhine-Westphalia. Eleven defendants were fined by issuing penalty orders. § 153a Code of Criminal Procedure (abatement of action after fulfillment of conditions) was applied on 80 defendants. The proceedings against 14 defendants were abated according to § 153 Code of Criminal Procedure (abatement of action for trivial nature of offense) and against 709 defendants in accordance with § 170 paragraph 2 Code of Criminal Procedure (for lack evidence). Another 89 proceedings were regulated otherwise (submission of proceedings, combination of proceedings).

Note: A scandal: 723 proceedings were initiated against innocent – tax honest – citizens who had done no wrong and had well invested their properly taxed assets in Switzerland. For these 723 “suspects” who were unduly exposed to persecution by the NRW authori-

ties only through the criminal interaction between data thief and “stolen data receiver” a considerable portion of the theft payoff has been invested. Words fail the author to articulate the extent of his outrage yet with necessary restraint!

5. *How much is the total tax revenue of NRW out of the convictions and settlements concerning persons mentioned in question 4, itemized by purchase processes?*

In case the questioner meant the total income for the state of NRW including tax payments, there was revenue amounting to 425.3 million euro from the CD-evaluations and voluntary declarations.

The total of fines and monetary sanctions from the convictions and dismissals of proceedings – as far as figures could be compiled – currently amounts to about 2.8 million euro.

Furthermore, the North Rhine-Westphalian judiciary has fixed so-called association fines in accordance with § 30 OWiG (Ordnungswidrigkeitengesetz – fines imposed on legal persons and associations of persons). They amounted to 197.5 million euro and flow into the state budget of North Rhine-Westphalia.

Note: Meanwhile, it should be clear even to the most ignorant person: The NRW Finance Minister’s main concern is in fact not “fiscal justice”, but sowing fear among the taxpayers and ensuring the increase of voluntary declarations in accordance with § 371 of the *Tax Code (AO)*. Today, they only rarely lead to impunity and require very professional representation – at best by a specialist tax lawyer!

II. Résumé

The author may be permitted to point to the fact that as early as 5 February 2010 he wrote a letter to the former head of the *Swiss Federal Department of Foreign Affairs (DFA)*, Federal Councillor *Micheline Calmy-Rey*:

“However, I am convinced that the German authorities will only delay the illegal purchase of the data for a short period of time, so that via the corporate German media they can appeal for voluntary self-declarations granting amnesty. As long as no tax evader definitely knows whether his data are included on the CD or not, only a few tax evaders will report a voluntary declaration, although their identity cannot be revealed by the data collection itself.

Switzerland should use this short period of time to submit an injunction suit at the *International Court of the United Nations* in The Hague against the Federal Republic of Germany, as well as to apply for the adoption of a

“*Request for the indication of Provisional Measures*”

“*Demande en indication de mesures conservatoires*”

through which the International Court may forbid the Federal Republic of Germany to purchase the data, at least temporarily and until a sentence in the principal proceedings”³.

3) In extracts published in “Deutschland, Liechtenstein, die Schweiz und das Völkerrecht” (Newsletter Steuerrecht of 22.2.2010, page 3, Source: www.muenster-seminare.de/24505.pdf), and at: www.Staatsklage.de

At that time, North Rhine-Westphalia was still ruled by *Jürgen Rüttgers* (CDU) and his Minister of Finance *Helmut Linszen* (CDU), and since then nothing has changed, the criminal methods of state power have remained unchanged. Why should they be changed?

Conclusion: “The method Borjans” is no such method! It probably does not even deserve the name Linszen. The unworthy game had in fact started in 2008, when the then Federal Minister *Peer Steinbrück* as the “receiver of stolen data” by the Liechtenstein data thief *Heinrich Kieber* came into the public eye and created a climate of fear. No tax evader knew if his identity had already been revealed by the stolen bank client data, but the number of voluntary declarations skyrocketed after Steinbrück’s recommendations.

Fear as a political tool? We have not had such a thing in West Germany since 1945!

III. Who is Norbert Walter-Borjans?

So *Norbert Walter-Borjans* (SPD) is not the inventor of the system that is older than his tenure in the Düsseldorf Ministry of Finance. Fear as a lever is not included in the rule of law, but it fits with the previous political career of a man who has a nomadic professional career and is seeking only his own advantage. Hence the place next to the wannabe chancellor *Hannelore Kraft* (SPD) is most welcome. In the current economic and financial newspaper *Euro am Sonntag* dated 17.9.2012, the restless NRW Minister of finance is described as a “madman”:⁴

“*He is well-versed in fights – and even in defeats. With him in the team, the SPD lost two state elections. Finally being Minister of Finance, the supplementary budget for 2010, submitted by the coalition government under his leadership, failed. His total budget for 2012 failed as well when the red-green government had to yield to the opposition by one vote.*

Just over nine weeks ago, there was the next slap in the face. The Federal Administrative Court in Leipzig assessed

“We must learn to become economical again”

by Prof Dr Eberhard Hamer

Over the past 30 years, the principles and practices of our society have changed fundamentally. Following the Anglo-Saxon model, we became a discontented society, addicted to superficial fun in life (Fun Society) and greedy for more wealth (affluent society).

- unions and advertising preach us every day that we should earn more
- corporations and employers’ organizations urge us to work more and more,
- so that we purchase more goods under the pressure of mass advertising.

Our aspirations have been screwed up ever more; not only in everyday life, but also on holiday, in our demands for health care service and in securing our basis of life including our minimum social benefits. These higher claims were reached only by the ever-increasing exploitation of the people themselves and the resources of our world and the environment in general.

Moreover, policy has always placed greater demands on us. The ever-increasing taxes and social contributions consume more than two-thirds of our gross income and leave us only less than a third as net available money.

Two-thirds of public finances are no more used for reasonable government services, but for the redistribution among the population groups, for Europe, for corporations and around the world. On top of that they don’t only risk the largest domestic debt, but a multiple, unrestrained European debt liability as if the flood of money would never end.

The limits to growth

Meanwhile, we realize the limits to our growth not only by the resources: the price of oil keeps growing, and the mineral and metal prices have more than doubled in the last

three years. More and more people also realize that their individual performance capability no longer meets the growing demands in work and life. Collapse by burnout has become a public health problem and shows us that we are no longer able to ever increase working and thus earn and buy more and more. We will have to reduce our demands.

The financial crisis is increasingly turning also into an economic, labor market and consumer crisis, and shows us clearly that in the past bubbles have been created, which we have to pay for, today.

This also applies to the Moloch State and the expenditure that has grown beyond all revenue through redistribution, and which has been reflected in growing national debts. The first states already encounter their financial limits. This phenomenon will go round and will show the limits of public luxuries in every way.

The end of prosperity

In the last decades our policy has produced respectively tolerated fateful phenomena of decomposition at the expense of our population.

- Through unrestrained immigration Germany was deliberately leveled with respect to religion, education and culture. The majority of immigrants did not come to Germany in order to work, but to sponge on the lush social system (social immigration). Everyone working in the labor market must therefore already nourish two people (including his family); those who earn more, have to feed correspondingly more.
- At the same time our policy has exposed us to the international competition with low cost countries that have

no social charges, no patent and legal protection, whose wages are only a quarter or a fifth of ours and who especially do not need to bear the high-wage labor costs – the highest worldwide, which we must work out in form of taxes and social contributions. The German competitiveness decreases constantly. In the next generation we will not be able to compete against many of today’s developing countries, because we have brought them our technology and know-how, but they then can deliver back the same products at a fraction of our costs. The example of the Airbus production in China stands as a warning for many.

- Through centralization in Europe, our policy has simultaneously diminished more and more democratic structures, and has reduced ever more national standards, characteristics and services at European level. Our leading parties hail the way out of the formerly economically healthy nation-state Germany into a Pan-Europe that is economically ailing, financially tumbling and degenerate. The financial crash already shows that the excessive greed of the international banks and the unrestrained transfer funding of the welfare state is tumbling. The party is over, and the bill is now presented. Nobody wants to pay it. The gambler-offenders leave it to the citizens to pay the piper.
- In addition, there are indications of a social collapse. Politics admits on a large scale that the old-age pensions of the current system are no longer secure, that future pensioners have to fear for their

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“Creating fear is the means ...”

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Walter-Borjans’ favorite culture promoting tax, mainly known as “bed tax” as partly unconstitutional. His old desire to improve the world had probably entered into the Krefeld-born politician. Already in 1986 he had been involved in the founding of the Transport Club Germany (VCD) that supports an ecological transport policy.

His long-standing partnership with politics was not a love at first sight. In fact, Walter-Borjans changed his career at least as often as his spectacle frames. Born on 17 September 1952 in Krefeld-Uerdingen, the son of a carpenter and a dressmaker studied computer science from 1971 to 1972 after his A-levels, but abandoned these studies and changed to

economics. In 1978, he left the University of Bonn with a degree in economics in order to obtain a PhD in 1982 from the University of Cologne in political science and economics. The ensuing career is marked by positions in the private sector and the academia. In 1984, Johannes Rau brought him into politics. Walter-Borjans was first Speaker in the State Chancellery of North Rhine-Westphalia, and later government spokesman.

Today, the father of four children does not only occupy the chair of the Minister of Finance, he is by the way member of the Advisory Council of the German Federal Bank branch in Dusseldorf, chairman of the Finance Committee and the Conference of Finance Ministers in the Bundesrat and represents his country on the boards of the NRW Bank, Ruhrkohle AG and WestLB. Some – even within the SPD – criticize that Walter-

Borjans creates more problems than he solves.”

4) “Der bessessene Steuersünder-Jäger” (The obsessive hunter of tax evaders) (by Ann-Christine Brunen), in: “Euro am Sonntag” dated 17.9.2012, www.finanzen.net/nachricht/private-finanzen/Steuer-CDs-Finanzminister-Der-bessessene-Steuersuender-Jaeger-2049800

Ceterum censeo: The problem of “receiving” illegally obtained bank client data and the associated harmful effects on Switzerland’s financial center can only be ended by proceedings of Switzerland against Germany before the International Court of Justice (ICJ) in The Hague, targeting a prohibitory injunction and compensation.

Source: *Völkerrechtliche Vereinigung – Association for the Advancement of the Proceedings Switzerland against Germany* www.Staatsklage.de, No. 25505 dated 21.9.2012

(Translation Current Concerns)

“We must learn to become ...”

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existence, that apparently they have designed an unfair redistribution system for the pensions that is shortsighted and too lush. The same applies to the health care system. By election bribes politics granted us social opulence that they should not have been granted, since it is unaffordable and breaking up now.

Impoverishing society

The current financial crash is not yet finished. It is expected to continue as an economic, social and political crisis. Then the debts taken on by Europe will lead to a dramatic inflation and entail many losers.

Who loses?

- The main losers in every inflation are the savers, which have a nominal claim that however dissipates in value more and more with the growing inflation.
- Losers are also the retirees who cannot expect an increase in pensions corresponding to the inflation. Even with the same amount of pensions paid the real value of the pensions is decreasing and many retirees will impoverish.
- Also the social clientele will impoverish. The Hartz IV recipients and other social welfare recipients can no longer count on today's social services; at least not in terms of value. They will therefore not be able to rely on being completely maintained by the state. They must contribute themselves to earn their keep.
- If the social clientele impoverishes, also the social functionaries can no longer expect today's lush salaries, the money will not be there to pay for so many social workers and high salaries of these officials. This also applies to our lush health service, which must be cut back in terms of amount and income if the social contributions are no longer sufficiently available.
- In every impoverishing society the public servants will not be spared, either. We have the highest public salaries of German history. This cannot go on. As the Greek example shows, the public service must expect dramatic reductions.
- But also the middle class will shrink and suffer. Many leading and senior employees will lose their high salaries. Even many of today's four million self-employed will not survive the economic crisis. The middle class – accounting

today for about 40% of the population – will, as the crisis history shows, presumably be halved, which means, many of the middle class families will slip down into the lower class and impoverish.

- Remains the working class, which will impoverish not only by wage cuts, but also by layoffs and will suffer hardship in various ways.

One only needs to read the history of the crises in the different countries. The aforementioned phenomena were always the same: they let formerly rich countries impoverish by greed and opulence – always at the expense of the general population – but mostly spared the upper class.

Survival rules

Anyone who believes that the crisis will lead to the impoverishment of the population and sees himself at risk as well, should do something about it. My generation of the post-war time experienced how one could survive from nothing and rise again:

- The most important precaution for any crisis is one's own maximum education. Those with more education, knowledge and skills than others in the society will always be sought and therefore have better life chances than others. It is not for nothing that former educational leaders recommended education as the most important survival and advancement opportunity, particularly to the lower classes
- The approaching indebtedness and inflation harms especially those with their own monetary values. Conversely, those who own physical assets are less affected by inflation. Physical assets increase in relation to their value. So the following precautionary rule applies: Change from monetary value into physical assets. Try in good times to protect all monetary investments by material assets.
- The most important tangible assets are your own four walls. Anyone living in his own home saves the rent in a crisis, thus with the same disposable income he is in a significantly better position than others, who must also pay the rent from that net income.
- Debts are also dangerous. Who needs to serve debts in times of crisis has less disposable income than the one that is free of debt. So he has also a lower standard of living. One of the most important rules is to be debt-free in the crisis.

- When the wealth is gone, we all will have to learn to be and live economical again. Husbandry will again become a virtue, which is necessary for survival and determines the standard of living. Many people will have to learn it again. The one who sets out first, has the greatest chance to survive.

From the period of prosperity and greed for life and wealth, in which we could never have enough, we will soon come to the stage of humility, in which many people will not have enough for their living. It does not help to curse the faithless politicians, bankers and managers who have taken us to this situation; the offenders do not suffer the consequences, but every one of us. Therefore: The one who adapts first to these circumstances and orients his attitude, his lifestyle and asset disposition towards them, will best get through the approaching lean years. •

(Translation *Current Concerns*)

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Return to the D-mark!

“I shall abide by my vote for the vision which the great Charles de Gaulle taught us: the Europe of Fatherlands. The treasure of the old continent is the diversity of its cultures”

by Thomas Hoyer*

The euro has failed for Thomas Hoyer. The entrepreneur sees signs of a coup against the German State in the single European currency.

The economist *Eugen von Böhm-Bawerk* taught: “Political power is never capable of overriding the economic law.”

Instead of carrying a few coals to Newcastle we take the euro: the single currency has failed. In an attempt to circumvent the law of economics, the EU has failed as once did the Soviet bloc. *Merkel, Schäuble, Steinmeier* and cohorts know this. However, they continue their policies and make everything worse. The permanent rescue mechanism (ESM) and the fiscal pact will indeed come, regardless of any judge’s decision. The “highly exciting experiment” (Wolfgang Schäuble) of adapting the reality to the euro-ideology continues.

To a large extent, the new laws abolish the budgetary right, the essential right of any parliament. This will accelerate the core meltdown of the German State. We are in a coup induced by bureaucratic means. Ironically the Left Party has already expressed it with the necessary clarity. Sovereignty rights and national wealth are squandered against promises to make an effort for “debt brakes”. The premiers of the federal states boast about having bargained for more money for kindergarten places: policy at the level of infantile feeble-mindedness.

The result? Germany is isolated. The peoples of Europe snap at each other. As they do not know how to proceed, the parliamentarians shift ever more authority to Brussels. But an increase in authority of the EU headquarters does not mean that they are suddenly pervaded by a European spirit. The employees still remain representatives of their respective countries, who then can act out their individual interests completely uninhibited. Angela Merkel has not caused the disaster; she strug-

gles with the heritage of *Kohl, Waigel, Schröder, Schäuble*.

Political awareness was missing, which would have been necessary to understand the new international situation. Imbued with political romance the politicians committed themselves for the euro. However, as *Bismarck* put it, history works more accurate than the Prussian superior accounting chamber, and in fact it made the Federal Republic of Germany (FRG) approach the German Democratic Republic (GDR), but without the hope of rescue. We can no longer argue in terms of democracy, because it exists only seemingly. We are in a state of social agony and political anomie, hence lawlessness. The treaties – Maastricht! – are proven to be of no value and even the Basic Law is nothing but a commodity. Laws only fully apply where they are suitable to repress the tax-paying citizens. A European super-state established on this currency is a compulsory community which all instincts resist. Who loves freedom will develop counter-strategies, at least to resist plundering and egalitarianism in private. Therefore the super-state will appeal to the bad instincts for reasons of self preservation. Spying, surveillance, denunciation and the invention of new opinion crimes will increase.

In an interview in *the Spiegel*, Wolfgang Schäuble leaves no doubt about the motifs driving him. The Minister wants the replacement of the nation-state by a European super-state. The EU Commission must become a “real government”, even if it faces “national reflexes”.

Overshadowed by the euro disaster a political revolution from above is looming. For the bankrupt states a veritable bonanza has opened up with the magic word “Fiscal Union” and the associated communitisation of the German budget. German tax revenues, German credit as a rich gold mine shared to the sack.

Why does our political leadership support it? The euro crisis is nothing but the

catalyst for the target of a political union in Europe. However, to achieve this aim the German Basic Law needs to be cracked, which constantly stands in the euro rescuers’ way via the Federal Constitutional Court. In the *Spiegel* interview Schäuble made clear that he does no longer fear the German sovereign by bringing a referendum into play to confirm the farewell to the nation state by legal means. The President of the Constitutional Court, *Andreas Voßkuhle*, had already declared last year that we were “obviously” heading for a referendum, because this was the only way to make the transfer of more competence compatible with the Basic Law.

There is now fear that the Federal Government together with “socially relevant forces” urges Germans to agree to the European enabling act in an act of democratic suicide. Schäuble rejoices, “The more people see what is at stake, the more they are willing to take the right steps.”

They are trying to re-interpret the coup against the own people as a vote on war and peace. Opponents of the euro rescue and fiscal union will be branded as extremists that threaten the peace. There will be a final battle for democracy and national sovereignty.

I shall abide by my vote for the vision which the great *Charles de Gaulle* taught us: the Europe of Fatherlands. The treasure of the old continent is the diversity of its cultures. Husum and Palermo are not Miami and Seattle. If Mrs Merkel wanted to go down in history books, she would require the courage and the promising attempt to stop her Orwellian newspeak and to return to the D-mark. Such a move is currently not to be expected from the political class. •

* Thomas Hoyer is chairman of the advisory board of the Hoyer group.

Eurobarometer – trust in the EU has “reached historic lows”

Against the will of the citizens eleven EU foreign ministers call for a superpower EU

by Karl Müller

On 17 September, eleven Foreign Ministers of the European Union (Belgium, Denmark, Germany, France, Italy, Luxembourg, Netherlands, Austria, Poland, Portugal and Spain) submitted a final report (12 pages) on their ideas for the European Union's future. The report's tendency is clearly towards more political power for the EU institutions in Brussels and Strasbourg, against the principle of subsidiarity and against a further development of the EU in the direction of a "Europe of nations". The goal is a world power EU – but without justice and democracy.

The Foreign Ministers know that more and more citizens disagree with the EU. On 18 September, for example, there was a report in *Frankfurter Allgemeine Zeitung* on a recent survey conducted by *TNS Emnid*. Accordingly, the EU skepticism in Germany has never been as high as today. 63 percent of respondents said their personal situation would be better if they had not swapped the deutschmark for the euro. 48 percent of respondents no longer believe that – because of the existence of the EU – they are personally better off. And only 42 percent, much less than half of the respondents believe that social peace in Germany has become more stable through EU membership. Further recent surveys, such as the ones conducted by the *Allensbach Demoscopic Institute*, confirm these opinions. Even the *Eurobarometer* survey, a report published by the EU Commission concludes that trust in the EU has “reached a historic low”. These critical voices are not taken seriously by the Foreign Ministers, instead they shrug it off with their formula that “In many parts of Europe, nationalism and populism is on the rise [...]” It reminds one very much of dictators who dismiss any criticism as a sinister machination and increasingly lose touch with reality.

The paper of the Foreign Ministers focuses on two key demands. First, they write: “The strengthening of the Economic and Monetary Union is an absolute priority.” Another goal they seek, without

directly mentioning it, is a more or less complete loss of power for nation-states in key policy areas.

With respect to the first goal, the Foreign Ministers seek at first an end to the national budgetary sovereignty. The Ministers call this “integrated financial framework” and “integrated budgetary framework”. For this purpose there are to be “effective surveillance powers with specific competencies for the European institutions to monitor the budgets and implementation of the fiscal measures in the member states”, as they have already been decided rudimentarily with the so-called fiscal treaty.

As soon as the euro crisis will be overcome the EU must take big steps, according to the EU ministers, “to become a stronger player on the world stage”. For this purpose, the High Representative of the EU for Foreign Affairs shall be given more powers, the “common security and defense policy” has to be strengthened, in all areas of the “common foreign and security policy” (CFSP) “more majority decisions” are needed within the European Council; this means that EU foreign, security and defense policy decisions may be taken against the will of an EU Member State. Finally, a uniform EU defense policy with an EU army is intended. Obviously, the Foreign Ministers primarily strive for a war-capable and war-prepared EU. Different positions among the EU Member States, as concerning Iraq and the war in Libya are to be passed by, by a majority vote in future. As an acceptable justification for their demands the Foreign Ministers do not offer anything. They just draw on a widespread prejudice; 57 percent of respondents in the above-mentioned survey believe that the EU is necessary “to be able to keep up economically with the superpowers China, USA, Russia and India in future”. The Foreign Ministers argue that the European states (interestingly the Ministers do not only speak about the EU but about “Europe” – and maybe they mean it), could be successful in the pursuit of their values and interests “only in unison”, given

the “ever-reinforcing process of globalisation” and “global competition with other economies, ideas and models of society”. What they do not say is how successful particularly small and free and democratic states can be in a free, equal and friendly competition. Switzerland is an example of this in Europe. But such examples also exist on other continents. But in case it is relentless power politics and greater wars the Foreign Ministers have on their minds, then their reasoning has a certain barbaric logic. The citizens who responded to the survey did probably not take this into account.

Of course, the foreign ministers of the EU countries also write about more legitimacy and more democracy. However, in doing so they badly misuse the words. What the Foreign Ministers mean is just more power for the so-called EU Parliament and other EU institutions. But even with more competences, the structures in Strasbourg and Brussels, far away from the citizens will not become any more democratic. And more competences for the European Commission, which the Foreign Ministers have also called for is certainly not a contribution to more democracy. The future of Europe requires a different path. Europe will only have a future if it indeed recollects its values and also realizes them in its policy. A structure like the EU cannot turn into a democracy and has not been made to achieve that end. A few days ago political scientist Professor *Count Kielmannsegg* wrote: “Who would doubt that a 500-million-entirety like the European Union, composed of a variety of nations, cannot be a democracy in the way its member states are? The idea that the only thing needed to create a European democracy would be a strong European Parliament, is a naive illusion. (“Frankfurter Allgemeine Zeitung” of 20 September) Or an insidious deception of the citizens! Good foreign ministers would have done well to tackle the question of the future of Europe more honestly: in the sense of their oath for the benefit of their citizens but not any longer in the interest of who knows whom. •

How to peacefully solve conflicts between ethnic groups

The foundation of the Canton of Jura as a model for other countries

by Dr iur Marianne Wüthrich

The emergence of the Canton of Jura on 1 January 1979 is a prime example of how a conflict can be solved in a democracy between a population that wants to separate and the state it belongs to. Direct democratic Switzerland with its federalist structure is particularly well-suited, although in a representative democracy a similar approach would be possible. Any sensible and democratic-minded contemporary will admit that the division of a territory that takes place in a legally clearly regulated process must be preferred to decades of dispute or, at worst, tona "solution" by military means. An indispensable requirement for the division of a territory is that it is initiated from below, i.e. by the people – and by no means by any interference from outside. A peaceful solution is possible if all parties are willing to do their part. The history of the Canton of Jura shows that neither was this solution easy in Switzerland, since it was preceded by decades of struggle of many forces involved in the creation of the new canton.

It would be to the best of all nations and ethnic groups, if politicians and citizens in their states took their time to delve into the history of the Canton of Jura. What was achieved there could be done anywhere in the world. The will for separation may not be forced on to the people by some foreign intelligence agencies, but must come from the bottom, i.e. by the population. The citizens will be grateful to their government if they can choose their nationality themselves: democratic self-determination contributes to the satisfaction of the people and opens the door for them to become citizens who actively support their communes and their nation state.

On 1 January 1979 the Canton of Jura was founded as the 26th canton of Switzerland, with all rights and obligations of a Swiss member state. This was the end of a bitter and protracted dispute with the Canton of Berne, which did not want to let go the secession-willing areas and communes for a long time. But it was also the Canton of Berne, that frequently took important steps from the end of the 1940s to the 1970s and helped to pave the way for the new canton.

Involuntary affiliation as a starting point

If the inhabitants of a region have – for decades or even centuries – sought secession from the state to which they belong,



it usually has historical causes. This was the case of the Jura. It was annexed to the Canton of Berne at the Congress of Vienna in 1815 by foreign powers, who neither knew about the situation of the Jura nor had they asked the people for their opinion. The tensions were inevitable, because two very different cultures were bundled together: the Jurassiens were – and the majority still are – Catholic and spoke French, while the Bernese were Reformed and spoke Swiss German. It actually might have been possible that two such diverse ethnic groups could have come to terms with each other, but it was of course not a merger of two equal peoples, since the Jura regions were connected to the former superpower Berne and had to submit to Berne's will. Accordingly, the displeasure of the Jurrassians flared up from time to time during the 19th and 20th century, eventually leading to the desire to separate from Berne in modern times.

Antecedents

In medieval times, the area of today's Canton of Jura belonged to the prince-bishopric Basel, an episcopally governed territorial state. Under the pressure of the Reformation the archbishop moved his residence from Basel to Porrentruy in northern Jura in 1527. Basel became Reformed in the 16th century, as

well as the City of Berne. Through the influence of the City of Berne the southern Jurassic areas that still belong to the Canton of Berne today, converted to the Reformed faith, the northern Jura, however, remained Catholic and belonged to the jurisdiction of the bishopric until French revolutionary troops occupied it at the end of the 18th century. To this day French was and is spoken both in the Bernese Jura and in the present Canton of Jura.

In 1792, the French occupiers unceremoniously made the entire Jura a part of the French Republic. At the 1815 Congress of Vienna – at the time Switzerland was still a Confederation of States – the territory of the former diocese of Basel was affiliated to the Canton of Berne in order to compensate for its loss of Aargau and Vaud, which definitely became independent cantons for good. The victorious powers in Vienna took great interest in the still big and strong Berne to defend the borders against neighboring France.

The period between 1815 and the founding of the Swiss Confederation in 1848 was marked by political struggles between radical-liberal and conservative Catholic forces. So it happened in the Catholic parts of the Jura in the 19th century that there were tensions between the

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authorities of the Canton of Berne and the population.

The Moeckli affair and the Bernese constitutional amendment of 1950

The demand for a separate canton had repeatedly been raised in the course of history, but it only began to develop as an independent project in the years following the Second World War. It was triggered by the so-called Moeckli affair. *Georges Moeckli* was a French-speaking member of the governing council of the Bernese Jura. In September 1947 Moeckli wanted to take over the Construction and Railway Department with the approval of the overall Government Council after the death of a colleague. The Grand Council (Parliament) of the Canton of Berne, however, preferred a party colleague of Moeckli from Grindelwald, who was German. Then there was a protest march with more than 2,000 participants in Délémont, on whose occasion the creation of a Canton of Jura was requested.

In this delicate situation, it became obvious that the Swiss were sensitive concerning the issue of equal rights for ethnic groups of different languages and cultures. In the course of their long history the confederates had to overcome these and similar conflicts over and again – sometimes they did so with more and sometimes with less tact. The affair Moeckli was a mischance

that the government and parliament of the Canton of Berne immediately tried to settle. Already in 1949, the Parliament agreed to the legitimate claims of the Jurassiens for an equal treatment of the French-speaking Bernese and approved of 19 applications, which were to improve the relationship between Old-Berne and the Jura, including the improvement of the number of lectures in French at the University of Berne or polls on the requirement for a French-speaking school in the city of Berne. That the Canton of Berne had already had two official languages, French and German, before, was a matter of course in Switzerland.

In 1950, the Bernese population submitted a constitutional amendment to the vote, which was to fix in Articles 1 and 2 of the Constitution that the State covered "the people of the old part of the canton and the part of Jura" and that the state power was based "on the entirety of the people in the old part of the canton and the Jura". This wording explicitly recognized the existence of a separate Jurassic people. On 29 October 1950 the Bernese welcomed this so-called Jura Statute with the overwhelming majority of 69,089 positive votes to 7,289 no-votes in all administrative districts, even more clearly in those of the Jura than in the old Bernese area. In 1951, the Government agreed with the creation of a separate Jura flag.

Popular initiative in 1959

But the desire of many Jurassiens to separate themselves from the Canton of Berne

and establish an own canton, could no longer be contained. At the beginning of the 1950s, the Jurassic separatists organized themselves in the "Rassemblement Jurassien (RJ)": "Their goal is the Jura's liberation from the Bernese guardianship by creating an independent state or a Swiss canton. (www.groupebelier.ch, translation *Current Concerns*). However, to create a state independent of Switzerland was never seriously discussed.

With a cantonal initiative the Rassemblement called for a cantonal law aiming at a subsequent implementation of a referendum in the Jura mountains on the question of separation. It was not envisaged by that initiative to vote in the old part of the canton on the question whether one would allow the Jura to leave. 23,336 signatures for the initiative were collected in the entire canton, of which about 20,600 were collected in the Jura. The Bernese Government requested, to declare the initiative as valid and present it to the people without a counter-proposal, the Grand Council of the canton agreed without an opposing vote. Here again, we see the willingness of the Bernese authorities to concede to the Jurassien. On 5 July 1959, the initiative was clearly rejected with 80,141 votes against and 23,130 votes in favor – within the entire canton. In the seven Jurassic administrative districts with a total 16,352 votes against and 15,159 votes in favor it was as well clearly rejected. Already at that time it showed that not all Jurassiens wanted an own canton: the three districts of Franches Montagnes, Delémont and Porrentruy – the same which approved the foundation of a Canton of Jura in their vote in the seventies – were in favor of the possibility of a plebiscite on the separation from the Canton of Berne, whilst Courtelary, Laufental, Moutier and La Neuveville voted against the draft. The participation in voting was at 85% in the Jura.

Which way – violence or democracy?

After the request for a referendum to found a Canton of Jura was on the table in 3 of the 7 districts of Jura, the situation remained unsettled. In various elections of cantonal councillors or other high-level politicians tensions arose, if candidates from the Jura suffered a rebuff, which again resulted in the population's resentment. There was a further escalation when the Federal Military Department planned a training ground for tanks in the Jurassic Franches Montagnes in the 1950s. The resistance of a part of the population led to a stop in the negotiations between private landowners and the Federal Government and the planned project was carried out outside of Jura. Finally the Canton of Berne bought the place and sold it to

"In an era of growing omnipotence of the state the political affiliation of a French-speaking region set a difficult but at the same time nice task for the German-speaking canton of Bern. Above all, it fell to the canton to prove that it was able to build a bridge between the Alemannic-speaking and the French-speaking Switzerland – following the example of the other multilingual cantons Fribourg, Valais and the Grisons. On the whole, Berne whose capital had strongly been impregnated by the French culture for centuries, mastered the inflicted task not without some success. Occasion-

al frictions could of course not be avoided. As the Jurassiens represented quite a small minority in their state – a mere sixth of the total population, in 1880 a fifth, currently hardly a seventh – it was difficult even at the widest concession to take away the fatal feeling that they could be outvoted in case of conflict at any time." (P. 11)

Source: *Adolf Gasser. Der Jura und der Kanton Bern. Reprinted from the commemorative volume "150 Jahre Berner Jura 1815 – 1965", with an addendum 1965 – 1977, Laufen 1977*
(Translation *Current Concerns*)

Concerning the incident Georges Moeckli:

"In close contact with the members of the Jura Grand Council the Bernese cantonal authorities tried – after an initially disheartening upsurge – conscientiously and loyally to appease the incurred malaise and to meet the justified desires of the Jura. Initially in 1949 the government formally declared that the existence of a strong Canton of Jura, which was conscious of its own cultural and political distinction and its independence and which safeguarded these values with all clarity and consistency, was of vital interest to the canton of Berne." [...]

"Even concerning the issue of national emblems the Bernese government was generous and in September 1951 it ordered to hoist the newly created Jura coat of arms, which for separatists was the symbol of a future 23rd Swiss canton, next to the national coat of arms from then on." (P. 34)

Source: *Adolf Gasser. Der Jura und der Kanton Bern. Reprinted from the commemorative volume "150 Jahre Berner Jura 1815 – 1965", with an addendum 1965 – 1977, Laufen 1977*
(Translation *Current Concerns*)

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the Federal Administration, which wanted to establish a military equestrian center there in 1962. A group of Jurassiens, inspired by foreign resistance movements in South Tyrol or Algeria, used the question of the military training ground, to proclaim their resistance against "Berne" – canton or federal capital – where they partially left the democratic and constitutional way.

The militant youth organization "groupe bélier" (French for "aries", "battering ram") was founded in 1962. The Béliers attracted some attention in the Swiss population with provocative actions in the 1960s and 1970s. They sprayed large Jurassic flags on the rocks, they caused a surprise by bricking up the door of the Bernese Town Hall and they noisily broke into the National Council Chamber in the middle of a session with the Jura flag, which earned them a criminal trial in the Federal Court. The question of Jura had become a topic of discussion in the whole of Switzerland – which was well-intended. While the Béliers were bordering more or less the illegal and thus were very popular, there unfortunately was also a second organization which carried out clearly criminal actions: the underground organization "Front de Libération Jurassien" set fire and performed bomb attacks on military barracks, but also against buildings of prominent anti-separatists. Some of the offenders were identified and punished by lengthy prison sentences. Such "resistance" encountered rightly little understanding in the whole of the country, but also in the Jura itself. What was still common in the struggle between state and church in the 19th century could no longer pass in the second half of the 20th century – particularly in Switzerland, where direct democracy offers non-violent ways. The will to separate by the people of the Jura remained unrelinquished, as expressed in a "celebration of the Jurassic people" in Delémont in 1964: over 35,000 people assembled and bore witness to their connectedness with the Jura and with each other.

The democratic way prevails

The Bernese Government finally took the courageous step towards a satisfactory solution of the problem of the Jura. In a Governing Council report in 1963, it had rejected any talks with other representatives of the Jura except the Councillors (members of the cantonal parliament) yet. It had rejected as well any mediation from outside as an interference into the internal affairs of the canton. But the insight finally prevailed that something had to be done. In June 1967, the Bernese Government appointed a working group which should work out proposals to

resolve the question of Jura. This "Commission of 24" consisted of 12 senior Bernese and Jurassiens of various parties and political directions. The Rassemblement Jurassien – which the Governing Council had not accepted as partner in the talks – was also invited into this working group, but refused to cooperate. Especially Governing Councilor *Ernst Jaberg* took the lead with his democratic cast of mind and claimed that if the Jurassiens wanted a vote on an own canton, one should let them vote on it.

1968 the Cantonal Government consented in agreement with the Federal Council, to employ four "Wise Men" a "Commission of good offices". It included the former Federal Councilor *Max Petitpierre* and *Friedrich Traugott Wahlen*, the Vaud Cantonal Councillor (and later federal) *Pierre Graber* and the Communal Governor *Raymond Broger* from Appenzell-Innerrhoden. The Commission should mediate between the parties, without judging the content of the reform proposals.

Working out a procedure for establishing a new canton – the very first time for Switzerland – which should serve all those involved as much as possible, was then rapidly promoted and conducted within ten years.

The foundation of the Canton of Jura – a model*1) Creation of a legal basis in the Bernese cantonal constitution*

First, a new constitutional provision was necessary to permit a referendum in the Jura on the issue of their separation from the canton: The entire population of the canton had to decide on this fundamental question. On 10 December 1969, the Great Council adopted an "addendum to the constitution of the Canton of Berne regarding the Jurassic part of the country" without dissent, which regulated a multi-phase procedure for this project.

The referendum was held on 1 March 1970. The issue was approved with 90,000 yes against 14,000 no votes, namely in all administrative districts of the Canton of Berne; in the Jura even at a ratio of 10:1.

With this act, the population of the Canton of Berne had opened the path to self-determination over the territorial affiliation for the people living in the Jura. The clear voice of the citizens – and the parliament beforehand – is evidence of their generosity and democratic convictions.

2) Referendum in the Jurassic part of the canton

On 23 June 1974 the vote was held in the Jurassic districts. The poll question was short and clear: "Do you wish to form a new canton?"

In general, the result was narrow, but with a turnout of 90% the separatists won with 36,802 yes-votes against 34,057 no-votes. Of the seven administrative districts, three decided with much more predominance for a separation: Delémont, Franche Montagnes and Porrentruy. Three districts voted against: Courtelary and La Neuveville with a clear majority, Moutier relatively narrow (7,069 yes, 9,330 no). Moreover, the German speaking Laufental voted against a separation. Thus, each district had voted in the same way as in 1959.

3) Referendum in South Jura

The next step was that the opposing regions confirmed that they wanted to stay in the Canton of Berne. The corresponding referendum was signed by more than half of the citizens of the South Jura (instead of the required 20%). Therefore, on 16 March 1975 they voted on the question "Do you want to remain in the Canton of Berne?". At an even slightly higher turnout than in June 1974, the results were similar as in 1959: The districts of Courtelary and La Neuveville voted for staying in the Canton of Berne with a clear majority, as well as Moutier although rather narrow.

4) Referenda in border communes

In September 1975, 13 communes situated on the new cantonal border were allowed to decide on their cantonal affiliation. Moutier (quite narrow), Grandval, Perrefitte, Rebévelier and the German-speaking Schelten – all communes with a majority of Protestant inhabitants – remained in Berne; Genevez, Lajoux, Châtillon, Courrendlin, Rossemaison, Courchapoix, Corban and Mervelier – all with a majority of Catholic inhabitants – joined the Canton of Jura.

5) Federal referendum

This change in the number of cantons required a change in the Swiss Federal Constitution. Thus, the addition of the new canton had to be approved by the people and cantons so that in Article 1 of the Federal Constitution the list of cantons could be supplemented with the Canton of Jura. The federal referendum was held on 24 September 1978. It was self-evident for the Swiss population to respect the democratic settlement of the Jura problem by the conflicting parties: With an overwhelming majority of 1,300,000 yes against 280,000 no-votes, and the approval of all states, the new canton was welcomed to the Swiss Confederation.

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6) Some unresolved questions

Despite the elaborate process some open problems remained. The Bernese constitutional amendment of 1970 did not allow another shift of territory. Therefore the cantonal affiliation of some individual areas remained unsatisfactory, which was not settled in accordance with the wishes of the people until much later.

The Laufental, which has a Catholic majority but is German-speaking, voted in a popular vote of 14 September 1975 to remain in the Canton of Berne. Since the district was territorially separated from Berne by the founding of the Canton of Jura, the Berne constitutional amendment of 1970 gave the Laufental the option to join a third state later on. After a lengthy procedure, the Laufental chose to join the Canton of Basel-Land in 1994.

The small commune Vellerat with around 70 inhabitants belonged to the district Moutier, and therefore could not determine their own cantonal affiliation in 1975. Since then the population strived to join the Canton of Jura. Only after years of negotiations, the Canton of Berne was willing to agree to a further transfer of

territory. In the federal referendum on 10 March 1996, the accession of Vellerats to the Canton of Jura was approved with a large popular majority and all votes of the stands.

Since the total revision of the Federal Constitution of 1999 a federal referendum is no longer provided when individual communes want to change their cantonal affiliation or parts of it, but this can be regulated by the concerned communes and cantons themselves. (BV Article 53)

In 1974, the German-speaking community Ederswiler decided against the creation of the Canton of Jura. However, due to its geographical location Ederswiler was inevitably affiliated to the Canton of Jura. When the Laufental decided to join Basel-Land, Ederswiler did not have any more common borders with other Bernese communes. The return of Ederswiler to the Canton of Berne is therefore no longer up for discussion.

Despite the exemplary democratic approach, there are still a few dissatisfied people in the Canton of Jura and the Bernese Jura, who insist on the "unity of the entire Jurassic people." In true Swiss manner they have not remained unheard: In 1994, the Inter-Jurassic Assembly (*Assemblée inter-jurassienne*) was formed – a commission

representing all interested parties, appointed by the Swiss Federation. Since 2004 it has been preparing a new series of votes, in which everyone in the Jura can once again decide whether they want to join to form a common Canton of Jura. For all peoples and ethnic groups it is to hope that politicians and citizens in their states take the time to study the history of the Canton of Jura. What could be done here is possible anywhere in the world. However, the will to separation may not be imposed on a people by foreign intelligence agencies, but must be a bottom up process and truly origin from the population. The citizens will thank their government if they can choose their nationality themselves: Because democratic self-determination contributes to the satisfaction of the people and opens their way to become active citizens who endorse their communities and their nation-state design. •

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Letter to  the Editor

On the appeal of 113 parliamentarians for the Day of Prayer Thoughts of a secular non-parliamentarian

Last week *Current Concerns* prominently reprinted the appeal for the Day of Prayer of 113 parliamentarians on the subject of gratitude and modesty. As secular non-parliamentarian I could have signed spontaneously this appeal, convinced and without anxieties, even if it is formulated from a religious perspective. Why?

In short: Nowadays, gratitude and modesty are alternative concepts to the devastating globalization with its greed, unscrupulous profit thinking and striving for the unlimited power.

What do our parliamentarians appeal for?

It is first an appeal to the awareness "that we require a constant search for balance among the many linguistic, political, and religious minorities in our country". In doing so, we all require modesty in terms of generosity, restraint, care and the knowledge that it was exactly this balance that has brought Swit-

zerland peace and prosperity for almost two centuries.

"To thank for the freedom in which we live" means nothing else than being aware of the historical development and the achievements of our ancestors. In our current complacent modesty – representing nothing more than convenient lack of interest and lack of historical knowledge – we are in danger of taking our standard of living, all the achievements of civilizational development for granted. We rarely wonder where they come from and under what hardships and conditions they have been created.

"To pray for wisdom and fair action for all those who are responsible in government, business, churches and civil society" – I would personally like to add to this part of the appeal the serious request and the uncompromising hint on the tasks imposed on us by the Constitution which every politician swore on. Our Constitution is a model for everyone in our society.

"That we attend to the disadvantaged and weak people in Switzerland and in the world" – this would probably be the adequate response to our neutrality by offering mediation as we did in Evian, where in 1964 – with Switzerland's help – the murderous Algeria war could be declared over. A withdrawal from PFP (Partnership for Peace), a partner organisation of NATO, would also be appropriate, since NATO only serves imperial greed.

In short, gratitude and modesty are not just Christian values, they are found in many religions. Indigenous peoples worldwide are still living these values today in an impressive way. So there are reasons enough to pay heed to this touching appeal.

Roland Güttinger

(Translation *Current Concerns*)