

Current Concerns

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and for the promotion and respect of public international law, human rights and humanitarian law

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For a reasonable relationship between NATO and Russia

by *Dario Rivolta**



Dario Rivolta
(picture ma)

Some time ago I spoke with a friend who works at a certain, not necessarily transparent Office, over a politician whom I knew as absolutely straightforward person. “When a secret service wants to nail down a person”, he told me, “it does not have to be that the has committed criminal acts. Witnesses testifying against him will be purchased, or they are blackmailed, and evidence can be produced.”

War decisions are done by using lies

To me came to mind then the “evidence”, which were presented at a UN-Security Council session by the then Secretary of State *Colin Powell* in a theatrical manner, to prove that *Saddam Hussein* possessed weapons of mass destruction and was preparing to use them. Months after the fall of the dictator, it was discovered that it was a professional lie. But in the meantime due to these lies the scared Western public had supported the war decisions of their governments. Something similar happened already in the war against Serbia. European and American newspapers were full of photographs with alleged mass graves in which the Serbs had buried hundreds of poor, defenseless Kosovars. In this case too, this turned out to be a hoax, but only after the end of the conflict. The coroners of different nationalities who were sent to the appropriate places to prove the committed offenses had to write

in their reports that almost all “mines” have consisted only of moved earth and that no bodies have been found. Only in a few of them were human bodies. The doctors added that it was not possible to determine whether there were really Kosovars or more Serbs, and that her death very likely refers to the time after the start of the bombing.

“Propaganda lies are an important factor in international politics”

Whether we like it or not, the propaganda lies are an important factor in international politics, and the insidious it is, the more efficient it is. To mobilise public opinion against the interests of a potential enemy for its own benefit, you have to portray him as aggressive, representing evil and so on. This type of propaganda, of which one has made use in all eras, today acts multiplied thanks to the mass media. It is often used to hide one’s own interests or to convince “friendly” countries that their interests are in danger.

Bogeyman Russia

When I read in the press or hear a politician speak what danger today’s Russia means for Europe, I suspect, to stand just in front of such an above-described propaganda: *Putin* is ready for occupying the countries of the former Warsaw Pact? The attack against Ukraine and the “occupation” of the Crimea were just a test run? Are we dealing with an unscrupulous, power-hungry dictator? Is NATO (including *Erdogan*) still the only bulwark of democracy to protect the “free world”?

NATO and Russia reinforce military manoeuvres

What is certain is that NATO and Russia reinforce the present military manoeuvres on both sides of the borders. They thus increase alarmingly the opportunities of “close encounters” with the risk of losing control. However, it is not clear whether it is the expansion of NATO and the appropriate manoeuvres, which involve a reaction of the Russians, or whether, conversely, the “provocation” from Moscow urge NATO to preventively “encircle” the country.

New NATO bases in Romania and Poland

On 12 May, a new American missile base with the declared aim of the defense of Europe from possible attacks by Iranian ballistic missiles was opened in Deveselu, Romania. One day later, the work for the construction of a similar base was launched in Poland, which is to be completed by the end of 2018. “Too bad” that the missiles from Tehran have a range of less than 2000 kilometers according to the statements of western experts, and thus can reach not a single European country, much as they should like to. Incidentally, the command locations for “our” missiles are not on NATO bases but in Ramstein, a purely American base in Germany. In the meantime, they announced that five thousand tons of ammunition in 415 containers are to be sent to Germany, along with dozens of tanks for military exercises in Georgia and neutral Moldova. As if that were not enough, the US Defence Secretary *Carter* wants four new battalions to dislocate to Eastern Europe and on 7 June exercises took place in Poland, which were attended by 25,000 soldiers. No wonder if Moscow feels threatened and threatens with reprisals?

Scenarios of deterrence

The new Commander of the Atlantic Alliance, a certain *Curtis Scaparrotti* (Italian name, but of American nationality), claims that a “Russia recovering again, committed to act as a world power”, is our enemy. Even *Obama* says: “We favour an open dialogue and try to cooperate with Russia, but we want to be safe, prepared, and strong, and we want to encourage Russia (sic!) to keep its military activity in accordance with the international agreements. But didn’t just the United States give unilateral notice of cancelling the ABM Treaty (treaty against anti-ballistic missiles), which was signed by both parties in 1987? NATO Secretary General *Stoltenberg* states, that we will “already tonight be ready to fight against the Russian threat, if deterrence fails.” Unfortunately also Moscow applies its “deterrence” and responds by manoeuvring

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in vicinity to the border and moving new missiles into the enclave of Kaliningrad.

Of course, we all hope that it is only deterrence, when American warships are sent to the Baltic Sea, and then the United States complain that Russian planes fly in the "dangerous nearness". We are faced with deterrent scenarios again and again with escalation of armaments and mutual provocations, which we believed to have behind us.

If these are just "simple alerts", for how long will this continue? Is it for sure, that within this whole amount of efforts and accusations no misfortune will happen, and then each party will accuse the other one to be responsible? What may be the consequences?

"Is Moscow really endangering the security of Europe today?"

I'm not a pacifist at any price and have never been. But I know that there must be real and understandable reasons to justify a war, or even hostility between states. Which are the true reasons of the conflict, apart from the large-scale propaganda mu-

tually applied? Is Russia recovering again? Will it go back into the position of a world power? And? Which country would not like to emerge from an economic and political low, it used to stay in? And doesn't the size of this huge country, which is rich of very important raw materials, allow claiming and taking an appropriate role in the world up? Is Moscow really endangering the security of Europe today?

Expansion of NATO is not a friendly act

Even if the Russians wanted to appropriate the former Warsaw Pact Nations, they could not afford it. The internal economic crisis, the backwardness of the infrastructure and – generally speaking – their weapons arsenal doesn't allow them an aggression against NATO or any of its Member States. On the contrary, Russia could withstand in a defensive war quite well: the territory is that big and people are that patriotic that all attempts to get Russia down have failed in the last two centuries. Except Ural and Caucasus, Russia is an enormous plain without natural borders. Already *Napoleon* and *Hitler* were lost in these areas in short time, and it is understandable that Moscow

demands that the neighbouring countries should not represent a threat to its own security. Because Russia is not a member of the military organisation of NATO, it is logical that the expansion of NATO into its neighbouring countries cannot be interpreted by the Russian Government as a friendly act.

Character and common sense are in demand

Instead of thinking today on possible expansion, the Russians can take much more benefit from concentrating on their internal development – as well thanks to our know-how and our cooperation – rather than to load the costs and responsibility, to manage unruly and in this case even hostile countries. Foreign Minister Lavrov recently declared: "I repeat, we are not seeking confrontation with the United States, or the European Union, or NATO. On the contrary, Russia is open to the widest possible cooperation with its Western partners. We continue to believe that the best way to ensure the interests of the peoples living in Europe is to form a common economic and humanitarian space from the Atlantic to

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A future for Europe – not without Russia**Appeal at the 75th anniversary of the illegitimate German invasion of the Soviet Union**

On 22 June 1941 – 75 years ago – Germany invaded the Soviet Union. More than 20 million citizens of the Soviet Union lost their lives fighting to defend their country and during the extermination operations of German SS and Wehrmacht units. The war ended with the occupation of Berlin by the Red Army. Not only was the entire European part of the Soviet Union devastated, but Germany, too, was almost totally destroyed. Conclusions from the war experience were drawn only insufficiently in Europe after 1945. The Cold War divided Europe into West and East. It took decades for the policies of détente to open ways to co-operation and dialogue. At last borders that had emerged from World War II were agreed upon in legally binding international treaties. After the German Reunification in 1990 the end of the conflict between East and West was solemnly proclaimed in the "Charter of Paris for a New Europe".

However, today – 75 years after Hitler Germany's invasion of the Soviet Union – we live through times of confrontation and arms races yet again. Therefore this

75th anniversary of 22 June 1941 is a day of current challenges.

We urge Europeans to draw conclusions from the most devastating war in their history at last: for a new quality of German-Russian relations. Economic relations between Germany and Russia are of utmost importance to both countries. Russian art, literature, music and ballet are pillars of European culture as well as their German counterparts. This may constitute the basis for friendly relations, open to discuss different political concepts and compete in the best sense of discourse. This has to include mutual critique of erroneous societal developments and measures. All relations and formats where talks are still possible have to be utilised in order to prevent another armed conflict between Germany and Russia for all future.

Nuclear and conventional disarmament

Disarmament is necessary, in order to meet social challenges and contribute to solving the global problems of the 21st century. A total ban of nuclear weapons is a crucial pre-condition for the survival of humankind. Instead of building rocket launching bases in Eastern Europe and deploying German troops to the borders of Russia – as in the currently planned formation of four NATO battalions in Poland and the Baltic states, one of them in Lithuania under German command – we need to strengthen institutions of collective security like the OSCE. In the Paris NATO-Russia agreement

of 27 May 1997 NATO explicitly refrained from permanently stationing fighting troops in Eastern Europe. All parties of the treaty had declared that they are no enemies and that security of all states in the Euro-Atlantic commonwealth is indivisible. It is necessary to return to those commitments and insights in the near future and stop the policies of mutual economic sanctions. *Helmut Schmidt* was right to emphasise in his open letter to *Helmut Kohl* on 18 December 2014, that the West, just like Russia and Ukraine, should be careful not to jeopardise all that had been gained in decades of hard work.

On this historic anniversary of 22 June 2016 we appeal to Federal Chancellor Dr *Angela Merkel* and the German Federal Government: Only a policy of détente with Russia and commitment to international law, with efforts to solve problems as well as conflicting interests, will provide perspectives of a peaceful future in Europe.

We know for sure: In order to achieve this goal, it will take the commitment of the peace movement as well as all citizens who believe in a peaceful future of our Common European Home.

*Otto Jäckel, chairman IALANA Germany**

Dr Peter Becker,

vice-president IALANA International

Katja Keul, council member IALANA Germany

Norman Paech, member of the scientific advisory

board IALANA Germany

Reiner Braun, CEO IALANA Germany

and more than 250 signatories

More information at www.ialana.de

(Translation *Current Concerns*)

* The appeal published here is the text of an announcement, initiated by the International Association of Lawyers against Nuclear Arms (IALANA). IALANA was founded as an international association of lawyers against nuclear arms in April 1988. The German section was founded in Bonn, June 1989, as a non-profit association. Later, IALANA has expanded its scope of action to include biological and chemical weapons and non-violent peace measures.

NATO in Eastern Europe

“Enemy stereotype Russia” at the Brussels meeting of the defence ministers

by Karl Müller

During their 14 June meeting, the NATO defence ministers have decided upon a closer cooperation with the Ukrainian government. This closer cooperation includes more missions beyond the borders of the NATO states and the deployment of NATO troops. The deployment to the three Baltic states and Poland include four battalions of 1,000 soldiers each plus equipment – to the three Baltic states and Poland. The meeting’s decisions are to be ratified finally adopted on 8 and 9 July at the Warsaw meeting of the Heads of State or Government.

These decisions are accompanied by verbatim a wording directed, once again, against Russia, especially by NATO General Secretary *Jens Stoltenberg*. In this manner he claimed, in a press conference on 14 June, after the meeting of the NATO-Ukraine commission, that the war in Eastern Ukraine was exclusively “caused by Russian action”. In the German newspaper “Bild”, he justified the deployment of the new NATO troops for the Baltic States and for Poland as having purely defensive motives: “We want to show our partners that we are there when they need us. And we want to show potential offend-

ers that we do react when they are threatening us.” According to Stoltenberg, the threat was coming from Russia: “Stationing troops in the East is an appropriate reaction towards Russia’s aggressions.”

In contrast to this, the Russian government had previously pointed out that the NATO, also together with Ukraine, was conducting an increasing amount of increasingly many military exercises in close vicinity to the Russian border reaching from the Baltic States to the Black Sea. According to the Russian news agency *Sputniknews* on 6 June, the Russian Foreign Minister *Sergey Lavrov* declared the approach of NATO troops and their military technology towards the Russian borders as a main threat. But this would not imply that Russia would ever attack one of the NATO member states: “Our doctrine of security is clearly defining that one of the main threats is further expansion of NATO towards the east. I would like to emphasize

„NATO encirclement, the U.S.-backed coup in Ukraine, an attempt to use an agreement with the European Union to bring NATO into Ukraine at the Russian border, a U.S. nuclear first-strike policy, are all policies which attempt to substitute force for diplomacy.“

Dennis Kucinich, former US congressman, cited in: Hannes Hofbauer. Feindbild Russland. Geschichte einer Dämonisierung, 2016, p. 276

once again, that we do not see NATO itself as a threat but the concrete style of action of this military alliance.” Lavrov added: “I am sure that serious and honest politicians are well aware that Russia will never attack any member state of the Alliance. We have no plans of this kind. I think that NATO is

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Iran demands indemnity of US for “moral and material damage”

jp.v. During its meeting of 17 May 2016 the Iranian Parliament with 181 votes out of a total of 216 adopted a bill which requires the government to initiate legal action against the United States for restitution of damages.

In support of this action, several events were mentioned this morning for which the United States were said to be responsible. These include US participation in the overthrow of Prime Minister Mohammad Mossadegh in 1953 as well as the deaths of hundreds of Iranians during the Iranian Revolution of 1979 that deposed Shah Mohammad Reza Pahlavi. They also include the US support of Saddam Hussein during the Iran-Iraq war between 1980 and 1988, the downing of an Iranian airliner over the Persian Gulf in 1988 and the destruction of two oil platforms in April of the same year.

The newspaper “Tehran Times” reported that the Iranian Vice-President for Legal and Parliamentary Affairs, Majid Ansari, estimated the “moral and material damage” caused by the “enemy activity” of the United States at 50 billion dollars. Because of this, relations between the United States and Iran have been tense for 66 years.

Response to US demands

This claim for compensation is to be seen in the context of two recent US demands on Iran.

Mid-march 2016, a US court sentenced Iran to pay \$ 10.5 billion as compensa-

tion for the attacks of 11 September 2001. Tehran has rejected this conviction as “unfounded” and “ridiculous”.

The US court attributed its decision to the assertion that Iran had not sufficiently proved its non-involvement in the terrorist network al-Qaeda’s attacks. After the attacks on the New York towers, the US had accused Iran repeatedly of having links to al-Qaeda. However, these allegations were never proved. Experts also point out that the Shiite Iran is a declared enemy of the Sunni al-Qaeda.

The Secretary General of Iran’s Human Rights Council, Mohammed Javad Larjani, said, in allusion to Saudi Arabia: “If someone has to be sentenced for the attacks, then there are US allies in the region that have created and financed al-Qaeda.”

Additionally, the United States Supreme Court ordered Iran to pay \$ 2 billion on 20 April 2016. This money was meant to be to the benefit of the families of the 241 victims who died in the bombing of 1983 in a US military base in Beirut. In accordance with this court decision, this sum would be paid from the Central Bank of Iran moneys frozen in the US.

President Hassan Rouhani called this decision an “obvious theft” and “a great shame” for American justice. •

Sources: www.lematin.ch, francais.rt.com, www.deutsche-wirtschafts-nachrichten.de

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the Pacific, so that the newly formed Eurasian Economic Union could be an integrating link between Europe and Asia Pacific.” Is he lying? That would be absurd, because he states exactly what reasonably corresponds to the interests of his country.

Instead of believing those who ceaselessly conjure up a purported Russian threat, I rather follow the words of *Henry Kissinger*, the last large expert of international politics, who has led American foreign policy after the second World War: “Russia should be perceived as an essential element of any new global equilibrium, not primarily as a threat to the United States.” If this is stated by someone, who has resumed diplomatic relations with China to counter the Soviet Union during the cold war, for sure we can’t suspect him to be naive or to “arrange with the enemy”.

It’s time that we Europeans pull out from the harmful influence of some nostalgic Dr Strangelove and to focus on our true interests disillusioned and with sense of reality. Is there still anybody in Brussels or in Washington with a little bit of character and common sense? •

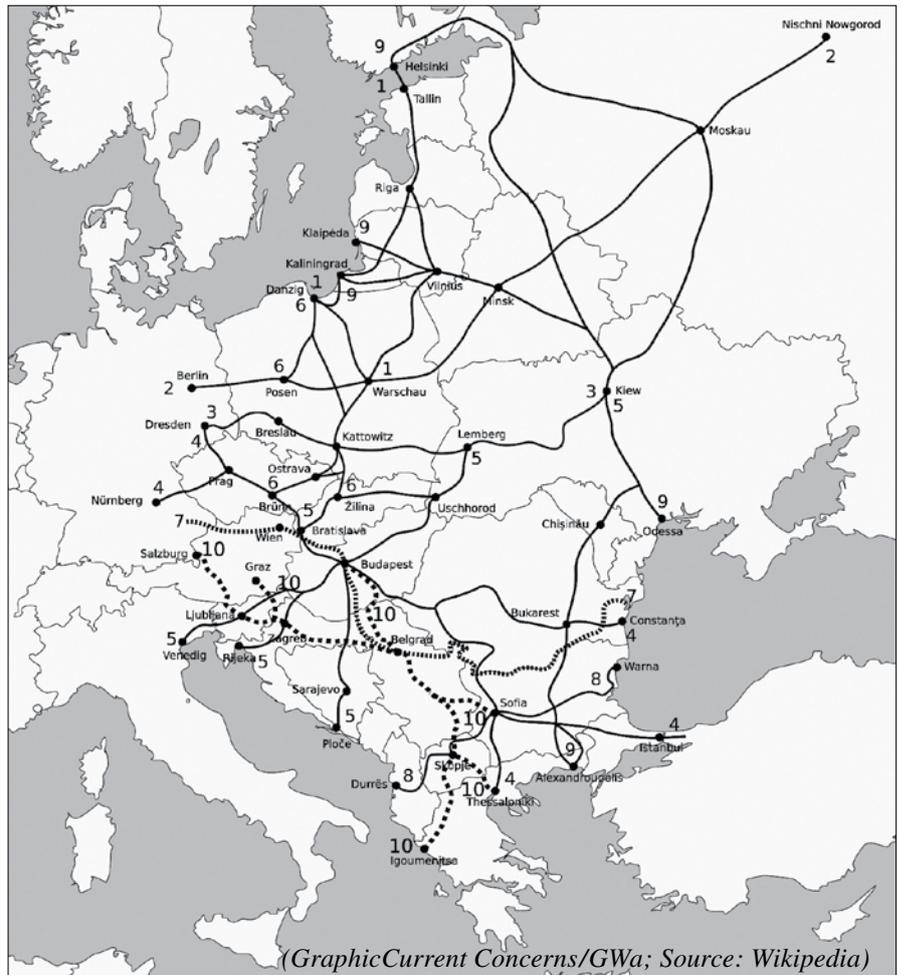
(Translation from the Italian original by *Current Concerns*)

China and Serbia expanding cooperation

by Zivadin Jovanovic, Belgrade Forum for a World of Equals

Serbia and China cultivate a long tradition of friendship and mutual trust enjoying mutually beneficial cooperation. Presently, when certain European, American and other countries compete to win Chinese cooperation, Serbia is already endowed with the capacity and the basis to enhance cooperation with the second strongest economic power in the world and to upgrade mutual relations to the strategic level.

In fact, that is exactly what Serbia is doing. The forthcoming visit of Chinese President *Xi Jinping* and expected signing of a General agreement on strategic relationship will certainly accelerate this cooperation in all fields. China and Serbia perceive each other as stable, reliable partners in the long run. Serbia, although a relatively small economy, commands considerable capacity for future development, especially in the fields of infrastructure, energy and food production. In addition, Serbia occupies a favorable geopolitical position being at the same time South European, Central European and Danube country. As cross-roads between various regions and even continents, Serbia is the door and bridge to other destinations for economic cooperation with Europe. It was not mere coincidence that in December of 2014 the capital of Serbia, Belgrade, was the venue of the "China + 16" Group Summit, comprising Central and Southeast European countries jointly participating in the implementation of the "Road and Belt" mega-project, better known as the 21st Century New Silk Road. So far, China has allocated \$ 13 billion for the projects in these countries, out of which 1.5 billion is earmarked for Serbia. Chinese companies have already



The 10 routes of the Pan-European transport corridors; Corridor 7 is a waterway on the Danube River. Corridor 10 connects Central- with Southeastern Europe and the Middle East; it includes both rail (2528 km) and long-distance road traffic (2300 km).

constructed the "Mihailo Pupin" Bridge over the Danube River, in Belgrade, plus 21 km of access highway. Plans for the construction

of the second bridge over the Danube near

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aware of this but that it simply makes use of the opportunity to deploy more military equipment and battalions – as a warranty guarantee that the US will continue to be permitted to supervise this region."

Looking back to at the founding documents of NATO and the *Warsaw Pact*, we find in both documents that peace was the only motivation, that the Charter of the United Nations was fully supported and wars were to be avoided. The one and only reason for this military alliance based on the need for defence, for deterrence, since there were other powers with aggressive intentions. Hence it is necessary, to this day, to compare words with facts, both historical and present – and with what is going on globally otherwise.

Hannes Hofbauer, Austrian historian, author and publisher, has published a new book in 2016: "Feindbild Russland. Geschichte einer Dämonisierung" (Enemy stereotype Russia. History of a demonization,

ISBN 978-3-85371-401-0). This book contains many well-researched examples of facts and the opinion-forming dealings of the West with Russia. The book also touches upon the past three years in Ukraine, pointing out why the well-known claims of western officials (Russian "annexation" of the Crimean and Russian warmongering in Eastern Ukraine), as recently repeated by the NATO General Secretary in Brussels, are not supported by facts but are mainly formulae distorting of reality, and serving to form an enemy stereotype.

Why are there still some in the west who think that people have forgotten who it was that actually wanted to be the "only superpower" after the end of the Soviet Union and which crimes were committed in order to attain and to keep up this status? Hannes Hofbauer proves that the history of the "Enemy Russia" did not start in 1991, but reaches back a very long time. In future it is certain that the tensions will increase if

those responsible in NATO (and EU) will continue to act like they have for the past 25 years.

Once again the former German Chancellor *Gerhard Schröder* has called for a change of course. In an address in June at the *German Chamber of Commerce* in Salzburg, he has emphasized again that in his opinion he thinks that the EU sanctions against Russia are a mistake. Necessary was now a clear policy of détente towards Russia. Europe needed Russia mainly in terms of security policy. This is how Europe was different from the USA. The "Salzburger Nachrichten" of 11 June added another important consideration of Schröder: "Hence it was a severe mistake, demonstrating a lack of sensitivity, that, precisely in the year of commemoration for the German attack on the Soviet Union in June 1941, Germany has taken command of NATO troop formations at the Russian border."•

Austria

Contesting the election: evidence of significant irregularities

The Federal Bureau of Anti-Corruption has instigated investigations

cc. After the extremely close election of the Austrian President, the result will be contested with some chances of success. Austrian media consider a repetition of the elections as probable. In a 152-page election complaint, the FPÖ party (Liberal Party of Austria) registers frequent irregularities in the election (www.fpoe.at/dokumente/2016/wahlanfechtung_volltext.pdf).

From Monday 20 June to probably Thursday the Austrian Constitutional Court (VfHG) will now publicly be questioning and hearing 90 witnesses. Among them will be some members of the district election's authorities. In case that the hearings will be confirming, among other things, that illegalities occurred which "could have affected" the election results and which relate to 15,432 of the votes counted, the election must be repeated. Furthermore, the lawyers of the two presidential candidates will have the occasion to question the witnesses. The court at the latest intends to decide by 6 July, which means two days before the public inauguration of van der Bellen as Austrian president. A repetition of the election is not expected before autumn (see "Die Presse" 16 June).

Meanwhile, the Federal Bureau of Anti-Corruption (BAK) has instigated investigations on suspicion of malpractice and false certification and authentication in office ("Kurier" 18 June).

"An enormity of the first magnitude in terms of the political dealing with democracy revealed!"

The FPÖ has made the entire text of the capaign contestation available online in the last few days.

"The facts shown in detail by the former Minister of Justice, Dr Böhmdorfer, editor of the contestation text, must make every democrat's hair stand on end and reveals a frightening portrait of the condition of our democracy, most of all with regards to the entire handling and counting of the postal vote papers," Inge Rauscher, initiator of the successful EU-Exit-Citizen-Petition a year ago, declares. "Such a large amount of 'mistakes' and above all the chronological sequence of events on the day of the election itself and one day later – the day the ballots have been counted – can impossibly have happened only due to 'coincidence' or 'sloppiness'."

And further: "If the constitutional court does not cancel the runoff vote for the highest office of the country, despite documentation and massive violations of the law, and repeat the entire election procedure, it would be a scandal of the first magnitude in terms of the political dealing with democracy! It is only secondly about which party or which presidential candidate would be

harmful, but in the first place it is about our democracy on the whole."

The Constitutional Court must defend democracy!

The Constitutional Court must defend democracy, especially since we know how close the officially rejected (the word 'actually' can now no longer be used here) percentage of votes was, which – reminding us of a united front in a totalitarian system (all against one) – lead to the following "decision": "If only 15,432 voters – these are merely 0.35% of the valid received votes or 0.24% of the legal voters – had decided differently, the entire result would have been turned around." (Citation from the contestation document)

Inge Rauscher concluding: "Everyone, who has thoroughly read this well founded contestation document (which is in the highest political interest of the general public) may match these documented 'contradictions', to this extremely low number of votes which allegedly caused the final result. When such a 'decision' is simply wiped away or merely accepted by the Constitutional Court, then it is getting dark in Austria, this would be the beginning of the end of our democracy!"

Questions and contact: EU-Exit-Peoples-Committee, Inge Rauscher +43 681 1077 4066, Renate Zittmayr, +43 664 425 1935, ihu@al.net, www.eu-austritts-volksbegehren.at

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Vina, along the European Corridor X, and a bridge over the Sava River, near the Town of Obrenovac are in advanced stage. Chinese Hessteel Co., the second largest steelmaker in the world, has recently bought the Smederevo Steel Plant that employs 5,050 workers, and owns a port on the Danube and a Tinplate Factory in the City of Šabac (on the River Sava). A further agreement was reached with Chinese partners to construct the Thermo Power Plant "Kosotolac B". This project, includes also the construction of another port on the Danube and a 18 km-long railroad section for the transport of necessary equipment. Therefore, in economic terms, Chinese companies have already settled on the Danube, thus increasing the significance of this strategic inland water European Corridor VII. The Tripartite Partnership of Serbia, Hungary and China has initiated construction of the high-speed railway connecting Belgrade and Budapest. This project is just a part of the strategic railroads on European Corridor X, running from the Medi-

terranean Ports of Piraeus and Thessalonica, in Greece, through Macedonia, Serbia and Hungary, to the countries in the Central and the North Europe – all the way to the Northern and Baltic Seas. Taking in consideration plans of Chinese engagement in the modernisation of transport lines connecting Belgrade and the Port of Bar (Adriatic, Montenegro), then Chinese companies' interest in privatization of a number of Serbian companies, then the full potential and the perspective of economic cooperation between the two countries become much clearer.

It seems that the importance of the rapid rise in economic cooperation with China goes beyond the point of its substantial input to GDP growth and employment, although both of them make very significant parameters. Provided that the current trend continues – and there is no reason to expect otherwise – it could gradually affect the layout of Serbia's economic interests at the international level, focusing them into a more balanced position.

Over the recent years, the EU has been busy dealing with itself, suffering from serious crisis of the system, nationalism and particularism on rise, technological

and economic stagnation, Eurozone crisis, capital outflow, migrants, "Brexit" and other "exits", and transatlantic "encouragements" to increase its military expenditure (truncated G7 Summit in Hanover). The USA has been busy intimidating its allies by using, sometimes "dangers" from Russia, sometimes from China. Russia is faced with decline of oil prices, with the need to modernize economic structure, to alleviate consequences of US sanctions implemented by "European partners", forcing her to spend more on defense. The world witnesses a dramatic widening of the divide between the masses of poor and the handful of extremely rich, with poverty, unemployment and misery dominating the globe. China extends her friendly hand to offer partnership, networking, innovation, and mutual benefit towards all four sides of the world. Every now and then, one wonders – why should the West feel it necessary to publicly lament over apparent "slowdown of Chinese economic growth" falling from former 9% to present 'mere' 7.5%! Who, really, is doing better in times of prolonged global economic crisis?

By signing TTIP the German Government will sacrifice agriculture to the interests of industry

by Prof Dr Eberhard Hamer



Eberhard Hamer
(picture ma)

In recent decades, German agriculture has had its greatest heyday and made much money, so that not only was it able to invest a great deal but also land prices have increased fivefold in the last 10 years and leases have tripled. There

are even international agricultural funds, which want to escape this money accumulation and inflation by investing in land and forest, because they not only feel safe thus owning tangible assets but they also believe in further price increases.

But, due to international, European and national policies, agriculture is actually faced with dramatic changes that are first becoming apparent in the dairy and the pig market.

Till a short time ago, dairy farmers earned good money because of the milk quota in a “wellordered market”. But because the costs were the lower the more cows you had in your stable, in a system of guaranteed sales the number of cattle farms and the number of cows held in them increased constantly and so, of course, did the total production. With the sudden end of the milk quota overproduction flooded the market without restraint and there ruined the extortionate prices on the consumer market, so that today, dairy farmers make daily losses with selling prices of about 20 cents and costs of 35 to 40 cents.

Per cow the place in the stable costs about EUR 10,000, so a large cowshed with 400 places and cows costs about 4 million euros. If the daily production causes further debts to accrue on top of these costs, farmers with the largest debts are the first to default. The situation is alarming for the entire dairy industry. Farms are already dying out. If nothing is done about this, 25 to 30% of the milk market will be destroyed in the medium term.

In connection with the pig market we know the “pork cycle”, the disproportionate proliferation of pigs when prices are good, so that overproduction causes prices to collapse again and hence not only farms which operate too near the marginal costs are eliminated, but the others also reduce their livestock. The pig market is currently also in crisis and in revision because producer prices are below cost.

Why does the Federal Government not intervene?

1. In the postwar period all governments and also the European Commission for agriculture aimed at self-subsistence. Germany was to maintain enough agricultural production to aliment its own population. The European Union has extended this principle to include Europe, but has now abandoned it under pressure from the United States, because they need to export agricultural products and therefore press the EU to accept the free import of their cheaper – partly genetically contaminated – agricultural products to Europe.
2. The export to Russia played a major role for the dairy and pig market. But under pressure from the United States the federal government agreed to sanctions against Russia, which also affected the dairy market and suddenly cut off a significant share of exports. Thus political will has reduced the sales potential of the German dairy industry without any compensation being paid.
3. According to the will of the Federal Government the gate is to be opened entirely for all agricultural products from the United States by TTIP. So the agricultural surpluses of the US would pour unchecked into Europe and cause prices to collapse, for example those for grain, which would then bring that same crisis to the grain producers which has already befallen dairy and pig farmers.

The United States have openly stated that free grain exports to Europe would be required in return for the import of European cars. The industry is therefore pushing for TTIP and for the sacrifice of agriculture in favour of those industrial advantages. *Merkel* is willing to do this. The Minister of Agriculture, who would be the person called upon to defend agriculture, has gone to ground. So, after our experience with German politicians’ subservience up to now, we will have to expect politics to sacrifice German agriculture to US interests – to betray it.

4. The United States are debt-ridden and plan to devalue the dollar’s external value. This would not only reduce their debts (albeit also cheat their creditors), but also again provide improved export opportunities. If free trade according to TTIP concurs with a cheap dollar, the tide of cheap US corn will be all the more devastating for German agriculture.

5. It is not the first time that, a change in political attitude towards agriculture has led to crises in agriculture due to an opening of international markets. This was already the case in 1890 and in 1920. After 1890, hundreds of thousands of farmers became insolvent and beggars without any fault of their own, but only due to this kind of political change. Likeways in the early twenties, over 10,000 farms and country estates were lost when their owners went bankrupt, also due to cheap American wheat. Even now we are threatened by the risk that after the dairy and pig farmers also many grain farmers will finally have to pay with their existence for a European price drop politically extorted by the US.

As in 1890 and 1920, the spiral will then continue relentlessly downwards: First the dairy, pork and grain prices drop, then the producers become insolvent, after that their stables become worthless because no one wants them any more, then even the price for their land collapses, so that the banks require further security and enforce bankruptcy. In the end 20 to 30% of the farms – and agricultural livelihoods – will again be destroyed and we will all be the poorer.

TTIP might mean the end of agriculture’s heyday. Yet the export of e.g. industrial groups means more to politics than the existence of agriculture, the more so as most DAX-listed companies are foreign owned by more than 70%.

But we are unlikely to recover the agricultural capacity now destroyed in this crisis, even in the long run. The United States alone are using 50 million hectares of agricultural land to produce biofuel, and they could convert this to grain production at any time when there are export opportunities. And the granaries of Ukraine are also already largely in the hands of US corporations (*Dreyfus* and others), so that the European market is to be flooded with US produced and genetically contaminated grain from this side also.

The TTIP-enforced surrender of the self-sufficiency principle and the sacrifice of our indigenous agriculture in favour of US companies would not only be a temporary policy failure, but bring with it permanent damage which will cause existential problems for our provision with supplies as early as in the next world depression. •

Where will Swiss agriculture go from here?

by Dr rer publ. Werner Wüthrich

Professor Eberhard Hamer sounds the alarm and speaks of dramatic changes that lie ahead for agriculture in Germany for reasons of international, European and national policies in connection with TTIP. Self-sufficiency is said to be in danger.

The US and the EU have been negotiating TTIP since 2013. This is an unprecedented international treaty which legally and substantially differs from a genuine free trade agreement. It is to newly regulate trade relations between the US and Europe. Switzerland intends to dock on. 800 million consumers and half the global trade would be united here. So, according to the Federal Council, Switzerland cannot stand apart.

Already several stakeholders have spoke out. “Farmers must not be in conflict with the economy,” says *Martin Naville*, CEO of the *Swiss-American Chamber of Commerce*. The local farmers only accounted for 0.7% of economic output, and it was not acceptable that such a small group stood in the way of the rest of the economy (see interview in *Schweizer Bauer* from 3 February 2016).

TTIP has a history. Since 2001 the so-called Doha-Round of WTO is negotiating the further liberalization of world trade. Agriculture is and was the focal point of these negotiations. With regard to an alleged imminent conclusion, Switzerland has since liberalized many things – often in tandem with the EU. Notable in this context was the abolition of milk quotas in 2009. At this time, the Federal Council launched negotiations on an agricultural free trade agreement with the EU in order to be prepared for the expected conclusion in the Doha-Round and the consequent new world trade order – as they put it. Pressure was great. Yet the conclusion – although widely forespoken – did not come. As I see it, the reasons are obvious. The differences between the countries in the world are so great and so numerous in the agricultural sector that a global, cross-border liberalization would do more harm than good in many places. The *UN World Agriculture Report* of 2008 also reached this conclusion.

Renewed paradigm shift

2011 Parliament froze the ongoing negotiations with the EU. The milk price is becoming more and more of a problem in Switzerland, as in Germany. Attempts to support the milk price without introducing a government-set quota are not very effective. There is an oversupply of milk (which squeezes the price), and the butter



Three popular initiatives have been taken in order to maintain an opportune and sustainable agriculture in Switzerland. (picture mt)

stores have gone up to over 5,000 tonnes at the beginning of the year – so that we are again speaking about a butter mountain and a milk lake (see *Schweizer Bauer* from 3 February 2016).

Voices requiring support from the Federal government are growing louder. Basic agricultural issues are being discussed once again. Which are the tasks the government should take over? How much is to be left to the market? How much self-sufficiency do we want? What shall we do so as to continue to protect cultivated land and to secure it for the farmers? What significance should be given to border guards and customs duties in the future? What do we understand by “fair prices”? All these questions are not new and have often been discussed in recent decades – and often been put to the vote.

In addition, the EU has difficulties in many areas today. This is a clear indication that the peoples must increasingly reassume full responsibility within their own borders. This has a long tradition in Switzerland – particularly in the agricultural sector. I think this debate should be conducted – with or without TTIP.

The situation today is similar to that of about twenty years ago, when Switzerland joined the WTO. At that time three popular initiatives to effect a constitutional amendment were submitted. They were on the table together with two parliamentary counter-proposals. The intensive debate with the people at that time led to several polls, until the present article on agriculture in the Federal Constitution (Article 104) was adopted with 77 percent votes in favour on 9 June 1996. The people were

not so easily satisfied at that time and they had previously said no repeatedly to official agricultural policy. Already previously there had been major debates with several popular initiatives and referendums (which set the basic course), both after the First and the Second World War and also after the end of the boom in the seventies. *Current Concerns* will report in more detail on this later.

Popular initiatives of today

The Doha-Round of WTO has failed and TTIP may be around the corner. In response to this three popular initiatives were submitted, which all aim at changing or adding to Art. 104 of the Federal Constitution. The initiators want to readjust agro-politics because international, European and national politics have changed and there are major upheavals before us. (Professor *Hamer* describes this for Germany in his article.) All three popular initiatives would be incompatible with TTIP:

1. With its initiative “For food security” The *Swiss Farmers Union SBV* wants to induce the government to boost the population’s supply with local food and to take effective measures against the loss of agricultural farmland. This initiative predetermines principles and objectives without stipulating concrete, individual measures. The National Council has already approved the initiative in the 2016 spring session.
2. *Uniterre* is a peasant union from French-speaking Switzerland. Its initiative group has filed an initiative “For

The Swiss Farmers Union's Initiative for "Food Security"

The Federal Constitution shall be amended as follows:

Art. BV 104a (amended) Food Security

1 The Confederation shall encourage the supply of the population with foodstuffs grown by diversified and sustainable domestic sources; in particular, it shall take effective measures against the loss of productive

land, including summering grazing areas, and for the implementation of a strategy of quality.

2 It shall ensure low administrative expense and adequate security of investment and legal certainty in agriculture.

Transitional provisions

No later than two years after the adoption of Article 104a by the People and the Cantons, the Federal Council shall request the Federal Assembly to submit the implementing legislation.

(The initiative of the Swiss Farmers Union was approved by the National Council in March 2016)

(Translation Current Concerns)

The Green Party's "Fair-Food-Initiative"

The Federal Constitution shall be amended as follows:

Art. 104a Foodstuffs

1 The Confederation shall strengthen the availability of secure high quality foodstuffs produced in a resource-saving and environmentally and animal-friendly manner and under fair working conditions. It shall specify production and processing requirements.

2 It shall ensure that imported agricultural products to be used for human consumption satisfy at least and in principle the requirements under para. 1; with respect to more processed and composite foodstuffs and animal feeds it shall be working towards this goal. It shall promote fair trade products and products from farms that cultivate the land.

3 It shall ensure that the adverse effects of the transportation and storage of foodstuffs and animal feed on the environment and the climate will be reduced.

4 The Confederation has in particular the following powers and duties:

- a It shall legislate on the authorisation of foodstuffs and animal feeds and on declarations of production methods and processing procedures.
- b It may regulate the awarding of tariff quotas and adjust import duties.
- c It may draw up compulsory target agreements with the food industry, and in particular with importers and retailers.
- d It shall encourage the processing and marketing of regionally and seasonally produced foodstuffs.

e It shall take measures to curb food waste.

5 The Federal Council shall define medium and long-term goals and report regularly on the degree to which targets are achieved. If targets are not met, it shall take additional measures or strengthen the existing ones.

Art. 197 para. 11

Transitional provision to Art. 104a (foodstuffs)

If the implementing legislation for Article 104a does not come into force within three years of its adoption by the People and the Cantons, the Federal Council shall issue temporary implementing provisions in the form of an ordinance.

(Translation Current Concerns)

Uniterre Initiative "For food sovereignty"

The Federal Constitution shall be amended as follows:

Art. 104c Food sovereignty

1 For the implementation of food sovereignty, the Swiss Confederation shall promote a domestic peasant agriculture that is profitable and diverse, producing healthy food, and that meets the social and environmental expectations of the people.

2 It shall ensure a supply of mainly domestic food and foodstuff and the preservation of natural resources in their production.

3 It shall take effective measures with the aim of:

- a promoting an increase in the number of people working in agriculture as well as in structural diversity;
- b preserving cultivated areas, especially crop rotation areas, both in terms of scope and quality;
- c ensuring farmers' rights to use, reproduce, exchange and market seeds.

4 It shall prohibit agricultural use of genetically modified organisms and of plants and animals that have come

about with the help of new technologies by means of which the genome is altered or recomposed in a way that is not natural.

5 It shall undertake the following tasks, namely:

- a It supports the creation of farmers' organizations that are geared to ensure that the supply offered by farmers and the needs of the population are coordinated.
- b It ensures transparency in the market and works towards fair prices being set in all branches and chains of production.
- c It reinforces direct trade between the farmers and the consumers as well as the regional processing, storage and marketing structures.

6 It shall pay special attention to the working conditions of agricultural workers and shall ensure that these conditions are kept uniformly throughout Switzerland.

7 To maintain and promote domestic production it shall raise tariffs on imports of agricultural and food products and regulate the volume of imports.

8 To promote production under social and environmental conditions that meet Swiss standards, it shall raise tariffs on imports of agricultural and food products that do not meet those standards; it may ban their import.

9 It shall pay no subsidies for the export of agricultural products and foodstuffs.

10 It shall ensure information on the conditions for the production and processing of domestic and imported foods and the awareness thereof. It may set its own quality standards regardless of international norms.

Art. 197 paragraph 12

Transitional provision for Art. 104c (Food sovereignty)

The Federal Council will submit the statutory provisions necessary for the implementation of Article 104c to the Federal Assembly within two years after its adoption by the people and the states.

(Translation Current Concerns)

Who's in charge in this country?

by Dr iur Marianne Wüthrich

The people, the sovereign is in charge in direct democratic Switzerland, so State Councillor Ivo Bischofberger and many other State and National Councillors say when it came to the question whether a Swiss Constitutional Court should be set above the sovereign. With this justification Parliament has clearly refused the introduction of a constitutional jurisdiction at federal level in 2012 as the people has in earlier times. The sovereign as supreme state violence – this fundamental pillar of Swiss state structure – is being questioned for several years by certain circles in politics and justice with increasing sharpness. To commit the Swiss courts and administrative authorities again on this cornerstone the “Self-determination initiative” has been launched wherefore the signatures are currently being collected (deadline for collection: 10 Sept. 2016). From this consideration, the initiative requires that for the law-applying authorities the Federal Constitution is prior to international law, of course with the exception of the mandatory provisions of international law. “International law” means international agreements as for example the bilateral agreements with the EU or the ECHR (European Convention on Human Rights) which would have to be renegotiated so that the law set by the sovereign may be applicated.

“Finally, it is about the most valuable good who is in charge in federal politics and in this country, not more or less. It has always served us well that no judge can put himself above the people.”

State Councillor Ivo Bischofberger, CVP AI

The initiative is said to be a «frontal attack on our fundamental rights» and leads to “Switzerland’s incapacity to act”, so the frontal attack of the opponents.

You must know the initiative’s background to be able to classify politically the insubstantiality of these claims.

About ECHR: As National Councillor Lukas Reimann declared in the interview the ECtHR (European Court of Human Rights) was founded after the horrors of the Second World War and the ECHR at the time denounced war crimes and very basic human rights’ violations. Switzerland signed in 1974. At that time the Parliament discussed if the ECHR should be subordinated to an optional referendum and decided against it because all fundamental rights which are part in this important international treaty were already enshrined in the Federal Constitution and have been applied in Switzerland for a long time. Today, the Court has expanded its jurisdiction on any-

thing and everything, so Lukas Reimann, and interferes in unsustainable manner into the national legislation and case-law. No Swiss, neither the initiators want to cancel the ECHR, because its content corresponds also with the Swiss legal opinion. The Self-determination initiative just wants to stop the excessive case-law of the European Court of Human Rights with the help of a additional protocol to be negotiated and probably several other States will gladly join. About the bilateral treaties with the EU: The initiative requires that Switzerland should not enter into international commitments that are against the Federal Constitution. In case of a conflict for example, Switzerland should no longer as previously follow new EU law and the current case-law of the CJEU (Court of Justice of the European Union, Supreme Court of the EU), but adapt the bilateral

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food sovereignty”. It pursues the same goal as the Farmers’ Union initiative, but goes further and proposes a number of concrete measures such as imports to be regulated quantitatively. The initiators want to prohibit imports of agricultural products that do not meet our high domestic standards. This also includes GM products. In addition, the Federal government is, together with the farmers’ organizations, to tailor the agricultural supply to the needs of the population. They are to work towards ensuring, “that fair prices are set in all branches and chains of production.” Uniform working conditions are to apply for all agricultural workers. The aim is that farmers should increasingly derive their income from prices and that compensation payments should only serve as a complement.

3. With its *Fair-Food-Initiative*, the *Green Party* targets mainly import-

ed food, which will in future increasingly have to meet higher environmental and social standards. The Federal government would have to favour fair trade imported products and those from smallholdings cultivating the soil. Thus the initiative text says, “The Federal government reinforces the supply of foods that are of good quality and safe and which are produced environment and animal friendly, resource efficient, and under fair working conditions.” Local products should of course also satisfy these requirements. – The *Green Party* is supported by the *Small Farmers Association*.

All three popular initiatives have much to recommend them. It would be a good thing if the initiators would bear in mind their common direction and not fight each other.

Martin Naville (Swiss-American Chamber of Commerce) said in an interview with the *Bauernzeitung* from 3 February 2016 that the farmers should not obstruct economic access to TTIP, because

they accomplish only just under one percent of our economic output. Naville does not seem to know that in the last hundred years the Swiss people voted nationally next to thirty times on agricultural issues. Many popular initiatives were submitted and numerous referenda taken – more than in any other area of politics. Then there are the countless votes in municipalities and cantons and in the many agricultural corporations. This shows clearly that not only the interests of a small minority is involved (which might take second place), but that the interests of the whole population and the country are concerned. “The economy” and “the agriculture” may not be played off against each other in this way. We are all sitting in the same boat together.

Current Concerns has started a series of articles describing the role of direct democracy for agriculture and for Switzerland in the course of history to supply background information for the coming discussion (see part 1 in *Current Concerns* from 14 June 2016). •

"Who's in charge in this country?"

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agreements to the Federal Constitution. This would not lead to "Switzerland's incapacity to act" as the opponents of the initiative say – quite the contrary:

Switzerland would finally again really able to act as a self-determinant, sovereign state. On the basis of direct democracy. But if the bewailed "incapacity" means that the Swiss electorate can continually prevent the ever-closer integration and finally the accession to

the EU then nothing is wrong with it. With the "Self-determination initiative", the skew bars of the Swiss House will be restored to a solid foundation. We citizens are called to obligate our authorities and courts again to their constitutional tasks.

Federal popular initiative "Swiss law instead of foreign judges (Self-determination initiative)"

Interview with Lukas Reimann, National Councillor SVP SG



National Councillor
Lukas Reimann
(picture mw)

Current Concerns: What was the reason for launching this initiative?

National Councillor Lukas Reimann: The problem has emerged over the years since more and more templates, both in direct democracy and in Par-

liament come across limitations. If, as parliamentarian you want to change a federal law, one will hear that there is international law, international obligation and there is nothing to say to it, it cannot be changed just like that. There is an increasing restriction of people's rights as well as a limitation of sovereignty and independence of Switzerland. A dangerous development – less and less is decided in Switzerland and ever more by any boards that are democratically not legitimised and that decide away on Switzerland. The mass immigration initiative is an example for what it is all about now. But there was already the initiative of imprescribibility and custody and of course many objectionable decisions in Strasbourg [the *European Court of Human Rights* ECtHR; editor's note]. Here, it certainly is no longer basic human rights, but a political intervention of a judge panel in a democratic country which itself can better decide what is good for the local citizens and what not. That is the background of the initiative. It did not derive from a single decision, but it was a development.

Why is it necessary to inscribe in the Federal Constitution: "The Constitution is the supreme source of law of the Swiss Confederation. [...] The Federal Constitution stands above and proceeds international law, subject to the mandatory provisions of international law" (BV Art. 5 para. 1 and 4 new). Can you give us an example?

Basically, this is the current practice which has been applied by the Federal Court until recently, the *Schubert* practice. This means that a new national law proceeds older international law. Now, the Public Law Division II of the Federal Court, in a highly controversial decision – a different chamber of the Court might have decided differently – said that with regard to free movement of persons, the *Schubert*-rule is no longer valid, but international law proceeds even if more recent national right exists. This leads to considerable legal uncertainty, since the international law, the agreements and treaties have to hone in on national law as well. If something changes in national law, an international treaty has to be terminated, renegotiated and adjusted accordingly. With the self-determination initiative it is mainly about the referenda. To change the Federal Constitution, it needs the consent of the people and cantons. Therefore, the Federal Constitution must be given more weight than any contract which is already in existence for fifty years. When it was signed, very different conditions might have prevailed.

Does this remind you of the ECHR?

As an example. Here I have to hold on to the fact that I am not against the ECHR, not at all. I can sign for everything therein. But how this is interpreted by the judges and how the jurisdiction of the ECHR gets out of hand – in the end we have decisions to health insurance premiums and waste separation which are somehow justified by human rights. This is incomprehensible!

According to the transitional provision (BV Art. 197 num. 122 12, new) only those international treaties are decisive for the Federal Court that have been subject to the referendum. Switzerland's accession to the ECHR at the time was not under the referendum. Hence, is Switzerland as a constitutional state allowed to terminate the ECHR?

The termination of the ECHR is not really necessary, but it certainly needs a debate on the issue – which I once asked for in a request for an additional proto-

col to the ECHR, where the Court was concerned with how far the European Court of Human Rights can go? When in 1974 Switzerland signed the ECHR, entirely different conditions proceeded. At that time, the ECtHR took a stand on war crimes and elementary human rights violations, not on everyone and everything. Today the Court is completely overburdened. 80,000 proceedings are in the waiting queue. This draws out the national proceedings for years. I find this precarious. Switzerland is by far not the only country complaining that the ECtHR is increasingly influencing national competences. But I would not terminate the ECHR, I think I would aim for an additional protocol. Some states would participate. The British Prime Minister *Cameron*, for instance, who was upset about the fact that prisoners may go to vote, and *Ms Merkel* has already negatively commented on the decisions of the ECtHR. Or Italy [where the whole country has refused to take the crucifixes from the walls in schools, as the ECtHR had demanded; supplement *Current Concerns*]. One could find even allies there.

The initiative envisages to oblige the Confederation and cantons to adjust or terminate international treaties that contradict the Constitution, (BV Art. 56. 1. para. 2 new). From an economic perspective, could Switzerland be in a position to afford terminating for example the agreement on the Free Movement of Persons Switzerland (FMP)?

The movement agreement itself has no economic importance in my view. The opponents of our initiative say, on termination of the FMP the entire Bilateral I would be dropped; but this would require each of the 27, or by now 28 EU Member States to individually pass resolutions wanting to resign. I think this is completely unrealistic. 95 per cent of the export goods from Switzerland is already regulated by the 1972 agreement, through the *EFTA* and other international treaties. The bilateral agreements account for a small

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part only. There is study after study, arriving at a different number with regard to the importance of the bilaterals. The question always is who has placed the order.

Fact is that Switzerland's trade with the EU is decreasing by 5, 6, or 7 per cent year by year. In all other regions of the world it is increasing. Of course, one may state that currently the EU it is economically not very attractive and others are better off. With other countries, however, we do not have bilateral agreements and sometimes there are trade barriers. Nonetheless, if there is a good product it will be bought. The only thing which no longer will be that easy for the economy is that many companies quickly recruit favourable labour from abroad. They hardly examine them and if after two or three days or weeks or months they realise they cannot do the job, they push them off. Switzerland pays, the taxpayer pays, and the next are coming. Without the FMP they perhaps would even have to again retrain more people or provide chances to older people. There are many unemployed in Switzerland, ever more. It would relieve the budget significantly. Here, the economy takes it too easy today.

"They push him off" – you do not mean abroad ...

No, to the Swiss social welfare. As far as I'm concerned the companies could get as many workers from abroad as they want. Then, of course, they would have to sign that they take responsibility and pay for them. But neither this the companies want. In other words they want to have their cake and eat it, too. The point is, if we have a closer look again, who comes into the country and who not, it would economically benefit Switzerland and it would also be more just. Today, the only reason why someone is allowed into Switzerland is when he has an EU passport. This is not a substantive criterion. Substantive criteria would be whether he does speak the language, whether he comes from an industry where people are need-

ed, what kind of education he has, whether he has a criminal record or not, or whether he is wealthy or not ... These would constitute objective criteria according to which it would be fair to decide who has the right to immigrate and who not. The opponents of the initiative always act as if they were the humane and we the inhumane, but it is just the opposite.

Do I see it right that the Self-determination initiative also intends some kind of setting the course on the issue of relationship between Switzerland and the EU?

On the one hand, by all means and on the other on the question of the future of the people's rights as well, the direct democracy. I do not deny that the importance of international law is increasing. The world becomes increasingly networked, and there are more and more international agreements. Hence, one has to be able to ensure that the people still remain the highest authority in the state. Thus, the international law has to be aligned according to the referenda. It was also under consideration when reformulating Article 190 BV. More important international treaties have to be subjected to the optional referendum and the people could have a voice at an early stage.

As can be heard in Bern, not even the TTIP would be subjected to the optional referendum. On what grounds?

The people could not decide on all recent FTA. It was believed for example that the agreement with China was "unimportant". Well, TTIP is not really a "free trade agreement". I am in complete agreement with *Current Concerns* that we want free trade à l'EFTA and not globalisation à la USA. Of course, the TTIP would have to be put under the control of the referendum. But I'm not so sure that this is really going to happen.

For me, it is about the principle that the people can have a say in foreign policy. The greater impact foreign policy has on domestic policy, the more you have to find a solution. The variant of our initiative committee is that the people should remain the highest authority in the country. The variant of the opponents of the initiative is that increasingly delegation takes place to experts and expert bodies and to any intergovernmental committees. This way we are deprived of freedom and democratic rights.

Thank you, Mr Reimann, for this interview.

(Interview Marianne Wüthrich)

Federal popular initiative "Swiss law instead of foreign judges (Self-determination initiative)"

The Federal Constitution will be changed as follows:

Art. 5, paragraph 1 and 4

- 1 All activities of the state are based on and limited by law. The Federal Constitution is the ultimate source of law for the Swiss Confederation.
- 2 Confederation and the Cantons shall respect international law. The Federal Constitution ranks above international law and takes precedence over it, while taking into account the obligatory restrictions placed onto it by international law.

Art. 56a Obligations under international law

- 1 Confederation and the Cantons will not enter into any international ob-

ligations that will contradict the Federal Constitution.

- 2 In case of contradiction, they agree to amend those obligations to international law to fit the premises of the Federal Constitution, if necessary by means of cancelling the respective treaties.

- 3 Obligatory rulings of international law are exempt.

Art. 190 Applicable law

Federal law and international law rulings that have been approved by referendum are binding for the Federal Court as well as other authorities that apply law.

[...]

(Translation *Current Concerns*)

ADHD¹ – bringing a long overdue discussion to a conclusion

by Dr phil Bernadette Fontana, special educator and psychologist

It's been over twenty years since the question of how to explain and to treat children with behavioural disorders has been raised. Alarming figures showing an increase in the diagnoses and prescription of drugs created a flurry excitement for a short time, other topical issues of the day, however, overshadowed the debate. The following article takes up the issue with the goal to re-initiate a long overdue debate.

Today I haven't taken my pill ...

Fabienne is sitting having lunch with her friends at school. Her plate is already empty after having taken seconds. "I'm hungry today – I haven't taken my little pill." The delicate girl, very small for her age, stands up and, mischievously smiling, goes for another helping. – "He needs the medication, otherwise he will be wild with the other children. We know that from the past," a father says to the teacher. – "My son has always been more active and vivid than his siblings. I like it when he has his own opinion and doesn't simply submit himself to everything, like we were forced to do," a father says. – "I'm glad when we try to go without medication. I always feel uneasy giving the pill to my child," another mother brings into consideration, "but I was told my child needs this such as a diabetic child needs insulin." – "I don't want my child to be controlled by chemistry," a father says when it is discussed whether or not medication helps his son to become calmer and more focused. – "Stopping the medication, no, certainly not. You should see my daughter at home when she attacks her younger sister when I do her homework with her. Without medication it would be unbearable," a mother answers the teacher's question determinedly whether she has considered speaking with her child psychiatrist on reducing the daily dose of *Ritalin* based on her positive behaviour at school.

Above are examples of children diagnosed with ADHD (Attention-Deficit Hyperactivity Disorder). Those diagnosed show a lack of attention, impulsivity and hyperactive behaviour resulting in great difficulties at home and at school. The statements reflect the different views on how the behavioural disorders of these children can be assessed by their parents. In particular they show the concern parents have with regard to not wanting to harm their child and do everything they can to facilitate their child's way into life. All of them have repeatedly struggled to

"Even more cause for concern is the commitment of the "inventor" of ADHD: The American psychiatrist *Leon Eisenberg* confessed shortly before his death to the Medical Journalist *Jürg Blech* that ADHD is a prime example of a fabricated illness."

master the problem. During the school psychological or child psychiatric investigations most of them the issue was about whether a drug with psychoactive substances would prove helpful. As a consequence, many children and young people have been prescribed the drug methylphenidate (e.g. *Ritalin*, *Concerta*, *Medikinet*, *Equasym*). According to studies, 40% of all children are believed to suffer from ADHD.

For years the rising prescription of these drugs to children has repeatedly been the subject of discussion and press articles. Last August, the Swiss journal *Beobachter* reported an 810% increase in the amount of methylphenidate delivered to pharmacies in Switzerland between 2000 and 2014. These figures published by *Swissmedic* comply with 100,000 pills at the strength of 10 mg per day² – a drug, no less, that has been listed as a controlled narcotic! Yet money can be made with it. Even if sales are decreasing, in 2015 over 366 million US dollars were earned with *Ritalin* in Switzerland.³

Studies on methylphenidate – sponsored studies with little significance

In November 2015, the media reported on a study undertaken by the Cochrane Institute on drug delivery to children with a ADHD.⁴ The *Cochrane Collaboration* is an international network of scientists and physicians providing systematic evaluations of medical therapies, keeping them up to date and rating them. The most important condition to ensure the independence of research is to waive industrial or pharmaceutical funding of the research group.⁵ Thus, systematic errors and *bias*⁶ are expected to be prevented in the studies. In the aforementioned study, the researchers devoted themselves to the question on the coherency of previous investigations on the effect of methylphenidate in children and adolescents with ADHD. For this purpose, 185 trials in which participants had been randomly assigned to one of two or more test groups were scrutinized.⁷ 12,245 children and adolescents diagnosed with ADHD partici-

pated in these studies. Most studies compared methylphenidate with a placebo.⁸ Researchers concluded that most studies were small and of low quality. They noted that the drugs may be able to improve some of the main symptoms of ADHD and classified the previously evaluated side effects (sleep problems and loss of appetite) as non-serious, with no increase of serious, life-threatening side effects on the short term.

It should be mentioned that even insomnia and decreased appetite may have major impact on the life of the child and his or her family. Numerous possible other, partly very serious side effects are listed on the appropriate package inserts.⁹ Yet, even if one child makes a suicide attempt as a potential side effect, or suffers a cardiac arrest or has delusions, it remains a human tragedy.

The study further notes that *no precise statements could be made how large the benefit of methylphenidate actually is*. Neither could it be verified how medication intake *affects the physical and mental development of a child in the long term*, as all the studies were made over a short period (occasionally up to 14 months). On average the treatment lasted only 75 days (1–425 days). It was not possible to evaluate a long-term effect of the drug because there is a lack of studies concerned with children and adolescents taking methylphenidate for a long time who have now grown to adulthood. Hence, the researchers of the Cochrane Collaboration demanded studies with longer follow-up period in order to better assess this risk. They also noted that making such studies would be difficult and entail significant ethical concerns. An important result *was the lack of validity of the studies reviewed*, which was considered to be low. The criticism was that the study participants could easily identify which of the test groups the children belonged to (with or without methylphenidate). Furthermore, reporting the results was incomplete in many studies, and, depending on the study, the results varied. Regarding the independence

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of the researchers, the Cochrane group noted that 72 (= 40%) of the 185 included studies were financed by the industry.

What remains is justified unease: studies of low quality, sponsored by the producing companies, evidencing the benefits of drugs for children.

Uncertain diagnoses – ADHD, an invented disease

There is no clinical test to determine ADHD in contrast to diseases with clear physical causes such as diabetes. With such diseases, blood analysis is performed to determine whether someone is affected or not. A method of medical measurement to diagnosis ADHD is not in sight. Rather, it is based on the assessment of certain criteria – often with the help of special questionnaires. Parents or teachers fill them in: Has a child difficulty in organizing tasks or activities? Does the child fidget with the hands or feet, or squirm in its seat? Does the child answer back to adults? Etc.¹⁰ Although a number of steps are described which must be performed in making the diagnosis in specialist literature,¹¹ even if the procedure is carried out exactly – which is not always the case – ultimately there is no ADHD quotient, there are no biomarkers. All values, data and observations must be interpreted and are subject to the decisions made by the examiner. This subjectivity is also reflected in the fact that, for example in the Canton of Ticino, less ADHD diagnoses are made and less Ritalin is prescribed than in German-speaking Switzerland. Varying prescribing practice, according to *Oskar Jenny*, Director of Developmental Pediatrics at the Children's Hospital in Zurich, could possibly be due to different expectations accorded children according to cultural practice. It depends on whether a larger deviation from the norm is tolerated.¹²

However, diagnoses can have serious consequences and give cause for serious concern, as *Monika Fry*, head physician at the Pediatric and Adolescent Psychiatric Service in Graubünden, stated in an article in the *Schweizerische Ärztezeitung* "A given diagnosis may substantially affect the self-esteem and thus the personality development of a child or young person. Children have little opportunity to defend themselves against interpretations of their behaviour by adults, although they are beings with their own activities from the first breath."¹³ The cause for serious concern must be primarily be any personal suffering that will result in a wrong diagnosis.

Even more cause for concern is the commitment of the "inventor" of ADHD: The American psychiatrist *Leon Eisenberg*

"Therein lies an intrusion into the freedom and the personal rights of the child. Although pharmacological agents cause behavioural changes, the child does not learn how to achieve such behavioural changes itself, and thus the child is deprived of an important learning experience for independent action: namely how to influence his behaviour by his own decisions – and not (only) by foreign agents – and thus be able to assume responsibility."

confessed shortly before his death to the Medical Journalist *Jürg Blech* that ADHD is a prime example of a fabricated illness. In his opinion at that time, child psychiatrists would more thoroughly have to determine the psychosocial causes leading to these behavioural problems.¹⁴

Vigilant elected representatives – Paradigm shift in dealing with human behaviour

Many alert citizens were concerned that, after the turn of the millennium, more and more children attending school took psychoactive substances such as Ritalin. The increasing number of diagnosis and delivery of psychotropic drugs to children led to parliamentary initiatives at the cantonal and national level. Between 2004 and 2015, for instance, Zurich's Cantonal Council dealt with seven postulates and one interpellation addressing the delivery of *Ritalin* to children and adolescents.¹⁵ In 2006, a postulate in Zurich's Cantonal Council called for collecting the diagnosis and treatment of mental disorders over the last five years and a monitoring over the next three years. The purpose was to verify whether the increase of prescribed psychotropic drugs had been made at the expense of other therapeutic measures and if so, why. In the justification of the request it is stated:

"There is a paradigm shift within child and adolescent psychiatry in the Canton of Zurich. A biologicistic view of man has superseded the humanistic and social one¹⁶, and with it treatments of developmental disorders, diseases and behavioural disorders are changed. Mental disorders are increasingly understood as biochemical disturbances in the brain, and the treatment is carried out increasingly with the administration of chemical substances which affect the neurobiological brain functions in order to make the undesired behaviour disappear. There are less questions about psychosocial causes and environmental conditions favoring the occurrence of certain behavioural problems and mental disorders."¹⁷

The signing Cantonal councils called for the attention to the policy and pointed out that for example the delivery of *Ritalin* or analogous drugs has increased seven-fold between 1996 and 2000. In its re-

sponse the Executive Council applied not to remit the postulate. Reasons given were the development of new treatments, the therapeutic freedom of the attending doctors, the review of drugs by *Swissmedic* and the incurring expenses of monitoring.¹⁸ In the following years there were further postulates, and also at the national level various parliamentary motions were submitted.¹⁹ Finally, a study was commissioned at the Zurich University of Applied Sciences ZHAW, which dealt with the questions raised. The study concluded that the drug is carefully prescribed, Switzerland is in a comfortable position compared to other industrial states and that necessary measures have been taken at the federal level²⁰. As a consequence the discussion on the topic was closed.²¹

"Intrusion into the freedom and the personal rights of the child"

In 2011, the *National Ethics Committee NEK-CNE* also dealt with the issue. In its report²² a rising trend of pharmacological interventions in the case of children substantiates their concern. Adults decide their child is not yet (fully) mentally competent person although aiming at "wanting the best". Often the parents are concerned about their child's performance and success in competing for training and employment, about improving in particular his or her cognitive skills as well as emotional and social abilities, and about enhancing his or her "stress resistance". The NEK-CNE pointed out from an ethical perspective that the diagnosis of an attention deficit syndrome opposed to a defiance disorder or an anxiety disorder creates a professional challenge in that the distinction between normal and pathological child behaviour is difficult to draw. The adaptation of a child's behaviour to existing standards and her social integration may be considered positive. Yet here the NEK-CNE had doubts:

"Therein lies an intrusion into the freedom and the personal rights of the child. Although pharmacological agents cause behavioural changes, the child does not learn how to achieve such behavioural changes itself, and thus the child is deprived of an important learning experi-

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ence for independent action: namely how to influence his behaviour by his own decisions – and not (only) by foreign agents – and thus be able to assume responsibility. [...] The use of pharmacological agents may have further effects on the character, because the child is taught that he/she 'works' only with the help of such means in a socially acceptable manner. Insofar their characteristics are treated by the application of drugs and are made dependent on psychotropic drugs, there will be consequences for personal development and self-esteem and could form patterns in favor of addictive behaviour. [...] The pressure to conform on the part of parents and educational institutions, to which children are subjected, enforces a standard of normality, which can decrease the tolerance of child behaviour. Also, the diversity of temperaments and lifestyles could be reduced and ultimately the right of children to an open life could be at risk. The NEK-CNE pleads for adapting living conditions to the interests and needs of children."

The NEK-CNE therefore demanded a review on the current prescription of psychotropic drugs on the part of children, to clarify the causes of higher consumption and to protect children from excessive use.²³

Too many diagnoses – too many drugs

Since Switzerland has ratified the UN convention on the Rights of the Child, an assessment by the UN takes place on a regular basis regarding the implementation of CRC in Switzerland. The report was published on 4 February 2015. From more than a hundred recommendations those concerning mental health of our children and youth were selected as a top priority to be treated. The committee of the CRC noted that children in Switzerland were too often diagnosed with attention deficit hyperactivity disorder ADHD or *attention deficit disorder ADD*, raising the further issue about the resulting increase in prescribing Methylphenidates as *Ritalin*, *Concerta*, etc. The committee was also concerned about reports that children were threatened with expulsion from school when parents disagreed to treat them with psychotropic substances and other psychostimulants.²⁴

In summary, it is stated under *mental health* (point 60 and 61)

"The committee recommends the state party to:

- a conduct studies on non-drug diagnostic and therapeutic approaches for ADHD or ADD;
- b ensure that health authorities determine the origin of inattention in the

"The committee of the CRC noted that children in Switzerland were too often diagnosed with attention deficit hyperactivity disorder ADHD or *attention deficit disorder ADD*, raising the further issue about the resulting increase in prescribing Methylphenidates as *Ritalin*, *Concerta*, etc. The committee was also concerned about reports that children were threatened with expulsion from school."

- c classroom and improve the diagnosis of mental health problems by children;
- c improve support for families, including access to psychosocial counselling and psychological support and ensure that children, parents, teachers and other professionals who work with and for children receive adequate information on ADHD and ADD;
- d to take the necessary measures to prevent pressure exerted on children and parents to agree to a treatment with psychotropic substances."²⁵

Switzerland now has the time to implement these recommendations by 2020. The *Child Rights Network* has been commissioned with monitoring the implementation. – The UN report triggered a huge echo in the press. Although there were the usual polemics against the "bearer" of the message, in this case *Pascal Rudin*, a sociologist and a representative of the International Association of Social Workers at the UN. But most press articles indicated that the issue of drug influence in the behaviour of children is still unresolved and many attentive citizens are concerned.

The crucial question – the conception of the human being

The next generation needs our protection and our care when dealing with difficulties of life. Protection must therefore include children with symptoms summarized under the term ADHD. What was mentioned in the cantonal motion ten years ago – the paradigm shift from humanistic and social science to a biologicistic concept of man –, has been ignored silently since then. The discussion was focused heavily on neurobiological research.²⁶ But here lies the key towards how problems should be solved. The discussion requires an open and honest discourse. Independent and competent professionals are in demand, as well concerned parents, educators and teachers and all of us as citizens, who take their responsibility for the next generation to heart.

¹ AD(H)D (Attention-Deficient (Hyperactivity) Disorder) is one of the most often diagnosed psychiatric disorders among children. These children have difficulty being good at school, following orders and concentrating. They often also have difficulty behaving at home and with their friends. Methylphenidat is the medication most often prescribed in the case of ADHD.

² "Ritalin, Irrglaube Hirndoping". In: *Beobachter* from 21.8.2015

³ www.novartis.com/sites/www.novartis.com/files/novartis-annual-report-2015-de.pdf, Accessed 2.5.2016

⁴ Storebo, O.J. et al. Methylphenidate for children and adolescents with attention deficit hyperactivity disorder ADHD. Retrieve under www.theCochranelibrary.com.

⁵ see www.cochrane.org

⁶ distortion of test results caused by improper methods of investigation and bias

⁷ so-called randomized controlled trials, RCTs

⁸ A placebo contains a substance that looks and tastes like methylphenidate, but does not contain any active ingredient.

⁹ see www.compendium.ch/mpub/pnr/78405/html/de

¹⁰ cf. ADHD/ODD parent-teacher questionnaire. www.pukzh.ch/default/assets/File/3_1_ADHD_ODD.pdf. Accessed 2.5.2016

¹¹ cf. on this issue: Baumann, Thomas and Romedius, Alber. "Schulschwierigkeiten:

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Letter to  the Editor

Curriculum 21 as a location disadvantage for economy

At present, in various cantons the most radical change of our school system since the existence of elementary school shall be implemented by the controversial Curriculum 21. Bad results achieved at Curriculum 21 experimental schools show that doubts expressed by teachers, by concerned parents, and by professors of pedagogy are justified: They have abolished the proven class teaching largely and have degraded the qualified teachers to “learning facilitators” by “competence orientation” and by their “self-guided” and “self-organised learning” (SOL). Students are left alone. It is up to them to decide when, how, where and if they want to learn. The hasty introduction of these “new forms of learning” that are not based on scientific evidence could become a competitive disadvantage for the pioneer cantons and their trade and crafts, as reform-pioneer Canton Basel-City once had to experience very painfully.

Basel-City introduced a series of so-called progressive school reforms by the 1988 School-Law and with that took the pioneering role in Switzerland. It was already five years later (“Basler Zeitung

from 12.10.1993) when the first negative results showed up. A training manager at a big chemical company in Basel announced that among 45 apprenticeship contracts for laboratory chemists only one contract could be concluded with a school graduate of Basel-City. In 1995, at an extraordinary session of Basel Cantonal parliament, a General Director of UBS reported as to the problem of dwindling attraction of Basel as an industrial location (“Neue Zürcher Zeitung” from 3.4.2016) and spoke about the serious effects of school reforms in Basel. UBS was able to recruit but 20 per cent of their apprentices in Basel-City. As the results achieved in the aptitude test for medical degree courses showed, the A-level students had also fallen victims of the school reforms. Since the introduction of the aptitude test for medical degree courses (EMS) in 1998, the candidates coming from Basel-City received the Swiss-wide worst score or under average score.

Although the link with the controversial school reforms was evident, Canton Basel-

City was allowed to pursue its course of reforms unimpeded. The orientation school that had been praised as “progressive” had scarcely been abolished entirely when Basel-City swung aboard the Curriculum 21 train. That caused teachers who were concerned to make the following remarks: “Once more we and the school children serve as guinea pigs to the Department of Education. The very introduction of orientation school as a unique specimen of Basel was a complete experience and a huge mistake. And now we are adapting our system to the rest of Switzerland even before the other cantons implement the innovation themselves.” (“Neuer Lehrplan ohne Bücher” [New Curriculum without books], “Basler Zeitung” from 27 October 2015) Yet trade, industry, and crafts are able to help also financially to put things on the right track. It is until September 2016 that the consultation about the Zurich Curriculum 21 will be running.

Peter Aebersold, Zurich

(Translation *Current Concerns*)

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Störungsgerechte Abklärung in der pädiatrischen Praxis”. Berne 2011. ISBN 978-3-456-84871-6

¹² cf. Ellner, Susanna. “Im Tessin wird Ritalin weniger oft verschrieben als in der Deutschschweiz. Kinderarzt Oskar Jenni im Interview.” In: “Neue Zürcher Zeitung” from 16.1.2013

¹³ Fry, Monika. “Diagnostik wohin. Überlegungen aus der Kinderpsychiatrie.” In: *Schweizerische Ärztezeitung*. 2014; 95:48, 1824

¹⁴ Blech, Jörg. “Schwermut ohne Scham.” In: *Der Spiegel* 6/6.2.12. p.122–131

¹⁵ These are available on the Canton Council website under www.kantonsrat.zh.ch

¹⁶ The shift from a humanist conception of man to a biologicistic view popular in American psychiatric practice since the 1980s has sustained

impact. Cf. Allen, Francis. *Saving Normal. An Insider’s Revolt against Out-of-Control Psychiatric Practice*. 2014. ISBN 978-0062229267

¹⁷ KR-Nr. 202/2006. *Postulat Delivery of Psychotropic Drugs in Child and Youth Therapy*

¹⁸ cf. Detail from the *Government Council Protocol of Canton Zurich*, Session of 25 October 2006

¹⁹ among others National Council Motions 11.3878, Psychotropic Drugs, Freysinger, Oskar. 13.3013, Prescribing Ritalin, Commission for Security and Social Issues. 15.2.2013; 13.3536 Ritalin Delivery by Siebenthal, Erich. 20.6.2013; available at www.parlament.ch.

²⁰ cf. *Federal Council Press Release* from 19.11.2014: www.admin.ch/gov/de/start/medienmitteilung.msg-id-55280.html, accessed 30.4.2016

²¹ cf. *Zurich Canton Council Protocol*, 15 June 2015

²² NEK-CNE. “Über die Verbesserung des Menschen mit pharmakologischen Wirkstoffen.” *Schweizerische Ärztezeitung*. 2011; 43 (complete version online www.saez.ch)

This statement is available in German, French, Italian and English, download available under www.nek-cne.ch.

²³ Ibid.

²⁴ see. United Nations. Committee on the Rights of the Child. Convention on the Rights of the Child. *Final remarks on the second, third and fourth State Report of Switzerland*. February 2015

²⁵ Final remarks on the second, third and fourth State Report of Switzerland. February 2015

²⁶ see. Hasler, Felix. *Neuro-mythologie. Eine Streitschrift gegen die Deutungsmacht der Hirnforschung* (Neuro mythology. A polemic against the power of interpretation of brain research). 2012. ISBN 978-3-8376-1580-7