

Philosophical reflections on human rights and human dignity¹

by Professor Hideshi Yamada*

"Yes; for it was not Zeus that had published me that edict; not such are the laws set among men by the justice who dwells with the gods below; nor deemed I that thy decrees were of such force, that a mortal could override the unwritten and unfailing statutes of heaven. For their life is not of to-day or yesterday, but from all time, and no man knows when they were first put forth."

*Antigone responds to Creon
(Sophocles: "Antigone")*

These days, nobody will openly deny that we give priority to the dignity of man and respect human rights. However, opinions always differ when it comes to something concrete. Of course, we would like to arrive at consent from different opinions. But how could this come about? I do hope the following essay will contribute to answer this question. Initially I will deal with the idea of "man as a state-related family being", an expression I used for the first time². Then I will approach the inevitability of authority with respect to human rights. My essay will be divided into three parts.

I. Man as a state-related family being

If you try to explain the nature of man, it seems appropriate to regard human be-

ings primarily as family beings what *Johannes Messner*, a former Viennese social ethicist, has done in his works.³ According to Messner objective and subjective effects of natural law in man are intimately connected. In reality man is primarily and with regard to his origin a family being, although many consider him a complete being from the start. "Within the family, his attitudes and behaviors and his mind are profoundly formed, and in the family home he learns what is truly beneficial to him as a social and individual being in the pursuit of happiness, i.e. the pursuit of his own value. These immediate experiences gained in the communal life of the family, compelled to him by his own nature, become the cause for self-determinedly developing behaviors in accordance with his nature."⁴ As they were learnt and experienced content-relatedly within the family, the moral and legal principles, i.e. the principles of natural law, can be applied in various spheres.⁵ They are not content-free, as *Hans Kelsen* and *Ernst Topitsch* criticize.

Like all other living beings, man strives for his completion and perfection. *Aristotle* speaks of the good and the *eudaimonia* meaning goodness of the soul.⁶ No one will probably disagree; however, it might mean the same in any case. We will later deal with this issue in more detail.

It is now generally accepted that throughout history man has always lived in the community of a family.⁷ Pointing this out, however, is not sufficient. We also know that there are different communities and societies, such as families, tribes, the regional units, professional communities, polis (city-state), national governments etc.⁸ Among these various societies or communities, the state should take a prominent role.⁹ Therefore we must pay particular special attention to the state. For what reason? Because of the position, the role and the common weal as the purpose of the state. In other words, man could not lead his "good life (eu zen)" without a surrounding state and without living in

Politics must be based on ethics

by Joachim Hoefele and Moritz Nestor

When recently the Pope visited his native country Germany, he gave a much-noticed speech on political ethics before the German Bundestag on 22 September 2011. In his reflections, he focused on natural law and called for truthfulness in political action. The political-ethical core of natural law is, according to *Benedict XVI*, that "Politics must be a striving for justice, and hence it has to establish the fundamental preconditions for peace. [...] To serve right and to fight against the dominion of wrong is and remains the fundamental task of the politician." This is about "the question of what now corresponds to the law of truth, what is actually right and may be enacted as law [...]."

With these words, the Head of the Catholic Church took up *Aristotle's* claims, which have been at the center of natural law since the Greek Antiquity 2500 years ago: Politics must be based on ethics. Power alone cannot generate justice. Law must be measured against ethical standards and shaped accordingly; only then it will be just. According to Aristotle law will therefore not become just by mere controversy (discourse ethics), nor by force or ideology.

Thus the Greeks entered into a new historical stage 2,500 years ago: Natural law recognized that man cannot secure lasting peace by force, but must oblige the political powers to secure a just and safe peace.

This was due to the fact that right and wrong in the state depended on how man perceived and assessed reality. Law and equitable action are directly related to truthfulness. Anyone who perceives things as they are can live up to them and do right, and by doing so he will become happy.

Since Aristotle, the basic idea of natural law has been that man lives happily when he leads a life in harmony with the laws of external nature as well as of his social nature (zoon politicon). Conduct of life means nothing but using his senses and understanding what is right and wrong, guided by empathy. Political action on this scale approaches to justice.

It is one of the most ineffable features of our time that the intellectual elite advising our politicians is trying to destroy this

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the state. This is the basic idea of the traditional natural law theory, starting from Aristotle via *Thomas Aquinas* and the Salamanca School up to today's representatives like *Johannes Messner* and many others.¹⁰

Man, driven and urged by his social nature, forms various societies and lives within them. This is only possible if men are willing to socially cooperate by rendering mutual assistance and making sacrifices. Each society shapes its own common weal. Even if these societies contribute as much as possible, they alone cannot accomplish integration. Above these different societies, there must be a comprehensive society able to coordinate the various activities of individuals and the individual societies. This comprehensive society is no other but the state described as *Societas Perfecta* by natural law. By the political form, by the state-related nature of man the state achieves his existence.¹¹ Messner defines the purpose of the state as "the comprehensive and all-round fulfillment of the basic social functions such as self-protection of the community and the safeguarding of its legal order and its general welfare required by the full reality of human nature."¹²

The first chapter concerns man as a state-related family being if briefly summarized.

II. Man as a moral and lawful being

Man has a social as well as an individual nature and is dependent on cooperation within the society.¹³ By societal cooperation everything vital for him is being created. This may be called "culture". In and by culture man really become "man". By culture and especially by tradition, he receives a completely different initial condition for his development, in contrast to that of the animal. The animal always comes upon the same starting point. Man, however, "gets everything essential for his full development from his social tradition; that means, completely from outside his physical nature, he receives what makes him a cultural being compelled by his nature."¹⁴ In this sense man can rightly be called a "cultural being".

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unbreakable union of politics and ethics. *Jürgen Habermas* went as far as to claim that modernity had only begun when the American *John Rawles* retried to strictly separate politics from ethics towards the end of the 20th century.

However, the German resistance against *Hitler* had found its pre-state norms in the

Throughout history, man has always added to the existing culture by means of cooperation, this way always improving his life, or more precisely he has tried to do so. This way culture has always become basically richer. From the very beginning until today man has lived within the family. He then formed several societies and institutions. One of these and probably the most important one is the state.¹⁵ In the course of this development man's desire for the good and for happiness has always been at work. This drive for happiness has never been contented to live in the state. He provided the incentive for man to reach out into the world beyond the state border, to entertain communication as well as spiritual or material exchange with foreign people. This human nature, this striving to extend his world to lead a better life, to gather new experiences, seems to me one of the most important preconditions for the emergence of international law.

I mentioned above that human culture has grown richer over time. Does this also apply to law and justice? If you want to answer this question justly, you will certainly affirm it. Here are two examples.

The first example concerns moral awareness. The moral and therefore the awareness of justice as well are subjected to development, as are all theoretical insight of man in general.¹⁶ Messner's remark that the law of value equals the law of cultural growth deserves special attention in this context.¹⁷ According to Messner the essence and purpose of culture is to create the precondition and extension of an individual human life fulfillment by social cooperation. The so-called division of labor is the inevitable consequence.

"The definite knowledge of all groups contributing to the cultural process about their claim to adequate participation in the conditions and opportunities of cultural life fulfillment that have been created by division of labor" is essential.¹⁸ He continues his considerations, "The law of justice driving force cultures is rooted in this specific knowledge about this claim."¹⁹ Just think of the regenerative power of natural law, especially of the driving force of natural law in the awareness of the struggle for justice and righteousness.²⁰ This is the legal a priori in the sense of *Johannes Messner*.

ethics of natural law and was then able to summon political resistance against the dictatorship and its inhuman power. The Nazi state abused man as a means to an end, just because it despised the ethics of European tradition based on natural law. The fact that this was profoundly unjust was obvious to everyone after the Second World War.

Therefore we need an explanation whom the intellectual elite served when

The second example, which I would like to focus on, concerns the dynamics of law and justice. It is "today's *jus gentium*" that has been excellently developed and advanced by *Messner*. The *jus gentium* is often understood solely as the Roman *jus gentium*, often alone, in contrast to the *jus civile*. At most the *jus gentium* was interpreted as *jus inter gentes*, which later developed to become international law. All these forms can be regarded as "jus gentium in the historical sense". However, if we dare to ask for the origin of the *jus gentium*, we recognize that its real origin can be found in the development of moral and legal customs which are the result of a natural awareness of what is right and wrong together with the experience.²¹ Once understood it is easy to agree with *Messner* when he claims that the *jus gentium*, "is the vessel of a growing heritage of applied natural law principles".²² In the light of these considerations *Messner* stated that the essence of the legal principles such as freedom of conscience, of religious practice, of speech, of assembly, etc., represents "the peoples' natural legal consciousness at today's stage of development". This is why it equals "today's *jus gentium*".²³

In the social encyclical *Centesimus Annus* in paragraph 21, we find the term "novum *jus gentium*" which occurs in the English version as "a new right of nations".²⁴ Using the Latin term in all other translations seems more appropriate to me, since we would have a good link to *Messner's* dynamic natural law doctrine. In this sense, we can say together with *Johannes Messner*, "The *jus gentium* is not merely a historical category. Its history is a testimony of its developmental nature which includes the presence as well."²⁵

III. Man as a plaintive being

In the foregoing I have presented *Johannes Messner's* original ideas about today's *jus gentium*. A catalog of the legal principles that constitute today's *jus gentium* could be well presented, for example, by citing the Universal Declaration of Human Rights as passed by the General Assembly of 10 December 1948 and the two covenants on human rights, namely the International Covenant on Civil and Political

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they strived again at separating politics from ethics towards the end of the twentieth century and thus prepared the ground for a return to mere power politics. It really does not come as a surprise that in a world dominated by mere power politics natural law is dismissed as "Catholic special doctrine" or some other way. According to natural law, however, any imperial power politics is unjust and misanthropic. •

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Rights and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966.²⁶ The inalienability and absoluteness of human rights are often called self-evident, at least with respect to the fundamental human rights.

The Declaration of Independence of the United States of America of 4 July 1776 states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."²⁷ In the Declaration des Droits de l'Homme et Citoyen of 1789 we read the like. "Les hommes et naissent demeurent libres de droits et égaux. Les distinctions sociales que ne peuvent être fondées sur l'utilité commune." The two statements say that all men are born and created equal by nature. Is that true? Are all men really born equal? The one may affirm it. Another may deny it. It is probably useless to compare an elephant with an apple by saying that the elephant equals an apple or all elephants are equal etc.. This means nothing but all the elephants have the same length of trunk or have not. If someone says that all apples have the same red color, we can check whether the statement corresponds with the facts. Of course we know that there are different types of apples in different colors.

All men are created equal. But in what respect? We have to be clear about by what we want to compare human beings. Their skin color? Their activities of the mind, or for example, their efficiency? All this will lead to the result that the comparison concerns something different. Something more profound about the human quality? Could we perhaps say that all men are equal with respect to reason? Or they are all equal with respect to humanity? Strictly speaking, it seems to me that all people are definitely not equal neither physically nor mentally, neither in appearance nor in virtue. However, I do also agree that all men are (born) equal. But how can this be true?

Let us compare the types of fundamental human rights. In case of a famine the right to life obviously has priority over property rights. The two rights contradict each other in this case. Let us look at an intellectual example. Two people are in a boat. For some reason, the boat can now carry only one of them. Who of these two people has the inalienable inherent right to life? This has been a much discussed problem since Antiquity. The question is whether man does not have an absolute right to life from birth.

Let us now continue by a further step. "All Men are created equal." All men "are endowed by their Creator with certain unalienable rights". Among these unaliena-

ble rights "are Life, Liberty and the Pursuit of Happiness". Do the explanatory sentences delude us? They are wrong in one respect, but correct in another. There are two expressions for the actual statement. "I am a human being." The phrase describes the fact that I am a human being. When a cat says so in a comic book, the statement contradicts the fact; therefore it is wrong. Therefore actual statements are usually "verifiable". However, if the poster shows the sentence "I am a human being", this does not simply mean that it is attributed to human beings and therefore the speaker is a human being. It can mean, for example, that he wants to gain more money to live a richer life, or that he expects better working conditions from his company. If a judge says in court: "I am a human being", he may show his sympathy with the defendant. The actual statement "I am a human being" has two meanings, namely a real and a moral one.

The meaning of the Declaration of Human Rights has become quite clear from the foregoing. The sentences of the Declaration of Independence do not merely describe the existence of man, but they do manifest moral action and an oath. "We hold these truths to be self-evident." These are truths, namely moral truths. I use moral as synonymous to ethical here. My concern is the moral superiority of the fact. Moral or ethics do not develop from bare facts alone, as numerous as they may be. A question emerges here that has to be answered. If the right (in the subjective sense) develops morally and man is thus not born endowed with it (or by nature), why do we still say that man has fundamental human rights and that he is endowed with them by nature etc.?

At the age of one, man slowly begins to walk on two feet. He then learns a lot from his surroundings, his environment – mainly all matters of vital importance – in the form of traditions. This includes "the traditional behaviors of a group towards socially shaped attitudes".²⁹ "These attitudes are based on concepts, ways of thinking (language), convictions of truth, values and legal beliefs, all of which form the tradition in which man grows up. Tradition is the fundamental cultural phenomenon."³⁰ For the individual, adolescence means acquiring culture, shaping his personality and also internalization of the social and cultural features.

As for the human race, we can also recognize its development when studying the concepts of legal thought in the course of its history. The twentieth century is so often said to be the century of human rights. Perhaps we must also add the century of "wars". When did man begin to ask for his rights and handle them? Let us now address this issue.

It happened about two thousand five hundred years ago in Greece. At that time the Greeks eagerly reflected upon different issues and even tried out all sorts of things. This also applies to the rights of man. Let us now have a closer look on the Greek tragedy "Antigone" by Sophocles in order to unveil something probably important.

Antigone, daughter of King Oedipus of Thebes, had two brothers, Eteocles and Polynices, and a sister, Ismene. After King Oedipus' death, the two brothers fought against each other and killed each other in a fight. The new ruler Creon had issued a decree that threatened any person with the death penalty who buried the public enemy Polyneices.

Antigone explains her plan to her sister Ismene, who in turn tries in vain to advise Antigone against this plan. Antigone does the funeral on her own. She gets caught red-handed and is taken before Creon. The sovereign's question "And thou didst indeed dare to transgress that law?" is decidedly answered by Antigone as follows:

*"Yes; for it was not Zeus that had published me that edict; not such are the laws set among men by the justice who dwells with the gods below; nor deemed I that thy decrees were of such force, that a mortal could override the unwritten and unfailing statutes of heaven. For their life is not of to-day or yesterday, but from all time, and no man knows when they were first put forth."*³¹

We listen carefully for a while, what do the two.³²

Creon: "Thou differest from all these Thebans in that view."

Antigone: "These also share it; but they curb their tongues for thee."

Creon: "And art thou not ashamed to act apart from them?"

Antigone: "No; there is nothing shameful in piety to a brother."

[...]

Creon: "Why, then, dost thou render a grace that is impious in his sight?"

Antigone: "The dead man will not say that he so deems it."

Creon: "Yea, if thou makest him but equal in honour with the wicked."

Antigone: "It was his brother, not his slave, that perished."

Creon: "Wasting this land; while he fell as its champion."

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Antigone: "Nevertheless, Hades desires these rites."

Creon: "But the good desires not a like portion with the evil."

Antigone: "Who knows but this seems blameless in the world below?"

Creon: "A foe is never a friend – not even in death."

Antigone: "Tis not my nature to join in hating, but in loving."

Yet, Kreon does not want to listen to Antigone and insists on the immediate execution of the capital punishment. "What of the godly commandments did I transgress? They say I committed a crime because I was obedient to an unwritten law."³³ Haimon, son of Kreon and fiancée to Antigone tries in vain to stir the ruler from his resolve. He goes to his dead bride and commits suicide. *Eurydike*, Haimon's mother follows him into the grave. Thus the tragedy proceeds.

Antigone moves us deeply. I think we can understand this emotion on several levels. First of all, we feel sympathy with her situation: that she should leave the corpse of her brother unburied because of this law; second by this human law she regards herself as hurt. Third the intervention of this human law leads to the conclusion that man is not permitted to torment a people by the misuse of force. And finally this conclusion leads to a formula which has been already mentioned above, the conflict between human law and godly law, which *Alfred Verdross* sees as a new possible conflict, that the tragic dramatists once developed.³⁴ This development one might understand as the labor pains of the Declaration of Human Rights if one may say so.

Conclusion

In the previous chapter we have tried to understand – looking at the tragedy "Antigone" –, why and how the awareness and the declaration of human rights came about. Textbooks on the constitution tend to call the problem of human rights a problem of the modern era and look at their history at most beginning with the Magna Charta. Yet humanity's awareness of the problem of human rights as we saw with the example of Antigone, has begun much earlier.

Now I would like to point out some very remarkable points. The first point is the aspect that those rights are actually complaints and appeals. The second point is the fact that those complaints and appeals must originally be of a moral nature, but have been reshaped in such a way that man is endowed with the natural rights and that those rights are avouched for by the gods.

Antigone appeals against Kreon invoking the godly law. The individual is too weak in view of the ruling power. If he suffers from the violation of his rights by this power, how and invoking what can he defend his rights? The One is going to appeal to God, the other will appeal to the gods. The one who does not know God will have no choice but appeal to heaven or to nature. This shows that man by his nature is in need of a superhuman or at least supernatural authority by all means.

The third point is that there is very good reason for the positive law consisting of customs and statutes. It advocates the customary, the traditional forms of living and the state of the laws, which should have been passed with respect to the good life in the sense of the common weal.

Aristotle speaks of the "zoon politicon". We spoke of the human being as a state-related family being as well as the plaintive/complaining being.

We humans have formed different societies and lead our lives with our fellow men in them, always for the sake of the good life. State, laws and authorities and more. are to serve this purpose. Unfortunately under certain conditions the rights of men are violated by the state, by the government or by others. What could be done to guard against these infringements? Above all we should have an ear for the complaints and appeals of our fellow men. To extract the significant from the complaint of one's fellows means to respect the other one as a person.

Space and time do not permit me to deal with the subject as I have actually planned. That would take another lecture. But I am deeply convinced that to acknowledge the others as plaintive persons and respect them is of highest importance: this constitutes the result of our considerations. And we all know that we are inclined to and capable of doing so by our very nature.

And once again I would like to summarize and propose the following theses:

1. Man imperatively needs a super-human authority if it is about human rights and therefore about human dignity.
2. Human rights are rooted in the nature of man. So this statement is true: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." (Universal Declaration of Human Rights, Art. 1, 10.12. 1948)
3. In reality is it not sufficient to regard man as a merely plaintive being. Note, for example, the right to life, of the unborn child. Interest ethics – Peter Singer, Helga Kuhse and Norbert Hoerster are representatives – claim the right to life can only be attributed to

somebody who presents personality.³⁵ The result is inhuman. "So it seems that killing a chimpanzee is a greater crime than killing a human being that because of its inborn mental handicap is not a person."³⁶

I would rather agree with Günther Pöltner, who says that with every human being something has come into the world that is experienced as unconditional with all its conditionality. This experience shows that there exists a significance, which is identical with the pre-given essence of the respective being – it does not originate from any human appreciation or weighing of interests. Since this significance presents a moment of unconditionality we speak of the dignity of man, which has to be acknowledged and respected. Man's dignity lies in the representation of the unconditional.³⁷

4. The dignity of a human being is co-existent with his life. Dignity is nothing that people might give each other or anybody might give himself, but it is something that wants to be acknowledged by us since it is pre-given.³⁸
5. The dignity of man requires the protection of the family, since the family is humanity's original form of community. The healthier a family is the greater is man's chance for the good life.³⁹ •

² Cf. Hideshi Yamada, *Gemeinwohl und Gerechtigkeit in der Entwicklung, auf der Suche nach einer integralen Lehre vom Menschen*, in: Rudolf Weiler u. Akira Mizunami (Ed.), *Gerechtigkeit in der sozialen Ordnung. Die Tugend der Gerechtigkeit im Zeitalter der Globalisierung*. Berlin 1999, p. 51ff.

³ Johannes Messner, *Das Naturrecht. Handbuch der Gesellschaftsethik, Staatsethik und Wirtschaftsethik*, 7th Ed. Berlin 1984. "Der letztgenannte, von uns beschrittene Weg erweist das Naturrecht als menschliche Existenzordnung induktiv-ontologisch aus der Natur des Menschen, nämlich als der eines Familienwesens." (op cit., P. 345) and the same author, *Kulturethik mit Grundlegung durch Prinzipienethik und Persönlichkeithethik*, Innsbruck-Vienna-Munich 1954.

⁴ J. Messner, *Das Naturrecht*, p. 57. (All quotations by Johannes Messner were translated into English by Current Concerns)

⁵ cf. J. Messner, *Das Naturrecht*, chap. 47, esp. p. 314f., p. 320f. *Kulturethik*, chap. 2 and 15 as well as p. 400f.

⁶ Aristoteles, *Nikomachische Ethik*, 1. Book.

⁷ Shoji Ehara, *Genesis und Evolution des Menschengeschlechts*, Tokio 1993; Masao Kawai, *Genesis des Menschengeschlechts*. 2 Vol., Tokio 1992; the same, *Geschichte vom Affen zum Menschen*, Tokio; Junichi Yamagiwa, *Die Entstehung der Familie*, Tokio 1994. Hideshi Yamada, *Gemeinwohl und Gerechtigkeit in der Entwicklung* (Anm. 1), p. 53f.

⁸ J. Messner, *Das Naturrecht*, 2nd book, "Gesellschaftsethik".

⁹ For a long time, for example since Aristotle, the emphasis has been put on the state and thus on the common weal of the state when the bonum

Europe had a common cultural base ...

cc. Serbia belongs to the Christian cultural sphere. Owing to Peter Handke the defeated Serbia won't be completely forgotten: neither the bridge of Varvarin nor the Nato attack against the broadcasting station in Belgrad – a civilian institution. The clinically-clean surgical strike had caused the death of 16 dead employees and many injured.

Europe had a common cultural base: Christian ethics and social doctrine as well as the Enlightenment. Both pillars require compassion and respect for the dignity of man. Is that valid only for winners? Is a defeated people erased from collective memory, because there is only room for Anglo-American "tittytainment"? There are many more wounds in defeated Serbia: those who suffer from multiple cancers and those who die from it. Cancers which did never exist before 1999. About five years after such bombardments the rate starts rising and death reaper draws his late harvest.

Shared culture? Compassion? Dignity of man?

It happened on 23rd April 1999 around 2 o'clock at night, when NATO warplanes bombs destroyed the building of the RTS, the Radio-Televizija Srbije, the Serbian Radio and Television, and 16 employees were killed.

The director of the RTS, Dragoljub Milanovic, wasn't among the dead. After

a busy day he had left the house half an hour earlier, to go to sleep. He would not have thought that the station in the middle of Belgrade could be a target; naive or not, but that was it.

The later Serbian government looked at it under changed political objectives and sentenced Milanovic, on the basis that he should have evacuated all staff in time, to a ten-year imprisonment he has since been serving in Pozarevac. Peter Handke tells this story from the perspective of an observer fighting the fact that manifest injustice leaves him speechless. Thus he tells what has been and what is now, for information and with sympathy, polyphonic and straightforward all at once.

"Here a true story is to be told. But I don't know to whom. It seems to me there is no addressee for this story, at least not in the plural and not even in the singular. I also think, it is too late to tell it: I missed the moment. And nevertheless it's an urgent, compulsive story. Master Eckart once talked about his need to preach, being so strong, that he would even address it to an 'offering box' if he wouldn't find a counterpart for his sermon – if I remember correctly. This is not a matter of a sermon, but, as I said, a story. But if necessary it



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would also be told to a pile of wood or an empty snail shell or – by the way not for the first time – even to myself here all alone."

Source: Peter Handke, *Die Geschichte des Dragoljub*, p. 5
(Translation *Current Concerns*)

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commune was concerned. Messner carefully speak out for a common weal pluralism. Cf. J. Messner, *Das Gemeinwohl*, 2nd enlarged edition. Osnabrück 1968, p. 251.

¹⁰ Just to name some more scientists from the German speaking area, Alfred Verdross, Ferdinand Hermens, Joseph Höffner, Arthur Utz, Martin Rhonheimer etc.

¹¹ Ferdinand A. Hermens, *Verfassungslehre*, 2nd edition. Cologne 1968, p. 6–10.

¹² J. Messner, *Das Naturrecht*, p. 725.

¹³ Note Messner's intention when starting his social philosophy in his main work "Naturrecht" by saying: "By his nature man is a social as well as an individual being to the same degree." (*Das Naturrecht*, p. 149)

¹⁴ J. Messner, *Kulturethik*, p. 346.

¹⁵ cf. Aristoteles, *Politik*, 1st book, chapter 2, p. 1253a 30.

¹⁶ cf. Thomas von Aquin, *Summa theologiae*, III qu. 97 art. 1. "Ex parte quidem rationis, quia humanae rationi naturale esse videtur ut gradatim ab imperfectio ad perfectum perveniat."

¹⁷ J. Messner *Kulturethik*, p. 412ff.

¹⁸ J. Messner, *Kulturethik*, p. 412ff.

¹⁹ J. Messner, *Kulturethik*, p. 413. cf. also *Naturrecht*, p. 362ff.

²⁰ cf. J. Messner, *Das Naturrecht*, p. 381f.

²¹ J. Messner, *Das Naturrecht*, p. 379.

²² J. Messner, *Das Naturrecht*, p. 379.

²³ J. Messner, *Das Naturrecht*, p. 380. There the first example is "the freedom of conscience", while in the first edition of the *Naturrecht* "the

freedom of the person" appears whereas it was deleted in the last edition. How do we have to understand this? We could offer two possibilities. One possible interpretation is that for Messner the freedom of person was the freedom of the inner core of the person, namely the freedom of conscience – different from the understanding of the Habeas Corpus Act. Later he replaced the expression by the term "the freedom of conscience" in order to avoid another misunderstanding. The other possible interpretation would be: the freedom of person is a classical freedom. Messner therefore thought he did not have to include it in today's *jus gentium*. I prefer the first interpretation.

²⁴ http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html

²⁵ J. Messner, *Das Naturrecht*, p. 380.

²⁶ Cf. Ignaz Seidl-Hohenveldern, *Völkerrecht*, 9th, revised edition. Cologne-Berlin-Bonn-Munich 1997, p. 299.

²⁷ <http://www.ushistory.org/declaration/document/>

²⁸ <http://www.assemblee-nationale.fr/histoire/dudh/1789.asp>

²⁹ Johannes Messner, *Das Gemeinwohl*, 2nd edition, P. 37.

³⁰ J. Messner, *Das Gemeinwohl*, p. 37f

³¹ <http://classics.mit.edu/Sophocles/antigone.html>

³² Ibid.

³³ Ibid.

³⁴ A. Verdross, *Grundlinien der antiken Rechts- und Staatsphilosophie*, p. 38.

³⁵ Peter Singer, *Praktische Ethik*, 2nd edition, Stuttgart 1994, p. 120. There it reads: "In any case I

suggest to use the term 'person' in the sense of a rational human being that is conscious of itself, in order to include those elements of the usual term 'human being', which are not denoted by the term 'member of the homo sapiens'".

³⁶ Ibid.

³⁷ Günther Pöltner, Respect of Dignity and Protection of Interests, in: Johannes Bonelli (ed), *Man as the Center and Measure of Medicine*, Wien 1992, p. 31.

³⁸ cf. Günther Pöltner, *Grundkurs Medizin-Ethik*, 2nd edition, Vienna 2006, p. 50.

³⁹ In this context I would like to mention a very interesting interview here with Ms Gabriele Kuby entitled "For a culture of life" in *Zeit-Fragen*, 25. July 2011, 19th volume, No 30. With respect to the significance of the family I refer to Johannes Messners statement: "Man's striving for a full-filled human existence, which can be achieved only within community life (the 'drive to happiness', urging to achieve the individual well and the common weal, does not leave it to man's caprice, whether he wants to accept or not accept what is factually right or wrong. Basic for this effect of natural law is man's nature as a family being, since man is completely bound to the community of the family in order to be able to fully develop his potential. It is man's nature itself that compels an order of living together in the community of the family that makes it possible for all to live a human existence. It is not theoretical insights into man's nature that leads to this form of living but man's experience of what he needs in order to be satisfied in his most important physical and mental demands. All beings strive for their well-being by satisfying their basic drives and needs." (J. Messner, *Das Naturrecht*, p. 314–315.)

(Translation *Current Concerns*)

Can we measure poverty?

by Professor Dr V. Nedeljkovic, Niš

We are living in a world where reality is often mixed with virtuality, a world where globalization is producing information able to exert a power that can also lead to entire disinformation. We know very well that all wars are coming with lies, but sometimes these lies stick to the brain as if they were the truth. Counterfeit civilizations will eventually produce a collapse of order and this will erase the truth about the nations and their wars, particularly in the fragile Balkans. The last Balkan wars have brought death, destruction and, in the aftermath, poverty. In order to destroy an internationally recognized state, suitable conditions are created for a dangerous crisis in the most fragile part of Europe. The "logical" consequence of this is the permanent presence of US and NATO armed forces. All this is based on the US-strategic route towards global control.

The world economic crisis is leading to an accelerating race among the big players, deepening the gap between rich and poor. Inequality is spreading at a global scale. A poor citizen, and even a middle class citizen, has fewer chances to rise to the top of society than a wealthy citizen.

This inequality in the distribution of goods has become a problem everywhere, since 40 percent of the world population (some 2.5 billion people) live with less than two dollar per day while the richest ten percent own 54 percent of the global wealth. The fact that the rich are getting richer and richer while the poor become poorer is often used in debates between proponents and opponents of capitalism.

Last August, thousands young people went into the streets to protest against the political, economic and social situation in the repressive societies they are living in.

The smoke in the burning houses in the poor London suburbs is obstructing the view of the inhabitants of the elegant neighborhoods. None of those working in the luxury offices in the business areas of the East End considers himself partially responsible for the youth uprisings. The politicians excuse themselves by stating that the cause for the rebellion was actually the youth's "family situation", the "education system", describing the rebels as "sick". They ignore the alarming gap between rich and poor that obviously is one of the main reasons for the vandalism.

The inequality of the distribution of wealth in British society is not just a phantasy of the Tottenham youth or other poor regions. Serious analysis confirms that Great Britain is suffering from substantial social-economic differences and they believe that this difference will increase as

soon as all currently planned cost-cutting measures will be implemented.

This situation is the result of a decade-long division of citizens and social exclusions which will be aggravated by those measures. The police can control a certain number of citizens but this is not suitable as a long-term policy. Because all that may happen again.

How can we measure the poverty in Great Britain and compare it to the poverty in the poorest countries of Africa? Great Britain, one of the most developed countries in the world, formerly a world-leader proud of its just society and its advanced parliamentary democracy?

The *Gini Coefficient*, invented by the Italian statistician *Corrado Gini*, measures the distribution of income. According to this method, the distribution of the total income is assessed in a scale of 0 to 100. A coefficient of 0 would mean that all citizens have the same income while a coefficient of 100 implied that a single person would have got the whole income of the state.

For Great Britain, the Gini Coefficient is 34, making it one of the European countries with the largest difference between poor and rich – for comparison: before the recent revolution, Egypt had a similar Gini Coefficient. A global survey shows that the largest socio-economic differences are found in capitalist America, in communist China but also in poor Africa.

According to the latest data published by the CIA and international economic organizations, we find the following Gini Coefficients: United States 45 (also high), Russia 42.2, China 41.5–50, Japan 39.7, Hongkong 53.3, Brazil 56.7 (one of the most dynamic economics globally), Namibia 70.7, South Africa 65, Lesotho 63.2, Sierra Leone 62.9, Central African Republic 61.3, Gambia 50.8, Sambia 50.2, Haiti 59.2, Columbia 58.5, Guatemala 55.1, Honduras 53.3, Chile 52.4. In Europe we find: Balkan states 26–34.1, Serbia 33, EU average 30.4, Norway 25, Sweden 23 (the lowest globally).

The largest increase in inequality of income is found in China whose Gini Coefficient has exploded in the last few years.

Forbes is listing 64 Chinese among the 937 richest people in the world. In spite of several measures the current Chinese government has not succeeded in reducing the huge social differences. Some critics of Communism see the fact that the powerful state-owned enterprises try to keep power and wealth among themselves as the reason for the big differences. This is confirmed by the statistics showing that the fraction of the employees' wages relative to the total social income has decreased

from 53.4 to 46 percent in the years between 1997 and 2007 while the public revenues have substantially increased. The analysts say that this could imply that the economic position of a country has become very strong while the citizens' situation has deteriorated. This is best confirmed by the large number of billionaires on the Forbes list. The rich, of course, have no reason to change this.

After the bombing of Serbia by the NATO and the secession of the Kosovo, Serbia entered a crisis of several years with a strong polarization of political forces, with wealth and political power held by the same people. The politicians are wasting a large part of their energy for internal conflicts and mutual accusations. Unemployment is rising, corruption is booming and inequalities are deforming our society.

All this is weakening Serbia's power of resistance, proportionate to the decimation of its territory, supported and fostered by the western superpowers.

(Translation *Current Concerns*)

Current Concerns

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Russia promises assistance to overcome EU's economic problems

ab. After months of conspicuous agitation against Russia in all kinds of media, the hearts of which are beating transatlantically, and after months of conspicuous inactivity and standing by voyeuristically while the economic crisis has been proceeding, solvent Russia demonstrates cooperation. Both the abundant money in private hands within the European countries and the liquid neighbor in the East is what could help avoiding the crisis. Who is it who wants unemployment and is satisfied that the human and qualified activities lie waste?

At a news conference after the Russia-EU summit in Brussels, Russian President *Dmitry Medvedev* confirmed, that Russia will help the European Union overcome its economic problems.

Russia was very interested that the EU remained a powerful political and economic force because Russia and Europe had deep civilization and mutually beneficial ties, Medvedev said.

"That is why a united Europe is very important for Russia. For us it is important that European states should come to an agreement, show restraint and courage

in this uneasy situation and preserve all that has been done over the past decades and ultimately preserve one of the most important reserve currencies, I mean the euro," Medvedev said.

That would be both in the interest of the European Union and Russia: the euro holds a 41-percent share in Russia's international reserves. Therefore, "we are offering [the EU] our assistance. We have a quota in the International Monetary Fund and correspondingly we'll honor all our obligations as an IMF member and are ready to invest the required funds to support the European economy and the euro zone," Medvedev said.

According to him, Russia is prepared to consider further supporting measures. In doing so, the decisions taken by the EU states would be decisive.

"Ultimately, it is only Europe that is able to help itself, however, other countries had to create the conditions that Europe will be able to master the crisis and get out of the plummet. We would like to contribute to that," Medvedev said. •

Source: *Ria Novosti*, 15 December 2011
(Translation *Current Concerns*)

Solid Cooperative Financial group EthikBank calls for sustainable assessment standards for state and corporate ratings

In the most recent upgrading of the ratings for the cooperative banking group Standard & Poor's (S&P) the EthikBank gives evidence of the strength and reliability of the cooperative banking organization. The chairman of the executive board of EthikBank, Klaus Euler, considers cooperatives for the most honest and most democratic form of law: "For 150 years, cooperatives have been based on sustainability, solidarity, and a broadly based, small-scale business model. The crisis has shown that long-term, future-oriented thinking is the only guarantee for economic stability. This has now also been recognized by Standard & Poor's." Therefore, Klaus Euler demands sustainable rating scales for states and corporate ratings, which go beyond economic indicators.

Profound change will affect rating agencies

In Klaus Euler's view financial markets are going to experience a long dry spell and a profound change in the coming years: "The freedom of "big money" is an un-real ideal. The loss of confidence in the markets can only be regained with utmost transparency and ethical values. Everybody has to contribute to this ideal – even the rating agen-

cies." Therefore the EthikBank supports the initiative of the Deutsche Umweltstiftung (German Environmental Foundation) to establish a non-profit, sustainable and transparent rating agency for Europe.

Upgrading the ratings for the cooperative financial group

This week, the Bundesverband der Volksbanken und Raiffeisenbanken (National Association of People's Cooperative Banks) announced that Standard & Poor's upgraded the rating for the cooperative banking group, including the EthikBank, one level: from A+ to AA-. This way the cooperative banking group receives the highest credit rating among German banks that are not owned by the state from S & P.

About the EthikBank

Founded in 2002, the bank invested their clients' money for people and nature. Basis for all investment transactions are their socio-ecological criteria, which are put into practice by Ethics-Research. Their actual business EthikBank publishes on the Internet. •

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Source: *Press release* EthikBank, 12.09.2011

Huge financial assets in the euro-zone

by *Gerald Braunberger*

The states of the euro-zone have amount-ed great debts. But privates have accumulated great assets – not only in the core of the monetary union. The euro-zone has enough savings to finance itself.

In the euro-zone the large national debts have considerable financial assets as their vis-a-vis.

That is shown by a glance at the list of net financial assets (financial assets minus financial debts) of European states in relation to the gross domestic product (GDP). The listing does not contain the tangible assets which are difficult to determine.

In total the capital account of the euro-zone compared with the rest of the world was almost in balance in recent years. That means that the countries of the monetary union generate the savings needed for financing the private and public investments by their own means.

The generation of financial assets is not only high in the core of the monetary union but also in countries where the financial stability is doubted. It's a lack of trust, not a lack of capital which persuaded many European mayor investors to sell government bonds from the periphery in recent months. With respect to the further placement of government bonds it is essential to restore this investor confidence. Italy and Spain in the first quarter of 2012 will try to place assets worth almost 150 billion euro.

One example is Belgium which takes the lead in the ranking of countries with the largest financial assets compared to GDP. In Belgium there are considerable assets which partly date back to colonial times. The savings accounts alone are equivalent to 200 billions of euro meaning about 60 percent of the national debts. Financing of the state is felt to be a kind of patriotic obligation by many Belgians – Flemings as Walloons. In the first week of December government bonds worth 5,7 billions were subscribed by Belgian investors as part of an extraordinary advertising campaign. This was markedly more than expected.

But the financial assets do not simply reflect the national debts, a considerable part of which is held by foreigners. In Belgium traditionally the shares plays an essential role for wealth creation. Previously the share of the legendary Société Générale de Belgique (SGB) was appreciated as asset for widows and orphans. The long

US: Growing economic inequality destroys the foundations of society: fair play and sense of community

by Joseph E. Stiglitz

It's no use pretending that what has obviously happened has not in fact happened. The upper 1 percent of Americans are now taking in nearly a quarter of the nation's income every year. In terms of wealth rather than income, the top 1 percent control 40 percent. Their lot in life has improved considerably. Twenty-five years ago, the corresponding figures were 12 percent and 33 percent.

One response might be to celebrate the ingenuity and drive that brought good fortune to these people, and to contend that a rising tide lifts all boats. That response would be misguided. While the top 1 percent have seen their incomes rise 18 percent over the past decade, those in the middle have actually seen their incomes fall. For men with only high-school degrees, the decline has been precipitous – 12 percent in the last quarter-century alone. [...]

While many of the old centers of inequality in Latin America, such as Brazil, have been striving in recent years, rather successfully, to improve the plight of the poor and reduce gaps in income, America has allowed inequality to grow. [...]

Some people look at income inequality and shrug their shoulders. [...] What mat-

ters, they argue, is not how the pie is divided but the size of the pie. That argument is fundamentally wrong. [...] First, growing inequality is the flip side of something else: shrinking opportunity. Whenever we diminish equality of opportunity, it means that we are not using some of our most valuable assets – our people – in the most productive way possible. Second, many of the distortions that lead to inequality – such as those associated with monopoly power and preferential tax treatment for special interests – undermine the efficiency of the economy. [...] Third, and perhaps most important, a modern economy requires “collective action” – it needs government to invest in infrastructure, education, and technology. [...] But America has long suffered from an under-investment in infrastructure (look at the condition of our highways and bridges, our railroads and airports), in basic research, and in education at all levels. Further cut-backs in these areas lie ahead.

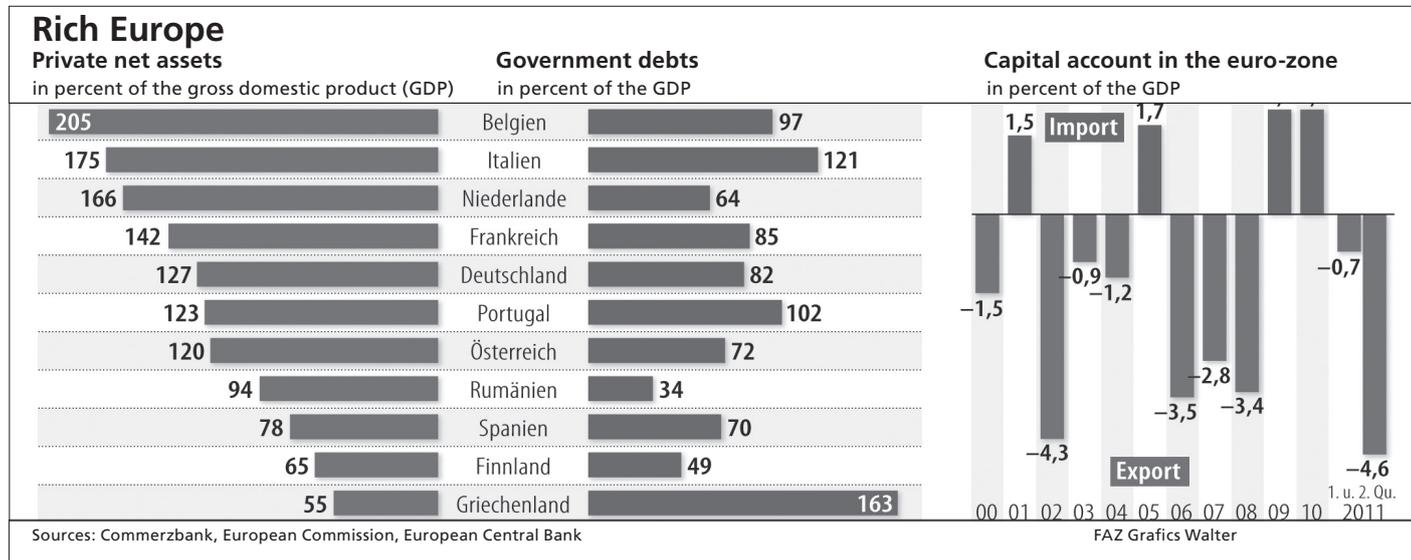
None of this should come as a surprise – it is simply what happens when a society's wealth distribution becomes lopsided. The more divided a society becomes in terms of wealth, the more reluctant the wealthy become to spend money on common needs.

The rich don't need to rely on government for parks or education or medical care or personal security – they can buy all these things for themselves. In the process, they become more distant from ordinary people, losing whatever empathy they may once have had. They also worry about strong government – one that could use its powers to adjust the balance, take some of their wealth, and invest it for the common good. [...]

Of all the costs imposed on our society by the top 1 percent, perhaps the greatest is this: the erosion of our sense of identity, in which fair play, equality of opportunity, and a sense of community are so important. America has long prided itself on being a fair society, where everyone has an equal chance of getting ahead, but the statistics suggest otherwise: the chances of a poor citizen, or even a middle-class citizen, making it to the top in America are smaller than in many countries of Europe. [...]

With youth unemployment in America at around 20 percent (and in some locations, and among some socio-demographic groups, at twice that); with one out of

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"Huge financial assets ..."

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since crushed SGB was a holding with shareholdings of Belgian utility companies, industrial and finance enterprises. Later many Belgians bought shares of the finance enterprises Fortis and Dexia.

Very striking is the high proportion of financial assets in the GDP in Portugal which almost reaches the German reference value. The explanation might be looked for in the past, too. During the dictatorship of Antonio Salazar who died in

1970 lasting for several decades important family assets developed – in a time when Portugal was the third biggest colonial power of the world. Even today they are investments in Portuguese enterprises including banks listed on the stock exchange. During the decades after Salazar new family assets developed, for example by the forming of business groups like the Jeronimo Martins Chain which is active abroad, too.

In Germany the ratio of financial assets and GDP are almost at the level of France, but clearly lower than in Italy. This un-

derlines the finding that Italy isn't a poor country, but has considerable resources at its disposal. The Italians hold clearly more than fifty percent of their national debts. This is a high value compared on international level.

But the demand did not rise through a recently performed week of advertising domestic government bonds.

Source: Frankfurter Allgemeine Zeitung, 15.12.2011, all rights reserved by Frankfurter Allgemeine Zeitung GmbH, Frankfurt.

(Translation Current Concerns)

The failure of the EU's Mediterranean policies

by Stefan Brocza

Beyond Europe's southern borders, just across the Mediterranean, historic political revolutions and transitions have been taking place in 2011 – and the European Union reacts as it always does: reserved, waiting, and falling into the usual patterns after a brief state of shock. Immediately there is talk about “differentiation” and “conditionality”, embedded in a “new quality of relations” which shall pompously be referred to as a “partnership for democracy and shared prosperity”, knowing that even the most promising visions of the last twenty years – including the “Union for the Mediterranean” – have produced more hot air than concrete results

or real changes. The EU seems to be at its wits' end, at least as far as the future of the much-trumpeted “mare nostrum” is concerned. Traditional instruments of cooperation, which were otherwise applied quite to the purpose, turn out to be without any effect.



How it all began: A sobering retrospect

The “Euro-Mediterranean Partnership” (EMP), established in 1995, was the beginning of a common regional approach to an area which had previously been known for strictly bilateral relations. As early as 1957, with the founding of the European Community (EC), France was able to award privileged status to Morocco and Tunisia, its former protectorates, as part of an additional protocol to the Treaty of Rome. Algeria, at the time still a French department, was even part of the territorial scope of these treaties. Numerous bilateral agreements between the EC and individual Med-

iterranean third countries (MTC) characterised the 1960s and the 1970s. In most of the cases individual MTCs were granted special privileges out of short-term political considerations. This was regularly criticized by the neglected countries and made new agreements necessary. The result was a confusing multitude of agreements: Association agreements with Greece (1962) and Turkey (1963) were followed by two more with Malta and Cyprus in the 1970s. What was special about these agreements was the prospect of EC accession. With other Mediterranean third countries, a va-

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six Americans desiring a full-time job not able to get one; with one out of seven Americans on food stamps (and about the same number suffering from “food insecurity”) – given all this, there is ample evidence that something has blocked the vaunted “trickling down” from the top 1 percent to everyone else.

All of this is having the predictable effect of creating alienation – voter turnout among those in their 20s in the last election stood at 21 percent, comparable to the un-

employment rate. In recent weeks we have watched people taking to the streets by the millions to protest political, economic, and social conditions in the oppressive societies they inhabit. Governments have been toppled in Egypt and Tunisia. [...] The ruling families elsewhere in the region look on nervously from their air-conditioned penthouses – will they be next? [...]

As we gaze out at the popular fervor in the streets, one question to ask ourselves is this: When will it come to America? In important ways, our own country has become like one of these distant, troubled

places. [...] The top 1 percent have the best houses, the best educations, the best doctors, and the best lifestyles, but there is one thing that money doesn't seem to have bought: *an understanding that their fate is bound up with how the other 99 percent live. Throughout history, this is something that the top 1 percent eventually do learn. Too late.*

Source: <http://www.vanityfair.com/society/features/2011/05/top-one-percent-201105>

The text is an extract of the author's article recently published in the book *Occupy*. ISBN 978-3-518-06221-0.

"The failure of the ..."

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riety of minor agreements were negotiated, but without the prospect of membership. Partial association treaties were concluded with Tunisia and Morocco in 1969. Spain and Israel on the other hand were only awarded preferential trade agreements – although they explicitly applied for association. Similar reduced treaties were concluded with Egypt, Jordan, Syria and Lebanon. The relations with Algeria remained unresolved by treaty. Thus a unique political patchwork of treaties was established, without any recognisable concept.¹

In the early 1970s, the EC decided that its foreign relations should no longer be defined by solely economically motivated trade, cooperation and association agreements. Instead, a "common foreign policy guided by political interests" should be taken into account. In 1972 the concept of "Global Mediterranean Policy" resulted from this development. The goal was uniform bilateral structures. The Global Mediterranean Policy should play a central role in future EC foreign policies, together with the also newly established Lomé Convention (which governs cooperation with the former colonies in Africa, the Caribbean and the Pacific). However, it was never implemented as planned. Instead, the EC concluded (new) cooperation agreements with MTC – without an overall concept. The southern expansion of the EC in the 1980s (Greece in 1981, Spain and Portugal in 1986) entailed a further marginalization of the remaining MTC.²

It was not until the late 1980s that the European Commission regarded it as politically necessary to formulate a "comprehensive" Mediterranean policy. The considerations aimed at a concept of "partnership" and "equal cooperation". The concept of a "Euro-Mediterranean Partnership" jelled in the early 1990s especially in the light of the increasing security issues in the Mediterranean. This development was facilitated by positive signs in the Middle East conflict. In 1991 the peace process was initiated in Madrid and the Oslo Accords were signed in 1993. Several initiatives therefore strongly urged a new approach to the countries of the Mediterranean. In 1994 all these political discussions finally resulted in a "Declaration on the importance of the Mediterranean for the EU" at the Essen Summit, a meeting of Heads of State or Government.³

The Barcelona Process: The big disappointment

The "Barcelona Declaration" (1995), the founding document of the EMP, included the following ambitious goals:

- the creation of an area of peace and stability (Basket I)

- the establishment of a zone of shared prosperity (Basket II)
- the promotion of mutual understanding among the peoples of the region (Basket III)

All that should be achieved through partnerships in the fields of politics and security, economy and finance, and through social, cultural and human relations, and, above all, through the instrument of bilateral association agreements between the EU and each individual MTC. The regional component should be based on a multilateral conference system and the implementation of numerous regional cooperation projects. The central element of the association agreement was actually the establishment of a free trade zone between the MTC and the EU by the end of 2010. Since 1995, agreements were in fact signed or enacted with most of the founding members of the EMP.⁴

The only exception was Syria, with an agreement which has been kept on hold since its initialling in 2004. In 1999 Libya was accepted as EMP observer. However, the talks conducted with Libya until recently about the opening of negotiations on a bilateral agreement took place outside the Barcelona Process. Turkey has been an official candidate for EU membership since 2004, the year in which Malta and Cyprus became EU members. In 2007 Mauritania and Albania were accepted as EMP members, two countries which both were in fact in contractual relations with the EU in the context of completely different political initiatives.⁵

It is repeatedly pointed out that the EMP is the only forum (with the exception of the United Nations), in which the parties of the Middle East conflict regularly sit at a table and discuss security issues, at least within this framework. This alone was a remarkable achievement. However, this alleged partnership is characterized more by a lack of confidence and "sense of fellowship" among the southern members. Strictly speaking, there has been little progress in security cooperation since the founding of EMP – for instance the project of a "Euro-Mediterranean Charter for Peace and Security" was a miserable failure in 2000.⁶

Another key point in the frequent critical comments about EMP are the so-called "structural asymmetries" between the EU and the EMP partner countries. This means that the EU (its member states as a whole, almost as a homogeneous block), on one side of the partnership, face the Mediterranean countries on the other side. These still represent a weak grouping, hardly capable of a joint organization. In the absence of a separate intergovernmental organization that would make the non-EU Mediterranean countries recognizable, the MTC cannot enter into a

fruitful "interregional dialogue" with the EU. In addition they are divided by various conflicts between individual MTC, not least because of the still unresolved Middle East conflict, in which Arab countries have adopted different positions.⁷

The Middle East conflict "affects the constellation of actors in the sense that the Arab partners are less likely to face the EU all together than as isolated nations".⁸ Other asymmetries are also evident in the institutional structures of the EMP – for instance it has no secretariat of its own. In the absence of a coordinating unit on the side of the MTC the European Commission has a special, prominent role in the preparation and review of meetings. Thus, within the EMP framework, a relatively homogeneous group of EU members faces the relatively heterogeneous group of MTC. Thus, the intended cooperative partnership will remain patchwork on the level of practical politics.⁹

The argument that the EMP is merely the application of an elsewhere successful concept (OSCE – Organization for Security and Cooperation in Europe) is regularly brought forward, but, unfortunately, only partially true. The idea of using a successful concept a second time is evidence of political will. The political sense of reality, unfortunately, falls short. The problems in the Mediterranean are too different and too complex, the impact of the already identified asymmetries is too high, and the sense of unity among the MTC is too weak. In scientific terms, what shows up here are "the limits of the functionalist model which lead to the situation that ownership, i.e. the MTC's interested participation, is too weak or largely absent; and the hegemony of the EU does not have the resources for real constitutive operations. Given these facts, what remains is largely asymmetric bilateral relations."¹⁰

The European Neighbourhood Policy (ENP)

Since 2004, the EU has organised the relations with its immediately neighbouring countries within the framework of the newly designed "European Neighbourhood Policy" (ENP). Originally, the intention was only for a common frame of reference for the countries which had become new EU neighbours through the EU eastern expansion. The MTC were only integrated in the ENP concept after persistent demands from France, Spain and Italy. Decisive were considerations about a balance between east and south policies. The central instrument of the ENP is the so-called "action plans" that serve to deepen the bilateral relationship of each ENP country. It is regarded as an added value that their contents are jointly agreed between the EU and each affect-

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ed ENP state. In the future the respective reform programme shall be better adjusted to the specific situation in each country.¹¹ In the usual negotiation jargon: "Unlike the EMP, the ENP is thus much more results-focussed."¹²

But already at the first interim results after 18 months of the ENP implementation it had to be stated that

- the initial results, despite differences between countries were rather "moderate"
- the ENP was unable to fix the central stumbling blocks of the Barcelona Process (especially the slow liberalisation of the agricultural and services trade, the insufficient reduction of NTBs, the lack of financial support and the overall complexity of the association agreements) and that
- with the new principle of "differentiated bilateralism" regional approaches to the management of relations between the EU and its Mediterranean partners were given less priority.¹³

With the creation of the ENP, the then European Commission President *Romano Prodi* had promised the new neighbours that a rapprochement could include all of the EU policy areas, far more than the previously everywhere announced free trade zone. This openness was certainly a central result of the recent accession of many countries to the EU and at the same time it meant admitting that a decade of the EMP process had been rather unsuccessful. Transformation processes can only be successful if the ruling elites are offered compelling incentives from outside. But this possible "carrot" is also missing in the ENP. While concrete benchmarks for economic development are included in the Action Plans, they lack comparable figures for concrete domestic policy reforms. The EU obviously still sticks to the tried and tested: economic liberalisation as the leading force, with the hope that almost automatically "spillover effects" on the political level will be attained.¹⁴

The second major point of criticism is the ENP's bilateral approach. This certainly means an opportunity for greater dynamism, since each MTC can choose the pace with which it engages in economic reforms and thus sets in motion an approximation to the EU. However, at the same time the already existing "hub and spoke effect" is solidified: The EU encourages the MDL in their competition with each other in approximating to the EU, but at the same time it gives little incentive to promote regional integration processes. In this context, it is also significant that the MTC emphasise that the bilateral ENP should only complement and

not replace multilateral EMP. On the part of the EU there is no such clear definition so far.¹⁵

The Union for the Mediterranean

One of the ideas put forward in *Nicolas Sarkozy's* 2007 election campaign was the creation of a "Mediterranean Union", in which France together with Greece, Italy, Portugal, Spain and Cyprus would take the initiative in setting up an organisation for the Mediterranean countries along the lines of the EU, with the aim of establishing common institutions. This would have meant the existing EU Med policies (EMP and ENP) taking second rank to a new subregional project. Once inaugurated president, Sarkozy continued to push his idea of a Mediterranean union as a bridge between Europe and Africa. Without going into details, he presented his ideas to the Mediterranean countries, apparently without consulting the EU Commission or any other member state of the EU. His solo gave rise to concern not only in Turkey, Libya and Algeria but also in many EU states. Even Spain expressed reservations, in that the Mediterranean Union could undermine the Barcelona process.

Unexpected criticism came from Germany, where Chancellor *Merkel* signalled that any such project must expressly include all member states. A new initiative, financed by the EU and yet not open to all its members, was unfeasible. After long disagreements, the countries reached consensus at the EU Summit in Brussels on 13 March 2008. The closing declaration contained two sentences according to which the European Council accepted a "Union for the Mediterranean" (UfM) comprising EU members and non-member Mediterranean countries. In addition, the Commission was instructed to develop proposals for the modalities of the "Barcelona Process: Union for the Mediterranean", as the initiative was named.¹⁶

The UfM was formally launched at the EU Summit on 13 July 2008 in Paris (and as a major event for the start of the six-month French EU council presidency). The members were the EU 27, all Mediterranean countries (with the exception of Libya, which boycotted the summit and only has observer status) and the two neighbouring countries of Mauretania and Jordan.¹⁷ In a declaration, all the participants swore to uphold democracy, pluralism, the rule of law and the basic human rights and freedoms.

Once again the concrete form of the UfM was not discussed with the MDL, but was laid down by the European partners. As in 1995 with the EMP, the partners again could either accept or stay out. However, given that the EU made genuine efforts to improve the possibilities for the participation of the

MDL, and an (informal) undertaking to reduce the normative dimension in practical collaboration, the MDL agreed to convert the EMP into the UfM.¹⁸

At the media presentation on 13 July 2008, the following priority projects were presented so that the urgent problems of the region could be addressed rapidly and effectively:

- The cleansing of the Mediterranean
- The establishment of international shipping routes and motorways
- The creation of a joint disaster protection system
- The encouragement of alternative forms of energy
- Collaboration in the field of research and university education
- Encouragement of a middle class
- The list contained challenging topics, conjuring the often rhetorically quoted "spirit of partnership". The real "hot" topics of the region had (wisely) been dropped once again: the hard-to-solve regional conflicts. Besides the Cyprus conflict and the Western Sahara conflict, towards which the EMP could not (and did not want to) contribute anything in 13 years: it is above all the unresolved Middle East conflict and the permanent back-and-forth movements of the Middle East peace process which present a clear parameter for success and failure in the Euro-Mediterranean relationship.¹⁹ As long as this challenge will not be addressed, all other efforts in the region will be at best "old wine in new bottles." After its foundation in 2008, it was in the first months not possible to setup the main institutions of the future UfM, in particular the Secretariat of the Union. The Israeli military operation "Cast Lead" during winter of 2008/09 resulted in an extensive blockade of the recently created UfM, as many Arab countries were no longer willing to meet with Israel under its roof. It was not until early 2010 that the Secretariat was able to start its work. Contrary to the often vaunted "partnership" or even "ownership" of the MDL, its secretary was chosen to be located in Barcelona. The summit planned for 2010 was postponed several times (due to the respective situation in the Middle East conflict). Finally, in January 2011 the Secretary General of the UfM, *Ahmed Masadeh*, announced his resignation. As a reason he cited the UfM's inability to respond to the recent unrest taking place in Tunisia and Egypt. The UfM, launched with so much pomp, did never really start working. From the beginning the project was an empty shell that was never filled with life by either side.

"The failure of the ..."

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The "Partnership for Democracy and Common Prosperity"

- The EU's first reaction towards the events in the southern Mediterranean area (especially in Egypt, Tunisia and Libya), during spring 2011, was to wait. However, after a brief moment of shock, it soon took up its old habits. In view of the "historical significance" the European countries immediately proposed a "partnership with the Southern Mediterranean Area for democracy and shared prosperity".²⁰ They evoked greater respect for human rights, pluralism, rule of law and social justice, noting that each transformation process has its pitfalls, and one always has to reckon with the imponderables of life. The EU promised to support all its neighbours in their quest for political participation, human dignity, freedom and creation of jobs. Prerequisite to achieve these were democracy, human rights, social justice, good governance and rule of law, once again. Specific conditions will be accounted for by a "differentiated approach". The much conjured "partnership for democracy and shared prosperity" was to be based on three pillars:
- Democratization and an institution-building process, with particular emphasis on fundamental freedoms, constitutional and judicial reform, fighting corruption
- closer partnership with the population, by supporting the civil society, by creating better exchange opportunities and by promoting personal contacts between people, with special emphasis on young people
- an economic development based on sustainable broad-impact growth, targeted promotion of small and medium enterprises (SMEs), promoting education and training, improving health and education systems, and promotion of the poorer regions

None of these points represent a novelty. And if the events were not of such an obvious historical significance, the list could be put aside with an amused smile. But the situation is too serious. The EU's current response is characterized by an incredible arbitrariness. This time it is not even to "old wine in old bottles". This time it is just "hot air".

The King of Kings, the Emperor of Africa – Europe's dealings with Libya

- In the early years of the EC, hardly any attention was paid to Libya. There are no special bilateral agreements recorded and no attempts by Italy (bearing in mind its historical ties or responsibil-

ity for Libya), to deal with its potential interests in North Africa at the EC level, like France. After the takeover by *Muammar al-Gaddafi* in 1969 possible relations between the EU and Libya came to a complete halt. Nevertheless, it took until 1992 that the EU imposed a formal economic and arms embargo against Libya. After the end of sanctions in late 2004, the European Commission sent a technical mission to Libya to investigate the situation and possibilities for cooperation in more detail. Subsequently, starting in 2005 several EU projects were implemented in Libya. They focused primarily on the areas of health and HIV/AIDS as part of the so-called "Benghazi Action Plan (BAP)" and on the field of migration through the "Thematic Program for Cooperation with Third Countries in the Areas of Migration and Asylum".²¹

The Relationship between the EU and Libya intensified in 2007 when Libya released five Bulgarian nurses who had previously been arrested based on allegations that they had infected Libyan children with HIV. In the same year the former EU Commissioner for External Relations and European Neighbourhood Policy, *Benita Ferrero-Waldner*, and the Libyan Minister for European Affairs, *Abdul Ati al-Obeidi*, signed a "Memorandum of Understanding," which emphasized a common interest in migration. In the following year, the European Commission started negotiations over a broader agreement, the "EU-Libya Framework Agreement". The following fields were to be covered:

- political dialogue and cooperation in foreign policy and security issues
- a comprehensive free trade zone, reaching as far as possible
- cooperation in key areas of common interest such as energy, transport, migration, visa policy, justice and interior affairs, environment and other topics like maritime policy and fisheries, education and public health.

In the context of this framework convention and in the context of increasing cooperation with Libya in 2010 the EU developed a "Country Strategy Paper (CSP) and National Indicative Program (NIP) 2010–2013" for Libya. This strategy document was signed in June 2010 by both sides and was to be financed with 60 million. Its three priorities are:

- Improving the quality of human capital
- sustainable economic and social development
- joint management to address the challenges of migration management

These various approaches were accompanied by a number of bilateral contacts to Libya. The French President Sarkozy and Italian Prime Minister *Silvio Berlusconi*, played a particularly prominent role therein.

Some years ago, respectively in context with other institutional frameworks, contact and cooperation with the regime in Libya did apparently not pose any problem. At times, observers had the impression that direct contacts to Gaddafi were sought. Noteworthy in this context is the prominent role of the revolutionary leader for many years within the African Union (AU) – including the major EU-Africa summit before 29 to 30 November 2010 in Tripoli. The meeting offered Gaddafi an international platform for disseminating his political views and considerations. The high ranking delegations from the EU Member States were listening without contradicting. Further institutionalized dialogue was taking place during the high ranking EU OPEC meetings or at meetings between the EU and the Arab League. Libya was always a welcome partner in these meetings.

Only recently, the EU's official attitude towards Libya changed. In the above-mentioned partnership for democracy and prosperity this reads as follows: "With regard to Libya, the EU sticks to its former policy, it condemns the actions of the Gaddafi regime. The EU has suspended negotiations with Libya on a framework convention as well as technical cooperation immediately. In addition to the UN sanctions, the EU adopted further restrictive measures on 28 February 2011 (e.g. embargo on equipment used for internal repression and restrictions on travel for by the EU designated persons whose assets are frozen). Proposals for further measures are available."²² In international politics things can change rapidly. Yesterday's "partners" are today's "pariah". The EU took party with the rebels. A liaison office of the European External Action Service (EEAS) in Benghazi was inaugurated at an early stage of the conflict by the High Representative *Ashton*.

EU scenarios for Libya

The EU Institute for Security Studies in Paris (virtually the community's own think tank for foreign and security policy) created three future scenarios in April 2011 entitled "After Gaddafi":²³

- 1) "The regime survives": The Gaddafi regime survives in one form or another. This would mean that he emerges either as the winner of the ongoing conflict (very unlikely), or at least he keeps the upper hand over part of the country's territory. This would be a de facto division of Libya.
- 2) "A failed state": Libya is divided and the future is controlled by rival tribes and factions. Based on current developments this cannot be entirely discounted.
- 3) "A pluralistic outcome": the Gaddafi regime collapses and will be superseded-

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"The failure of the ..."

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ed by a new, pluralistic state. This scenario is possible, desirable, but far from being achieved. The current situation in any case does not necessarily lead to this conclusion.

Now what do these three scenarios mean for the EU policy towards Libya and the entire Mediterranean area? In case the first possibility is realized, would mean a foreign policy disaster for the EU. The EU has clearly taken side for one party in the conflict. It is inconceivable how the involved persons could realistically get in contact with Gaddafi and his regime again. And even if these contacts were possible, it is very unlikely that a topic for cooperation could be found again. The second scenario would create unparalleled political unrest virtually at the EU's doorstep. There would be no more serious political contacts. Libya would become a permanent field of armed intervention. Only scenario number three would allow the EU to deal with its (certainly in many cases successful) instruments: Reconstruction aid, "institution-building", promoting the rule of law and democracy, etc. In that case the Union would know how they could and should react. The result of such an endeavor is "open-ended." Its measures are probably of bilateral nature; a unified approach for the Mediterranean area would have been deferred to a far distant future.

EU-Mediterranean Area: What to do? Who needs to do it?

Finally, the EU needs to define its interests in the Mediterranean area realistically. Is it "only" the security of energy supply (production and transportation), it is "only" trade policy (protection of the common agricultural market) or is it "also" the issues of migration and protection of the environment? Is it enough to simply build one more "free trade zone," or do we have to look for new forms of cooperation at the beginning of the 21st century? Is the EU content to establish a kind of "security zone" of semi-stable non-member countries in its surroundings – predictable, controllable states, which are possibly only pseudo-democratic states? Scientists would describe this with the phrase "externalization of security." If this is the only goal, then the EU's current approach is not so bad. It will continue to have small successes, setbacks and a few crises. It is about to "just go on". Or shouldn't the EU be more ambitious? Here are some concrete suggestions for action:

- maintaining the concept of "differentiated bilateralism" while massively supporting regional integration efforts of the Mediterranean third party countries (MDL)

- strong political incentives for transformation processes (such as options for a "privileged association").
- this involves the long-overdue internal clarification of the EU's territorial enlargement processes scope (keyword: "Limits of the EU"). Only if it's clear where the EU ends, it is possible to define adjacent areas and say goodbye to unrealistic thoughts on a "mare nostrum".
- a decision on a possible EU accession of Turkey (possibility of a strong Turkey outside the EU as a "lead nation" for the MDL)
- solution of the Cyprus question and the Western Sahara conflict
- and finally, the Herculean challenge for the entire Mediterranean: Finding a viable solution for the Middle East conflict. A first step could be based on the full political recognition of a Palestinian state. That would be a risky foreign policy at short-term, but would definitely apply leverage to the negotiations.

EU-Mediterranean relations in the next ten years: An attempt to forecast

Projections always involve the danger of making a fool out of oneself in retrospect. Nevertheless, here's a quick attempt to conclusion: The EU's Mediterranean policy in the coming ten years will probably not differ too much from today's. A few "model pupils" will be identified among the MDL, at the same time there is "still much to do", we will "face major challenges," the Middle East conflict will still not be resolved after plenty of mediation attempts (of course, there are permanently "promising new approaches involving intensive discussion"), and Turkey is still negotiating its accession to the EU. At the same time, further possible initiatives for eastern enlargement of the EU will be seriously considered and some new/old government leader (preferably from Italy or France) will propose a new concept for the revival of the "mare nostrum". The area under discussion will then be up to the Persian Gulf or the Horn of Africa and the EU will then again stare at the snake like a mesmerized rabbit. And again, nothing will happen. •

¹ Jünemann 2009, 32–33

² Jünemann 2009, 33–34

³ Simonis/Elbers, 2011, 201

⁴ Morocco, Algeria, Tunisia, Egypt, Israel, Lebanon, Syria, Jordan, Palestinian Autonomous regions, Turkey, Republic of Cyprus (EU member since May Day 2004), Malta (EU Member since May Day 2004) Zorob

⁵ 2008, 2

⁶ Asseburg 2005, 2

⁷ Simonis/Elbers, 2011, 203 Harders

⁸ 2005, 391

⁹ Simonis/Elbers, 2011, 204

¹⁰ Simonis / Elbers, 2011, 205

¹¹ Jünemann 11 2009, 48

¹² Asseburg 2005, 286

¹³ Zorob 1, 2007.

¹⁴ Jünemann, 2009, 49; Asseburg 2005, 286

¹⁵ Jünemann 2009, 49

¹⁶ Zorob, 2008, 1–5

¹⁷ In addition, several international organizations have received for observer status (non-voting) is awarded, including the United Nations, the League of Arab States, the African Union and the Maghreb Union.

¹⁸ Jünemann 2009, 50

¹⁹ Jünemann 2009, 51

²⁰ Communication from the European Commission, 8th March 2011

²¹ cf Brocza/Hunter 2011

²² European Commission 2011, 5

²³ Joffé 2011

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(Translation *Current Concerns*)

Libya – what now?

About the book “Libya – Backgrounds, Analyses, Reports”

by Dr Eva-Maria Föllmer-Müller



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Anything but a combat pamphlet pro or contra one of the conflict parties, the book “Libya – Backgrounds, Analyses, Reports” which was edited by the president of the *Society of Austro-Arab Relations* (SAAR) Fritz Edlinger and has been available on the bookmarket since September 2011 provides background analyses from a neutral position, thereby contributing to a real basis to build up peace. Going beyond common partisanship of mass media reports, this work aims at the real core of Libya’s problems.

Let us be honest: Who does really know the internal patterns of this North African state with its all together 140 different tribes?

The question, how recent events in Libya could develop, is investigated from economic-political, demographic, ethnological, anthropological and political perspectives, but also the question how things could develop further. Several aspects of the Libyan society and history are analyzed and commented on, so that the reader may better understand the country and the recent conflict. The blurb text states: “This publication aims primarily at analyzing important aspects of the younger history of Libya, characterizing central elements of the ethnic, religious, social and economic situation, describing the interests of several power centres in the country and important foreign powers as well as presenting possible scenarios of future developments.”

The authors cover a broad spectrum in their articles: Readers are informed about the 42 year history of the peoples’ Jami-hiriya and her relationship to tribal society. Moreover, they learn that pre-mod-

ern tribal structures are more influential in Libya than in most other Arabic countries. The dark age of Italian colonialism is dealt with as well, including the forced expulsion of the last remaining Italians by the revolutionary military council in 1969. Oil as the engine of modernization programmes, as well as Gaddafi’s foreign policy, economic crisis and political volte-face, civil war and intervention are important issues for understanding what is going on in Libya right now.

Gaddafi’s relationships with the European Left, Right and Greens

Konrad Schliephake’s article about demography and job market in Libya provides a good overview about how Libyans live and work. Reliable estimations about structure and developmental tendencies of the Libyan population have only been possible for about 60 years. To this day the public does not know a lot about this forth largest African territory with its about 6,5 billion inhabitants in an area of 1,775 billion sqm, 97% of which is desert.

Fritz Edlinger critically discusses relationships of “European Left, Greens and Right” with the former head of state Gaddafi. Credit should be given to the editor of the book for his honesty in this regard: When the just 27 year old army colonel Muammar al-Gaddafi had himself appointed commander in chief of the military and launched a process of radical modernization of the Libyan society under the slogan “Freedom, Socialism, Unity” he had been highly praised especially by the European Left as an example of anti-imperialist anti-colonialist revolution. Many travelled to Tripolis on invitation for festivities commemorating the 5th anniversary of the revolution in 1974 and were enthused. It was hard to foresee then that the country had developed differently and not towards democracy. Having read this book thoughtfully one will understand better why the modernization process initiated by Gaddafi failed and also, why people’s rule has never materialized in Libya: namely because the Libyan revolution had never been strongly rooted in the people from the beginning.

Patterns of political culture in the Cyrenaica

The ethnologist Thomas Hüsken analyzes the basic patterns of political culture in the Cyrenaica in his contribution, considering the revolutionary events since February 2011. Since it provides a crucial key

for really understanding this country, the coexistence of the people and their political culture, his chapter shall be described in more detail.

Together with Tripolitania in the West and Fessan in the South, the Cyrenaica is regarded as one of the three big regions of Libya. Taking this region in the East as an example, the author explains the complexity of interrelated tribal, state-bureaucratic, Islamic and urban-secular actors. In this chapter, the reader is able to comprehend why the initial anti-tribal modernization measures had to be discontinued already in the 1970s and how afterwards a non-governmental and non-revolutionary political practice evolved, which was controlled by Gaddafi and certain tribesmen: “From that point in time onwards the principles of tribal politics, such as family ties and intertribal alliances became central elements of political integration in Libya. Gaddafi’s public appearances, his symbolic performances, outfit and demeanour gradually changed from the mainly military towards a decisively tribal direction. In his speeches he referred to the nation as a big tribe rather than a society and body politic. It therefore does not come as an surprise that one of the most important inner circles of Gaddafi’s power system is referred to as *Rijal Al-Kheima* (‘men of the tent’) with explicitly tribal connotations.” (p. 51) The tribes bestow a specific identity on the Cyrenaica today and their ethical orientations and values provide her cultural framework: “Tribal politics does not necessarily mean warlike tribalism. In fact, local tribal politicians have created a transnational social order in Libya transforming elements of tribe and state into a unique pattern. This social order played an important role during the Gaddafi era and still contributes decisively to stabilizing the interim system in the East. In my opinion these actors will play a central role in shaping Libya’s political future.” (p. 53) Moreover, Thomas Hüsken gives us an insight into the delicate interplay between those tribal politicians and their associations (i.e. “corporative interpersonal networks”) – among each other, with the national transitional committee in Bengasi and international partners.

“Political Entrepreneurs”

Today most of the leaders of the associations are what might be called “politi-

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cal entrepreneurs". This refers to a specific variety of local politician who is both politically and economically active and competitive. Their position is that of mediators between the state and local or regional population: "Pursuing their goals and meeting their political tasks they employ a broad-based repertoire of tribal, governmental, Islamic and entrepreneurial elements which they acquired in years of political work." (p. 57) This kind of tribal politics is crucial for a stable transitional order after the rebellion and the new Libya after Gaddafi has to use it: "The political concepts of the political entrepreneurs may not quite live up to the current models of democracy and civil society as they are propagated by the urban intellectual circles, certain youth groups and feminist activists. For that reason they don't belong to the favourite partners of international and multilateral development agencies or representatives of non-government organizations who keep travelling throughout the country. What is at stake for the political entrepreneurs is their participation in public affairs and maintenance of relative local and regional autonomy. From this perspective political predictability and reliability of the state are more important than democracy in the Western sense of the word." (p. 59) As important in the political process are, according to Hüsken, the Islamic preachers who are legitimized by their charitable and social activities. They promote a rather conservative blend of Islam in the population, which Muslim brotherhood missionaries returned from exile find compatible with their own views: "The legitimacy of Islamic tradition, the comforting effect of certain religious terminologies and last but not least the attitude of modesty send signals of reliability and security in times of turmoil." (p. 61) Another challenge for the new Libya is, according to the author, the social, political and economic integration of the youth, whose opportunities of participa-

tion have been, and still are, rather limited. In the Cyrenaica, for instance, half of the population is between 16 to 35 years of age, and the professional training opportunities are scarce. Hüsken also expects further challenges to arise from the future relationship between tribal leaders and the urban civil society, who view tribal politics with criticism and have limited organisational and institutional capabilities of their own.

The failure of EU mediterranean politics

The contributions of anthropologist *Ines Kohl*, entitled "Gaddafi's Instrumentalisation of the Tuareg" and "The Berbers of Libya, a people disavowed", the latter co-authored with *Rami Salem*, provide good insight into the situation of two non-Arabic tribes who partially live in Libya. In the recent conflict the Tuareg have been fighting on the side of Gaddafi while the Berbers joined the rebels. The authors name as a possible reason for this that Gaddafi's minority politics had always been to divide them into favourites, in this case the Tuareg, and oppressed ones, which applied to the Berbers. The Iraqi economy engineer *Awni S. al-Ani* spent altogether 9 years of his life as a UN diplomat in Libya. In his article "Libya, daughter of the UN" the reader learns about Libya's way leading to independence in 1949. When the victorious powers originally intended to continue the colonial status and divide the country up between themselves, this plan was spoiled by the fearless intervention of the tiny island state of Haiti, who voted against this plan and for independence instead. The reader is informed of UN politics from the perspective of a UN diplomat, from the foundation of the independent state up to the beginning of the latest conflict. It also mentions UN efforts to help the new state to fight its incredible poverty – Libya belonged to the poorest countries on earth. There were no high schools in 1948, only three lawyers, neither a doctor nor a chemist or an engineer; 95% of the population were illiterate.

Stefan Brocza's contribution about "The failure of EU mediterranean politics" is sobering, though not really surprising. The author lists not only the stages of this failure from the "Euro-Mediterranean Partnership" (EMP) of the year 1995 up to the big EU-Africa-summit held on 29 and 30 November 2010 in Tripolis, but the hypocrisy of the relations with the state of Libya, too. The last part of the book deals with the articles of *Peter Strutynski* and *Karin Leukefeld* regarding the latest conflict.

Germany will not join in the shooting

The peace researcher Peter Strutynski analyzes the role of Germany in the NATO war against Libya in his article "Germany will not join in the shooting (Deutschland schießt nicht mit)". Germany abstaining in the vote about UN resolution 1973 on 17 March 2011 and the ensuing domestic political debate are critically looked at. His contribution also asks to what extent this resolution is actually compatible with the UN Charta and international law. Karin Leukefeld is concerned with the manipulative reports from Libya which were broadcast from most media outlets including – and that was new – *Al-Jazeera*. There are several well documented examples. When reports are streamlined in order to legitimize military campaigns and when media and reporters turn out to be allies of the military and politicians, several ethical and legal red lines have been trespassed. She reminds the reader of the authentic task of the media: to inform, and provide analyses of backgrounds, objectives and plans. The articles of this publication were written when the military campaign had just lasted for a couple of months. Fritz Edlinger and the authors should be thanked for their courage, as well as the publisher *Hannes Hofbauer* and the Austrian *Promedia publishing house*.

Anybody searching for a realistic foundation to build true peace in this war-stricken land should be warmly advised to read this book. •

“Between dogs and wolves”

by Anne-Marie Brisebarre

The Bible tells us that *Abel*, the youngest son of *Adam*, who was a shepherd, gave one of his sheep to the Creator as an offering. The Muslim tradition specified that he had selected his favorite lamb that followed him everywhere. The character of the shepherd, who is close to his animals which he raises and which give food and clothing to humans, is to be found in numerous cultures; it shapes religions, literature and the arts.

The shepherd (*le berger*) is the one who “educates” the woolly animals. But in former times the name (*le berger*) was used for all, who were responsible for guarding animals, even if there are special names, depending



on whether he guarded cows (*le vacher*) or bovine (*le bouvier*), goats (*le chevrier*) or pigs (*le porcher*). A special name for those who take care of horses, does not seem to exist. Perhaps because this animal have a special status, without belonging to a herd, have many different functions – riding horse draught horse, work horse, running horse, today leisure horse.

From the village shepherd, who guards some sheep and goats, up to the large herd-shepherd, who is leading a lot of wool on his wandering, from the grandmother, who lets three cows grazing on the wayside, up to the shepherd, who gathers all cattle of the village in order to lead them up to the Alps – none of them has the same life, the same competences and responsibilities as the other one/ like the other.

In the hierarchy of the shepherd, the walking shepherds and the nomads belong to the nobility of the profession. They are specialists, regarding the relationship with the animals. The nomadic shepherds live with their animals day and night, and must fight the vagaries of the weather, and

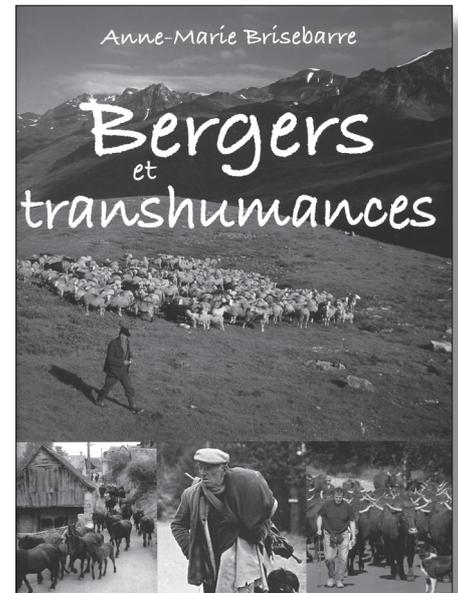
the dangers of nature. But they also understand to benefit from the surrounding flora. The flocks, which they breed, wander through an area, which the settled consider as wild and inhospitable, and make it usable. They know each centimeter, can designate each animal, even the shiest, and above all also know the plants on which their animals feed, those that can be harmful for them, but they also know the medicinal plants by which they are cured.

Among nomadic shepherds there are those, who own the flocks. Others have no or very few animals, and are employed by the owners. The breeders whose animals they lead on their wanderings, are often farmers as well. The entrepreneurs of nomadic sheep farming, also known as shepherd master, dedicate all their time and energy to their flock. During harvest time they host the animals of the small breeders and farmers. In the Cevennes, where, for a long time, I’ve been following the shepherds on their wanderings from place to place, all those who have sheep, are named shepherds (*bergers*), whether or not they walk a dozen or several hundred animals. And when they retire, they guard a few animals to be “busy” and thus continue to belong to the community of shepherds.

The shepherds, whose story I will tell here are simultaneously from yesterday and from today, timeless and modern. They seduce us, who are townspeople and who cherish the deeply rooted desire to travel, by their evident freedom and an extraordinary life in a unified world.

But the function of these shepherds is changing. While once they were economic actors, suppliers of wool, milk and meat, they have been increasingly marginalized and have ever more difficulties to find their place in our industrial society. At the same time a new role as an ecological “landscape gardener” is attributed to them. From time immemorial the nomadic sheep farming influenced the mountain landscape, by shaping nature in a certain manner. In times when the flocks were too numerous, the grazing led to erosion. This is no longer the case. Many pastures are now integrated into national or regional parks and are characterized by a diversity of species, which is due to the passage of the animals by their shepherds. This richness of plants would disappear if the summer grazing on the alps would be abandoned and the pastures would be designated to other usage.

This open landscape today attracts other nomadic flocks, those of walking and nature lovers. Will the recreational culture, which a couple of decades ago seemed competing with the activities of the shepherds and increasingly settled down in the



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Mediterranean mountain areas, become aware of the complex and irreplaceable role of the shepherds and help to save a several thousand-year-old pastoral culture?

Between dogs and wolves

For centuries, the wolf has been the worst enemy of the shepherds, and especially of his sheep. In the course of the first half of the 20th century it was believed that this species had disappeared from France – exterminated after decades of efforts of wolf hunters and farmers – and that their last representatives had become animals in zoos or tourist parks. The wolf only lived in the children’s books and the tales of the old shepherds. Their fathers or grandfathers had been forced to defend their sheep against this wild beast.

Mid-90s one had to admit that the wolf – independently or with active human help? – had returned to the Alps and found protection and defenders in the national parks who saw him not as an aggressor, but as a victim of man, a living heritage that had to be preserved in the name of biodiversity.

In 1993 the wolf was declared a protected species. On the pastures, especially in the mountains, shepherds, who again suffer wolf attacks and who no longer have the right to defend their flocks with the same weapons as their ancestors, have to make recourse to protection dogs, especially to the “Patous”, the large, white Pyrenean dogs.

Enemies of yesterday and today

Since a very long time a flock of sheep on the mountain pasture is an attractive pantry for wild animals rendering large

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areas unsafe. Wolves, lynx, bears, and also foxes have always raised their toll on sheep and lambs.

In order to be able to defend themselves against these predators in the wandering livestock economy (transhumance), the shepherds grouped their nomadic flocks closely together to keep them under better surveillance. At the halting points they set fire around the camps for the night. Some lair places were protected by a fence made of thorny branches, in order to curb the attacks of the predators.

Often they used guard dogs, that put the attackers to rout.

These large guard dogs wore special collars protecting them when a wolf jumped for their throat.

The oldest of these collars, made by blacksmiths, were manufactured from forged, moving iron parts, reinforced with iron spikes.

In order to prevent the dog from hurting himself, the shepherd pushed a piece of sheepskin between the collar and the neck of the animal.

Later on these very heavy bands were replaced by others which were made of two layers of thick leather or wood and armed with long sharp nails. Their tips were pointing outwards.

Other ways to defend themselves against wild animals were to catch them with traps, their jaws enclosing the paws of the animals. Or they drove them into deep pits. Even the large birds were suspected of foraging in the grazing sheep flocks. But the pictures showing an eagle with an adult sheep in its claws rather meet fantasy than reality. Only young lambs were a potential prey.

This superstition was partly responsible for the extermination of griffon vulture. In order to reintroduce him into the gorges of the Jonte the guards of the Cevennes National Park had to conduct an information campaign about the feeding habits of the vulture who clears the pastures of the dead animals.

The serpent eagle as well, which is a great exterminator of vipers, is a protector of the sheep and not a threat. In contrast, large ravens, crows and magpies can cause damage in the flocks. With their beaks they attack the eyes or the vulva of the lying sheep, especially of those who have given birth recently and they also attack the young lambs.

Foxes also most likely rob newly-born lambs, attracted by the smell of the blood and the afterbirth, when the sheep give birth on the pasture.

Since the births often take place at night, the shepherd even today is forced to sleep next to his sheep or to make recourse to a Patou or a donkey.

The return of the wolf, lynx and bear

Given the protected large carnivores – some of them were probably re-introduced – the breeders feel their work is not taken seriously and that they are ignored by an increasingly urban society, which calls itself “close to nature” rather ideologically: according to a survey 80% of the French want that the wolf is protected. The film “Dances With Wolves” has undoubtedly contributed to the rehabilitation of this terror of the French countryside from the past. However, it is the shepherd who lives in the mountains during long months and whose work is made more and more difficult by the presence of wolves and other predators that feed on the flock.

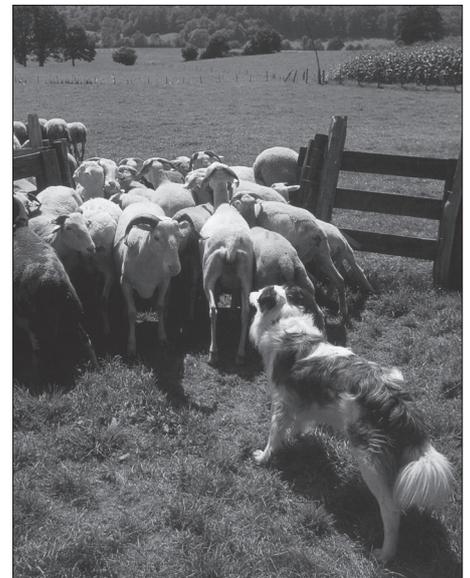
Even though wolves in the Mercantour, in the Vanoise, the Vercors, the Dauphiné, in Savoie and even in the Pyrenees seem to have immigrated autonomously from the Italian Abruzzo where they have always been present, lynxes were reintroduced in regions where they had died out a long time ago. The mediatised resettlement of individual bears in the Pyrenees to consolidate the indigenous population, which had been reduced to a few animals, prompted a veritable conflict between supporters and antagonists of bears. These animals, that were introduced from Slovenia and that had never lived in the mountains before, seem to have a stronger desire to roving compared to the indigenous bears, and they come closer to residential areas to rob honey from beehives and to slit open the bellies of the sheep.

People defending the wolves accuse the shepherds of not properly guarding their flocks on the alpine pastures and of contenting themselves with looking after their flocks only once in a while. Being bad shepherds it serves them right that wolves kill a few sheep from time to time, they say. For decades some flocks have summered on the mountain pastures a few hours on foot from their cote, being watched by the breeders in the valley with binoculars. This way the breeders can harvest the hay to feed the animals during the winter at the same time. Although most of the flocks are being watched permanently, wolf attacks cannot be prevented. Not with the best will in the world one or two shepherds are able to watch every single animal of a flock of 1500 sheep on a large-scale area. A breeder from the Camargue, who is spending the summer at the Belledonne Massif in the Department Isère, gave a personal report, which is very revealing: Before him his grandfather and his father had kept their flocks on the alpine pastures without any problems. That went on until the summer of 1998, when his flock of sheep was attacked by wolves every day and night. During the 100 days of his stay on the mountain pasture he was with his flock all the time. He actually left his cottage at night,

so that he would be able to sleep aside his sheep, even during rain and – in the last week – snow. Despite this surveillance he lost 101 sheep and his 4 rams and he had to shorten the suffering of his dying animals several times. The remaining animals of his flock did not gain weight because of the stress they were in. Since the attacks had been officially acknowledged the ministry of environment granted him a compensation of 500 Francs (approximately 75 Euro) for every animal that was killed. However, money can not compensate the loss of the sheep he had picked for breeding, everyone of which he knew well, and the increasing burden of being a breeder and shepherd.

Stray dogs

Before the return of the wolf, and even since the end of the 19th century – thus before the wolf’s extinction – the shepherd was confronted with another predator, the stray dog, the friend of man, who may be under certain circumstances, an enemy of



the flock. Even today stray dogs kill much more sheep – directly or indirectly – than wolves do. Abandoned, feral dogs attack flocks to feed on them. Sometimes it is also about village dogs, that run away and stray during the night and terrorize the sheep, and then, in the morning, return to their dog hutches and food bowls. The shepherds also accuse city dogs that are brought along by tourists and hikers and that are allowed to run free in the area in order to enjoy “happy holidays”. They can chase the animals playfully and thus are responsible for miscarriages of pregnant animals, injuries and crashes of a part of or the whole herd over a cliff. Just as the shepherd is forbidden to kill wolves, lynx or bears because of their protective status, he is forbidden to execute vigilante justice against a dog, who chases his sheep, even if some of them are injured or killed. He needs to catch and

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identify the attacker, in order to have recourse to its owner, if he wants to put an end to these attacks and to obtain compensation. But if it is really about a stray dog, an original pet, savaged and without a master, and he therefore has no contact person, then he will be tempted to solve the problem himself, and that finally!

After attacks on herds in the mountains it sometimes seems difficult to determine by the carcass, whether the attack was made by stray dogs or wolves. In July 2002, when 406 sheep from a herd of 1100 animals in the Mercantour National Park were found on the bottom of a canyon, a controversy broke out between the breeders, who were supported by the Administration of the Department for Agriculture on the one hand and the defenders of the wolf on the other hand. Six carcasses showed deep bite wounds. Since a pack of wolves had been seen in this part of the park before, it was obvious for one side that the wolf was to blame for the panic reaction of the herd, which had caused the crash. According to the opinion of nature and animal protection organizations, “France Nature Environnement” (FNE) and “Association pour la protection des animaux Sauvages” (Aspas) the wolf served the breeders as a scapegoat in need of money, although it could also have been stray dogs. The official report, however, confirmed the responsibility of the wolf and demanded the breeder’s compensation.

The guard dogs (Patou)

No matter whether now the attacks are charged to the wolves or the stray dogs, one of the solutions for the defense of the flocks is the use of guard dogs which seemed outdated for several decades. In 1982, before the reappearance of the wolf, the “Institut technique ovin et Caprin” (ITOVIC) [Technical Institute for sheep and goats] suggested to breeders from the department Lozère to use Pyrenees-guard dogs (Patous) for experimental purposes to protect the sheep against stray dogs. Since that time the guard dogs have increased in this mountainous pasture area, 80% of them are Patous. There are over 10 different breeds of large guard dogs that can handle the job, selected from European and Asian shepherds.

In order to become a good guard dog a Patou has to grow up in the middle of the flock from an early age on. With two months he is separated from his mother and siblings and kept in the sheep barn with the lambs. It is even claimed that it would be best if he was born in the sheep barn so that the sheep are the first thing he sees so that he may identify with them and becomes a real member of the flock. Unlike the shepherd dog he must not be aligned to the shepherd but to the sheep so

they feel safe in its presence. On the pasture the patou mixes among the sheep: He has their color and smell and even seems to assume their behavior. But at the slightest danger the watchdog in him awakes and he is ready to attack without requiring the shepherd’s order: He acts independently, does not withdraw and defends the sheep against all attackers by putting himself between the danger and the flock. It is not his job to pursue the attacker but to put him to flight by barking. At night he is especially vigilant. A guard dog guards 500 sheep and more if the pasture is open. In a hilly and vegetated terrain, however at least two dogs are required in order not to leave a part of the herd without protection.

Beside financial support the breeders of the region Midi Pyrénées could profit also from technical support in order to select the guard dogs, to educate and to use them. Following the local tradition they got accustomed very fast to the guard dogs again and in 2006 there were already 230 Patous back on the summer pastures. In the Alps the acceptance of the guard dog seemed to have been more difficult as the shepherds did not know to deal with these very special assistants. At the end of 2006 a national program of “guard dogs for flocks” was launched. It aims at training the breeders but also at controlling the genetic qualities of the puppies. Not all Patous are good guard dogs: some flee and leave the herd and in contrast others even prevent the shepherd from approaching his sheep. There are reports of dogs which became a predator or became dangerous for tourists when the shepherd was not close and could not stop them.

Patous and hikers

“Walkers, hikers, you can find protection dogs on your way. These are large, white dogs, who keep guard of the flocks of sheep. Originating from the Pyrenees, where they are called ‘Pastous’ (from the old French ‘pastre’, shepherd), they have helped the shepherds during a long time to protect their flocks. They are an inherent part of the French cultural heritage of the shepherds.” This information is delivered to the tourists, who cross the summer pastures in the Pyrenees. The brochure describes the Patou and its task and advises the walker, to “keep distance”, “stay calm” and “to hold his dog on the leash” during an encounter with a Patou. If he is travelling by mountain bike, he is recommended to dismount for precaution.

On the trails crossing the meadows large signs were put up to indicate the presence of the “patous”. All persons and animals entering the territory of the flock may be looked at as predators and may face the impressive guard and his 80 kilograms pouncing upon them. It is said that certain shepherds, being tired of the disturbance by

thoughtless hikers, are amused at the hikers’ fear and precipitous escape.

The donkey and the Shepherd-Lama

The Patou is not the only defender of the flocks of sheep. Even if the donkey does no longer carry the shepherd’s baggage on the pastoral wanderings, he has proved capable of protecting the sheep, in case he is contact with the sheep at a very early age, like the Patou. With an excellent ability to see and to hear and equipped with a well developed sense of smell, he is by nature aggressive towards dogs, foxes and wolves, and has an innate aversion towards them. As part of the flock he defends the sheep against these predators by biting and kicking, in order to put them to rout them, and he alerts the shepherd by his neigh. Much more astonishing is the use of a lama as guardian of a flock of sheep. Nevertheless, this experiment has been tried in the Vercors and, as it seems, successfully. Living in the flock, the lama, by his cries, warns the shepherd against the approach of a predator. As “bellwether” of the sheep, it leads them to safety. With its 200 kg of weight, it can rout the attacker. In the United States these shepherd-lamas are supposed to prove successful even against bears and cougars.

Co-existence in in pasture economy?

Can you reconcile the two existing factions, one of which claims the preservation of wolves and the reintroduction of the bear and the other the management of the pasture with sheep? The members of the first faction are townspeople by a majority living far from the places of conflict, while the farmers and shepherds in the mountain regions face a risk of attack by wild animals on their flocks every day. This stress from the past is added to the difficulties of a profession in which you have to defy the forces of nature and to overcome extremely long working days - and this in the context of today’s fun society.

If you want to promote the coexistence of livestock and large predators, as certain circles suggest one would have to implement completely different protective measures than those provided by the Patou: The surveillance of the flocks would require the employment of more shepherds or herdsmen helpers, for the night, one would need lair places with double fences, whereby the outer ones have to be electrified. But such major investments cannot be procured by the breeders. If the preservation of bears and wolves is financially supported by the state, also the extensive management of pastures in our mountains deserves help. Because without the breeders with their flocks of sheep, the mountain landscapes would be overgrown very soon: The transformation of the alpine pastures into un-

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The landscape of the Cévennes – in future nothing but a “social laboratory”?

Violation of the “Covenant on Civil Rights”

by F. Séguin

The Cévennes are among the unique landscapes in the South of France. In the North, the manifold uplands end near the Gorges du Tarn and the Mont Lozère, in the west near the city of Alès and in the South at Le Vigan – all in all some 100 to 150 km north of the Mediterranean, west of the Rhône.

The author of Treasure Island made it famous

In his diary “Travels with a donkey through the Cévennes”, the Scottish author *Robert Louis Stevenson* made the area known in the 19th century. Being lovesick, he started his hike and took notes – still worthwhile reading today – dealing in detail with the valuable and very influential history of the country: *In 1685 the Catholic Sun King Louis XIV. repealed the edict of Nantes*, which granted the Protestants in France a relative freedom of religion. The churches of the Reformed Church were then torn down at their own expenses, the pastors were expelled from the country and the services banned under the harshest penalties (galley, prison).

The history of resistance

The crowd of the faithful nevertheless secretly met in the mostly impenetrable forests of the Cévennes, but also in the numerous caves. Thousands fled to other countries, also to Switzerland.

The 100 years of oppression exerted by the confessional unilateral authority of the state are called “the time in the desert”, (“*Le temps du désert*”), which only ended with the Edict of Toleration in 1787 and the French Revolution. The Huguenot museum “*Musée du désert*” in Mialet, located in the South of the Cévennes, provides a lively documentation of this part of the country’s history known all over France. Only here in the Cévennes, the wars of the Camisards – violent uprisings against

the oppression – took place from 1702 to 1704. A brave lady among the Huguenots – as the French Protestants were called then – scratched “résister” (resisting) in a stone of the fortress Tower of Aigues-Mortes. This southern French lady, named *Marie Durand*, had to spend almost 40 years of her life in captivity in this tower.

Resistance also during World War II

“Resistance” remained central to the local and strongly religious population. Especially in the period of the Vichy Regime (1940–1942) and the German occupation of a part of southern France the same year, armed resistance, the “Maquis”, also rose up here. Many Jews and Germans, who had fled from the Nazis, were hidden without much fuss in the Cévennes, especially in farmhouses and outlying farms. An example of this is the village of Vialas.

Recognition of the Cévennes residents

Patrick Cabanel, current president of the “Club Cévenol” – an association which has been campaigning for the maintenance of the typical culture and nature of the Cévennes for more than 100 years and which publishes a quarterly magazine – has edited a book called “The Cévennes – a garden of Israel”. With great poetic force the book recognizes the work and the culture of the Cévennes’ inhabitants – often living in inhospitable areas – in the form of a promenade through history. Again and again, the inhabitants here have put up “resistance”, and with enormous tenacity and great ingenuity withstood the tough natural conditions. Here an example: To irrigate a small meadow of 20 m width, a one kilometre long water-channel was cut into the rocks from a source, as reported by the local writer *Jean-Pierre Chabrol*. In many other places, chestnut trees were planted and maintained whose fruits were used to produce flour among other things. Or beautiful terraces, called “Faisses”, were set up there in order to wrest grain from the soil (a detailed description can be found in the booklet of P. Cabanel on p. 44ff).

In the 19th century, a successful silk-worm industry was established in the southern part of the Cévennes – with the necessary thousands of newly planted mulberry trees, which still shape the landscape of the South. In many Cévennes villages, creeks were dammed up here and a small natural pool was constructed with the help of some concrete there. No one of the poor communities here can afford a large outdoor swimming pool. Cabanel’s booklet is

“Everything has two purposes. One is the ostensible purpose which will make it acceptable to people; and second, is the real purpose which would further the goals of establishing the new system and having it.”

Source:
The new order of the Barbarians,
<http://www.scribd.com/doc/10474334/The-New-Order-of-the-Barbarians-by-Dr-Lawrence-Dunegan>

a tribute, yes a deep bow, before the rebellious, tough “Cévennes residents”.

Unique natural landscape

Back to the natural landscape of the Cévennes: nature lovers always get their money’s worth in this country of soft tourism. The well known caver *Alfred Martel* (1859–1938) planned to make a nature reserve at the beginning of the 20th century, intending to open up the country for tourism.

Establishment of the “Parc national des Cévennes”

Due to the turmoil of the World War, the “Parc national des Cévennes” was only founded in 1970. As *Yves Betolaud* – the former responsible (from 1960 to 1971) for the entire French National Park projects – pointed out that the still relevant concept had already been controversially discussed from the beginning, in particular among the resident population in the region currently comprising just under a thousand inhabitants including all hamlets, villages and small towns.

Scaring example from Canada

Back to the Cévennes: in the 1960s, it was inter alia the “deep ecologists”, who wanted to discharge the Cévennes park region from all human influence. Fortunately, in 1970, their radical concept was not taken into account.

In the 1990s, the park concept is adjusted and intensified

Since the 1990s, efforts to tighten the rules for this French national park and eight more can be observed. The skeleton law for national parks adopted in 1960 by the French Parliament was newly adopted in 2006 in its revised form. Among other things it re-

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dergrowth and forest would make a rich and original floral and animal world disappear, which is preserved by the grazing of the flocks. The mountain areas, would lose a part of their residents by giving up the sheep farming, but also a part of the tourists and the lovers of rural life and the local products, which in part originate from the management of pastures. •

The text and the pictures are excerpts from the illustrated book “*Bergers et transhumance*” (De Borée, 2007) by Anne-Marie Brisebarre.

(Translation *Current Concerns*)

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"The landscape of the ..."

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quires the draft for a park charter for every national park with the processual participation of the various commissions, the population, the communities and the concerned departments. On this occasion, the Cévennes National Park should be somewhat expanded and adjusted. Now, the core area of the park will include 930 sq km and the surrounding peripheral zone will include 3720 sq km. 152 municipalities belonging to four different departments will form the territory of the park, in which currently about 75,000 people are living and working.

The innovation

What has to be changed? In 1997, as early as 14 years ago, the then officiating director of the park, *Guillaume Benoit*, explained the changes on the occasion of a big conference about the future of the Cévennes' national park, which also was declared in 1985 as biosphere reserve.

Laboratory for human beings

Above all, it has to do with the population in and around the park: "The estimated areas, expanded on its periphery (its borders), are thus invited to become social laboratories, where man must learn to act and to master his powers, in order to preserve what makes the quality and richness of the affected areas [...]" [Emphasis added by the author]

He states that this program is taken from the UNESCO's "Man and the Biosphere" (MAB) project. So there is no more word of the park inhabitants' freedom, the national orientation of the protection idea as in 1970, but of an open "planetarian" process, orientated towards the future, constantly subjecting the whole population of the park area and its borders. In Candada, the term "Leadership" was used here for the new park model. The word "laboratory" reminds of mice, monkeys, and suffering animals which are sacrificed for some matter. The then acting director of the park said in 1997, it had to do with a new cohabitation of man and nature, the model of a "sustain-

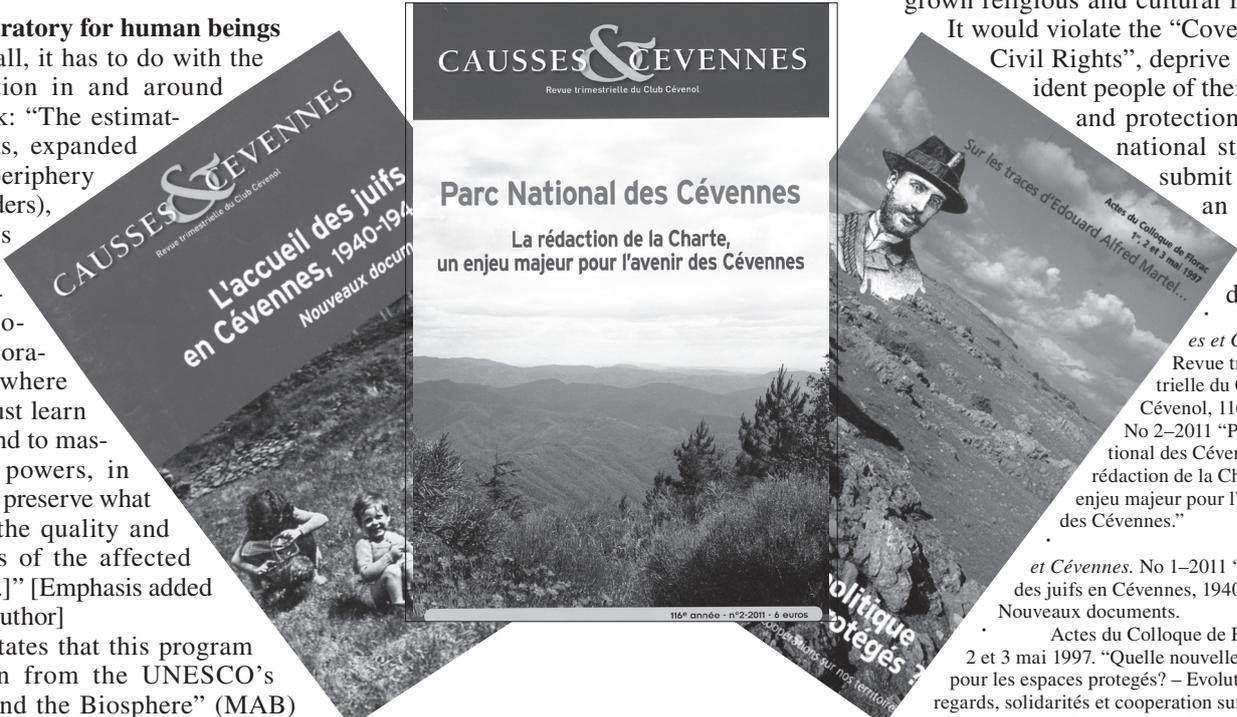
"Deep ecology"

cc. We recommend the book by *Jean-Christophe Rufin*, "100 hours", and in particular the epilogue of this novel to those who can't do anything or very little with the term "Deep Ecology". Rufin is a physician and French diplomat and knows what he is talking about. Although he refers to his novel as "fiction", he admits in the afterword to the mentioned book: "The events in this novel are admittedly not true, but alas, I fear, not unlikely." In this respect the novel and the epilogue are very important, and it contributes a lot to the information about the attitude of deep ecology.

able development", and a "profound cultural mutation".

Voices from the discussion about the new charter in 2010

What about the singular history of the Cévennes' people over the centuries?



Doesn't it count at all? Will this cultural area be changed from the roots? On the occasion of a discussion about the "charter" on 24 October 2010, organized by the club Cévenol – the discussion was also published in number 2/2011 of the club magazine – numerous alarmed inhabitants of the concerned areas demanded that the history of this area should not be ignored by the new charter. Unfortunately, current publications about the national park would include only shortened and reduced reports the historical identity of the inhabitants or even omitted them. The

mayor of Lasalle in the South Cévennes asked on this occasion whether he may repair a pool, having been "artificially" constructed by the river. Will that mean an inadmissible interference into "nature" in the future? Numerous other urgent questions were asked about the future of agriculture, hunting, medium-sized industry, use of water in the periphery, limited autonomy of municipalities. If at all, the questions were often answered in an unclear and non-binding way.

The process is being pushed ahead

The charter is thought to be drafted by 2012. In early 2013, the concerned municipalities will get one last opportunity to confirm or to withdraw their participation in the park. If they agree, they are bound irredeemably to the charter for the next 10 years.

It would certainly be a unique cultural rupture, even going beyond the borders of France, would the people who have their homes in this nature park be subject to a new legislation. Completely unnoticed, this new legislation would deprive the people of the region of their unique grown religious and cultural identity.

It would violate the "Covenant on Civil Rights", deprive the resident people of their rights and protection by the national state and submit them to an anonymous feudalism.

• *Causse et Cévennes*. Revue trimestrielle du Club Cévenol, 116^e année, No 2–2011 "Parc national des Cévennes – La rédaction de la Charte, un enjeu majeur pour l'avenir des Cévennes."

• *Causse et Cévennes*. No 1–2011 "L'accueil des juifs en Cévennes, 1940–1944". Nouveaux documents.

• Actes du Colloque de Florac 1er, 2 et 3 mai 1997. "Quelle nouvelle politique pour les espaces protégés? – Evolution des regards, solidarités et coopération sur nos territoires". Editeur: Parc national/Réserve de biosphère des Cévennes et Horizons Parcs nationaux. Florac/France 1998

• Patrick Cabanel. "Die Cévennen. Ein Garten Israels". Ed. La Colombe. Moers 2011 "Everything has two purposes. One is the ostensible purpose which will make it acceptable to people; and second, is the real purpose which would further the goals of establishing the new system and having it."

Source: *The new order of the Barbarians* <http://www.scribd.com/doc/10474334/The-New-Order-of-the-Barbarians-by-Dr-Lawrence-Dunegan>

Retaining fertile land, making room for life

The hardship of land reclamation in the Cévennes

"Yet some steps and you will bump into more rulers of stones, into houses open to the sky, their roofs consist of gardens, meadows and trees. Walls high up to three meters, which go on along the bends of the relief endlessly. One wall above the other, like a giant staircase on the mountain hill. As if some satrape architect had taken on the task of transforming the countryside into a town made from walls. A Cevennes wall. The terraces.

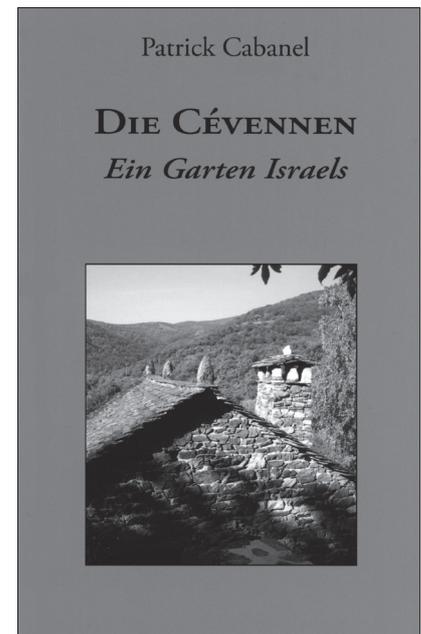
Less spectacular, less genial than on the island of Bali or in the Andes, no doubt, but containing the same lesson in humanity. The same beauty invented and maintained by farmers, masons, artists. A Haiku made from stones. You have to come here and to admire them like a painted cave, a medieval church, a castle of the Loire. Human pride, genius, and impetus are there, intact. Working on the slope and on the stone. The principle that is behind it? Stopping the loss, making room for life. You want to climb a mountain hill? Winding roads help you more than a shortcut. The stairs will give you a steady rhythm. You choose to live here, to plant trees and to harvest their fruit, greengages, nuts or chestnuts without letting them roll down the slopes? You want to make a garden, to bring in rye or wheat, to mow clover. The earth must be a little deeper. So that the water can seep into it and can drench it instead of flowing away and sweeping everything away. The water has time to mingle with the ashes and the manure you spread. We have to retain the earth, to heap it and to flatten it for men and animals and the tools to work it more easily.

The procedure is as old as the slopes and quite simple: Underneath you build a wall. It is enough to pick up the stones lying around everywhere. On the upper part you scrape the earth and heap it against the wall to fill the gap and to change the horizontal oblique, little by little. At the place where the earth was removed, we lay the foundation of another wall and we raise that one now. And so on, from bottom to top. For centuries. When a rain sweeps everything away, we pile the stones and the earth again, stones by hand, earth by shovels or by baskets. During hours we carry our soil, pressed against our bellies, with our hands full. That tells us about the relationship we entertain. We feel it in our backbones. Later the earth will carry us. Forever. And what is the name of these structures that formed the cevenol landscape into an artifice of stones? In French we speak of "terrasses". That is not quite appropriate. The stone should be emphasized. The Occitan language gets it right. Here we speak of "bancels", of banks ... or better yet faisses (pronounced as in "failir"). The same word as "faisceau" (bundle, sheaf). It designates the wickerwork, the binding, the wickerwork of stones. The slate that is joined like a wicker basket or like a parquet floor. The slopes are transformed into an amphitheatre.

There are some places where walls to dizzying heights support a strip of land not broader than two or three meters. Gardens or meadows cover the whole area, the narrow path taken by the men and the women runs once along the abyss, and once on the mountain. Everywhere, the water taken from the brooks is flow-

ing through the canals dug into the earth or carried by walls. They are called béals. They flow into open cisterns, the gorges, from where the water is distributed. Which hardship to gain all these constructions from stone or water around a hamlet or around a hillside to gain a piece of usable area for which in the plain a single field would be enough.

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Canada says good-bye to Kyoto Protocol

Germany's emission curve profits from the collapse of the GDR

ab. The Canadian population is *not* opposing environment and nature. Prime Minister Stephen Harper has been holding the view for years that the Kyoto Protocol does not really push the global climate protection forward and that it is not in the interest of Canada. He does however recognize his responsibility for his country and succeeded in bringing his country through the financial and economic crisis far better than many other industrialized nations. Canada wants to be in a position to exploit its oil and gas resources and in particular to exploit its oil sands. If this can be achieved with new technology, the country has the third biggest oil reserves of the world. Just because of this development Calgary is worth a visit. The pioneer spirit of the Canadians can be felt there in one of the most impressive technical museums showing the construction of the transcanadian railway.

pwe./ami. As the first country Canada abandoned the Kyoto Protocol for reducing greenhouse gas emissions. "Kyoto is gone for Canada", said the secretary for environment Peter Kent in Ottawa after his return from the United Nations' World Climate Conference in Durban, South Africa.

According to reports by the German delegation the country will make use of its right to withdraw from the Kyoto Protocol. As late as last week the Canadian government had denied to withdraw from the first period of the Protocol ending in 2012.

However, Canada – like Russia and Japan – had announced not to be available any longer for a second phase of voluntary emission reductions from 2013 onwards. The decision encountered sharp criticism of

environmental federations and China. The General Secretary of the World Climate Conference, Christina Figueres, by joining the Framework Convention on Climate Change said that Canada had agreed as well to a "moral obligation to protect the climate towards itself and future generations".

The Intergovernmental Panel on Climate Change IPCC pointed out that in view of today's status the target of limiting the increase of the earth temperature by two degrees could hardly be achieved.

The conservative administration, under Prime Minister Stephen Harper, in power since 2006, had always opposed the Kyoto Protocol, which had been signed by the preceding government. Kent justified the retreat by the fact that China and the United States, the two countries with the largest output of greenhouse gases had not ratified the Protocol at all.

The government is concerned that a Protocol on climate, which does not cover all big countries, would bring competitive disadvantages to the Canadian economy. According to Kent's words fulfilling the Kyoto restrictions would cost Canada approximately 14 billion Canadian dollar (approximately 10 billion euro) for the purchase of equivalent pollution rights on the international market.

To fulfill the Kyoto target by 2012 would mean to ban each truck, jeep, tractor, ambulance, each police car and all other cars from the roads. Canada would want to achieve a protocol comprising all big states. That should be the case according to the Durban decrees in 2015.

The Kyoto Protocol doesn't provide for monetary penalties in cases of disregard of

the promises. However, it is agreed upon that those countries, that will not keep their commitments until 2012, shall reduce their emissions in the next contractual period in addition to the extent of the earlier misconduct and under less favorable conditions.

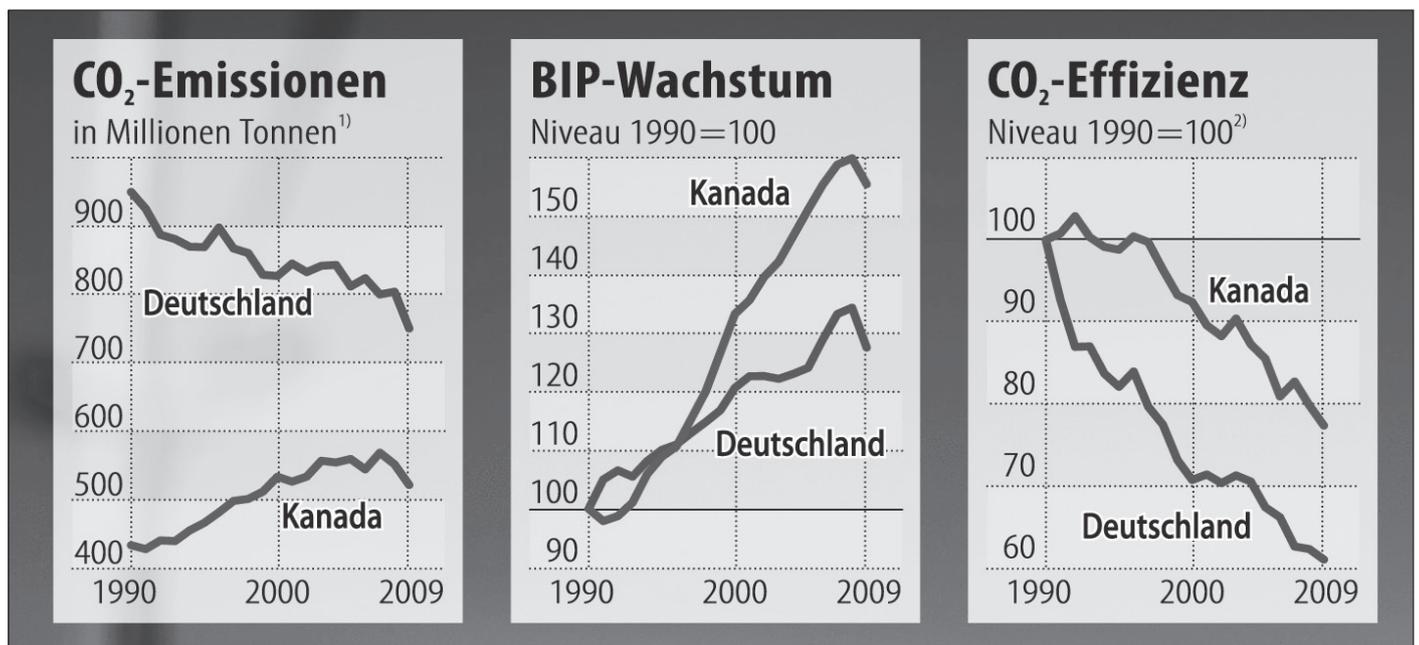
Since Canada however does not subordinate to a second Kyoto period, the sanction threat comes to nothing and Kent's sample calculation remains hypothetical. Environmentalists interpret the withdrawal of Canada from the Protocol rather as a political signal.

According to statistics of the International Energy Agency the output of the greenhouse gas CO₂ in Canada was approximately 20 per cent higher in 2009 compared to 1990. Other estimates claim more than 30 per cent. According to the Kyoto Protocol Canada would have had to lower the output of greenhouse gases by about 6 per cent until 2012.

The increased emission of carbon dioxide is predominantly caused by the strong growth of the Canadian economy since 1990. The Gross Domestic Product of Canada in 2009 was approximately 55 per cent higher compared to 1990. Its growth in Germany was at 28 per cent. With its declining trend of greenhouse gas. Germany benefits from the collapse of the GDR. Since 1992 Germany has not gained greater progress in the CO₂-efficiency than Canada, the relationship of the emitted CO₂ to the economic output.

Source: *Frankfurter Allgemeine Zeitung*, 15.12.2011, all rights reserved by Frankfurter Allgemeine Zeitung GmbH, Frankfurt.

(Translation *Current Concerns*)



1) Emission from fossil fuels. 2) CO₂ emission in relation to the GDP. Sources: IEA; IWF; F.A.Z.-Grafik Brocker, Welter

Biodiversity: No place for man?

by P.G. Bieri, Centre Patronal, Lausanne

The concern of maintaining biodiversity is not new. Therefore it doesn't justify a "strategy", which may lead to a legislation unnecessarily state-dominated, centralistic and contradicting the interests of the population.

Does Switzerland really need a strategy of biodiversity? At least the Federal Council that sent an extensive report to the public consultation procedure – seems to hold this opinion. In the beginning of this idea as is often the case there was an international agreement: the agreement on biodiversity that had been signed 20 years ago. In 2010 the signatory states drew the balance and concluded that the objectives had not been achieved. Neither the agreement nor its protocol of 2010 provided mandatory measures. Nevertheless the Federal Council wants to define a strategy for Switzerland now based on these documents, which is to stop the decline of biodiversity with new legal instruments.

You can definitely be in favour of biodiversity without approving of all ideas hiding behind this term. One should be careful especially about panaceas. Some of the outlined measures of the "biodiversity-strategy of Switzerland" for example concern the land-use planning. In an already over-regulated field the Federal Council actually is only authorized to decree framework legislation. Nevertheless cantonal and communal instruments are in danger of coming even more under the thumb of the Federal Council under the noble pretext of "preservation of biodiversity" for example by prescribing the promotion of biodiversity in urban areas.

Agriculture would also be affected by the new regulation since the Federation imposed quantitative and qualitative measures how to use the land – in a bureaucratic instead of entrepreneurial manner.



In this non-completed list of the directly influenced fields energy policy, infrastructure, tourism or the whole sector of consumption should be mentioned, as well. In this sector additional new data could be demanded.

You should not contradict the authors of the strategy when they admit openly that there can definitely be conflicts between the preservation of biodiversity and other, namely economic interests. However, there is the question if this conflict of interests is really inevitable. Rightly the report itself says that biodiversity must include not only ethical reasons like protection of the environment but, also important economic resources for man.

So why the proposed strategy focuses exclusively on the preservation of biodiversity and doesn't discuss the practical handling within the scope of activities of the

population, of humans? The biggest accusation the draft has to put up with finally is that it is based on the unsuitable idea of a constant unsolvable conflict of interests between man and nature.

The Swiss strategy of biodiversity is only a strategy and not a law. It sets a direction, which induces fear that the implementation will be state-dominated, centralistic and contradicting the (economic) activities of the population. In a country, which already knows a very extended environmental legislation and where the public and the entrepreneurial sector have a high sensibility to such topics there is no need of such a strategy. It must be rejected from the very start. •

(Translation *Current Concerns*)

Letter to  the Editor

Vapor clouds and nature parks

The participating communities have to pay a membership fee of 50,000 francs per year. They commit themselves to a ten-year contract (10 years). The park contract cannot be annihilated for 10 years. That means 10 times 50,000 francs, which makes 500,000 francs according to *Cocker*. What mountain community can afford such nonsense? Throwing away money for nothing but administrative idling. Promising people heaven on earth and high profits – this is how you pull communi-

ties over the barrel. Request to all citizens in the canton: Read the small print of the contracts and think the consequences over!

On the parking contracts: Once again, rather say *no* and think twice! At the time when the great barrage was planned in *Rheinwald*, the communities were promised welfare and wealth. In return, their land, meaning their homeland, would then be swamped. Well-ordered communities with no financial problems

would have disappeared and would have lost their existence. Citizens would have been dispersed to all cantons. Fortunately, courageous *Rheinwald* people resisted the temptations and rejected the project. Thanks to the careful and thoughtful planning by Ing. *W. Versell*, Chur, and the inclusion of the *Val di Lei*, the solution, as it exists today and has proven well for the country and its people could be realized.

Hans Versell, Parpan and Münsingen