

# Current Concerns

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

English Edition of Zeit-Fragen

## TTIP – arbitration courts – an assault on democracy and the state of law

### Human Rights compatibility of investor-state arbitration in international Investor-Protection Agreements

by Prof Dr iur et phil Alfred de Zayas, UN independent expert on the promotion of a democratic and equitable international  
Speech delivered to the parliamentary assembly of the European Council in Strassbourg 19 April 2016



Alfred de Zayas  
(picture ma)

*Dear Pieter Omtzigt, distinguished Parliamentarians, colleagues, ladies and gentlemen*

In 2012 the United Nations Human Rights Council entrusted me with the newly created mandate of the Independent Ex-

pert on the Promotion of a Democratic and Equitable Order. Since then I have presented four reports to the Human Rights Council and four to the General Assembly. Relevant to this hearing are my 2015 report to the Council (A/HRC/30/44) on bilateral investment treaties and multilateral trade agreements and my 2015 report to the General Assembly (A/70/285) on the incompatibility of the investor-state dispute settlement mechanism with numerous provisions of the UN Charter, human rights treaty obligations, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, International Labour Organization and World Health Organization Conventions, including the Framework Convention on Tobacco Control, the Framework Convention on Climate Change, numerous General Assembly Resolutions, notably the 2030 Agenda for Sustainable Development (A/70/1), and certain general principles of law such as good faith, the prohibition of abuse of rights<sup>1</sup>, and the prohibition of unconscionable or contra bonos mores agreements<sup>2</sup>.

#### Arbitration procedure violates European law

In his memorandum of 18 February 2016, Rapporteur Pieter Omtzigt focuses on the core values of the Council of Europe – democracy, the rule of law and human

rights, which must be central to any discussion on ISDS and the proposed Investment Court System. For members of the European Union, article 21(1) of the Treaty of Lisbon stipulates “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for the principles of the United Nations Charter and international law.” I consider ISDS to be unconstitutional under European law, and believe that the European Court of Justice in Luxembourg should so rule if an appropriate case is brought before it.

#### ISDS – an assault on democracy and the rule of law

As my 2015 reports to the Human Rights Council and General Assembly substantiate, ISDS constitutes an assault on democracy, subverts the rule of law and violates numerous civil, political, economic, social and cultural rights. The rule of law is not the rule of blind positivism nor of clever legalisms to undermine justice. The letter of a treaty must never be instrumentalized against its spirit.

Over the centuries, Europe and what some referred to as “civilized nations” evolved from despotism and authoritarianism to establish a system of independent public courts that function according to principles of transparency, accountability and predictability, an acquis we would like to take for granted. Yet, countries that are ostensibly committed to democracy and the rule of law have accepted the creation of a privatized system of dispute settlement that is neither transparent nor accountable and in most cases not even appealable. The credibility of the administration of justice and the necessity of stability and “Rechtssicherheit” are undermined when three arbitrators whose lack of independence and

accountability have been repeatedly signaled by experts and civil society organizations are given the power to ignore the legislation and judicial decisions of sovereign States and ultimately frustrate the democratic will of many electorates who have voted for just taxation of transnational enterprises, for environmental protection, access to generic medicines, improved labour standards, food security, employment and social programs.

#### Dictates of corporations against public social- and environmental protection measures

Experience with ISDS over the past thirty years demonstrates that some countries have been forced to roll back social legislation and that in some cases governments have not even dared to enact environmental protection measures out of fear of being sued for billions of dollars before ISDS tribunals. This regulatory chill – we may call it regulatory freeze – has impacted not only developing countries. Even countries like Canada have preferred to capitulate to threats and demands emanating from the oil and pharmaceutical industries. Germany is currently being sued by energy-giant Vattenfall because of its post-Fukushima decision to phase out nuclear energy, and the US is being sued by Trans-Canada for 15 billion dollars on account of Obama’s decisions not to allow the environmentally dangerous “Keystone pipeline” to be built. The latest assault on the right of sovereign States to protect the population and the environment is the outrageous ISDS case filed by Tobie Mining and Energy Inc. against Colombia, claiming 16.5 billion dollars in compensation on account of Colombia’s refusal to let the mining company expand into the Amazonian National Park and pollute the Amazonian rainforest.

My reports have the added value of formulating pragmatic and implementa-

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ble recommendations for the consideration of States, Parliaments, Inter-governmental Organizations, National Human Rights Institutions and civil society. Bottom line: ISDS cannot be reformed, it must be abolished.

**Promises of growth disproved by reality**

We should not be concerned only about the toxicity of future agreements such as the CETA, TPP, TTIP and TISA – we must address the continued harm caused by the existing 3200 bilateral investment agreements, which must be revisited, revised or terminated, because the world has changed since the 1980's and 1990's and we now have the empirical evidence that the promises of job creation, growth and development have not been fulfilled; we have evidence of environmental degradation, for which transnational corporations have not been held accountable.

**The example of NAFTA – millions of jobs lost**

Moreover, the gulf between rich and poor has grown nationally and internationally. Studies about the impact of NAFTA show that the United States lost millions of manufacturing and other jobs that were relocated to Mexico's maquiladoras, where not only labour costs, but labour standards and human rights protection are depressed. UNCTAD bears some responsibility for having persuaded dozens of developing nations to come to Geneva for a photo opportunity and signing of bilateral agreements that have frequently proven to be toxic to them. In this sense, UNCTAD owes an apology to those countries who relied to their detriment on UNCTAD's over-optimistic projections.

**A revision of existing treaties would be necessary, not new ones**

Again, I call upon UNCTAD to convene a world conference to revise existing trade and investment treaties according to the pertinent articles of the Vienna Convention on the Law of Treaties, including provisions on error, fraud, *rebus sic stantibus* and incompatibility with peremptory norms. In my reports to the HR Council and General Assembly, I propose to revise existing treaties by invoking the doctrine of severability and thus removing only those treaty provisions that are *contra bonos mores*, such as ISDS and "survival clauses".

**Unnecessary prioritisation of investors**

With regard to the establishment of an International Investment Court with an ap-

peal chamber, the first question is whether the US and the EU need it at all? Why should a special court give rights to investors to sue governments, whereas governments cannot sue investors before the same tribunals? And, do US and EU investors really need privileged protection? All potential parties to the TTIP are democratic States with competent and independent courts and decades of rule of law experience. In its February 2016 opinion the "Deutsche Richterbund" concluded that the ICS is not needed.

**ICS blocks social change and social justice**

I would go beyond that and insist that the very existence of the ICS would act as a brake on social change and social justice, because states would still fear frivolous and vexatious litigation. The Dean of the Colegio de la Abogacía in Barcelona and numerous Spanish judges have similarly rejected the idea of special tribunals. The only way to begin to consider ICS would be if the ICS Statute stipulates a complete carve-out of jurisdiction in matters of public health – e.g. tobacco control – environmental protection, labour standards, budgetary and fiscal policies. Moreover, the statute should clarify that in case of conflict, human rights treaty obligations prevail.

**About the meaning of states and economy**

At this juncture I would like to recall two ontologies that seem to have been lost in the ideologically-driven corporate narrative. First: the ontology of the State, its *raison d'être*, which is to legislate and regulate in the public interest. This includes taking preventive measures to avert potential harm to the population, e.g. as a result of fracking and other business activities. Second: the ontology of business, which is to take calculated risks for profit. It is not for the State to guarantee the profits of an investor, who can obtain risk insurance and factor it in as part of the cost of doing business.

**Protection of property or carte blanche for looting?**

Some advocates of ISDS like to refer to the right to property in order to validate their claim to special protection. They refer to the BITs and FTAs and invoke the principle *pacta sunt servanda* in connection with their expansive interpretations of "property", "investment" and "legitimate expectations". No one disputes that the right to property deserves protection, as reflected in Protocol I to the European Convention on Human Rights and in article 17 of the Universal Declaration of Human Rights. And while the International Covenant on Civil and Political Rights does not protect the right to property as

such, any arbitrary expropriation would constitute a violation of article 26 ICCPR, which prohibits discrimination. But let us also remember that the right to property does not prohibit expropriations in the public interest (eminent domain), and must be seen in the context of other rights, including the right of peoples to self-determination, to sovereignty over their natural resources, to free, prior and informed consent, to access to information, to public participation in the conduct of public affairs, to food, water, education, health care and culture. And while the right to property protects investors from arbitrary expropriation, it also protects the right of indigenous peoples to their natural resources (Art 1 ICCPR, ICESCR), a fact that transnational corporations and some governments blithely ignore when spoliating the indigenous of trillions of Euros worth of minerals, gold, uranium, oil, gas, timber and other "property" found on indigenous territories.

**Right to life comes before right to property**

*Pacta sunt servanda* very much applies to the international human rights treaty regime, and all States parties to the ICCPR and ICESCR must fulfill these hard law treaty obligations. States also have a legitimate interest in seeing that the provisions of these treaties are not undermined by other commitments, including trade and investment treaties. As elsewhere, there is an issue of priorities which should be settled once and for all. While corporations would like to give primacy to business-friendly human rights, it is obvious that the freedom to engage in economic activity and the right to property must be in tandem with the rights to life, food, water, health, housing and privacy.

In the European context we acknowledge that States must also fulfill the provisions of the European Social Charter. We also recognize the precedent set by the ECHR judgment in *Soering v. U.K.*, where the Court decided that the European Convention on Human Rights prevails over an extradition treaty. *Mutatis mutandis*, every judge and every arbitrator must know that an investment treaty is not a "stand alone" code and that in case of conflict with human rights treaty provisions, the latter must not only be taken into account, but should be preeminent.

**Legal protection for investors already exist**

This would not do injustice to the investor, because investors can foresee the risk and prepare for the probability that States, pursuant to their human rights treaty obligations, sooner or later will have to ad-

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just their legislation to achieve budgetary and fiscal justice, protect the population from genetically modified organisms and food products, pesticides, toxic elements in fuels and toys, and from environmental degradation. In the case of a dispute about the application of an investment treaty, the investor is not without remedy, but can always turn to the courts of the countries where they are operating, or have recourse to diplomatic protection and the well-trying State to State dispute settlement mechanisms.

**Full disclosure and public participation required**

Parliamentarians should come to grips with the paradox that while they ratify human rights treaties that impose hard law obligations, they also enter into trade and investment agreements that render the fulfillment of human rights treaties more difficult or even impossible. Under no conditions should parliamentarians accept to fast-track the adoption of trade and investment agreements, which in a democratic society, require full disclosure and public participation in conformity with articles 19 and 25 of the ICCPR. Parliamentarians should pro-actively inform their constituents about the facts and foreseeable consequences of adopting trade and investment agreements. Bearing in mind that the consequences can be very negative in the field of social rights, the adoption of free trade and investment agreements should be conditioned on public participation and referendum. Otherwise they lack democratic legitimacy, as indeed prior bilateral and multilateral agreements manifest grave democratic deficits which put into question their validity under international law. Civil society should also take advantage of the provisions of human rights treaties and submit appropriate cases to the European Court of Human Rights, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights etc. in order to challenge the application of free trade and investment treaties when they result in violations of human rights.

**Supremacy of the UN Charter**

In order to obtain greater clarity on these issues, the UN General Assembly should invoke article 96 of the Charter and request an advisory opinion from the International Court of Justice, which should specifically state that the human rights treaty regime must prevail over competing treaties. Moreover, to the extent that free trade and investment agreements conflict with provisions of the UN Charter, undermine sovereignty, democracy, the rule of law, human rights and the right to

development, the supremacy clause (charter article 103) stipulates: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." An advisory opinion by the ICJ would surely confirm this.

**Economy versus civilisation – "slave trade was also lucrative..."**

Allow me a few final thoughts before the interactive dialogue.

Modification or termination of international investment agreements may be a complex task, but much less problematic than, for example, resolving armed conflict. Time and again the world economy has had to adjust in order to advance the cause of civilization. So it was with the prohibition of the lucrative slave trade, the abolition of slavery and decolonization, which were replaced by other economic models. For centuries slavery was the de facto economic model with implicit legality; colonialism was de facto the international order. Today these practices are seen as crimes against humanity. For decades, investor-state dispute settlement arbitrations have de facto upset the international order, but they cannot trump the Charter of the United Nations. Just as other economic paradigms were abandoned, eventually investor-state dispute settlement will be recognised as an experiment gone wrong, an attempted hijacking of constitutionality resulting in the retrogression of human rights.

**Free trade must not be ends in themselves**

By way of conclusion, it would be appropriate to reaffirm that while free trade, foreign direct investment and investment agreements can be beneficial, they are not ends in themselves, and sometimes their consequences severely restrict the regulatory space of democratic governments and adversely impact the enjoyment of human rights. A strategy should be developed to ensure that trade works for human rights and does not interfere with the primary role of the state to act in the public interest. There are ample opportunities for corporations and investors to make legitimate profits and enter into genuine "partnerships" with states and not into asymmetrical relationships with rigged ISDS schemes. The rule of thumb should be to: (a) give to corporations what belongs to them – an environment in which to compete fairly; (b) give back to states what is fundamentally and inalienably theirs – sovereignty and policy space; (c) give Parliaments what demonstrates their role as true representatives and watchdogs – the faculty to consider all aspects of treaties

without secrecy and fast-tracking; and (d) return to the people their right to participation, due process and democracy.

**ISDS and ICS – contra bonos mores**

ISDS and ICS are undoubtedly contra bonos mores and must be rejected, because investors and transnational corporations are not democratic institutions and must not be allowed to interfere in the fundamental functions of States by delaying, undermining or making it impossible for States to fulfill their human rights treaty obligations. It is futile to attempt reforming this fundamentally flawed system that has already caused considerable harm to the commonweal and brought benefits only to corporations and shareholders. ISDS and ICS simply fail the test of human rights. Alas, notwithstanding serious studies by economists, lawyers and judges, human rights impact assessments and expert reports with correct diagnoses, TNCs and their powerful lobbies continue pushing forward for a corporate takeover of democratic governance, which is incompatible with the three pillars of the Council of Europe – democracy, rule of law and human rights.

I thank you for your attention.

Note: Title and intertitles by the editor

<sup>1</sup> "The doctrine of abuse of rights (or abus de droit) is one of the many outgrowths of the legal principle of good faith" Sir Robert Jennings (ed.), *Oppenheim International Law*, 9th edition, p. 407. "The doctrine prevents a Party to an agreement from exercising its rights in a way that is unreasonable in the light of the spirit of the agreement. Used frequently in international courts, the idea behind the abuse of rights doctrine is being increasingly recognised as a norm of international law." According to Hersch Lauterpacht the concept of abuse of rights is present in most developed legal systems and "it is only at a rudimentary stage of legal development that society permits the unchecked use of rights without regard to its social consequences". *The Development of International Law by the International Court*, p. 162, London, Stevens & Sons 1958. Lauterpacht, *The Function of Law in the International Community*, Chapter 14, (1933). Isabel Feichtner, *EJIL* 22, pp. 1177-1179. G.D.S. Taylor, "the Content of the Rule against Abuse of Rights in International Law", also citing Lauterpacht. <https://www.ilsa.org/jessup/jessup16/Batch%202/46BritYBIntl323.pdf>. Alexandre Kiss, "Abuse of Rights" in R. Wolfrum (ed), *Max Planck Encyclopedia of Public International Law*, Vol. I, pp. 20-26, Oxford 2012.

<sup>2</sup> Alfred Verdross, "Forbidden Treaties in International Law", *American Journal of International Law*, Vol. 31, No. 4 (1937), pp. 571 et seq. Verdross, "Les principes du droit et la jurisprudence internationale", *Recueil des Cours de l'Académie de Droit International*, La Haye, (1935), pp. 195-249. Olivier Corten, Pierre Klein, *The Vienna Convention on the Law of Treaties: A Commentary*, Vol I, p. 1461. Oxford 2011. Robert Kolb, *The International Court of Justice*, Oxford, 2013, p. 81. There is an ethical minimum standard for treaties, and a treaty which subverts ordre public or is otherwise contra bonos mores is void, e.g. if it prevents the universally recognised tasks of a civilised State such as maintenance of public order, care of the

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# “It is time for Europe to return to its own culture”

## EFTA free trade versus globalisation made in USA

by Dieter Sprock

*The real existing globalism has plunged Europe and much of the world into a deep crisis: the hotbeds of war in the Middle East and Ukraine have the potential for a global war. Will this be directed against Russia again? Likewise the uneven distribution of material goods harbours abundant social dynamite.*

The gap between rich and poor countries is becoming ever greater. For example, many full-time workers in the former Eastern Bloc countries earn less than welfare recipients without work do in some of the rich countries. But even within the poor as well as within the rich countries income disparities are scandalous. Alongside an unprecedented wealth and luxury poverty and even extreme poverty can be found in both. According to Eurostat the unemployment rate in the euro-area amounted to 10.7 per cent in October 2015, i.e. 22.5 million people were out of work, not counting those whose right to unemployment benefits had already expired. In some European countries, such as Greece, Spain and Croatia, youth unemployment is at 40 per cent and more. Add to those more than one million young people whom uncontrolled immigration brought to Europe in the last year, and who in this context have little prospect of being integrated into the labour market. They remain for years, sometimes for a lifetime, reliant on welfare and thus threaten to shatter the social systems even of the richest countries.

### “Flourishing landscapes”

After the collapse of real existing socialism at the beginning of the 90s, the West let fall any restraint and urged the countries of the former Eastern Bloc to open their markets for the globally operating financial world and to abandon their protection of their own economy.

The opening of the GDR turned into a kind of test run. In a very short time the West succeeded to take over its market of 16 million consumers and to eliminate the local economy and industry. Virtually overnight East German products were replaced by Western goods on the shelves of supermarkets. The life achievement of those people who had earned and built their lives in an economy of scarcity, their knowledge and skills, their excellent schools and training centres were completely ignored by the arrogant West. The West had no questions.

The other countries who later joined the EU went through a similar process. In order to participate in the EU internal market, they had to largely abandon their political and economic sovereignty. They have been turned into a sort of extended workbench where the groundwork for Western high finance is done, where it produces its expensive goods cheaply, taking the surplus value for its own coffers. Twenty-five years of globalisation by radical free-market recipes have not brought the promised flourishing landscapes!

### “Neoliberal freedom”

The autocracy of the neoliberal ideology has not only influenced economy and

banished every social and ethical thought from it, it has also encroached strongly on the social and private lives of individual people and transformed many areas of life by neoliberal ideas:

The most massive interventions have been made in education and training. According to neoliberal ideas children should be allowed to develop free from the disturbing influence of their parents. Education became a taboo word, and parents were recommended to adjust fully to the needs of their child.

Intervention in school pointed in the same direction. Teachers were instructed to refrain from the communication of content and to efface themselves as educators as much as possible – children were to discover everything for themselves. At the same time everything necessary for their identification with their home as well as the history of their own country was discarded from the curriculum. Globalised economy needs people who have only weak ties and can easily be deployed anywhere. Its ideology is aimed at the destruction of historically grown values and institutions.

Thus the traditional family with a father and a mother has gradually come to be seen as an involuntary and coercive community, from which an absurd gender phantasy is to free everyone. According to this phantasy every child, regardless of its natural sex, should be forced to – freely –

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bodily and spiritual welfare of citizens and protection of nationals abroad. Thomas Cottier, *The Challenge of WTO Law: Collected Essays*. Ch. 4. Good faith and the protection of legitimate expectations, London 2007. <http://www.ejil.org/pdfs/1/1/1145.pdf>. See also <https://law.wustl.edu/SBA/upperlevel/.../IntLaw-Muth-arika2.doc>.

<sup>3</sup> Nicolas Hachez, “‘Essential elements’ clauses in EU trade agreements making trade work in a way that helps Human Rights?” Working Paper No. 158, April 2015. Leuven Centre for Global Government Studies. Cf. Bruno Simma and Theodore Kill, “Harmonising investment protection and human rights: first steps towards a methodology”, in Christina Binder et al. (eds.), *International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer* (Oxford University Press, 2009).

<sup>4</sup> <http://www.clientearth.org/health-environment/health-environment-publications/legality-of-investor-state-dispute-settlement-under-eu-law-3020>

<sup>5</sup> <http://people.ffii.org/~ante/ISDS/draft-isds.html>. Pia Eberhard, Cecilia Olivet, *Profiting*

*from Injustice, how law firms, arbitrators and financiers are fueling an investment arbitration boom*, Corporate Europe Observatory, Brussels, 2012.

<sup>6</sup> Jean Feyder, La Faim Tue, preface Jean-Claude Juncker, l’Harmattan, 2010. Olivier de Schutter, *Agroecology*, 2011. <http://www.srfood.org/en/report-agroecology-and-the-right-to-food>

<sup>7</sup> Maude Barlow et Raoul Marc Jennar, “Le Fléau de l’arbitrage internationale”, *Le Monde Diplomatique*, Février 2016, p. 6; Benoit Bréville et Martine Bulard “Des tribunaux pour détrousser les Etats” *Le Monde Diplomatique*, juin 2014.

<sup>8</sup> <http://www.italaw.com/cases/3961>

<sup>9</sup> <http://ec.europa.eu/trade/policy/in-focus/ceta/>

<sup>10</sup> Benedetto Conforti and Angelo Labella, “Invalidity and Termination of Treaties: The role of National Courts” in 1 *EJIL* (1990) pp. 44-66 at 52.

<sup>11</sup> <http://www.zeit.de/politik/ausland/2016-02/ttip-deutscher-richterbund-schiedsgerichte>

<sup>12</sup> <http://jucesparalademocracia.blogspot.be/2015/06/resolucion-de-jpd-contra-la.html>  
[http://www.eldiario.es/economia/colegios-Espana-TTIP-arbitraje-inversores\\_0\\_495901200.html](http://www.eldiario.es/economia/colegios-Espana-TTIP-arbitraje-inversores_0_495901200.html)

<sup>13</sup> The hierarchy in norms was suggested in a famous dictum in the ICJ’s Barcelona Traction judgment that “basic rights of the human person” (droits fondamentaux de la personne humaine) create obligations erga omnes. Theodor Meron, “On a Hierarchy of International Human Rights Law”, *American Journal of International Law*, Vol. 80, 1986, pp. 1-23 at page 1. Sawhoyamaya Indigenous Community v Paraguay (Inter-American Court of Human Rights, judgment of 29 March 2006, paras; 137-141). In his textbook *International Human Rights Law* (Cambridge University Press, 2nd ed. 2014), Professor Olivier de Schutter lists this and other cases in favor of the argument of a hierarchy, pp. 71 - 110.

\* Production plants, located at the Mexican border along the US-American border. Often in primitive production halls on a basis of imported precursors certain consumer goods are manufactured on a duty-free and tariff-free basis for reimportation to the US or the world market. Today, the term Maquiladoras is often used as a synonym for such contract processing factories in the Latin-American region, editorial note.

### “It is time for Europe ...”

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choose whether it wants to live as a boy or as a girl.

And man is even to be able to determine freely on the end of his life...

The enforcement of the neoliberal economic concept is accompanied by the revaluation of all values. For example, the term tolerance is used to destroy binding values of coexistence and thus to overthrow its original meaning, namely indulgence and forbearance. With a hardly to be beaten measure of intolerance, the new opinion dictators demand that the opinions they have created must not only be tolerated but adopted without argument.

### Globalisation made in the US

The now US-dominated market-radical globalism has discredited valuable ideals like democracy and freedom in many parts of the world. The supranational organisations such as the IMF, World Bank, OECD, NATO and the EU are without exception under American control. None other than former national security adviser to US President Carter, *Zbigniew Brzezinski*, who is still active today in the Obama administration, boasts about the American dominance in these international institutions with provocative straightforwardness in his book “The Grand Chessboard: American Primacy and Its Geostategic Imperatives”. He writes: “The Atlantic alliance, epitomized institutionally by NATO, links the most productive and influential states of Europe to America, making the United States a key participant even in intra-European affairs. [...] Even the former Soviet space is permeated by various American-sponsored arrangements for closer cooperation with NATO, such as the Partnership for Peace.

In addition, one must consider as part of the American system the global web of specialized organizations, especially the “international” financial institutions. The International Monetary Fund (IMF) and the World Bank can be said to represent “global” interests, and their constituency may be construed as the world. In reality, however, they are heavily American dominated and their origins are traceable to American initiative, particularly the Bretton Woods Conference of 1944.” (From the chapter “Hegemony of a new type – the American global system” pp. 26)

Brzezinski pays special attention to the geopolitical importance of Ukraine. He writes about it: “Ukraine, a new and important space on the Eurasian chessboard, is a geopolitical pivot because its very existence as an independent country helps to transform Russia. Without Ukraine, Russia ceases to be a Eurasian empire.” (p. 46) And that is precisely America’s declared

strategic objective. To achieve this, America is ready to accept “the German leadership role in Europe”, “as long as it is subsumed under America’s primacy”. (p.79) Twenty years after its publication Brzezinski’s book reads like the scenario for the wars America has already waged or is apparently still planning.

The fact that even the EU is an American project is likely to have gotten about. For Brzezinski “Europe is America’s essential geopolitical bridgehead on the Eurasian continent” and “any expansion in the scope of Europe becomes automatically an expansion in the scope of direct U.S. influence as well.” (p. 59)

In his very readable booklet “How to make the European orchestra sound well again” *Werner Wüthrich* demonstrates how the United States actively prevented a merger between the then six EEC states with the seven EFTA countries and vetoed against a European Free Trade Association in the 60s. The US specially sent its Under Secretary of State *George Ball* to Berne for talks with Federal President *Traugott Wahlen* and Federal Councilor *Hans Schaffner*, who is called the father of EFTA, to negotiate on the issue of EFTA. Ball indicated that a free trade zone for all of Western Europe – without a political approach – would not be tolerated by the United States. And Federal President Traugott Wahlen commented the visit from Washington as follows: “The United States supports the objectives of the EEC and strives to create the United States of Europe. Whoever closes their minds to this objective cannot count on Washington’s sympathy. “(From the Federal Archives under [www.dodis.ch/30116](http://www.dodis.ch/30116), quoted by Werner Wüthrich, pp. 34)

### The EFTA as a possible way out of the crisis

America is no longer the only superpower. The former splendour of the American way of life has faded. Even in the EU countries, dissatisfaction is spreading widely. People want to break loose from the dictation of the EU, the governor acting for the US, because it is not in their interest to be the bridgehead for American war policy against the East. The people of Europe do not want war.

There is no shortage of analyses of today’s hazardous situation, and the ever-new revelations do more to divert attention from the actual problem than to contribute to its further elucidation. It is time for Europe to return to its own culture. Europe can look back on a long tradition of matters of upbringing and education, economy, democracy, psychology, as well as art and philosophy. It is imperative to bring this rich bouquet of knowledge and ideas back to flourish before the crumbling EU sinks into chaos and new power structures

again directed against the interests of its people grow from it.

The wheel does not have to be reinvented. The structures of the EFTA may form the framework for a liberal interaction of the countries of Europe. Contrary to the EU, the EFTA respects the states’ sovereignty. Its members work together only in those areas along which they themselves have determined, and they negotiate their agreements themselves. Europe definitely needs no American paternalism and certainly no war!

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# TTIP or the entrenchment of US hegemony in Europe?

by Stefan Haderer

The meeting between outgoing US President *Barack Obama* and German Chancellor *Angela Merkel* in Hanover in late April is said to have been very affectionate. However, so were her encounters with Obama's predecessor *George W. Bush* eight years ago. Even then, those bilateral visits were accompanied by violent protests which the German Government acknowledged with a shrug. This time it is the debate on the *Transatlantic Free Trade Agreement* (TTIP), which is gaining urgency after the recent release of undisclosed documents by *Greenpeace*.

What was brought to Hanover as one of Obama's key concerns and highly praised by Merkel as an "ambitious agreement" is judged by critics to bring on the full surrender of national sovereignty and self-determination in economic and social policy issues – from admission of the import of genetically modified goods up to the disclosure of personal data.

The timing is not unwisely selected. The Ukraine crisis has restored the situation of a new cold war on the borders with

Russia. Since Saudi Arabia's (equally strategically calculated) opening towards Iran, the United States is in danger of losing control of Saudi Arabia as an ally, as there seems to be a difference of opinions about restructuring the Middle East. Moreover, China is aiming to realise the project of a New Silk Road, with the goal of connecting the economies of East and Central Asia, Russia and Europe. The US is therefore trying to defy China's expanding growth market in multiple ways: on the one hand rising Chinese mobile phone companies such as *Huawei* and *ZTE* have to put up with sanctions. On the other hand Obama urged the ratification of the *Trans-Pacific Partnership* (TPP) between the US, Australia and several Pacific countries. The agreement was signed by twelve states in February.

In view of this background the pressure with which the pace for a similar agreement is forced in the EU, should no longer surprise anyone. Possibly the German Chancellor's euphoria in agreeing to the deal is a lot more surprising. At any rate, scandals

about eavesdropping by the US foreign intelligence NSA seem to have affected Merkel far less than the current *Greenpeace* Leaks in order to better educate the world public about the TTIP content.

EU officials have gradually to decide what kind of Europe they want to leave to future generations: Should it be a Europe soon even economically dependent on the militant US foreign policy? Should it be an emerging supervised States Union in which citizens enjoy less and less participation and in consequence turn to radical movements and parties? Or should Europe still find its way back to its role as a mediator, perceiving and respecting the concerns of its civilian population? Obama and Merkel have obviously already come to their decisions. •

*Stefan Haderer is a cultural anthropologist and a political scientist.*

Source: [http://www.wienerzeitung.at/meinungen/gastkommentare/816575\\_TTIP-oder-die-Besiegung-der-US-Hegemonie-in-Europa.html](http://www.wienerzeitung.at/meinungen/gastkommentare/816575_TTIP-oder-die-Besiegung-der-US-Hegemonie-in-Europa.html)

(Translation *Current Concerns*)

## The Greek tragedy, next act Torture without purpose and sense

by René Zeyer

*cc. On 22 May the Greek Parliament passed a legislative package of more than 7,000 pages with the votes of the governing parties. This is to meet the requirements of other EU governments. They had made radical measures a condition for new loans. The legislative package includes additional financial limitations for all Greeks, further steps to sell out of national wealth and more loss of sovereignty. On the disastrous consequences of this policy René Zeyer has already pointed out by the previous decisions of 9 May.*

The classic Greek tragedy follows a fixed structure, serves *catharsis* and has primarily an end. Their purpose is to bring about a change of heart and mind, a cleaning in the audience. The modern version under the title "Greek bailout" neither follows these rules nor any other rules.

In the last six years grants were committed in the total amount of 360 billion euros and around 241 billion euros were paid. This was complemented by a haircut of about 100 billion euros which was driven by the German Chancellor, but only expropriated private financiers

against their will. At the last second in the night to Monday, the Greek Parliament again agreed to the demanded reforms and savings, including the tenth pension reduction since 2010.

In all these years there was no single sign of a fundamental improvement in the economic situation of this battered country recognisable. The debt of the central government, the provinces and municipalities and the social insurance amounted to an estimated 316 billion euros in 2015, without interest and repayment. By 2016, a further decline in GDP, the total economic output, to 170 billion euros is expected. Next year alone, the total debt of the central government will rise to 200 per cent of GDP, a new record.

### Focused on short-term

About 80 per cent of all grants were used for the repayment of old debts, bank restructuring, interest payments and repayments. The unemployment rate remains at about 25 per cent, among the 15 to 24 year olds it is 51.9 per cent. Value-adding investments cannot be identified. Investors and the capital markets lacks any confidence. At the same time, an exodus of highly educated entrepreneurs, re-

searchers and professionals takes place. Those who can leave; those who stay have lost all hope in a better future.

From 2023 onwards Greece should begin with the previously deferred repayments. This should be possible by the for now six years promised, but not even today on the horizon visible, economic recovery. These bold predictions were created before the refugee crisis with its additional costs. All these facts, which are only incompletely addressed here, have one thing in common: They include the increase of impossible.

Who has previously lived culpable or innocent beyond its means, have to stop for a while, has to spend less, consume less, save, repay debt and then is doing better and well after some time again. That is until today the common view among Eurocrats. Via Troika and others in no way democratically legitimised authorities, Greece is imposed to one "reform" and "economy measure" after on another. These authorities regularly complain that Greece is implementing the measure too slow. At the same time the Greek Government is confronted with

continued on page 7

**"The Greek tragedy, next ..."**

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waves of protests and general strikes and rightly fears that the state loses control of its country as a peacekeeping power.

By contrast, EU government actions are aimed only at short-term goals: No new burden on the taxpayer, especially for the main creditor Germany. No new upspring of the hot Greek crisis before the British vote on the proposed referendum on United Kingdom's membership in the European Union in June – as the next major payment milestone for Greece is due only in July. No discussions on a new haircut while looking at the equally highly indebted countries Spain, Italy or France. No admission that the current policy has failed. Therefore, the EU summit of Finance Ministers presented – without any surprises – just more "debt relief" measures. But what was right at the beginning of the crisis, is valid even today: Only a massive debt cut and the immediate exit from the euro, with bankruptcy or without, offer the only chance to restart the Greek economy. Even the *International Monetary Fund*, which so far has supported the bailout with relatively small sums, now calls for debt relief and will otherwise refuse further aid packages.

Once again, Germany is there alone, insisting on a continuation of the obvious failure bailout policy: Everything is possible except a debt cancellation. Ironically, Germany, which is responsible for the first sin in the Greece debacle – at the instigation of its Chancellor *Angela Merkel* 2012 – forced a haircut of private creditors. Amongst others German banks were affected.

**Against better judgment**

Those who had been nationalised after the financial crisis one have overburdened losses to German taxpayers. For reasons of pure power preservation Merkel will not repeat this again. Therefore, she will fail. One could get over this. But Greece is also failing. After six years of enormous suffering in the general population, that destitute and impoverish, a whole generation of young people with no present and no future perspectives, Greece is now worse off than in 2010. This has nothing to do with a responsible government policy. This is criminal torture without purpose and sense. It is a tragedy; those who are responsible and acting in the EU have fallen into a hopeless situation, the approaching disaster can no longer be averted.

But they are not "guiltless guilty" but have acted with intent, against their bet-

ter knowledge. And the Greek spectators do not shudder in the presence of the piece given on stage, but getting it martyred in their own bodies. •

© René Zeyer, first published in "Basler Zeitung" from 12 May 2016

(Translation *Current Concerns*)

**Bailout money saved financial institutions**

According to the "Neue Zürcher Zeitung" from 9 May 2016, a study, issued by the *European School of Management and Technology* (ESMT), concluded that "the lion's share of the EU bailout funds or the ones of its institutions like the *International Monetary Fund* (IMF) has been spent for the repayment of already existing government debts (86.9 billion euros) and for interests on existing government debts (52.3 billion euros). Further assets were the repayment of the Greek banking sector and the providing of 'appropriate incentives' for the Greek government debts restructuring in 2012 (29.7 billion euros). [...] To put it plainly, [...] the funds given to Athens first and foremost saved European banks."

(Translation *Current Concerns*)

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## Brazil – misled, humiliated and robbed Knocked back for decades in its development shortly after the Government was overthrown

ben. “Order and progress” was once written on Brazil’s flag by its people. Right now, the policies of the unlawful government under ad interim president, *Michel Temer*, are knocking the Federal Republic back for decades. Brazil’s regression takes us back to an oligarchic system, where only the interests of a exploitative minority were preserved on the back of the majority of the population.

Even before the government was overthrown, Michel Temer had announced a program in his foundational papers, which aims at a privatisation of “everything that’s possible”. “The state must lead the whole field of infrastructure into the private sector. [...] It is necessary to redesign the relationship between the state and pri-

vate companies as a provider of facilities”, so published in “O Globo” on 29 April.

### Destruction of the social state and the sovereignty

This “redesigning” came after an orgy of destruction of the social state: many government departments such as agriculture, women’s affairs, social justice, human rights and culture were abolished. Minimal subventions in vital areas of health and education were cancelled. The financing of the national health care system SUS was ended and given into private hands. The sociopolitical program “Bolsa-Familia” for supporting poor families was massively driven back, the social reform in the work sector was repealed and the demar-

kation of the country which has been implemented by the land reform was revisited.

What was foreseeable was the privatisation of the oil industry (oil shale and oil sand) as well as the semi-federal mineral oil company *Petrobras*; but even the postal offices were privatised. The privatisation of the Central Bank of Brazil will deal the death blow to the sovereignty of the state. The announcement of the approval of gambling like Bingo, betting on animal games and Casinos fits well at this point. The withdrawal from the alliance of the BRICS states as well as from the *New Development Bank BRICS* founded in 2014 is also scheduled. Eventually, the BRICS states lose the south american country. – The list of regressive measures, initiated by the illegal government, is long.

### Sponsored protests

The protests against *Dilma Rousseff* emanated from different groups, with several of them having direct or indirect relations to powerful representatives of the financial capital and the business community at home and abroad.

One of them is the Free Brazil Movement (MBL), a far-right collective of young people that believe the solutions to the country’s economic problems are based on free-market policies. Two leading figures of the MBL, *Fabio Ostermann* und *Juliano Torres*, were educated in the Atlas Leadership Academy, a satellite of the *Atlas Economic Research Foundation* – directly funded by the notorious US-businessmen the *Koch Brothers*.

Another leading group are the *Students For Liberty* (EPL) who is working together with the MBL. The EPL is the Brazilian associate of an organisation with the same name in the US, also financed by the *Koch-Brothers*.

Furthermore these Brothers invested millions of dollars in the oil industry what might explain their interest in a destabilisation of the Brazilian Govern-

ment and the semi-governmental *Petrobras*. The president, *Dilma Rousseff*, denied major US oil and mining companies returning to Brazil and was instead looking to China for investment. In 2013, US Vice President *Joe Biden* is said to have visited Brazil to try to persuade *Rousseff* to allow US companies to access the country’s oil fields. The president denied...

Just as little pleased Wallstreet is by *Rousseffs* support for creating a new world reserve currency and for the establishment of a *New Development Bank*. Surely not excited the US was also by the construction of a 5,600 kilometer-long (about 3,200 miles) fiber-optic telecommunications system across the Atlantic to Europe initiated by *Rousseff* in 2014, which might undermine the US-backed communications monopolies.

Source: *Telesur* from 12 and 13 May 2016

*Eric Draitser. BRICS under Attack: The Empire Strikes Back in Brazil. Global Research from 18 April 2016 (Mint Press 22.3.2016)*

### Temer is an embassy informant for the United States

According to a comment in “Finanz und Wirtschaft” (13.5.2016) Temer is “in the eyes of many Brazilians a member of political cronyism”. According to the German newspaper “Zeit-online” (12.5.2016) his poll ratings are at 2%.

In contrast to *Rousseff* he is personally associated with corruption scandals. Recently, he was fined for violations of the electoral law and is facing an 8-year suspension from any official duty (including his current). It shall come into force as soon as he finishes exercising his authority; then he cannot take a new position for a period of 8 years. (Source: Glenn Greenwald, *The Intercept*, 19.5.)

Also, on 13 May, *WikiLeaks* revealed that Temer worked as an informant for US intelligence and the Pentagon. The internet platform brought attention to two cables, one dated 11 January, the other 21 June, sent from São Paulo, Brazil, to the US Southern Command in Miami. In it, Temer discusses the political situation in Brazil during the presidency of *Luiz Ignacio Lula da Silva* and his party’s plans in case of winning the elections.

Source: [www.zerohedge.com/news/2016-05-13/another-us-sponsored-sponored-coup-brazils-new-president-whas-embassy-informant-us-in](http://www.zerohedge.com/news/2016-05-13/another-us-sponsored-sponored-coup-brazils-new-president-whas-embassy-informant-us-in)

### IMF, World Bank and USA are supporting the overthrow

According to the German “*Handelsblatt*” on 14 May, the revelation platform *WikiLeaks* published proof of the fact that Michel Temer worked for the US intelligence agency as a whistleblower in 2006. The reports from Temer to US Diplomat *Christopher J. McMullen* have been published earlier in 2011. *Mark Weisbrot*, vice director of the “Center for Economic and Political Research” (CEPR), in an interview with TV broadcaster RT on 14 May explained the following: “It is a new government, which wants to draw nearer to the United States of America. They want to nominate *José Serra*, who had lost the presidential elections in 2010, as foreign minister. He had a program which resembled the foreign policy of the US. [...] He truly was in accordance with american policies.”

So, it is not surprising that the *International Monetary Fund* (IMF) praised the neoliberal measures of the illegal Temer government in a report from TV broadcaster *teleSur* on 19 May. For the IMF, these measures are the guarantee for the return of international investors. The approach is confirming the Brazilian governmental interest to be in a good relationship with the IMF, their secretary said. Only recently, on 17 May, the Washington D.C. based *World Bank* has harshly criticised the Brazilian social welfare programs according to “*Nação Unidas no Brasil*” (<https://nacoesunidas.org/brasil-tera-que-escolher-entre-combater-pobreza-ou-manter-privilegios-fiscais-alerta-banco-mundial/>); even if the multinational development bank had



# How Angela Merkel is dismantling the CDU – and why this should concern all Germans

by Karl Müller

Willy Wimmer, former undersecretary in the German Ministry of Defense and, from 1976 to 2009, that is for 33 years, uninterrupted directly elected member of the German Parliament for the CDU, has talked about the situation in Germany and in his party in an interview with *RT-Deutsch*\*. Germany had “surrendered responsibility in central areas to Brussels”, was moving “at full speed towards a new authoritarian state”, “interest groups, not only economic ones, had seized control, bypassing the citizens and determining our life without asking”. And his party? “For years it seemed like the CDU was reigned top-down by its party leader according to the principles of ‘democratic centralism’”. “Democratic Centralism” was the structural principle of the former [East German] SED: the party leadership gave its directions top-down which had to be followed by all party members.

## A kind of coup from the top in the CDU of Baden-Württemberg

A look at the formation of a government in Baden-Württemberg after the state elections of 13 March 2016, which were lost by the CDU, is fully confirming Willy Wimmer’s thesis. The CDU had ruled this state for decades, sometimes backed by a clear absolute majority of the voters. The more painful it was for the party when in 2011 a coalition of “Bündnis 90/Die Grünen” and SPD were taking over the government, electing a green Minister-President, *Winfried Kretschmann*. This setback was to be corrected in 2016. But the CDU of the state was suffering too much from the nationwide rejection of its government politics in Berlin causing it to lose so many voters that it came out only as second strongest party in the new “Landtag”. Also the CDU’s top candidate *Guido Wolf*’s rather gentle distancing from the chancellor’s migration politics did not help.

Guido Wolf who as top candidate initially intended to lead the coalition negotiations with “Bündnis 90/Die Grünen”, was

“Brazil – misled, humiliated...”

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to admit in their report that these programs were “working efficiently”. With the help of these programs, 24.6 million Brazilians could escape poverty between 2001 and 2003. – How long does it take until people begin to notice that Michel Temer raised the flag of the Brazilian dictatorship from 1961?

(Translation *Current Concerns*)

quickly marginalised, at the chancellor’s behest, and replaced by the party’s state leader, the son-in-law of Federal Minister of Finance *Wolfgang Schäuble* and confidant of *Angela Merkel*, *Thomas Strobl*. Before the elections, Strobl had been *Guido Wolf*’s opponent in the party elections for the top candidate in the election campaign but had been defeated in a voting of all party members of the state.

Now Strobl took the reins for the CDU in the coalition negotiations, directing the filling of the ministerial posts virtually by himself. In result: the conservatives in the CDU of Baden-Württemberg and the critics of the green-red politics of the past five years were left out in the cold or, like *Guido Wolf*, received only less important posts.

## Ministry of Education and Cultural Affairs filled with neoliberal CDU “greens”

This became particularly clear in the filling of the Ministry of Education and Cultural Affairs which is also responsible for schools. Different from other state associations – which had made their peace with the dubious school reforms of the past years, giving up their party’s foundations – the CDU in Baden-Württemberg had clearly criticised the education politics of the red-green government. In the election campaign they wrote: “the ‘Gemeinschaftsschule’ has failed – Green-Red has failed. Education politics is the heart of state politics. Those who fail there should be voted out of office. Next to the problems in the ‘Gymnasium’ and in the ‘Realschule’, the quality issues with the ‘Gemeinschaftsschule’ are putting Green-Red in a poor light.”

This was first of all the position of the spokesman on education of the CDU faction in the “Landtag” and former undersecretary in the Ministry of Education and Cultural Affairs, *Georg Wacker*. While he was permitted to lead the coalition negotiations on school and education for the CDU, he was bypassed when the positions were filled. The new Minister of Education and Cultural Affairs is the CDU politician *Susanne Eisenmann*, a supporter of green education politics and its central project “Gemeinschaftsschule”. Wacker was not even appointed undersecretary. This office went to *Volker Schebesta*. And on 10 May, the “*Stuttgarter Zeitung*” wrote, not without reason: “[...] that *Volker Schebesta* will be undersecretary for the new Minister of Education and not *Georg Wacker* who held the post from 2006 to 2011, is surprising.

In this decision *Eisenmann*, who has, just like *Schebesta*, a pragmatic view of the ‘Gemeinschaftsschule’ concept, obviously has had a big say.”

## Displeasure in the CDU faction is sat out

The great “displeasure in the CDU faction” (“*Stuttgarter Zeitung*”, 10 May) on the line of action taken by *Angela Merkel*’s emissary became obvious in a test vote in the faction and then also in the election of the new (old) Minister-President the following day. However: this kind of protest is “sat out”; what is criticised by conservative circles like the “*Berliner Kreis*” is to be implemented also in Baden-Württemberg: the abandonment of basic party values.

What is happening in the CDU is not only a party-internal tragedy. *Angela Merkel*’s dealing with the CDU finds its correspondences in the SPD and also in the FDP. Ultimately we are observing an attack on the role of democratic parties in a liberal and democratic state of law.

## Dismantling of parties is moving us towards an authoritarian state

Not by chance the German history of parties is starting with the revolution of 1848/49. The formation of political parties was a first step, directed against absolutism and towards a democratisation of political life. 1848 was the birth year of Christian-conservative, liberal and socialist parties in Germany. In the beginning, the Christian-conservative, the dominating part of the liberals and the Marxist wing of the socialists were opposing a true sovereignty of the people. But foundations were laid – 100 years later, after World War II, CDU and CSU, in the Christian-conservative tradition, the FDP in the tradition of the liberals and the SPD in the tradition of the democratic socialists acknowledged the principle of peoples’ sovereignty by their cooperation in writing the West German “Grundgesetz”.

If all this is no longer valid but, as *Angela Merkel*’s policy suggests, is actively dismantled, this should concern every citizen. The goal of this, as *Willy Wimmer* has diagnosed, is a new authoritarian state and a politics in the interest of a few, bypassing the citizens. These “interests” are directed against the large majority of the citizens. What this will mean, with respect to domestic and foreign policy, is up to everybody to imagine.

\* <https://deutsch.rt.com/inland/38294-willy-wimmer-zu-volksparteien-in/> from 13.5.2016

## CETA shall apply already “preliminary”

by Prof Dr Eberhard Hamer



Eberhard Hamer  
(picture ma)

On 13 May 2016, the green and left parties in the German “Bundestag” have tried in vain to stop the acceptance of the majority of black and red parties for CETA (Comprehensive Economic and Trade Agreement). In vain they point-

ed out that 80% of the population would be against it, and the Government in turn appreciates the solidarity to the United States and the EU higher than the interests and the will of their own people.

The “Free Trade Agreement” CETA is been negotiated between Canada and the EU in secrecy and unilaterally in a similar way as the TTIP agreement between the United States and the EU. The will of the European people, parliaments and governments has not played any role so far, when Canada and the EU’s Politburo signed CETA already last year. Since then they claim that the parliaments of the Member countries would have nothing to say in this matter.

### In case of resistance of the population: Juncker’s method

Meanwhile, it is made clear that CETA is a “mixed treaty”, which can’t become valid without the consent of the parliaments of the Member countries. CETA is threatened to fail for this reason (same as TTIP) because of the resistance of the population and the parliaments of some countries. So the Brussels Politburo deploys the *Juncker* method: “We decide something, proclaim it and then wait for some time, what happens. If there is no big whoop and no riots, because most people do not understand what was decided, then we continue – step by step, until there’s no going back...” Because of the national resistance and of the adverse impact the CETA agreement may not be accepted by the sovereign parliaments in this way or potentially at all, the Politburo in Brussels wants to create facts by an “preliminary introduction” and wants to eliminate national resistance and criticism.

### Precautionary principle undermined

If CETA would apply preliminary already, the European “precautionary principle” would be undermined already. Under Eu-

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“If CETA is ‘preliminary’ enacted, the US companies actually need TTIP no longer, because all of them have subsidiaries in Canada ...”

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ropean environmental law all products are prohibited, where a health detriment is suspected. Then, the producer must demonstrate that such detriment will not occur. According to American and Canadian law, however, the EU would not be in a position to object, if the compliance of products was confirmed “on a scientific basis”. By this trick American companies always got their products certified as compliant by experts paid by them.

GM-Soya for example: In the United States and Canada GM-Soya is permitted, because Monsanto provided appropriate scientific assessments. It is now proven in a counter-assessment that mice fed with GM-Soya became infertile after nine generations. Monsanto’s argument: That applies to animals only. This has not been proven yet concerning humans (because there’s no GM-Soya contaminated ninth-generation). The European precautionary principle requires, however, that GM-Soya could only be admitted if Monsanto provides the evidence that it is demonstrably safe for people – in contrast to animals –. If CETA is now tentatively introduced, the United States can introduce their products as certified according to their principles in the EU. Monsanto has therefore already precautionary applied for a license to export their GM-Soya via Canada on the basis of the “preliminary invocation of the CETA EU”.

Also the infamous Investment Protection Clause is not decided yet. It is claiming that corporations could sue states and municipalities if they would ban products of Canadian corporations for health reasons, and that this would be decided by a private arbitration panel, where corporate lawyers are convened. It is rejected even by the SPD (Social Democratic Party of Germany), but is intended to be practically enforced by the preliminary introduction of CETA.

How strong the pressure is and the cronism of international corporations with the Politburo in Brussels, is demonstrated by the example of the registration of glyphosate in these days, which is certified for further nine years. The serious health concerns of the national supervisory authorities were

overwhelmed by the international power of corporations and purchased assessments in Brussels.

If CETA is “preliminary” enacted, the US companies actually need TTIP no longer, because all of them have subsidiaries in Canada through which they can control the previously unacceptable and dangerous exports to the EU. A preliminary introduction of CETA practically opens the door to dominate Europe by U.S. corporations, which was aimed for by TTIP (Cheney: “TTIP is to be a base of the economic dominance of the United States similarly as the NATO is providing the military base.”)

Also concerning TTIP Merkel is pushing to rush on Obama’s command, because 80% of the German and French population and potentially the next US Government too don’t want TTIP. US corporations want to use a last chance under Obama’s reign, to underpin their power over Europe.

The scandal concerning CETA and TTIP is that the black-red Government, as already done in taking over the debt of international banks (“Greece rescue”), betrays the will of the majority of our population for the benefit of American and EU loyalty. At the same time, it berates the parties which want to resist against these secret contracts according to the will of the people as “populist”, especially the new German party AfD (Alternative for Germany). The Berlin Government gang is now that far out of touch or bought by the United States that it names those who try to enforce the will of their own peoples – populus – as “populist”, although the Constitutional Law obliges in Article 20 all parties to obey the will of the people and not the will of the US corporations.

By the “preliminary” enactment of CETA and of TTIP in the future not only the will of the majority of the population is betrayed, but also a dictatorship of companies instead of democracy is practiced.

All Democrats do not only have the right but the duty to resist!

(Translation *Current Concerns*)

# Putting the person back in the centre of medicine

by Nicole Duprat, teacher, France

Pre-implantation genetic diagnosis (PGD) has been developed by Englishman *Alan Handyside* in order to enable parents with a genetic disease not to transmit this onto their children. There is nothing wrong about this desire and the parents' wish, thanks to the progress of science, not to have to pass their genetic diseases onto their children. However, what has a devastating effect with PGD is the arrogance of scientism to want to control everything and not to recognise any boundaries.

In this context let us think of the activities of researcher *Jacques Testart*, scientific father of *Amandine* – in 1982 the first artificially produced baby in France – who wanted to end the “research for the sake of research” and postulated a right to “non-research” and an “ethical break” in 1987. He was convinced that science is not able to give an answer to everything. In 1990, Jacques Testart was dismissed from his hospital laboratory, because he refused to select embryos, since the risk of eugenics appeared too great to him. He had realised that by doing so one puts the foot in the stirrup of a horse that cannot be controlled!

We are living in a highly sexualised society where money has replaced truth. Medicine is speaking with a forked tongue by pretending on the one hand, to put full attention to the birth of “healthy” children and to help couples to control their fertility, without mentioning the excessive medicalisation of the human body. In reality, it is very often about technical efficiency combined with the pharmaceutical companies' power of money. In this obscure mingling of financial power and science and their interactions, medicine no longer serves the people, but serves as a ground for dangerous desires and perverse ideologies, whatever you want to call them: eugenics or transhumanism. Let us not forget that you can also be carriers of a gene, without developing and transmitting it. After a Promethean phase (*Prometheus* brought the fire from heaven) current science is approaching Faust's image and plays the demigod.

A person must never be reduced to a diseased organ or to his physical appearance. Eugenics is the negation of any disability or illness. Health standards and

criteria for “normality” should never be determined by the arrogance of a few who, apart from that, are not able to grasp the meaning of human existence, due to their sick thoughts.

There is no one on earth who will not be affected one day by illness, deformity or physical weakness. Many teachers, including myself, have witnessed in their classes disabled children radiating much goodness, kindness, warmth and sympathy. I thank *Emilie, Alexandre, Guillaume* for their cheerful and lively presence, as well as *Stéphanie*, a true intimate friend. It is also obvious that the important thing is not physical health, but mental health. Many so-called healthy people having a functioning body, pounce on the banalities of the materialist world, where it is simply about meeting the standards of health, wealth, social success, youthfulness, intelligence and all the aesthetic requirements of fashion. They behave as if all people being affected by illness or disability, did not meet this uniform “luck”,

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## Eugenic “Dreams of Genetics”

by Moritz Nestor

*Genetics is a well-respected discipline of science. Only a minority of geneticists share the opinions of those individual researchers whom this article is about. But whenever researchers meet money and power interests offering them global fame and resources for inhumane experiments, dangers arise. In his book, Ludger Weiß tells the history of such schemes.*

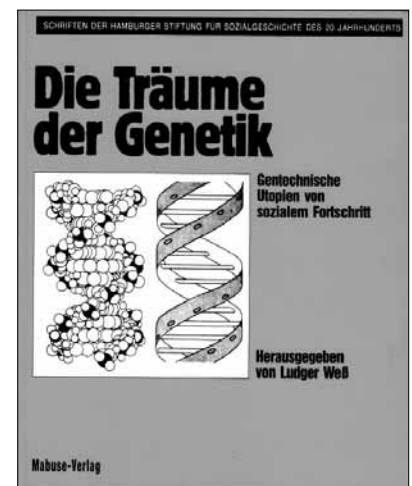
He who is called to the ballot to vote on a subject the history of which he is ignorant about may easily be fooled. This is especially true for the upcoming voting on the reproductive medicine act. Because: despite genetics and reproductive medicine being discussed more widely than ever, an important question seems to remain obscure: What is actually the motivation of the researchers to do what they are doing? Who benefits?

What will practitioners of reproductive medicine actually do with all those “superfluous” embryos they might be allowed to “create” here in Switzerland in future, in addition to those required for successful in vitro fertilization? These are human organisms, potential human beings and have all that it takes to develop into actual people. What are the intentions of geneticists and practitioners of reproductive medicine

(including monetary interests of their employers, sponsors and patrons) regarding those “surplus souls”?

The question: “What drives them [the gene technicians], to intrude further and further into the secrets of human reproduction?”<sup>1</sup> stands at the centre of *Ludger Weiß's* book “The Dreams of Genetics (*Die Träume der Genetik*)”. “Genetics textbooks won't provide information about that and neither will historical treatises on gene technology.»<sup>2</sup> However, almost all geneticists who were influential in developing their subject further also authored alarming texts about genetically engineered social utopias: “Dreams of power to control life and improve the world, getting real by means of gene technology. These power visions are one key to understand current developments in genetics and reproductive medicine.”<sup>3</sup>

The Swiss electorate, about to vote for the second time on issues of reproductive medicine, still is largely unaware of this. This had been different to some extent in the 70ies and 80ies of the previous century when these texts had been wellknown during the societal discussions about gene technology – at least to a bunch of concerned researchers and intellectuals. Ending this amnesia and pointing out that the



2. edition 1998. ISBN 3-929106-06

“elite of scientific genetics of the last hundred years” produced “schemes to enforce social utopias” in addition to scientific results makes Ludger Weiß's book so valuable. He had been alarmed for some time by the blind spot on history in current debates and representations of genetics and reproductive medicine. During its booming development of recent years gene technology has opened opportunities to

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**"Eugenic 'Dreams of...'"**

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farreaching interventions in the process of reproduction, the potential consequences of which can hardly be foreseen.

The book contains political manifestos and texts of distinguished geneticists pioneering their discipline between 1895 and 1962: *Haldane, Muller, Serebrovski, Lederberg* and the signatories of the Genetics Manifesto of 1939: *Darlington, Crew, Huxley, Muller, Dobzansky* and 18 more. Each document is introduced by a biographical sketch for the author outlining his place in scientific history. Although he didn't really contribute to genetics, *Ploetz* deserves his place in this group as the founder of German eugenics ("Rassenhygiene"). But his "Framework of racial theory" of 1895 is the first eugenics which is founded on the just emerging science of reproduction and which claims that "the societal structure, ethical principles and finally human dignity and right to existence have to step aside before the objectivity of scientific discoveries and aims, in the name of progress"<sup>4</sup>. The opening section of this part is a brief history of gene technology and their disastrous co-operation with eugenics.

As early as 1890 *Jacques Loeb* proclaimed a "biological art of engineering", some "All-Organisational science", which should eventually be able to explain all aspects of human life, (including belief, thinking, emotions and activity) by means of "physiko-chemical analysis" alone, in a rational-technical manner.<sup>5</sup> "Life [should] be explained by the physico-chemical properties of living matter". *Loeb* influenced numerous biologists and

psychologists, such as *Skinner* and *Watson* as well as the future molecular biology. His research was funded with considerable amounts of money.

Nobel prize laureate *Hermann Joseph Muller*, for-instance, writes in his text "Out of Night's Darkness" that he considered genetics to be the means to "control human evolution <eugencally>".<sup>6</sup> Distinguished men should be allowed to father children with several women and sperm banks should be established collecting the sperm cells of Nobel prize laureates and outstanding politicians.

The Russian geneticist *Serebrovskij* proposes in his "Anthropogenetics and Eugenics in the socialist society" of 1930 to copy the techniques of in vitro fertilization, mutation re-search for the 1920ies and population genetics, validated in animal farming, and employ them in humans, in order to propagate the desired genetic properties and enhance the genetic qualities of the population.<sup>7</sup>

Finally the US american nobel prize laureate *Lederberg* regards eugenics based on genetics as the "biological counterpart of education", only that it was scientifically more accurate since education had a "questionable tradition". Geneticists would soon "master the foundations of techniques to direct development and regulate the size of the brain, for-instance, with prenatal or early post-natal interventions" he predicted in his "Biological Future of Man" of 1962. He poses the crucial question: "Why should we bother to deal with somatic selection today, which is so slow in its effects? [...] [We] should be able [...] to achieve within one or two generations of eugenic practice what takes ten to hundred generations today."<sup>8</sup> Note-wor-

thy: "somatic selection" includes the killing of people with "worthless" gene material – either by nature by the hands of other people, as the Nazis did it, who intended to play God and manage evolution themselves. The US American *Josua Lederberg* argued for "genetically leveling out race and also gender differences, if necessary, in order to achieve real equality"<sup>9</sup>.

With *Lederberg's* text *Ludger Weß* opens the discussion of the infamous CIBA Symposium of 1962, which unfortunately seems to be largely forgotten today. *Lederberg's* contribution "The biological future of Man" was one of the eugenic papers at this symposium, hosted by the CIBA endowment in London, the proceedings of which were published under the title "Man and His Future" in 1963.

An investigation of the severe historical breaking point brought about by the CIBA symposium would be a valuable continuation of *Ludger Weß's* outstanding research. A brief summary should illustrate that: already the title of the German version of the CIBA symposium, held in 1966: "Man – the controversial experiment (Das umstrittene Experiment: der Mensch)" speaks volumes about the socio-political goals of this summit. The CIBA endowment had invited 27 Anglo-American researchers (including 6 Nobel-prize laureates). Germans were suspiciously missing. British eugenicist *Julian Sorell Huxley*, brother of the author *Al-dous Huxley* and grandson of *Thomas Henry Huxley* ("Darwin's Dog") had the intellectual leadership. Already during the times of German National Socialist "race hygiene" programmes he had been one of the leading eugenicists worldwide. When he had been promoted to highest ranks after the war he resurrected "eugenics", since it had been tarred by Nazi crimes, under the new label of "transhumanism", as a "science". This scheme is outlined in a paper of 1947, titled: "Unesco: Its Purpose and its Philosophy", in which *Huxley* misused his position as Unesco General secretary in order to demand a denazified "clean" eugenics:

"Thus even though it is quite true that any radical eugenic policy will be for many years politically and psychologically impossible, it will be important for Unesco to see that the eugenic problem is examined with the greatest care, and that the public mind is informed of the issues at stake so that much that now is unthinkable may at least become thinkable."<sup>10</sup>

From 1959 to 1962 *Huxley* had been president of the *British Eugenics Society*. This new eugenics was supposed to be "global", as *R. S. Deese* puts it in "Twilight of Utopias":

**"Putting the person back ..."**

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and therefore are to be rejected, refused and considered as outcasts of society, and thereby they deny them equality. Are we not already living in a society where aging is prohibited considering all these numerous anti-wrinkle creams?

The gift of being able to make the experience of life is applicable to every human being without exception. This does not mean merely enjoying, but solving the challenges life gives to us with dignity and in solidarity together with our fellow human beings. Each individual is unique. Why pinning a problem on parents, when they want to receive a disabled child, as if this would be a shame from the medical perspective?

If made-to-measure production of children in the laboratory and construction of human robots violate our conscience, it

is because both mean an overt disparagement of "being human", of our humanity.

PGD is not sick because of the diseases and disabilities it wants to eradicate, it is sick because of its idolatry of technical efficiency, emerged from the frenzied upswing of medicine since the 19<sup>th</sup> century and because of the glorification of science. Its sense is ultimately nonsense, opening the gates to any degeneration.

Let us recall the words of *Robert Oppenheimer*, one of the inventors of the atomic bomb:

"If we want to obtain encouragement from the beneficial influence of science on current ideas, we must do so with caution, by not even for a moment losing sight of the fact that these relationships are not inevitable and absolutely happy."

It is high time to put the "person" back in the centre of medicine. •

(Translation *Current Concerns*)

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# Federalism and direct democracy in the Swiss school system

## On the popular vote about three education-bills in the Canton of Basel-Landschaft

by Dr iur Marianne Wüthrich

Not only do the Swiss people vote on three initiatives and two referendums on 5 June 2016, but they will also vote on several cantonal and communal businesses. With great interest the whole country will follow the vote of three education-bills in Basel-Landschaft "If the Basel-Landschaft electorate votes three times in favour of the three bills on 5 June (3 x yes) we can achieve a grand success with a signal throughout Switzerland. The reforms of some education-phantasts at the desks of the education department would be effectively restricted", writes the "Strong School Basel-Landschaft". (<http://starke-schule-baselland.ch/Abstimmung.aspx>) They are right.

In an interview with Jürg Wiedemann from the committee Strong School Basel-Landschaft we come to know, what those three education bills are all about. Especially fascinating for non-Basel-Landschafters is the way, how active citizens engage in an interaction with Parliament and electorate, accompanied by ongoing new initiatives by the people and the parliament – again very different from the can-

tons Aargau, Grison or St. Gallen. Thus diverse shall the Swiss educational landscape stay: "The cantons are responsible for the education." says article 62 paragraph 1 of the Federal Constitution. Do not let us bedim our view from harmonising phantasies and centralism. By the way: experience reveals that a class change even in exact the same town with exact the same curriculums cannot be conducted without rearrangements – neither teacher nor children are programmable robots.

The three bills briefly:

*Introduction of the curriculum for the elementary school in Basel-Landschaft by the district council (parliament), instead of the education council.*

The bill requires that in future the decisions concerning curriculums be not in charge of the education council, but the district council should be the one to introduce a curriculum or reject it back to the education council. In a survey conducted by the Department of Education Basel-Landschaft, about 60 per cent of all secondary

teachers rejected the competencies oriented curriculum 21.

*Foregoing of collective subjects in secondary schools*

The curriculum 21 would abolish the single subjects history, geography, biology, and chemistry and so on, which would further on be conducted as collective subjects. Education cuts would inevitably be the consequence. Single subjects on the contrary guarantee subjective founded lessons. In a survey conducted by the Department of Education Basel-Landschaft about 70 per cent of all secondary teachers reject collective subjects.

*Education quality also for weaker students*

The government wants to abolish the Kaufmännische Vorbereitungsschule (KVS = Commercial Prep School) for economic reasons, although due to this success-story 96 per cent of school graduates find an ideal connection solution. With this initiative Strong School Basel-Landschaft demands that the KVS will not be abolished. •

### "Eugenic 'Dreams of...'"

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"Julian Huxley sketched a vision of ideal polity that was nothing less than global, calling for the creation of a unified world culture, a new religion predicated on the methods and discoveries of evolutionary biology, and, ultimately, the emergence of a global government."<sup>11</sup>

The ambition of those geneticists to play the role of God already shines through the title of the German edition of the book: Man is referred to as an "experiment" of a "biological revolution" "for a new world". The blurb text quotes Julian Huxley: "This book manifests the cosmic moment when the gigantic process of evolution becomes aware of itself in Man the researcher, after 5 billion years."<sup>12</sup> In fact these 27 researchers regarded themselves to be the executive committee of evolution. Julian Huxley draws the conclusion, Man had to choose to be either "leader of the evolution or cancer of the earth".<sup>13</sup> Huxley suggested that "enhancement of the genetic quality of Man by means of

eugenic methods"<sup>14</sup> was the central task of mankind.

Certainly not all geneticists share this mindset. The people this article is about constitute only a minority. But whenever researchers meet money and power interests offering them global fame and resources for inhumane experiments, dangers will arise. In any case: quite a few of the disturbing plans which the Anglo-American geneticists a.k.a. "leaders of evolution" (Huxley) put on their agenda in 1962 regarding the "enhancement" of mankind have already become reality. This should be subject of another article. The sources which Ludger Weiß discusses in his books are of great importance for our public discussion about reproductive medicine and have to be included in the discourse by all means. •

<sup>1</sup> Ludger Weiß. Die Träume der Genetik. Gentechnische Utopien vom sozialen Fortschritt. 2. Auflage. 1998. ISBN 3-929106-06 S. 9

<sup>2</sup> Ludger Weiß, S. 9

<sup>3</sup> Ludger Weiß, hinterer Umschlag

<sup>4</sup> Ludger Weiß, S. 87.

<sup>5</sup> Ludger Weiß, S. 13.

<sup>6</sup> Ludger Weiß, S. 16.

<sup>7</sup> Ludger Weiß, S. 120ff.

<sup>8</sup> Ludger Weiß, S. 189.

<sup>9</sup> Ludger Weiß, S. 185.

<sup>10</sup> Unesco: Its Purpose and its Philosophy. Washington D.C. 1947. In: Liagin: Excessive Force: Power Politics and Population Control. Washington D.C., S. 85; Information Project for Africa 1996. Englisches Originalzitat: «Even though it is quite true that any radical eugenic policy will be for many years politically and psychologically impossible, it will be important for Unesco to see that the eugenic problem is examined with the greatest care, and that the public mind is informed of the issues at stake so that much that now is unthinkable may at least become thinkable.»

<sup>11</sup> R. S. Deese: Twilight of Utopias: Julian and Aldous Huxley in the Twentieth Century. In: JSRNC 5.2 (2011) 210–240, S. 210. Originalzitat: «Julian Huxley sketched a vision of ideal polity that was nothing less than global, calling for the creation of a unified world culture, a new religion predicated on the methods and discoveries of evolutionary biology, and, ultimately, the emergence of a global government.»

<sup>12</sup> Das umstrittene Experiment, vorderer Klappentext

<sup>13</sup> Das umstrittene Experiment, S. 47.

<sup>14</sup> Das umstrittene Experiment, S. 47.

(Translation Current Concerns)

# “Strong School of Basel-Landschaft”: How to deal democratically with school questions

Interview with Jürg Wiedemann, “Strong School of Basel-Landschaft”

*Current Concerns:* According to a survey published on 20 April by BKSD (Education, Culture and Sport Directorate of the Canton of Basel-Landschaft), around 60 percent of the surveyed secondary school teachers reject the competency-based Curriculum 21. That is not surprising me. However, it is extraordinary that a department of education makes such the survey and is responsible for this result itself. How did it come to this survey?

Jürg Wiedemann: Yes, that is pleasing and is undoubtedly the fact that Monica Gschwind, member of the government council, then member of the cantonal parliament, has actively supported the two parliamentary initiatives “Renunciation of Costly Collective Subjects” and “Introduction Curriculum 21”. Even today, she supports both requests. Last week she communicated this clearly at a press conference of the Education Council to present journalists. With the comprehensive survey, Monica Gschwind got a thorough overview which position secondary school teachers have concerning competence-oriented curriculum, collective subjects, *passé-partout*, level-separate lessons, educational cooperation. Her most important decision after taking office was the creation of the “Temporary stop group”.

What is the intention of the “Temporary stop group”?

The key educational players are represented in this board: The teacher’s association, trade unions, school board, the official cantonal conference, the office for elementary school, the department of education, and fortunately the group “Strong School of Basel-Landschaft” may participate. The board will meet every two weeks. Main task is the review of the reforms.

Monica Gschwind has virtually stopped the implementation of the reforms already decided partly on secondary level in the first few months after taking office, and put in place a transitional timetable and a transition curriculum. Both contain no collective subjects. The resulting time now the Department of education uses to check sound in which direction the educational policy in our Canton should go. The survey of the teachers serves Monica Gschwind as the basis for her future decisions.

Hasn’t Mrs Gschwind been a member of the government council for a long time yet?

No, only since 1 July 2015.

Then she was not a member of the EDK as they created the curriculum.

No, in the Canton of Basel-Landschaft the Department of education was previously fixed in SP hands; the last twelve years with Urs Wüthrich, SP-member of the government council, who received the not entirely flattering nickname „Reform Turbo“ in the population and from the teachers. The resistance in the population regarding education policy of the SP grew increasingly. Therefore, the sacking from the Government in the elections in spring 2015 has surprised hardly anyone. Monica Gschwind as member of the cantonal parliament supported numerous initiatives of the Left-Green Committee „Strong School of Basel-Landschaft“ which fought the SP education policy, which runs in the direction of comprehensive school with many initiatives and parliamentary initiatives. Many connoisseurs of the Basel-Land policy believe that Monica Gschwind (FDP) was elected thanks to the considerable support from the left, in particular the „Strong School of Basel-Landschaft“. This committee is politically left-aligned. In the board there are three independents and three members of the Independent Green.

The origin of the resistance against the educational reforms in Basel-Landschaft comes from the left. Thus, the left has been split. A preliminary reform stop could be realized with support of the parties of the center and the right.

In the parliament of the Canton of Basel-Land the Strong School of Basel-Landschaft could find in part significant majorities for the following requests: “Abandoning costly collective subjects”,

rethink “introduction Curriculum 21” and “education quality also for weaker pupils”. Also the motion “Curricula with transparent content” by Regina Werthmüller who is also a member of the Board of Strong School is explosive. This motion requires that in the curricula of Basel-Landschaft content and subjects are relevant and not competence descriptions. This proposal was referred to the Government as binding implementation order. The Education Director must or better said may work out the corresponding legislation now.

Has the Parliament agreed to the initiatives?

Yes, the Parliament recommends to their people to approve all three of them. Also, the government says yes to the initiative “Education Quality also for Weaker Pupils”, to the others the Government goes without a parole.

In this case the initiatives have good chances to succeed on 5 June 2016?

The chances are fifty fifty. The opponents (SP, Green Party, and Chamber of Commerce) are strongly formed. The initiative “Education Quality also for Weaker Pupils” is very likely to succeed, because no one from the left and the right wing is against it. Parliament voted for the bill unanimously with only a few abstentions. Concerning the collective subjects and the new curriculum we hope for a majority. The collective subject bill has realistic chances, because only SP, Green Party, BDP Switzerland, and chamber of commerce have pronounced against it. Green-

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## Grand success for Grisons’ Foreign Language Initiative – and a signal for the entire country

It was only recently that Grisons administrative court was able to lift one of the many veils of mist surrounding Switzerland’s direct-democratic and federalist model. It finally dispelled the myth continuously purported by school reformers, who claimed that the cantons were obligated by both the federal constitution and the federal language law to mandatorily teach two foreign languages in primary schools.

The court accepted a complaint filed by the cantonal public initiative “Just One Foreign Language During Primary School Education” and consequently rescinded an earlier annulment brought forth by the Cantonal Parliament on 20 April 2015. In doing so, for trilingual Grisons, the judg-

es had to re-examine the language issue particularly carefully: the main focus was to determine whether the community’s Romansh language speaking and Italian minorities would be discriminated by the initiative. The administrative court was unable to detect any “obvious infringement of superordinate law” because the communities could always offer voluntary language teaching for those minority languages. Subsequently, the court supported the initiative. (Press release published by Cantonal Administrative Court Grisons on 11 May 2016)

If this is true for the trilingual canton of Grisons, then there’s all the more reason for other cantons to follow suit!

(Translation Current Concerns)

“Strong School of Basel-Landschaft’...”  
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independents, CVP, EVP, SVP, and FDP advocate the bill.

### A reasonable new curriculum for secondary schools is on the brink of emerging

*Do you think the parliament of Basel-Landschaft would stop and reject the curriculum, if the curriculum initiative succeeded?*

At the moment, the curriculum Secondary School Basel-Landschaft, which is based on the Curriculum 21, is being compiled. In assigning the motion Werthmüller, the parliament clearly communicated how the curriculum should be formulated. Given that these acquirements will be fulfilled, the Parliament will approve it. I am also convinced that we need a new curriculum. This must be targeted on the three different performance specifications and clearly define contents and topics for each school year and for every single subject. When the people on 5 June approve to the education bill “Introduction Curriculum 21”, the Education Council has to fulfil the demands of the Parliament, if it doesn’t want to risk that the Parliament will refuse its approval to the new curriculum. Not the competencies will be decisive, but if the contents are clearly defined. This also means, that the by Curriculum 21 declared three three-years-cycles have to be cracked and full-year-targets have to be determined. This suits “Strong School of Basel-Landschaft” fine. If our curriculum bill will be refused, the Curriculum 21 liking Parliament could decide in private, alone, and final. Then the future curriculum would be near Curriculum 21. The vast majority of the teachers recognise in this competencies oriented Curriculum 21 a considerable risk for the educative development of the students.

*You want to crack the cycles?*

Yes, this is our purpose – at least for secondary school. We want clear defined contents for each year and each subject. In addition, we want to retain the three performance-levels A (general level), E (advanced level), P (grammar school preparing level) at our secondary schools. A curriculum for secondary school must meet the requirements of those three profiles. This way it would be quite far away from the competencies-oriented Curriculum 21, which brings students into line and standardises them. Additionally, it makes the teacher a learning coach who does no longer give founded class tuition, but predominantly coaches, controls, and measures the students’ character traits psychometrically. This is an outdated comprehensive school concept that I reject.

### And the primary school?

*At the primary school as well?*

At the primary school Curriculum 21 is already in force. This is a dilemma indeed. Now we have stopped Curriculum 21 for the moment only for secondary schools, but not for primary schools. First we perform the necessary corrective work on the secondary school curriculum and then we take care of the primary school.

*Yes, we should ...*

At the primary level, the “Strong School of Basel-Landschaft” could submit two popular initiatives: “Stop the burning out of pupils: withdrawal from the failed Passe-partout Language Project” and “Stop the excessive demands on pupils. One foreign language at primary level is sufficient.” [see “Committee wants to cancel ‘Passe-partout’. Initiative: The “Strong School of Basel-Landschaft” is collecting signatures for withdrawal from the Foreign Language Project”]; in: “Baselland-

schaftliche Zeitung” from 15 October 2015. Passe-partout is an agreement between six cantons on foreign language teaching at primary schools; note *Current Concerns*]

*That is good. I thought especially secondary teachers would join in the “Strong School of Basel-Landschaft” ...*

The address- and e-mail file of the “Strong School of Basel-Landschaft” counts around 4,200 people. These include parents that are concerned by the introduced educational reforms. The index has nearly 2,000 teachers, who therefore are in the minority. These include many primary school teachers. The Committee “Strong School of Basel-Landschaft” was established by parents who reject the unfortunate forced displacements of students to other secondary schools. By means of these shifts the canton wants to fill classes to save costs. Parents have launched an initiative thereto. Arising from this parent movement, the Strong School Baselland was founded.

### The initiative

#### “Education quality also for occupationally weaker students” (KVS)

The “Kaufmännische Vorbereitungsschule” (Commercial Prep School, KVS) is a bridge offer for students who cannot find an apprenticeship, but would like to complete a business education. The KVS is one year. During this period, the young people receive education again in the most important subjects targeting in commercial direction. The KVS is a successful school, about 96 percent of the leavers start an apprenticeship or a secondary school and complete successfully.

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## No more teaching foreign languages to very young children in primary school

*mw.* As Jörg Wiedemann reported in an interview in March 2016, the “Strong School of Basel-Landschaft” has also submitted two popular initiatives to curb the evidentially burdensome and inefficient foreign language learning in primary school:

- Stop the overtaxing of pupils: one foreign language at primary level is enough
- Stop the burning out of pupils: withdrawal from the failed Passe-partout Language Project\*

Both initiatives came about on 28 April 2016, the first with 1969, the second with 2024 valid votes.

\*Passe-partout is an agreement of the six cantons BE, BL, BS, SO, FR, VS, that has uniformly organized the foreign lan-

*guage teaching at primary schools since August 2011: All the pupils learn French from the 3<sup>rd</sup> year of primary school and English from the fifth year, with unified teaching materials.*

With its two initiatives the initiators of the “Strong School of Basel-Landschaft” demand that the canton of Basel has to cancel the inter-cantonal agreement and postpone the teaching of English to the secondary school (from year 7).

### From the “Strong School of Basel-Landschaft” – argumentarium

*“The native language as a basis for the foreign language acquisition:*

By a conscious examination of the own native language, the understanding of

language is promoted in itself. Thus, the language learning is facilitated. The grammatical concepts and linguistic structures that are dealt with in German classes thus facilitate the learners’ access to foreign languages. Someone who has good reading and writing skills in the native language can also profit from learning a foreign language. These correlations are consistent not only with the experience of language teachers they are scientifically proven among others by the recently published long-term studies of the linguist Dr Simone Pfenninger from the University in Zurich. For the targeted support of the native language in primary school, the second foreign language should be consequently taught only at the secondary level.”

**“Strong School of Basel-Landschaft’...”**  
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*What happened that the government wants to eliminate such a successful school?*

The KVS did not suit Senior member of the government council *Urs Wüthrich*. In Basel-Landschaft we have several bridge offers for young people after leaving school, several independent schools, each with its individual character. This educational diversity has tradition in our canton and is a guarantee that almost 100 per cent of Basel graduates succeed in changing into the labour market. The cantonal administration of the era *Urs Wüthrich* wanted to abolish two schools – the KVS and the two-year vocational preparation school (BVS 2). With the support of the “Strong School” the teachers of the KVS and the BVS 2 successfully have refused to accept that. The vote campaign “No to the hypocritical relief framework law” was successful. At the ballot box approximately 56 percent rejected the austerity measures, which would have led to the closure of the BVS 2. This was the first major success of the “Strong School of Basel-Landschaft”. The initiative “Education quality even for academically weaker students/young people”, which was established to prevent the abolition of the KVS, will also be submitted to the public vote on 5 June. Even this template has good chances of success.

**Get together in a matter with like-minded people**

*Is it that you always try to put something through in company with the Parliament?*  
On the Board of the Committee of the “Strong School of Basel-Landschaft”

there are two district administrators, *Regina Werthmüller* (independent) and myself as representative of the Greens Independent. Until spring 2015, we both were in the Green Party of Basel-Landschaft. There I was excluded by the electoral support of *Monica Gschwind* in the executive council. Did you get that?

No.

I was expelled from the Greens and from the party, because with *Monica Gschwind* I have supported a commoner in the election campaign of the Governing Council. Thereafter, *Regina Werthmüller* and about a dozen other people have left the Greens of Basel-Landschaft and founded the new party, the Greens Independent. Along with the three district councillors of GLP (Green Liberal Party) *Regina Werthmüller* and I constitute a new five-member group in the district. In the last months our group was able to submit many initiatives which were hatched by the Strong School Baselland. It is encouraging that we often find majorities in the district administrators. Here we get education policy course apace. This would be impossible without a majority in parliament.

*Although I do not really understand why those who want a good education for the youth, should be conservative ...*

Criticism of the school reforms comes more often from the left. In the brochure “Einspruch” (objection), which attracted attention all over Switzerland, numerous politically left thinking people expressed strong resentment against the reforms. As for example, SP-Councillor *Anita Fetz*, the renowned pediatrician and author *Remo Largo* and SP-Councillor *Alfred Steinmann* or the former Basler SP-Party Chairman *Roland Stark*.

*But with only one single question, for instance the criticism of Curriculum 21, one could also get together cross parties ...*

In order to be successful, a solely civil or left committee is not enough. The resistance has to be non partisan. Political motions do have good chances of success when managing to bring on board parliamentarians of the Left, the Greens and the bourgeois parties.

*Thank you, Mr Wiedemann, for the very stimulating conversation.*

\* \* \*

*The Canton of Basel-Landschaft has developed an exemplary, fundamentally democratic model in the educational system. The headmistress of Education does not realize the EDK constructs across teachers and parents. Much rather, she is interested in what teachers as professionals consider as right and useful and what not.*

*The “Strong School of Basel-Landschaft”, an organization of volunteers, standing for a good school, to every problem arising launches a people’s initiative or submits through their representatives in Parliament a venture (postulate, motion, Parliamentary Initiative). In order to move on quickly, they try to achieve, whenever possible the consent of the parliamentary majority. Thereafter, if the four-fifth majority that is necessary for a legislative amendment is not reached in Parliament, the people vote at the ballot box.*

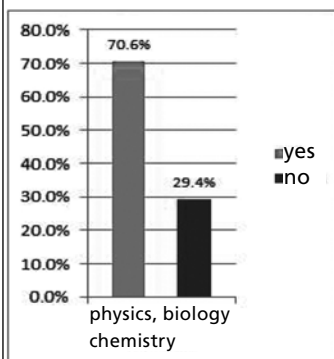
*A realistic determination which initiators elsewhere have already encountered as well is: The best way to attract a majority in parliament and among the people is with a politically broad-based committee.*

(Translation Current Concerns)

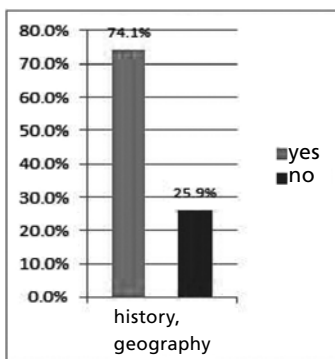
**Survey by the Education, Culture and Sport Directorate (BKSD)**

A significant majority of teachers is in favour for a continuation of single subjects (physics, biology, chemistry, history, geography economy, domestic science) and is against collective subjects (NaTech, RZG and AHW).

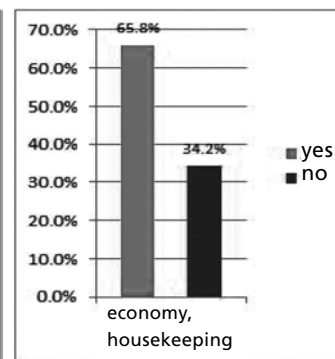
A clear majority rejects the Curriculum 21 and judges it as being a risk for the students.



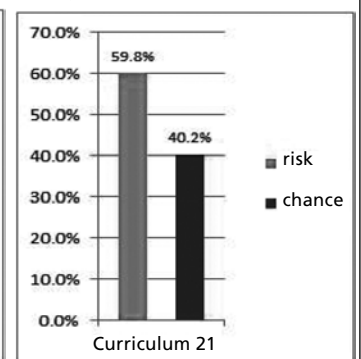
357 teachers are in favour for the three single subjects physics, biology, chemistry (70,6 %), 149 teachers are against (29,5%)



374 teachers are for the two single subjects history and geography (74,1%), 131 persons are against (25,9%)



293 teachers are for the two single subjects economy and domestic science (65,8%), 152 teachers are against (34,2%)



263 teachers (59,8%) reject the competence-oriented Curriculum 21. 177 teachers (40,2%) are in favor for it.