

# Current Concerns

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## EU Eastern Policy and the new East-West Divide The 1989 Revolution in Eastern Europe and the New World Order

by Prof Dr Peter Bachmaier\*



Peter Bachmaier  
(picture uk)

*The New World Order introduced after the revolution in Central and Eastern Europe entailed the enforcement of the neoliberal model, the dictatorship of money, with the following characteristics: total liberalisation of the economy,*

*reduction of the state, liquidation of state property and privatisation, deregulation, subordination of all the countries under the control of foreign capital and finally political integration into the Western system, in EU and NATO.*

The Eastern bloc, which had been under Soviet Union dominion, was dissolved because *Mikhail Gorbachev* had “relinquished” Eastern Europe at the Malta conference with *George Bush* on 2 December 1989. However, he had been promised that the NATO would not expand eastward.

The heyday of the *détente* was reached at the CSCE Conference in Paris in November 1990. The principles for a “common European home” were shaped in the Charter for a New Europe. Europe was “unified”, and the East-West schism that had lasted since 1945 seemed overcome.

However, the goal of American foreign policy was the subjugation of Russia, as evidenced by the “Project for the New American Century” in 1997 and other documents. In his famous work of 1997 “The Grand Chessboard”, *Zbigniew Brzezinski* called for the decomposition of Russia into three parts: in a European Russia, Siberia and a Far East Republic. *Brzezinski* declared: The New World Order will be built upon the ruins of Russia. Today, Washington wants to come to an end with *Putin* and has obviously decided that he

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“The alternative is therefore a decentralized, social Europe, a Europe of Nations, but without ethnic nationalism, as well as cooperation with Russia and other Eastern European countries, which also offer resistance. [...] Today we need no military buildup, no reinforced confrontation, but cooperation between the East and the West.”

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is a major obstacle to their plans, because along with China Russia is the only global axis of resistance.

NATO expanded eastward, and paved the way for the European Union. The aim of NATO has no longer anything to do with defence. NATO wants to expand as much as possible to the east so as to force Russia back. At its meeting in Wales in September 2014, NATO decided to launch an offensive to the east. Troops are stationed in every eastern Member State of NATO, especially in Poland and the Baltic countries, “in order to prevent a Russian attack,” as it is said. Expenditure was quadrupled for the eastern allies of NATO.

### **The expansion of the European Union: the East becomes peripheral**

In 1989, the European Community decided on the PHARE agreement (Poland and Hungary Assistance for Restructuring the Economy)<sup>1</sup> for the restructuring of the Central European countries. In 1993, this was followed by the EU Copenhagen Summit’s decision on the association of Central and Eastern European countries and the stipulation that these might join the EU if they met the conditions of the Copenhagen criteria and would adopt the *Acquis communautaire*. With their association in the nineties, the Central and Eastern European countries had to accept the principles of the neo-liberal economy. In 2004, the European Union accepted the countries of Central and Eastern Europe and Baltic states as members, in 2007 Bulgaria and Romania and in 2012 Croatia. As a result, the economy of Cen-

tral and Eastern Europe was taken over by Western corporations, and the East became the “peripheral capitalism” (*Dieter Senghaas*). Governments were advised by American experts such as *Geoffrey Sachs*. The new elite in the candidate countries sold the national wealth of their countries to foreign states.

Today the countries of Central and Eastern Europe are on the periphery, as *Hannes Hofbauer* has shown in his study “EU-Osterweiterung” (Eastward Expansion of the EU) of 2008. By and large they have lost control of their own development. The eastward expansion of the European Union served mainly to open up new market spaces for the largest companies of the West. The practical consequences of the radical change measures in most countries have been mass unemployment, corruption, declining life expectancy, and a constant brain drain. A large proportion of industry has been smashed, production has fallen, and millions of jobs have been lost. The people have been divided into winners and losers.

### **Extended workbench of Western corporations**

Those enterprises in the Central and Eastern European countries that were left were transformed into an extended workbench of the western corporations.

In Poland, which has been considered a model of success since joining the EU in 2004, more than 90% of the coal mines, employing more than 300,000

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# What about protection of german citizens and german territory?

by Willy Wimmer, retired State Secretary



Willy Wimmer  
(picture ef)

For Nice and the Nices to come, wherever they may take place, one thing must be clear and unambiguous. The perpetrators must be hunted down to the last corner of the world and be arrested so that we obtain information about the

backers. As citizens of this country we do expect that from our state and from the relevant security authorities. For all our neighbors it must be clear that Germany as a state is at their side when they have been victims of such cowardly attacks.

## The perpetrators must be caught and we have to change our policy

Since the internationally illegal war against the Federal Republic of Yugoslavia in March 1999, our southern neighboring region is covered with murder and manslaughter by the West, led by the United States, the United Kingdom and France, but also with German participation. French special forces on Syrian territory are reported not to have been destroyed solely on the ground to

send a warning to the French Government. Keep your fingers out of the affairs of other states! That was and is the message, regardless of whether it is about Mali, Syria or about Libya, bombed to pieces by Sarkozy. The war against Yugoslavia was the signal for a new colonialism in an old guise. The collateral damages so highly praised by NATO can no longer be limited to Afghan wedding parties or to the Libyan tribes around Syrte. If the West does not stop and return to the United Nations Charter, we will be in for a nasty «blood-red» surprise as the terrorist attacks in London, Paris and Madrid have shown. In the famous «Charter of Paris» in November 1990 it has been promised by looking each other in the eye that only peace should emanate from Europe. The United States have made Europe the machine and the aircraft carrier for terrorist attacks, and our governments have approved and participated.

## Our governments fail at their tasks

The first duty of our own government is to protect German citizens and German territory.

Within and at this task the federal government has failed. The mortal danger of the attacks of 9 September 2001 in New York which started from Hamburg ought to have had consequences. The protection

of German citizens and German territory is not ensured by the federal government using the services of obscure advisory groups for the erosion of our constitutional or European legal system. This is tragically illustrated by 4/5 September 2015 and by our Chancellor still continuing a putsch-like abolition of the institutional framework concerning the protection of our borders. A few weeks ago a German mass magazine has illustrated – without being contradicted – that the Minister of the Interior wanted to deploy the existing and designated police units for protecting the German borders. According to these press reports the Chancellor has forbidden this deployment. Today she complains publicly that potential offenders are using the migration movement against Europe for permanent infiltration. However, the Chancellor has to face the question why she promotes this situation by permanently having weakened the protection of our frontiers and maintains this condition to the detriment of our country and of the European Union? Nothing is achieved by immediately killing the perpetrators and not taking prisoners. We want to know why this is happening and why we are not protected? Nothing is achieved by fooling the world with posed photographs, as happened in the attack on Hebdoo in Paris. •  
(Translation Current Concerns)

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people, have been closed. The big Gdansk Shipyard, which in the 1960s and 1970s built the most ships throughout the world, is now virtually out of business. Poland's foreign debt increased from 99 billion US dollars in 2004 to 360 billion US dollars in 2015. In the Czech Republic the famous Škoda Works were taken over by Volkswagen AG, which built a new assembly plant, in which various decentralised subsystems worked. The car production of the Tatra plant was closed. In Hungary Ikarus, once the largest bus manufacturer in the world, has virtually ceased its production because the IMF banned the export of buses into the former CMEA (Council for Mutual Economic Assistance, 1949–1991)<sup>2</sup> as part of its conditions for government loans to Hungary. In Bulgaria and Romania the national industry has completely disappeared, and strategic sectors were sold to foreign companies.

As part of the “Eastern Partnership” the Post-Soviet States Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus are also to be offered a policy of economic convergence, of democratic progress and of financial and technical assistance. The program has the strategic goal of establishing a “ring of stable, friendly states” around the EU. Corresponding agreements have been concluded with the six former Soviet republics.

The de-industrialisation was followed by a reorientation of trade and economy. All but ten years of reforming zeal sufficed to fundamentally alter the external commercial relations. In 1999, the Czech Republic already exported 69% of its goods to the EU, Hungary 76%, Poland 70%, Romania 65% and Bulgaria 52%. In the Czech Republic, Hungary, Slovakia and Slovenia, the assembly of cars played an important role. The gap between East and West has increased since 1989, and there can be no question of making up any ground.

The share of foreign banks in the total market had already been between 60% and 89% before the EU expansion. The expansion primarily served to open up new markets for the strongest corporations of the West – the so called “global players”. Even before the accession to the EU, in the decade after the 1989 turnaround, a supersession of owners of the economic structure of these countries had been enforced. Under the heading of “international division of labour” outsourcing of industrial production from the economic central spaces into peripheral areas was practiced. Thousands industrial sites were outsourced to Eastern Europe, where labour costs amounted to only one tenth. Especially Hungary, Slovakia and the Czech Republic have become extended workbenches for the Western European automotive industry.

Agriculture too was not spared by the EU. While in the Euro-zone a hectare costs an average of 10,000 euros the com-

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parable price in the Central and Eastern European countries is only 1,000 euros or less. In Ukraine, the Western agribusinesses have already managed to acquire 40% of the soil. Other countries, such as Hungary, are still resisting.

**The promotion of cultural harmonization**

The New World Order also brought the implementation of a new liberal value system in civil society which had the aim of undermining national culture and the traditional family and of atomizing society. *Benedict XVI.* called this a "dictatorship of relativism". The West is now cosmopolitan and it is in favour of the "marriage for all" and a culture of diversity. The EU approved the Charter of Fundamental Rights in 2000, and this has no connection whatsoever to Natural Law.

The EU aims at "promoting cultural harmonisation" (*Johannes Hahn*), with the objective of re-educating people, especially young people. The media in Central and Eastern Europe are in fact controlled by western media groups: from *Rupert Murdoch's News Corporation* to *Bertelsmann Inc.*, the *Springer Group*, the *WAZ Group* and the Swiss media group *Ringier*. A large part of the Polish media is now managed by FRG-controlled publishers (*Bauer Media Group*, *Verlagsgruppe Passau* and *Axel Springer* (who publishes the newspaper "Fact" – the Polish "Bild" – and *Newsweek Polska*)).

The American foundations such as the *Open Society Foundation*, which also operates universities like the Central European University in Budapest or the South East European University in Bulgaria, are playing an important role. All eastern EU members have joined the Pisa and Bologna system, which is controlled by the OECD and is aimed at subjugating the entire educational system to economic categories. The education system has deteriorated in parallel with the continued marginalisation of the eastern region.

In all former socialist countries the numbers of students in primary schools have decreased, in some cases drastically. The task of the university is now the production of "human capital" for the market. Neoliberalism wants to produce just only more consumers.

**The population decline in the East**

Neoliberalism has led to a dramatic demographic change in the East. Declining birth rates, which began immediately after the 1989 turnaround, attest to the people's anxiety about the future. As early as 1993, on average 18% fewer children were born than in 1989, the declines ranging from

minus 3.3% in Hungary and minus 31.7% in Romania.

One result of the transformation process was a huge flow of migration from east to west, which has been continuing until today. Since the fall of the Iron Curtain about 14 million people have left the region of Central, Eastern and Southeast Europe for the West, as the Vienna Institute of Demography estimates in 2016. Today around 23 million fewer people live in the region than formerly. In 1989, they totalled 214 million. According to this institution 778,000 people who were born in Central, Eastern and Southeastern Europe are living in Austria alone in 2016. Even today a large part of the youth, especially well-trained skilled workers, technicians, engineers, chemists, biologists, doctors, and so on, want to leave their country to find a better job in the West. Surveys show that in the Balkans this applies to about half of the young people.

The countries affected by this wave of emigration are "very concerned" about it. Governments develop national programs for population security. In Hungary, the program "Come home, young people" was developed for emigrants, which is to provide financial incentives for their return, because the young people are missing in their own country. In Lithuania, since the turnaround the population has declined from 3.7 to 3 million, in Bulgaria from 9 to 7.1 million in the year 2015.

**The decline of EU prestige**

This enormous upheaval has – after the initial euphoria – caused a great disappointment in the mass of the population. Since their joining the EU, trust in that

"The current economic crisis in many EU countries has led to a loss of prestige of the EU. In five of eight countries, citizens associate the EU more with failure than with success, whereby the members of the lower classes are particularly sceptical." (FES 2016)

This loss of confidence is also due to the Euro Crisis (since 2008) and the recent refugee crisis (since 2015). The situation has been worsened by the traditionally low level of political participation in the European elections. Abstention is particularly high in the Central and Eastern European countries, but the percentage of voters in national elections is two or three times as high as in elections to the European Parliament.

The events since the summer of 2015 in connection with the migration crisis caused a clear loss of confidence in the EU in all eastern member states. The high expectations raised in 1989 – in connection with the system change to Western capitalism – turned to profound disappointment about two decades later. The people of this region increasingly see an alternative in a return to the nation state.

**Resistance of the Eastern EU Countries**

Since the middle of the year 2015, the former socialist countries have been offering open resistance to Brussels policies concerning the migration issue. The deeper cause of this resistance lies in the national culture which has – ironically – survived to some degree in the East precisely because of the iron curtain, because the communist regimes fended off Western liberalism, especially after the '68 revo-

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**"The new world order also brought the implementation of a new liberal value system in civil society which had the aim of undermining national culture and the traditional family and of atomizing society. Benedict XVI. called this a 'dictatorship of relativism'".**

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same EU has been decreasing in the Central and Eastern European countries, as the political scientist *Dieter Segert* has verified. In the two most developed countries of the region, the Czech Republic and Slovenia, confidence in the EU is the lowest and mistrust is highest.

According to the Eurobarometer Index in 2015, 63% (!) of people in the Czech Republic, 61% in Slovenia, in Hungary 51%, in Poland 39% and in Slovakia 51% no longer have confidence in the EU. The *Friedrich Ebert Foundation* confirms this negative perception of the EU in a study:

Up to today the state in the eastern countries supports the national museums, the national theatres, the national philharmonics and so on as identity-establishing cultural institutions. Modern Western art and culture, the sexual revolution, drug consumption, rainbow parades and so on were not accepted in the Soviet bloc and are not accepted by the population today. Cosmopolitanism was fought as an imperialist ideology in the East and is still regarded as a threat to cultural identity. Val-

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ues still play a role in the East, there is a national and religious revival, the family is still valued as such, because the East has the experience of different times.

Today the Western media are criticising the Eastern European countries, because they regard their social values and cultural perspectives as obsolete. The leaders of the Eastern region today show restraint towards the EU and also do not accept the canon of political correctness. They are increasingly offering resistance, especially against the progressing centralisation.

In Poland, the new government demands the media "to maintain national traditions and patriotic and humanistic values". The theatre is not to violate generally accepted social values and norms. "There is no reason", said the new Polish Culture Minister *Piotr Gliniski*, "that groups that contribute to the degradation of Polish culture, tradition and identity, should go on being favoured as they have been". State theatres should also fulfil a public mission, said Gliniski. "They should be a link to our identity, to our history, to our canon of cultural and national values."

In Hungary, a new media law came into force on 1 January 2011, which subjects the public media to a supervisory authority that is to check the media for balanced coverage and for their focus on the "strengthening of national identity". Cultural subsidies for the so-called free art scene were cut. The national theatre became a house of national culture again.

### Defense of social values

However, not only cultural, but also social values are being defended in Eastern Europe. In Poland the new government raised taxes on foreign banks and international supermarket chains with the aim of improving the competitive situation for the small and medium-sized businesses. The rights and opportunities for small Polish traders are to be safeguarded against the multinational players in the market. At the same time expected tax revenues will be used to socio-politically support families and children. It is for instance planned to pay Polish families 112 euros a month as family support from the second child on.

Since 1994, Hungary has forbidden foreigners to purchase Hungarian soil, so as to protect the country from foreign speculators. Therefore many Austrian farmers only entered into usufruct contracts from 1994 to 2001 by which the Hungarian landowner leased the soil to the foreign beneficiary for life or for 99 years. In 2014, even these contracts were terminated by the *Orbán* government.

In Slovakia, there was resistance against bailout and fiscal union in the Euro Crisis, and parliament chaired by *Richard Sulík* rejected the bailout in October 2011. The Czech Republic did not sign the fiscal union.

The resistance to neoliberal restructuring is reflected in the Transformation Index of the *Bertelsmann Foundation*, which pretends to regularly measure the democratic and economic development of 128 countries. This imputes "backsliding" for the time since 2012 to most countries of Eastern and Southeastern Europe, meaning reduction in quality of their democratic and market economical order. During the investigation period from 2009 to 2011, the "quality of democracy" was reduced in 13 of 17 countries according to the opinion of the Foundation, with Hungary standing out particularly. Most of these countries have slowed down their economic transformation simultaneously with their political reforms.

### The division of the EU into East and West

The EU is now split into Unionists, who want an ever-closer, centralist Union, and sovereigntists, who desire a Europe of free, sovereign nations. The EU's eastern members prefer the sovereign state, so they cooperate in the Visegrad Group (Poland, Hungary, Czech Republic and Slovakia) as well as in the Central European Initiative (CEI), which was established at the initiative of Austria and is chaired today by the Austrian Secretary General *Margot Klestil-Löffler*. Visegrad Group has decided on a common migration policy that was described by Luxembourg Foreign Minister *Asselborn* as a "turning away from Europe". The four Central-Eastern European countries decided to cooperate in February 1991, and that includes an international fund to promote cultural networks. In 2014, the Czech Republic proposed that Austria and Slovenia should also participate.

The country most strongly opposed to the EU today is the Czech Republic, where the percentage of advocates of a withdrawal has officially reached 57%. According to a survey of the weekly newspaper *Reflex* even 80% of respondents are in favour of leaving the EU. The current President *Miloš Zeman* is amongst the most prominent European critics, as well as his predecessor *Václav Klaus*. Europe's dividing line runs right through individual countries. In Germany, the new states, i.e. the former GDR, who oppose the increasing westernisation.

However, the governments of these countries remain dependent on NATO regarding their foreign and security policy. NATO has built large bases, conducts major maneuvers in Poland and the Bal-

tic countries, and supports the project *Intermarium* that was drafted by the Polish Marshal *Jozef Pilsudski* after the First World War. This aims at the inclusion of the countries between the Baltic and the Black Sea in the sphere of influence of Poland and thus of the US.

While the ruling elite in the eastern EU countries are independent in their internal politics, they have to follow the directives from Brussels and Washington in their foreign and security policy.

The gap between the political class and the population is now even greater in the East than in the West. But governments are forced to resist by the people. There is also opposition concerning the security policy: The NATO members Bulgaria and Romania refused to send their navies out to support the US war fleet in the Black Sea.

### Austria's turn to the East and Southeast

The Austrian population is also ever more critical of the EU and is increasingly orientating itself eastward. At the Balkan Conference in Vienna on 24 February 2016, a common approach with nine Balkan countries to the issue of migration was decided under the chairmanship of Austria, and this was also coordinated with the Visegrad countries. Austria also advocates a normalisation of relations with Russia and Belarus. An in its criticism of the TTIP agreement with the US, Austria is supported by most eastern European countries as well.

The approval of the EU by the Austrian people has by now dropped to about 30%. At the same time 60% of Austrians surveyed in a Gallup poll in 2015 disapprove of US politics. This percentage takes third place after Russia (89%) and Belarus (67%). In no other EU country the rejection was so great. The anti-capitalist anti-Americanism unites the left and the right – criticism of America acting as a common denominator.

### Crisis of the EU

Today the EU has no common strategy any longer: neither concerning the monetary policy nor the security or migration policy. The gap between the ruling political class supported by the financial elite and the media, and the people is becoming ever wider. Newspapers are losing their readers because they have been forced into line, and readers get their information from the internet and social media. The letters to the editor in the newspapers show what people really think. Referendums in different countries show that a majority of citizens is tired of the EU enlargement and of the unresolved problems.

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## German politicians warn of danger of war and call for change

km. In recent weeks, German politicians of all political tendencies have warned of the danger of war and called for alternatives to the existing policy. We have compiled a number of these votes.

### Frank-Walter Steinmeier: Tank parades do not create more safety

"What we shouldn't do now, is to inflame the situation further by loud sabre-rattling and warmongering. Anyone who believes to create more security with symbolic parades of tanks at the eastern border of the Alliance is wrong. We are well advised to deliver no handle for a new, old confrontation free to the door."

Source: Frank-Walter Steinmeier, German Foreign Minister (SPD); in "Bild am Sonntag" from 19.6.2016

### Wolfgang Ischinger: NATO to stay moderate

"Wolfgang Ischinger, German top diplomat and Chairman of the Munich Security Conference, recommends restraint to the NATO in dealing with Russia. The Western military alliance should 'not fuel the conflicts, but dial them down', Ischinger said in the North German Radio's (NDR) magazine 'Panorama'. The danger that 'escalations lead to military fighting' is from Ischinger's point of view even greater than in the late phase of the cold war or 'than in the past 25 years'. Well, even 'greater than ever.'"

Source: [www.spiegel-online.de](http://www.spiegel-online.de) from 23.6.2016

### Sarah Wagenknecht: The danger of a military escalation is very, very big

"I think we should not address this possibility [of war against Russia], but we should be concerned with everything we can do, that this will never happen. And I still think that the NATO is doing now war games – actually enforced in recent times and already for years. And this is a highly dangerous policy. What's the point of that? Manoeuvres in the immediate vicinity of the Russian border, even under the martial name of a constricter. Further to mention are permanent force deployments and missile bases. Germany is involved everywhere, and that given the German history. Really, I find this incredibly irresponsible, because this way of course, the danger of a military escalation is very, very big. It can arise from a misunderstanding. And to be always aware: nuclear powers are facing each other here. So it isn't about finding Rus-

sian politics great. Many things are not at all great. But we must simply realize that safety in Europe is only possible with Russia and not against Russia. [...] If one considers for example the expenditure on armaments, then the NATO spends currently 13-fold the money compared to Russia. And yet one wants a sharp increase in defence spending now again, aiming for 2 % of the economic output spent in military in all countries. This is totally crazy. We have already the 13-fold spending compared to the Russians. And with regard to shifting of borders: of course we as a left party are always critics of international illegal approaches. We already criticised the situation in Kosovo this way. But one has to admit of course, looking at the development since the 1990s, that the NATO has pushed more and more its border forward, more and more towards Russia. Firstly, the Eastern Europeans, then the Southeast Europeans. Now, Montenegro has been taken on board. [...]

Germany radio 'Deutschlandfunk': The People in Poland, in the Baltic States, who worry about Russian aggression, about the Russian armament programs. Can you just ignore it?

Sarah Wagenknecht: I really do not think it is realistic, if anyone thinks that Russia will soon attack the Baltic States. This is absurd. There was a special situation in the Ukraine. The Russian Black Sea fleet was already there. It was always stationed in Crimea. It didn't occupy the area, but it was there before, and the Russians would not pull it off and didn't want to be in the situation, that suddenly their Black Sea fleet and their strategically important base are on NATO territory. [...]"

Source: Sarah Wagenknecht (the left); in an interview with [www.deutschlandfunk.de](http://www.deutschlandfunk.de) from 10.7.2016

### Christian Ströbele: What would be going on, if Putin would send troops to Cuba?

"The NATO in Poland and Baltic States. They have a screw loose" What would be going on, if Putin sent robust troops to Cuba in a manoeuvre. Unthinkable consequences."

Source: Twitter message from Christian Ströbele (Alliance 90 / the Greens) from 8.7.2016

### Horst Teltschik: To use instruments of detente

"We have built instruments in the last 20 years to develop peaceful measures of detente, and we must ask ourselves in the West, whether we have even used them, – think of the NATO-Russia Coun-

cil, which we have established in 2002, think of the founding act of 1997 between the NATO and Russia. There many measures were agreed, which we have not effectively used in the crises of recent years.

Germany radio: But what should the NATO specifically do if Member States like the Baltics and Poland are asking for help because they feel threatened?

Horst Teltschik: The Baltic States such as Poland, like all other Member States of NATO, are joined together in a defensive alliance. They are members of the European Union, there they have security guarantees, that is to say, they are integrated into two organizations which mutually guarantee the safety. If they are not convinced of this, they don't need to be members of these organisations. Russia and President Putin are not suicidal, to attack a country, that is a member of the NATO, knowing that they go then practically in a state of war with 27 other States. You should not exaggerate. [...]

We have taken the most far-reaching disarmament and arms control agreements after the end of the cold war that has ever existed. This process shouldn't have been interrupted, but continued. We have negotiated an agreement on the reduction of conventional armed forces in Europe at that time. This treaty has been ratified by Moscow, but not by the West. Why was this process not resumed and continued? We had a whole system of confidence-building measures, that is to say, mutual announcement of manoeuvres, mutual observation of manoeuvres and, and, and. All that has not been continued, even given up partly.

It means, the instruments are known, the facts are on the table, it is contractually agreed in part. The NATO-Russian Council has not been convened in the ultimate crisis – in the war in Georgia and the Ukraine conflict –. Thanks God, now the NATO General Secretary has at least announced that two weeks after the NATO Summit one will convene the NATO-Russia Council. I hope that the Western measures will be explained in detail and one will return to the negotiating table and discuss what can be done to prevent conflicts. [...]

I think that one can certainly speak with Putin, as it has also happened in the past."

Source: Horst Teltschick, former adviser of German Chancellor Helmut Kohl (CDU) in an interview with [www.deutschlandradiokultur.de](http://www.deutschlandradiokultur.de) from 8.7.2016

(Translation Current Concerns)

# The Warsaw Summit documents a NATO avoiding the truth and preparing for war

by Karl Müller

In the context of the NATO's summit of heads of state and government, its decisions – firstly to deploy four NATO battalions in the Baltic States and in Poland, secondly the “offer” to dialog with Russia and thirdly the public debates in Germany (and other countries) about the dealing with Russia – have dominated the reporting news.

A more accurate reading of the final documents of the summit reveals a few more but also important aspects, including

- the consistent attitude, the NATO itself (representing the highest political values), was completely innocent of the aggravation of the conflict with Russia and solely Russia (which was trampling the law under foot) was responsible for it,
- the will to de facto lead NATO up to Russia's borders, by a further inclusion of Ukraine and Georgia,
- the determination to re-arm in all areas of military and also civil life and to prepare for new wars,
- the attempt to make EU an instrument of NATO even though the EU has formally neutral member states, namely Austria, Finland and Sweden.

## Numerous important documents

The first and second aspect can be seen in the “Joint statement of the NATO-Georgia-Commission at the level of Foreign Ministers” of 8 July 2016 and even more in the “Joint statement of the NATO-Ukraine-Commission at the level of Heads of States and Government” of 9 July.

The third aspect can be found in the “Commitment to enhance resilience” of 8 July and the “The Warsaw declaration on Transatlantic Security” of 8-9 July.

The fourth aspect can be found in the “Joint declaration by the President of the European Council, the President of the European Commission, and the Secretary

## Willy Wimmer: “Today, NATO wants to pinch the Russian resources”

“Now our tanks are again on the outskirts of Leningrad or St. Petersburg. NATO has now again brought about the whole deployment, which then brought terror, misery, and hardship over Europe. [...] We are back at the borders of a country, which lost 27 million of his countrymen 75 years ago. This cannot be stressed often enough. [...] At that time, 75 years ago it was about the lebensraum in the East. Today, NATO wants to pinch the Russian resources. [...]”

What we see today, the situation in Ukraine and the development of the Crimea, we have to say matter-of-factly: the West, NATO and the European Union have gambled away, and Ukraine pays

the price for it. Russia cannot be blamed for that! [...]

Poland and the Baltic countries are trying to bring Germany and the German people in position against Russia, which is not desired by both peoples. [...] This is an attempt to build a new wall across Europe, in coordination with the American policy, this time from the Baltics to the Black Sea, in order to isolate Russia.”

from: Willy Wimmer: “Der Westen hat sich verzoockt” (*The West has gambled away*), Interview with Sputnik News from 8 July 2016 (<http://de.sputniknews.com/politik/20160708/311246497/wimmer-westen-verzoockt.html>)

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General of the North Atlantic Treaty Organization” of 8 July. These (and other important) documents can be found e.g. on the official NATO website [www.nato.int](http://www.nato.int).

## Triteness and falsehood of the NATO argumentation

As a politically and historically interested citizen, you are highly disconcerted in view of the triteness and falsehood of the NATO argumentation. There is never a statement regarding the real politics of the NATO states in the past 25 years, no hint at own errors or omissions – except in re-armament –, nowhere a word of understanding for the Russian position.

For instance, if we read that the Russian actions in Ukraine “undermine the rules-based order in Europe”, the question is what has really happened in Ukraine and which “rules” were followed in the NATO eastward expansion, the new NATO strategies after 1990 (from a defense alliance in the Northern Atlantic region towards a globally acting aggressive alliance), the NATO wars violating international law in Yugoslavia 1999, in Libya 2011, the aggressive war of a large number of NATO

states violating international law in 2003 and so on – and which “order in Europe” was aimed at.

## Enemy stereotype Russia

NATO claims: “Despite repeated calls by the Alliance and the international community on Russia to abide by international law, Russia has continued its aggressive actions undermining Ukraine's sovereignty, territorial integrity and security, in violation of international law.” Not a single mention is made of the NATO states' real politics on Ukraine: neither of the participation of NATO states in the Ukraine coup d'état in February 2014, nor of the participation of NATO states in the new Ukrainian government's violent repression of the originally peaceful protests in Eastern Ukraine, nor of the endeavors of NATO states to take away the naval base on the Crimean from Russia with the help of Ukrainian command units.

How dares NATO formulating that “further steps” were taken “in order to strengthen our deterrence and defense

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## “EU Eastern Policy and ...”

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The alternative is therefore a decentralised, social Europe, a Europe of Nations, but without ethnic nationalism, as well as cooperation with Russia and other Eastern European countries, which also offer resistance. The Visegrad countries are calling for a profound transformation of the EU and for a Europe of sovereign nations. They are deepening their cooperation with the Baltic States and the Balkan countries.

Today we need no military build-up, no reinforced confrontation, but cooperation between the East and the West. •

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<sup>1</sup> PHARE was the main instrument to support transit and accession process of the EU candidate countries. It was aimed at the administrative organisation, the economic structures and the preparation for the adoption of the *Acquis communautaire* (the whole current EU law in the EU). Over 2.5 billion euros have been used in connection with PHARE between 1990 and 2000.

<sup>2</sup> The Council for Mutual Economic Assistance (CMEA) was an international organisation of socialist countries led by the Soviet Union. (Translation Current Concerns)

## Modern slavery? – Asylum seekers as a source of cheap labour

by Hansjörg Rothe

James Brokenshire is no communist, not even a Labour MP. He represents the Conservative Party in the British House of Commons. However, the name of the law which he introduced in November 2014 initiated the rebirth of a political term that was long forgotten in the European discourse, because it had seemingly been irrelevant for some 150 years: the *Modern Slavery Act*. Human trafficking and slavery are the crimes which are punished by this law. Ten to thirteen thousand people are said to be affected – in England and Wales, that is! The United Nations estimate the number of people “in the slave trade industry” to be between 27 and 30 million world-wide, 14 million in India alone.

Alain Dehaze is no Swiss native but was born in Belgium, today he is the CEO of Adecco, the world’s largest labour leasing company with headquarters in Zürich. In mid April 2016 he gave an interview

to the Swiss journal *Finanz und Wirtschaft* (Finance and Business), in which he outlines his expectations for profits made by his company in Germany. He was cautiously optimistic: “Germany remains an interesting market”, he said, although current efforts to pass a law that would make it illegal in Germany to pay lower wages to leased workers after 9 months could cut profit margins.

“Leased labour” – i.e. labour provided by leased workers who can be laid off any time and get lower wages for the same workload – played a major role twice in the last 20 years, each time when massive disturbances in the political party landscape of Germany have occurred: At first at the left edge of the spectrum, when chancellor Schröder introduced the concept of “leased labour” at the turn of the century and abolished financial aid for the long-term unemployed, which caused his Social Democratic Party to split while a

new party under the name “The Left” was founded; and then again over the last several months at the right edge, where the ever increasing votes for the newly established party “Alternative for Germany” are interpreted as a reaction to the migration policies of the current government.

Both incidences are discussed in the “Finanz und Wirtschaft” interview. “Under Chancellor Schröder”, the Interviewer recalls, “temporary work used to be popular in Germany. It was seen as a means to bring the long-term unemployed back to work. Now the proposed bill [i.e. the plan to outlaw lower wages for the same workload for longer than 9 months] seems to indicate that the reputation of leased labour is somewhat tarnished.”

The following remark may explain why many companies are so happy to have leased workers in their work-force,

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### “The Warsaw Summit ...”

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against threats from all sides” if NATO states are already spending ten times as much as Russia or China for the military and armament, to say nothing of the other members of the global community? Logically, this grossly unbalanced armament can only make sense in one way: to form the world according to one’s own taste and to dominate others.

### Hypocritical dialog offer

What should we think of a formulation like “We continue to aspire to a constructive relationship with Russia, when Russia’s actions make it possible“, if at the same time Russia is confronted with numerous accusations – which implies that NATO will not deem a “constructive relationship with Russia” possible until the NATO states succeed in bringing Russia to its knees or managing a regime change?

What does it really mean if we read that “an independent, sovereign and stable Ukraine, firmly committed to democracy and the rule of law, is key to Euro-Atlantic security”? Is this the official version for the US strategist Zbigniew Brzezinski’s open word who wanted to cut off the historic ties between Ukraine and Russia in order to permanently weaken Russia?

NATO writes: “We believe in an undivided, free and peaceful Europe.” At the same time, the next sentence stresses its will to increase its influence in Ukraine, in Georgia and in Moldova, that is, on Russia’s borders and in countries with tra-

ditionally strong ties with Russia, while pushing back Russia’s influence. How can this go together?

### Which interests is NATO serving?

In his new book “Feindbild Russland. Geschichte einer Dämonisierung” (Enemy stereotype Russia. History of a demonisation, cf. *Current Concerns* No 15 from 12 July 2016), Hannes Hofbauer has shown that this century old enemy stereotype has been reactivated after 2000 when the Russian government under its president Vladimir Putin refused to give US-American energy corporations permission to access Russian energy reserves. NATO is an instrument of these interests, but also of other interests and ideologies. There will likely never be a NATO which can stick to the truth in these contexts - otherwise it would reveal itself. Who could expect this?

But it is the task of the citizen to ask critical questions and to get to the bottom of things. This is indispensable if NATO is pursuing a policy which highly endangers life in Europe – as it does with the current policy.

There can only be a real dialog with Russia if NATO also accepts Russia’s legitimate concerns and interests. Everything else is a highly dangerous path towards the abyss.

### Why does Germany strive for a globally leading role?

P.S.: On 8 July, under the headline “Rolle in der Nato. vom verlässlichen Partner zum Impulsgeber” (Role in NATO.

From reliable partner to initiator), the German daily “Frankfurter Allgemeine Zeitung” wrote: “At the Warsaw NATO summit, Germany is presenting itself with a new self-image. Gone are the decades of political and military restraint. Berlin is now seeking an active contribution to the global order.” On 12 July, the same newspaper reviewed a book of the US-American Esther-Julia Howell which had appeared in German translation: “Von den Besiegten lernen? Die kriegsgeschichtliche Kooperation der US-Armee und der ehemaligen “Wehrmachtelite” 1945–1961” (Learning from the Vanquished? Military historical cooperation between the former “Wehrmacht” Elite and the United States Army Historical Division, 1945–1961). Among others, the book is telling the story of Franz Halder who had been head of the German general staff and received the highest honour of the United States of America for civilians. He received the honour for his merits in the Cold War. The newspaper wrote that Halder and his equals “in a time of an intensifying Cold War when also old enemy stereotypes were unashamed cultivated, had become estimated consultants of the US Army. Halder was moved to tears when the US Army asked him not only to draft studies regarding his own experiences in the east but also to contribute to the new Field Manual for a potential land war against the Soviet Union.”

Shouldn’t this make the blood run cold in our veins?

### “Modern Slavery? – Asylum ...”

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although they have to pay the Adecco fees on top of the (really low) wages of the leased workers: “After a twelve months lease”, Dehaze said, “60% of our leased workers get a proper contract.” It is everybody’s guess how these prospects will influence the working spirit in the company.

Now that long-term beneficiaries of unemployment payment no longer exist in Germany, at least one million asylum seekers entered the country in 2015. This number includes several tens of thousands of refugees, mainly from Syria, i.e. people who had to flee their homes for comprehensible reasons. Thanks to a new law<sup>2</sup>, which was introduced on 29 September 2015 – while public discussions were still buzzing about the first weekend of that month when *Angela Merkel* and the (then still serving) Austrian Chancellor *Faymann* decided on their own to dump the Dublin agreements – all these people are now eligible for leased labour. All that is required, since the bill passed the Bundesrat chamber of German parliament in October 2015, is a waiting period of three to fifteen months.

Unsurprisingly, the *Finanz und Wirtschaft* interviewer muses about new areas of activity for Adecco in this context: “Considering Germany, the question poses itself, whether human resource providers could make a contribution to the integration of refugees into the labour market.” Alain Dehaze absolutely agrees and replies: “We are already co-operating closely with the authorities in Germany and organize first-hand enrollment. However, the legislative has to change the legal framework, so that people who have been granted asylum may be integrated into the labour market straightaway. In Germany a waiting period of fifteen months has to be observed at this point, before a refugee may be offered a job.”

This answer is interesting, since it contains a kernel of truth but distorts several other aspects, as it is only too common for political statements nowadays. In fact the passage of the law which Dehaze refers to states: “Asylum seekers and tolerated people [whose asylum applications were turned down] are no longer forbidden to be leased out by human resource providers after three months, if they are skilled workers. Unskilled workers are eligible for leased labour after fifteen months.” This effectively means that the whole asylum application process has been rendered irrelevant for the labour leasing companies – while proper work contracts are still forbidden for them, both immigrants who have just crossed the border (i.e. asylum seekers) and asylum seekers, whose applications were turned down (i.e. “tolerated people”) may now be leased out by la-

bour leasing companies to work. It seems doubtful that Dehaze does not know that and just mixes the terms up by mistake. He talks about “people who have been granted asylum”, without mentioning that this would imply a completed asylum application process, which takes several months and will only be successful for the “real” refugees. Having been granted asylum, however, means for the refugee that after this process he or she may apply for jobs in the “proper” labour market. Those fifteen months, which Dehaze erroneously connects with “real” refugees, are not related to “jobs” for “refugees”, but to leased labour for unskilled asylum seekers and “tolerated people”.

Interestingly, Dehaze does not even mention the three month waiting period for skilled workers seeking asylum. Probably Adecco is not planning to invest time and money into the verification of qualifications which were obtained in Baghdad or Damascus. In the historical context this attitude is similar to the precursor of “leased labour”, which was introduced after the ban of slavery and referred to as “indentured labour” in the English speaking world: labour leasing companies of the late 19<sup>th</sup> century hired their workers mainly in India or the Pacific islands and leased them out to Caribbean or Australian sugar cane plantations or for guano mining in Peru. While apologists of this practice like to point out that several of those “coolies” or “blackbirds”, as the workers were usually called, signed up for a second term after the end of their contract, still in many instances the recruitment must have occurred under dodgy circumstances. Sometimes people of good will had to suffer because of that, such as the Anglican missionary *John Coleridge Patteson*, who was murdered on the Salomon islands in 1871. Contemporary commentators linked this tragic event to the so-called “missionary trick”, which recruiters posing as missionaries used to lure islanders on board of their ships with false promises.

Having had a glance into the overpopulated refugee camps in Germany today, one does not need to be a prophet to predict that many of the men will accept an offer made by labour leasing companies such as Adecco, *Randstad* (Netherlands) or *Manpower* (USA) – just to name the three market leaders. There are about one million leased workers of German origin today, this number will at least double within a short period of time. Still many of the asylum seekers are vocal about their disappointment, as the statement of an asylum co-ordinator<sup>3</sup> suggests, since they had been promised a “house of their own” by “Mama Merkel” as they claim. However, this promise by *Angela Merkel* cannot be verified, in contrast to the notorious recruitment speech made by the cur-

rent Federal president *Gauck* in India, in February 2014<sup>4</sup>.

Of-course the former pastor *Joachim Gauck* is an honourable man, too. Nevertheless some German companies will soon find it challenging to explain to the Anti-Slavery Commissioner *Kevin Hyland* where their leased workers come from and how little they are paid. Starting in 2017 they will be legally required to provide such explanations, if they are involved in business relations with the United Kingdom – on a yearly basis. Should Adecco stock owners worry? Probably not, thanks to the German members of parliament, who included the following passage in their “asylum application process acceleration law”, which we quote one last time now: “Increased numbers of foreign employees will cause bureaucracy costs for the employers, how much exactly cannot be specified at the moment .... The German government will pay a compensation within one year.” •

<sup>1</sup> <http://www.fuw.ch/article/wir-sind-interessant-wegen-der-cashflows/>

<sup>2</sup> <http://dip21.bundestag.de/dip21/bid/18/061/1806185.pdf>

<sup>3</sup> <http://www.epochtimes.de/politik/deutschland/asylkoordinatorin-ueber-wunschtraeume-fluechtlinge-fragen-oft-wann-bekomme-ich-mein-haus-und-mein-auto-a1280867.html>

<sup>4</sup> <http://www.welt.de/politik/ausland/article124661961/Gauck-locks-Inder-Wir-haben-Platz-in-Deutschland.html>

## Current Concerns

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## Who is in charge in our country? (Part 2)

by Dr iur Marianne Wüthrich

The “self-determination initiative” which was introduced recently in *Current Concerns* mainly refers to two areas: Swiss citizens want to get back the decision-making power – entitled to them under Federal Constitution, and that towards the European Union and its Supreme Court, the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR). For the initiators it is not about encouraging the restriction or even disregard of fundamental rights, as opponents of the “self-determination initiative” claim. It is rather the constitutional duty to be claimed by Federal Court and Federal Administration (including their direction, the Federal Council and his negotiating diplomats), to insist to foreign institutions on the application of Swiss law in Switzerland. It is extremely unfortunate that this referendum is necessary at all!

To make these constitutional issues more understandable, two current examples will be presented here.

One concerns the negotiations of Switzerland with the EU on an institutional framework agreement which will establish the obligation of Switzerland to take over new EU law or new decisions of the European Court of Justice.

After that, we turn to the latest case-law of the Swiss Federal Court on the application of the Free Movement of Persons Agreement (FMPA).

Once a safe anchor in the structure of the Swiss Confederation, the Swiss Federal Court is behaving today as if it would be the supreme authority in the State, what is not true. In the Swiss State model, the people, the constitution legislator, is the highest instance.

Federal Councillor *Didier Burkhalter*'s previous assertion that the renegotiation of the Free Movement of Persons could be negotiated only in conjunction with an institutional framework agreement with the EU is no longer of any value since the minor earthquake in Brussels, caused by the Brexit. After a conversation between some Swiss parliamentarians and EU Parliament President *Martin Schulz* reported by *Karin Keller-Sutter*, the EU speaks of a transition solution, according to which Switzerland should unilaterally implement Article 121a of the Federal Constitution (Control of immigration); later a common solution is to be found (cf. “St. Galler Tagblatt” 4 July). Well – now the National Council and the Council of States could discuss the present proposal for the amendment of the Foreign Nationals Act (cf. *Current Concerns*

“There is an increasing restriction of people’s rights as well as a limitation of sovereignty and independence of Switzerland. A dangerous development – less and less is decided in Switzerland and ever more by any boards that are democratically not legitimised and that decide away on Switzerland.” (National Councillor *Lukas Reimann* about the ‘Self-determination initiative’, *Current Concerns* No 14 from 30 June 2016)

No 15, 12 July) without being constantly under pressure from Brussels. Instead, *Karin Keller-Sutter* explains: “We need to insist that the talks will not be interrupted.”

This is confusing: Who has an interest that an institutional framework with the EU should be imposed on Switzerland? Aren’t some politicians too far away of the Swiss understanding of the State to secure the wonderful free EU market for the global corporations headquartered in Switzerland?

It is a mystery for the Federal Council itself whether and how they can bring an institutional framework agreement through the stormy waters of a referendum vote. They would be only too glad to have replaced the ECJ by a panel less smelling of “foreign judges”, but the EU refuses to cooperate. Now, *Didier Burkhalter* brings a “solution”, supposedly changing binding decisions of the European Court of Justice to harmless “interpretations”.

### “Interpretations” and “clear judgements” of ECJ

Often, there is “some legal scope” in the judgments of the ECJ, explained *Burkhalter* on 26 April on Swiss television. To illustrate, he mentions the Swiss right to appoint. For workers from EU/EFTA countries who want to work in Switzerland or are sent by a company abroad, Switzerland prescribes a reporting deadline of eight days in advance. If the European Court of Justice (ECJ) means that this period is too long, so *Burkhalter*, then in the Joint Committee could be discussed how many days were the best.<sup>1</sup>

That would be a decision “without foreign judges”. If the European Court of Justice, however, passes a “clear sentence” so *Burkhalter*, then there is no legal scope. But Switzerland could say then whether it wanted or not take the

decision, therefore one could not speak of foreign judges. However, in the case of its rejection of the judgment Switzerland would be punished by the EU with still unknown “compensation measures” (SRF news 26April).

Objection, Mr *Burkhalter*! If the ECJ throws down some crumbs to the Swiss diplomats and graciously allows to “discuss” in the Joint Committee with their EU opponents a narrow question that is an unworthy subjection under a foreign court. The more, it is not clear what happens if the Committee agrees, for example, on six days and for the ECJ this is still too long... Or are the EU representatives in the Committee instructed before the “discussion” how many concessions the ECJ makes to the Swiss?

Concerning the “clear judgments” of the European Court of Justice: If we can still say that we do not agree, however still obediently undergo the punitive measures of the Luxembourg Court – are we then still independent and free, “as the fathers were”?

### The Swiss Federal Court: at the will of the sovereign has no constitutional jurisdiction at federal level

The Federal Court reviews primarily last-resort decisions by the cantons in terms of proper application of federal law and compliance with the citizen’s fundamental rights (see Art. 189/190 FC). Most important, it is not for the Federal Court to review the constitutionality of federal laws, i.e. decrees by the legislature (parliament or the popular right of facultative referendum). For it is entirely in the spirit of the Swiss concept of the state that in the Swiss Confederation the sovereign is the supreme authority. For this reason the introduction of a constitutional jurisdiction at federal level was clearly rejected by

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**"Who is in charge in our ..."**

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Parliament in the year 2012. A great number of parliamentarians then expressed in the debate their profoundly democratic cast of mind, as for instance member of the Council of States *Ivo Bischofberger* (Christian Democratic People's Party, Appenzell Innerrhoden): "Ultimately, what is at stake here is nothing less and nothing more than the paramount issue of who in Swiss politics, who in our country has the final say. We always fared well with the principle that no judge can put himself above the people." (Minutes of the Council of States of 5 June 2012 on the parliamentary initiative 07.476)

Pursuant to Article 190 of the Federal Constitution the Courts besides Federal acts also apply "international law", that is – if one relies on the 1874 Federal Constitution – international treaties approved by the Federal Assembly (see Art. 113(3) FC 1874). It goes without saying that the Swiss judicial authorities in their decisions also have to take account of, for instance, the European Convention on Human Rights and the bilateral agreements. It cannot be accepted, however, that the Federal Court has become in recent years a mere "implementation aid" of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ), in most cases unquestioningly adopting their decisions.

**The Federal Constitution – no "valid reason" to deviate from recent ECJ case law?**

The Federal Court discloses the direction, in which it is ultimately heading, in its new judgment of 26 November 2015: The principles upheld by the court in regard to the Free Movement of Persons Agreement (FMPA) with the EU, which are here announced, go far beyond the court's jurisdiction and reach into politics.

It is true that the Swiss courts have to take account of the "relevant case-law" of the European Court of Justice *prior to* the date of the signature of bilateral agreements I (21 June 1999). (Article 16(1) FMPA) However, "Case-Law after that date shall be brought to Switzerland's attention." (Article 16(2) FMPA; emphasis *Current Concerns*) Therefore, Switzerland did not enter into any obligation to apply ECJ rulings after 21 June 1999.

Contrary to the clear wording of Article 16(2) FMPA the Federal Court is travelling more and more in the tracks of the European Court of Justice. In its new decision of 26 November 2015 the Federal Court now declares that it will also comply with ECJ rulings after June 1999 and will deviate from them only, "if there are valid reasons to do so".<sup>2</sup>

In the said judgment the Federal Court states in many words that such "valid reasons" actually cannot exist. In the opinion of the judges, for instance, the new Article 121a of the Federal Constitution adopted by the sovereign, "Control of Immigration", is no such valid reason, because it must first be implemented through legislation and in negotiations with the EU. (Judgement 2C\_716/2014, Consideration 3.1.) Furthermore, the Federal Court overrides its own practice declaring it has decided "with regard to the Free Movement of Persons Agreement" that "this shall take precedence over any consciously deviating statutory law". In other words, it creates an exception to its own rule devised especially for this agreement, which on top of that is justified by the fact "that the Free Movement of Persons Agreement is democratically legitimated (by its adoption in a referendum)". (Consideration

ture, overstepping by this partisanship the boundaries of the separation of powers.

**Federal Court has to abide by the principle of separation of powers and is not to make political decisions**

The motivation of this unauthorised Federal Court's practice, is in reality purely of political nature and aims at the implementation of a "parallel legal situation" to the EU in Swiss case law, that is to take over increasingly the interpretation of the Free Movement of Persons Agreement and the numerous other bilateral agreements by the European Justice Court. In this way, the Swiss legal system is taking discrete small steps to gradually slipping into the centralised EU legal system, rather unaffected by democratic values, known to be often of little justice according to the various national law and values structures of the EU Member States.

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**"National Council and Council of States must now have the courage – if they wish – to decide on a unilateral implementation [of article 121a of the Federal Constitution (Control of immigration); note Current Concerns]." (A. Glaser)**

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3.3.) This, however, is also true for article 121a of the Federal Constitution!

As regards the federal judges reluctance to accept the said constitutional article as a "valid reason" the "NZZ" Federal Court correspondent *Katharina Fontana* aptly wrote: "One might assume that the acceptance of the mass immigration initiative by the people and the cantons and thus the approval of a shift in immigration policy would be such a 'valid reason' for the Federal Court to interpret the Free Movement of Persons Agreement restrictively in the future and to adopt the newly evolving ECJ case law only with caution. But this is not the case. According to the federal judges there is an overriding interest in a parallel jurisdiction, which cannot even be restricted by Article 121a of the Constitution."<sup>3</sup>

In an outstanding analysis of this Federal Court judgment the Zurich constitutional law professor *Andreas Glaser* critically notes concerning the significance or non-significance of the "valid reasons": "Overall, the deviation proviso seems to be merely rhetorical, for the Federal Court has never departed so far from an interpretation of a relevant ECJ ruling for valid reasons."<sup>4</sup>

In plain language: The Federal Court makes clear which direction Switzerland, in its opinion, should take in the fu-

In this highly questionable direction the Federal Court leans out far beyond the competence of the judiciary concerning the judgment discussed here and intervenes in the political order of the relations between Switzerland and the EU. "Switzerland has indeed not become part of the entire internal market by the Free Movement of Persons Agreement and the other sectoral agreements, but after all is involved sectorally in the common market as far as the agreements reach. Such sectoral participation in the internal market is only possible and operable if the effective standards are understood uniformly, provided that they are subject of the Free Movement of Persons Agreement, and if on the one hand the Federal Court [...] and on the other hand the European Federal Court do not differ from a common understanding of the terms used in the context of the free movement acquired 'acquis communautaire' without objective reasons."<sup>5</sup>

It is not at all a matter of the Federal Court to take care of the functioning of Switzerland's participation in the EU internal market! It almost seems as if the highest Swiss Court would pave the way for the full accession of Switzerland to the European Union regarding the eagerness with which it sets for a smooth adoption of the *acquis communautaire*!

## “Now it is the Parliament’s turn, it must assume political responsibility”

Interview with Professor Dr iur Andreas Glaser\*



Prof Andreas Glaser  
(picture ma)

On 5 July 1891, the Swiss popular initiative was introduced by the Swiss people. In order to look back on this event and to look forward, the Centre for Democracy in Aarau invited on 5 July 2016 for a panel discussion with the title “125 years of Swiss popular initiative – a success story?”

Moderated by Professor Andreas Glaser, a lively discussion at a high political level took place with a numerous attending audience which participated lively.

*Current Concerns:* I found the event very interesting, very lively, which I liked.

*Professor Andreas Glaser:* I am glad you did.

There are some questions regarding your analysis of the Federal Court judgment of 26 November 2015<sup>1</sup>. Among other things

\* Professor in constitutional, administrative and European law, with special consideration of democratic issues, University of Zurich

you stated that the Federal Court trespassed the separation of powers and that it interfered in politics. We live in a direct democracy: what can we do as citizens?

Now it is the Parliament’s turn, it must assume political responsibility. It is very convenient for Parliament to shift this upon the Federal Court. National Council and Council of States must now have the courage – if they wish – to decide on a unilateral implementation [of Article 121a of the Federal Constitution (Control of immigration)]; note *Current Concerns*. Then this is no problem. The Federal Court would then have to respond to a parliamentary vote, that would be a completely different situation.

Even though the Federal Court has announced in advance that it would not accept a unilateral implementation by Parliament?

Well, it said so in advance. But how it decides in retrospect is another story. I would trust on that. If Parliament really decrees: this is the way we want to implement Article 121a of the Federal Constitution, then the Federal Court will respond differently than it did beforehand.

The Federal Court has actually the task to administer justice. What do you think

about the fact that it is increasingly tracking politics?

When it comes to constitutional issues, their decrees are always partly political. For example, in voting complaints as recently with respect to the corporate tax reform, the Federal Court has also had a political task. The question is: how reluctant is it? There it has to strike a balance, which is not always easy.

But in this case the opinion of the Federal Court was clearly political ...

Parliament must react. It is legitimate that it now puts an emphasis contrary to the Federal Court.

If it does ...

True, if it does. If not, this will be your own fault. Then you need to elect different parliamentarians if you don’t like what they do<sup>2</sup>. Mr Stöckli has said: “We are elected by the people.” And so he is of course right. [Council of States Hans Stöckli, SP Berne, took part in a previous discussion; note *Current Concerns*]

Am I correct that the Federal Court has uttered more political statements since the EEA vote, and since there is an increasingly biting political tone?

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### “Who is in charge in our ...”

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In their analysis Glaser/Brunner hint at the fact that it is the Federal Court’s “constitutional duty to exploit scopes of international law”. By taking advantage of these scopes in favour of the Swiss legislator, i.e. including his will in its legal findings which is, for example, behind the Article on immigration FC 121a, namely to permit residence for foreigners more restrained. (see Glaser/Brunner, p. 12) Instead, the Federal Court even interferes with the legislative in the present judgment and even lays down the law – in clear violation of the separation of powers – to the legislature: “A conflict on international treaties could arise if a negotiated settlement with the EU would not be possible, national amendments of the legislation should differ from the Free Movement of Persons Agreement, and if these could not be applied in accordance with the FMPA by international law interpretation. But in case of an actual conflict of norms the FMPA would have priority by

the application of law in accordance with the principles set out.”<sup>6</sup>

In English for non-lawyers: If Parliament will not subordinate to Brussel’s headquarters, but dares to adopt a unilateral national safeguard clause in a law against the excessive influx by EU citizens contradicting the agreement on the free movement, then – the Federal Court threatens in advance! – it will continue its jurisdiction unilaterally oriented on the FMPA in the current style, without worrying about the rules of the Swiss legislature.

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Strong stuff! It is grotesque: Are executive and judicial ranks closing the lines to play a trick on the sovereign, the supreme authority in the Swiss federal state?

All the more pleasing the rational approach of Professor Dr iur Andreas Glaser, a young Swiss constitutional law professor who shows a keen instinct for the innate order of separation of powers in our country. In addition to the voters who

set the course through elections and voting, also the clear voices of teaching and research have an important role to play turning themselves courageously against the current. •

- <sup>1</sup> The Joint Committee is composed of representatives of Switzerland and the EU, serving the exchange of information, monitoring the application of the Free Movement of Persons Agreement and taking decisions; cf. Article 14 of the Agreement between the Swiss Confederation on the one hand and the European Community and its Member States on the Free Movement of Persons on the other hand, resigned 21 June 1999, entering into force on 1 June 2002; cited FMPA
- <sup>2</sup> Press Release of the Federal Court of 26 November 2015; Judgment 2C\_716/2014 (documents not available in English)
- <sup>3</sup> “Der Volkswille spielt keine Rolle”. *Neue Zürcher Zeitung* from 30 January 2016; see also Press Release of the Swiss Federal Court from 26 November 2015; Judgment 2C\_716/2014
- <sup>4</sup> Andreas Glaser/Arthur Brunner. Politik in der Defensive: Zwischen Vorrang des FZA und dynamischer Rezeption der EuGH-Rechtsprechung (ECJ). In: *Jusletter* 18 April 2016; p. 10/11; cited: Glaser/Brunner
- <sup>5</sup> Judgment 2C\_716 / 2014 consideration 3.2.
- <sup>6</sup> Judgment 2C\_716 / 2014 consideration 3.3

# Automatic exchange of information: anticipatory Switzerland

by Pierre-Gabriel Bieri

*The Federal Council wants to quickly conclude with as many countries as possible agreements for the automatic exchange of information (AEOI). This haste is unnecessary – it is more important that all financial centers simultaneously apply the same rules. These agreements must also serve to negotiate and get compensation.*

## An acknowledged principle, difficult to implement

After the decision of the Federal Council to abolish the banking secrecy and to adopt international standards for the exchange of tax information, the Parliament approved this new principle, by having signed the multilateral agreement on the automatic exchange of information from financial accounts (*Multilateral Competent Authority Agreement, MCAA*). This agreement defines a certain number of technical standards. The Federal Act on international automatic exchange of information in tax matters (AIAG) transferred these new standards into Swiss law. But the concrete modalities, the timetable for conversion into Swiss law and the choice of countries, with which Switzerland is to maintain an exchange of information, still raise sensitive issues.

Fears for excessive zeal of the federal government in this matter were loudly made known, but seem to have hardly borne fruit. After having initiated an AEOI with Australia as the first country, the Federal Council now proposes to conclude further AEOI with Guernsey, Jersey, Isle

of Man, Iceland, Norway, Canada, Korea and Japan.

Switzerland must ensure that the rules for all are the same. It must not be that the Swiss banks that have invested much time and money to provide in 2018 the tax data of the year 2017 are at the end of the day the only ones that provide data. Most other countries have called on longer transitional periods. In plaintext this means that AEOI may only be concluded when two conditions are met: absolute and effective reciprocity and simultaneous, identical application of the rules of all major financial centers (in particular London, New York, Singapore and Hong Kong).

## Same rules for all

The guarantee of reciprocity propounded by the Federal Council is insufficient. On one hand, we know that this reciprocity is not guaranteed in the case of the agreement FATCA with the US. On the other hand, an exchange of information – even if it is mutually – can cause a weakening of the competitiveness of Swiss banks, if the concerning State does at the same moment not maintain the same exchange of information with other financial centers as well. Such a guarantee is not yet in sight.

The will, to conclude as soon as possible several agreements, stemmed from the concern that Switzerland wanted to present itself as a “model student” when it was tested in mid-June of their “classmates”. This excess of zeal is misplaced. Not proved is, for example, that the States

that are eligible for an agreement actually fulfill the conditions, which has set the Federal Council itself. Consider, for example, of the possibilities of tax regularization. Thereto can be stated that these countries indeed have regular economic and political relations with Switzerland, but the Federal Council did not negotiate anything in exchange for the signing of the agreement, such as better market access for Switzerland. In the same direction goes the demand that from time to time the quality and usefulness of the data supplied by the individual States must be questioned.

## Immature agreement

The Federal Council argues that speedy negotiations are necessary to compensate for the delays of the federal democracy. This argument is incorrect: Many countries are lagging behind and by lone major financial markets are not even known the intentions. Compliance with the same rules of the game must be *conditio sine qua non* for a commitment from Switzerland. The transparency in tax matters must not be used as a pretext to weaken the financial center Switzerland.

Under these circumstances it is advisable to suspend the signing of the initialed agreements until reliable guarantees and counter services are available. •

Source: [www.centrepatronal.ch](http://www.centrepatronal.ch), Press and Information Service No 2182 from 8.6.2016

(Translation *Current Concerns*)

## “Basic needs are increasingly ...”

continued from page 11

There are individual cases in which it comments on political issues. There are also thousands of cases where the court does not decree in a political minefield. However, it has become more important which political party a federal judge belongs to and how the chamber is composed. A certain polarization is likely to be seen even in the Federal Court, I do not want to deny this.

*As you wrote in your analysis, there are also divisions of the Federal Court where it is different.*

Yes, provisionally. This needs watching. There are departments that are more restrained, and those who are a little more aggressive. That depends on the person of the individual judges. The criteria that play a role in the selection of judges are set by the Parliamentary Justice Commission.

*Have I understood you correctly that we citizens cannot do much against unilateral Federal Court decrees, but that we have to elect parliamentarians who represent us properly?*

Right, this is how I see it. The Parliament ultimately meets political decisions and elects the federal judges.

*Professor Glaser, thank you for the enlightening conversation.* •

(Interview *Marianne Wüthrich*)

<sup>1</sup> “Politik in der Defensive: Zwischen Vorrang des FZA und dynamischer Rezeption der EuGH-Rechtsprechung. Anmerkung zum Urteil des Bundesgerichts 2C\_716/2014 vom 26.11.2015”. [www.rwi.uzh.ch](http://www.rwi.uzh.ch) (Politics on the defensive: between primacy of the FZA and dynamic reception of ECJ jurisdiction. Notes on the verdict of the Federal Court 2C\_716/2014 on 26 Nov 2015)

<sup>2</sup> Federal judges are elected by the Federal Assembly, which is National Council and Council of States.

# “Syria between shadow and light – People talk about their war-torn country”

by Carola and Johannes Irsiegler

*Human beings are members of a whole,*

*In creation of one essence and soul.*

*If one member is afflicted with pain,*

*Other members uneasy will remain.*

*If you have no sympathy for human pain,*

*The name of human you cannot retain.*

(Saadi, Persian poet, 13<sup>th</sup> century)



*Karin Leukefeld*, born in 1954, studied ethnology, Islamic studies and political science. Since 2000, she has reported as a freelance journalist from the Middle East and since

2005 has kept travelling to Syria, even until today. In 2010, she received the official accreditation by the Syrian government as a journalist in Syria. Karin Leukefeld knows the region well. In her numerous reports and publications she explicitly doesn't see herself as a war correspondent: Her work is about every individual, their hopes, their activities and their suffering. She doesn't remain untouched by what she hears and sees in Syria and so, she conveys something that lacks in mainstream reporting: compassion. It is from that compassion and from the variety of their personal encounters of the past 15 years that she draws in her reports and books.

Her latest book is entitled “Syria between shadow and light – people talk about their war-torn country”. It is a moving document and she succeeds in connecting objective account of the facts with compassionate convey what these facts mean for the people's lives. Karin Leukefeld covers the period from 1916 to today. She describes the distressed and hopeful history of Syria and its hospitable and brave residents in the 20<sup>th</sup> century. She starts with a summary of a period of history just to add a chapter that brings the flair of these times through the reports of eyewitnesses. By doing this, she imparts that history is always made and experienced by men.

In 1916 today's Middle East was bartered in a power play among the former winners of World War I, Great Britain and

France. The British government divided a country several times to different actors that did not belong to it. France opposed the right to self-determination of the people with racist arguments and finally occupied today Syria and split it to his taste.

While reading further many new insights arise.

For example, who knows that the Emirate of Qatar, which particularly has fueled the war in Syria both medially and financially, had invested in the first phase of the government *Bashar al-Assad* especially in different projects? Qatar wanted to use parts of an existing gas pipeline through Syria and aimed at building a new pipeline to sell gas through Jordan, Syria and Turkey on the European market. “The Qatar pipeline would have strengthened the influence of the Gulf countries, Europe and the US in the region,” says Leukefeld, to the detriment of Russia. In 2009, Bashar al-Assad finally declared that he would not agree to the pipeline project because of the interests of the ally Russia. So that was the reason for Qatar to overthrow the Assad government.

Or, who knows the backgrounds of *Kofi Annan's* resignation as UN special investigator for Syria in 2012? Karin Leukefeld reports: “In June 2012, Annan succeeded in presenting a ‘Geneva Accord’ to negotiate on the political transformation of Syria. Both, the foreign ministers of the veto powers in the UN Security Council, and Syria agreed. Immediately after signing, US Secretary of State *Hillary Clinton* turned to the press and said that the agreement could only be implemented if the Syrian President Assad resigned. Finally, United Nations Special Envoy Annan resigned.” The country would have been spared great suffering if the conflict had taken a different course at that time. Given a possible US presidency of Mrs Clinton this information is very alarming.

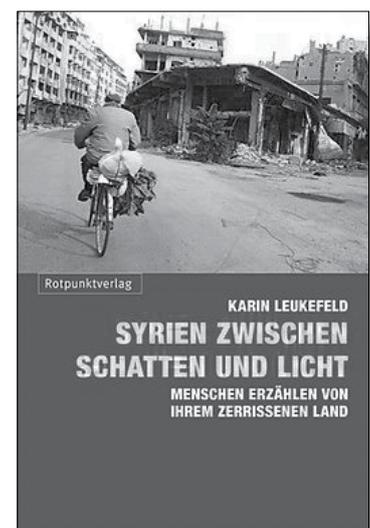
Or else, who has heard in Western media of the existence of an inner Syrian opposition, which sincerely keeps advocating against outside interference and militarization of the conflict and which, with its unconditional demand to end the fighting, has found no resonance in Paris, Berlin or London, yet? There it is not asked for. Again, Syria is denied the right to go an independent way.

In 2015, Syria is destroyed by war, even though it was predicted a good economic future in 2010, and even though the people imagined a peaceful path of reform before the so-called Arab Spring. Karin Leukefeld concludes that the Syrians had no chance. “They have been deceived. Nevertheless, they do not give up. [...] They help each other, withstanding patiently shortage, insecurity, inflation and false promises.” She ends up with a testimony of a friend, a 28-year-old Syrian, who remained in his own country, but doesn't want to live in a divided country: “Now we have to worry about today, there is plenty to do. However, one day, the chaos will be over, and then, it will be the women who will rebuild Syria. The men are dead, in jail, or they have left the country. However, the women are here, they will rebuild Syria.”

After having read the book, we might better understand the plight of those people who could not stay in Syria and had to flee from their homes. Many of them are Palestinians whose families had already been expelled without any belongings from their homes and had found refuge in Syria.

In her book, Karin Leukefeld succeeds in awakening compassion for those affected by the political decisions of the last century. We recommend the book to anybody interested in political issues. •

(Translation *Current Concerns*)



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## Looking for a beautiful picture book?



*ep. A beautiful picture book for our little daughter or grandchild? My godchild has a birthday; I would like to give him a book? Looking for a picture book for the kindergarten? What would be the right one? Today witches and pirate stories often fill the window dressing in bookstores. If you do not want to give in to this trend and introduce the children to the real world, this is often not easy – unless you can still resort to the extensive source of mostly out of print older picture books. Therefore, it is a stroke of luck if individual authors lovingly adopt a theme in words and pictures and find a book publisher who publishes their books. Among them is the author, originally from Brazil, Eymard Toledo, who has written and illustrated two books, and published them by Baobab Books. The value of her books is not only that they are written sensitively and in simple language text, also the images are engaging. Eymard Toledo creates them with collages and upon a closer look, interesting “finds” can be found from everyday life. Printed, the pictures achieve a high plasticity and maintain a stimulating and fresh content for the books. Thus, the books are in various respects valuable. With regard to content, they lead the children gently on a topic, which in today’s world unfortunately is still a reality; for the lives of children and their families who live in a poverty-stricken world, and only have difficult access to school and education.*

### Bené – faster than the fastest chicken

Football is the favourite for Bené who is actually called *Benedito da Silva*. Apart from the delicious feijoada prepared by his mother. Balls take the main activity

in his life, not only because he likes to play football. No, he has the task to test the balls that his family sews at home. Only the good ones are sold. Also Bené helps to sew balls, every day four or five. This way he helps to earn the livelihood of the family. He cannot go to school, like many children from poverty-stricken circumstances in Brazil. He wishes for real football boots and a jersey. Whether this dream ever comes true is questionable. Nevertheless, he also plays stylishly with his flip-flops. However, he has many things: his family, his mother, his friends, and at any time a good ball.

“Bené – faster than the fastest chicken” (Bené, schneller als das schnellste Huhn) was honoured as one of the most beautiful German books and as Book of the Month by the German Academy for Children and Youth Literature.

For this book, which is not only recommended for football enthusiastic children from the age of 5 years, supplementary teaching materials can be downloaded on the publisher’s website.

### Uncle Flores

The new book by *Eymard Toledo* is simply called “Uncle Flores” (Onkel Flores). Flores is a tailor by profession, and indeed the best in the small town on the banks of the river São Francisco. In his workshop he often receives a visit from his nephew *Edinho*. Uncle Flores likes to tell him while working about earlier times, from the time as Pinbauê was still a village, where fishermen at the end of the day had full nets and women washed their laundry in the clear water. Uncle Flores then sewed colourful carnival costumes and beautiful Sunday clothes. Now there are grey work suits for the big factory that was built nearby. Meanwhile, almost all residents are now working there.

Soon, these work orders for Uncle Flores will be missing, as the overalls are now manufactured abroad. A brilliant idea of Edinho brings in the true sense again of colour and work in the life of his Uncle. Also other things change in Pinbauê, and it didn’t need so much for that!

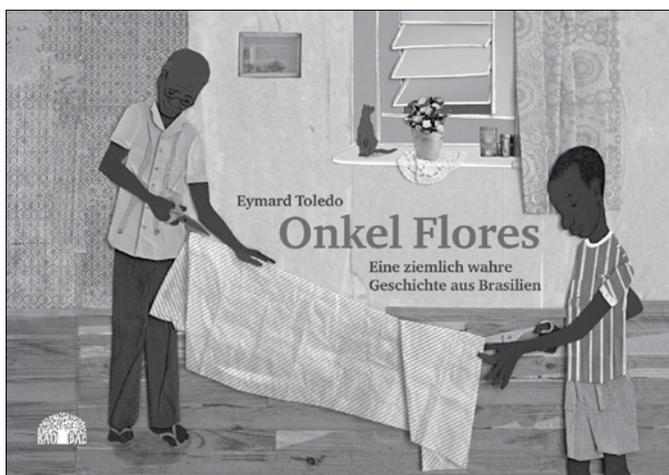
### About the author

Eymard Toledo was born in Belo Horizonte, the fourth largest city in Brazil. She helped her mother sewing on buttons for the pyjamas, which she sewed on her sewing machine. With her father and her younger brother, she went on holiday, fishing on the São Francisco River. They always brought many fish home; some were heavier than the children themselves were. Alternatively, she went to her grandmother during the holidays to the village Ubá. The story of Bené is also set in Ubá.

In her home country, she was studying art, but could not find work. At 25, she therefore travelled through Europe and decided to study in product design at the Academy of Arts in Berlin. From her own biographical background she designed her books. Today Eymard Toledo lives with her family in Mainz and works as a freelance graphic designer and illustrator.

(Translation *Current Concerns*)

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# Free-range and suckler cow husbandry

## “The handling of the animals has to be adjusted to the new situation”

by Heini Hofmann

With the changing forms of livestock farming also the handling of animals has changed. With the change from stanchion-tied stable to exercise-pen the image of the good Bess is forgotten. Dealing with the free runners has become more difficult, and exceptionally so in the semi-wild suckler cow herds.

This loss of domestication requires a new understanding, not least by hikers. For we observe with astonishment that the sum of serious accidents involving cattle has in recent years surpassed those with dogs.

### Dwindling contact

The nostalgic, but sympathetic image of the farmer in intimate contact with each cow when hand milking her, calling her by her name, occasionally scratching her head, grooming her in the field on Sunday morning and finally at the end of her life making her way to the butchers easier with soothing words, belongs to the past. Today, daily contact with dairy cattle is limited to a few simple steps in the milking parlor, while feeding and herding out to the field or the exercise yard.

The situation is even more extreme in suckler cow husbandry, where the animals are permanently on the pasture without much human intervention. It goes without saying that such free-running mothers defending their calves are no longer the good little Bess.

### Milk and suckler cows

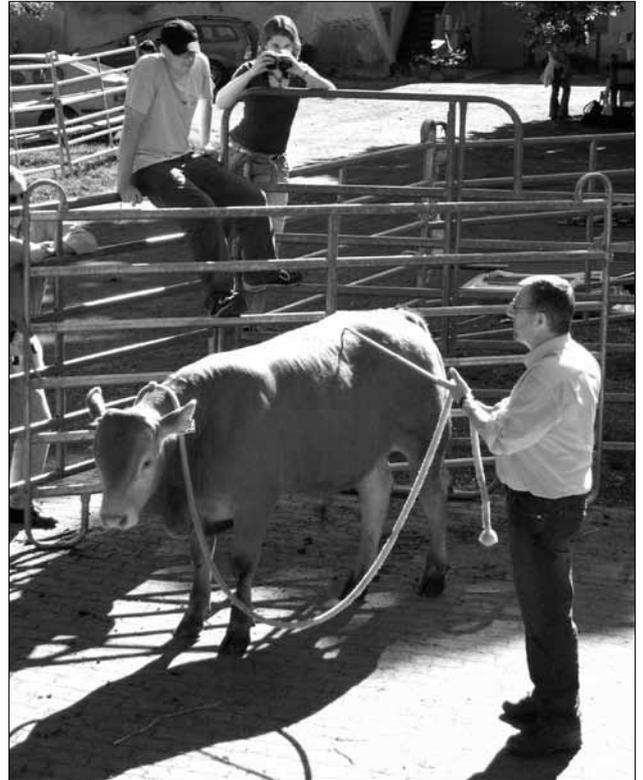
It is to be supposed that the call for close-to-nature animal husbandry brought the dairy cow more freedom and mobility than she had in the stanchion-tied stable, individual care, however, is left behind. The currycomb has been replaced by the wheel brush. The situation is even more severe when it comes to suckler cow husbandry. This came up at the time when milk lakes and butter mountains enforced the reduction of the number of milk cows.

Nonetheless, cattle were still in demand in order to take advantage of the wide grasslands. Also more calves were needed in order to meet the rising demand for beef. But due to the decreasing number of cows, there were not enough calves. In order to escape this vicious circle, a new way of cattle husbandry (usually with foreign breeds) was introduced. Thus, the existing grassland was used without generating milk for commerce, and instead veal and beef were produced, for both of which there was a good market.

### Little domestication is left

What then is a suckler cow as opposed to the traditional dairy cow? Actually it is the most natural thing on earth, namely a cow that is not milked and instead suckles her calf. After approximately ten months this reaches a considerable weaning weight of 300 to 400 kilos and is now either slaughtered or fattened. This animal is the sales product resulting from suckler cow husbandry, which is work-extensive.

Suckler herds often spend the whole summer out at pasture or even on Alpine pastures, almost without human handling. It goes without saying that such free-running mothers defending their calves are no longer the good little Bess. As tameness is rapidly overcome by wildness if wildness is allowed, we now have the somehow schizophrenic situation concerning our productive livestock, that domestication, which was painstakingly established over thou-



*Bull whisperer Carl Brandenburger at his work in the Corral. The stick in his hand only serves as an extension of the arm. (picture LZPH)*

sands of years and has led to a trustful relationship between man and animals, is

continued on page 16

### Frequent cases in recent times

*HH.* In recent years, the meetings of an unfriendly nature between hikers and grazing animals in Switzerland, but also in neighbouring countries, have occurred significantly more frequently. Examples: In Uznach SG a hornless suckler cow attacked a farmer's wife and injured her fatally, when her newborn calf was taken from her and it was tried to separate her from the herd.

In the Muotathal in the Canton of Schwyz a woman was attacked by a mother cow with calf, and in the Austrian province of Salzburg a herd of cows chased a whole family and injured five people – one of which even had a heart attack. In several cases, dogs triggered the bovine attacks. So for example a 45 year-old hiker was attacked and fatally injured by 20 mother cows when she tried to cross a fenced pasture with her dog on an alp in the Stubai Valley in Tirol.

The Swiss Council for Accident Prevention in Agriculture (BUL) also notes an increase in incidents: For instance a couple

was seriously injured when crossing a pasture with suckler cows and an elderly man was even killed by a bull on a pasture of this kind. BUL speaks of a dilemma between animal welfare and the safety of hiking paths, which has also stung their umbrella organization into action.

Also, the *Swiss Association of suckler herd husbandry* in Switzerland (“Mut-terkuh Schweiz”), which has 4,500 such establishments connected to it, has repeatedly taken up the problems in its journal “The suckler cow” and also discussed insurance issues.

However, not only the cattle that has become less domesticated because of modern farming techniques are causing this new problem but also hikers and bikers who usually come from the agglomerations and have never had any manure on their sleeves, so that ever since their estrangement from the soil they have lost the knack of dealing with farm animals.

(Translation *Current Concerns*)

**"Free-range and suckler ..."**

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now being minimized again with free-running cattle. This may become dangerous.

**Risk of accidents**

The result is as follows: indispensable interventions such as veterinary care, artificial insemination, load and transport or also the slaughter process are increasingly becoming dangerous Rodeo incidents in professional life, and may time and again lead to accidents, because semi-wild animals act according to their instinct in critical situations. No wonder hikers and recreational athlete unaccustomed to animals feel increasingly uneasy on mountain pastures.

The responsible bodies had to become active. So the Swiss Council for Accident Prevention in Agriculture (BUL) is speaking about a dilemma between animal welfare and the safety of hiking trails. Their umbrella organization distributes flyers. The Swiss Association of suckler husbandry, *Suckler Cow Switzerland*, to which 4,500 enterprises are connected, has taken up the problem and is discussing insurance issues. Agricultural training centers (formerly agricultural schools) have responded the most efficiently.

**Through the use of body language**

So what to do when faced with the dilemma of the transformation of once docile and manageable cattle into stubborn or even aggressive horn-weapon carriers? Simply put, we will have to adjust the way we deal with animals to the new situation. It would be incongruous, to give more freedom (and thus allow more ferocity) to the cattle for reasons of a modern concept of animal protection, and on the other hand to treat these animals in a rougher manner so as to compensate for that renewed ferocity, in order to protect the people handling them.

To resolve this issue, one turned back to a tried and tested method of conflict resolution: talking to each other. This cannot only be achieved through speech, but – because animals are much more receptive to this – also much more efficiently through the use of body language. And because horse keepers have perfected this method as horse whisperers, it was the obvious choice for the herdsman to look to them for advice. That's how the new species of bull whisperers was born.

**Boom of bull whisperers**

As is true for a lot of situations in life, every innovation needs its pioneer. In this case, Grisonian *Armon Fliri*, master farmer (and qualified forest warden), former head of the ETH testing institute, who today takes care of a herd of suckler cows at "Gut Sonnenberg" in Unterengstringen, successfully adapted *Monty Roberts'* genius idea of a horse language for cattle.

At the same time, agricultural teacher *Carl Brandenburger* at the Plantahof in Landquart was regularly faced with the uncomfortable task of annually having to tame a dozen bulls for scholastic bull breeding operations, which sometimes turned out to be quite dangerous. So why not invite the bull whispering pioneer and develop a practical seminar for livestock owners? Success and demand, nationally as well as internationally, were so high that a course programme was institutionalised.

**Differences between horse and cow**

Of course, the Join-Up-Method that had originally been developed for horses had to be adapted for cattle, which are entirely different animals by nature. Admittedly, both animal species are herbivores and herd animals. However, a horse is an animal with a well-developed flight instinct and it mainly uses its legs. Its digestive tract is equipped with a small stomach and big intestines and designed to facilitate easy escape.

In contrast, the cow with its forehead weaponry (if as a farm animal it even still has this) is equipped primarily for defense and attack. Its digestive system with its voluminous rumina is not created for a strategy based on flight. Accordingly, horse and cow differ in their reactions to danger: cows face it, as they used to when attacked by wolves, while horses actively seek to avoid danger.

**Some "cowsence"**

Since the new forms of husbandry - without tethering and without intensive human contact – made the once domesticated farm animals (lat. domesticus = used to the house) revert to being partially wild cattle, the demand for more affable animals has gradually grown. Not only would these simplify the work, but they would also make it less dangerous. Besides, the quality of the beef of relaxed slaughter animals would increase, and that, together with the reduced risk of accidents, would definitely be an important economic factor!

**Tips for hikers**

*HH.* In former times hikers and leisure sportspeople had hardly any problems with the familiar cattle. It has already got about that the red colour is not likely to be an aggression elicitor. For in cows there are only two instead of three types of cones within its retina: different from humans, but similar to most other mammal species; the receptor for red is missing. So Little Red Riding Hood does not have to fear anything!

However, due to the modified cattle husbandry hikers and sportspersons increasingly face unpleasant situations. In other words: animal welfare-demands that led to reciprocal domestication have been provoking protection measures for people...

So how should you act towards suckler-cows? A few tips:

- Go around the pasture on existing routes when the herd is fenced. In free-ranging animals on mountain pastures call attention to yourself physically and by voice, but avoid too close approaching, especially towards the calves, as this provokes the defence instinct of the mother animals.
- However, should you happen to face a crunch, you can defend yourself with the walking stick (which you advantageously carry with you in such a situation). Waving in most cases is already effective enough.
- Dogs (especially if they do not act in obedience to an order) are best on a leash in order not to cause unnecessary troubles. However, if a critical approach happens unleash the dog immediately, otherwise you redouble the danger.

In short: show respect and reason instead of false courage and panic – and be aware of the fact that the human is the "intruder" on the pasture.

So the bull whisperers' goal is to enable farmers to lead their animals by their holster. However, this requires an enormous amount of time and an infinite amount of patience. The success depends on both animal and human as there are animals more receptive to the training than others and since not every livestock owner who wants to be a bull whisperer is equipped with enough "cowsence", i.e. the ability to understand the animal. Often animals from different farms differ in what their bad behaviour consists of. Or, put differently: Like master, like cattle... But, if the taming process succeeds, both human and animal stand to profit! •

(Translation *Current Concerns*)