

Current Concerns

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English Edition of Zeit-Fragen

Switzerland Shows: More Freedom Is Possible

Thinking about different ways to perceive a relationship

Address of Ueli Maurer, Member of the Swiss Federal Council, Head of the Federal Department of Defence, Civil protection and Sports VBS, delivered at the German Suisse Chamber of Commerce on 22 June 2009 in Zurich



Ueli Maurer, Member of the Federal Council

I would like to thank you for the invitation, and I am really happy to have the opportunity to talk to you, because you have an important role regarding the relationship with Germany: For me you are ambassadors of peace, friendship and liberty. I don't want to beat around the bush, I want to talk about things the way they really are. Obviously, relations between Switzerland and Germany can be seen in different ways. We can say: The relations are excellent on the economic level. And on the political level they were excellent. But as the one cannot be separated from the other in the long run, you, ladies and gentlemen, as the representatives of economy, are strongly affected by the political situation. On the other hand, you are offered the opportunity to exert some political influence by using other channels to raise your voice. Therefore, I attribute some responsibility to you.

About our ancient principles of liberty

You certainly have noticed: An icy north wind is blowing. It is blowing through the news programs, the newspaper columns and the debates in councils. It even browsed through the feature pages. One of the rare pleasant side effects of the cold gusts is the interesting message of *Thomas Huerlimann* who is judging the situation from a cultural-historical point of view. He contributed an inventive attempt of explanation: The environment shapes its population, he writes in "Frankfurter Allgemeine Zeitung". The Germans are formed by their forests, they want to cherish and care for their society like for a forest. The Swiss by contrast are shaped by the mountains into which they can retreat without being accessible.

Huerlimann hereby draws on older interpretations. It is a tradition to interpret the Swiss character of state and people as formed by the mountains. It is now more than 200 years ago since *Walter* asked his father *Wilhelm Tell*, if there were countries without mountains. Yes, the father said: "There, the grain grows on long beautiful meadows, and the land looks like a garden." "Why do we not descend there instead of slaving in the mountains", the boy moaned. "There, the land is beautiful and generous as heaven; but those who cultivate it, cannot relish the blessings of what they plant." And *Walter* finally sighs: "So broad a land were too confined for me; I'd rather dwell beneath the avalanche."

Well, *Friedrich Schiller*, who wrote these lines and who felt the contrast between freedom and subjugation so sharply, was a German. He was inspired by everyday life. He



"Schiller had never been in Switzerland, but he understood our country better than some people born here. His freedom message is our common heritage." (photo thk)

poured life experience into sentences. He put sentiment into words – and obviously not only the sentiment of his own generation.

Switzerland as a haven of freedom

To the freedom of the mountains many Germans directed their desires, their hopes of escaping, their travelling destinations, ever and again. Often they were the independent-minded, the unconventional, the innovative and critical, and often the poets, philosophers and contrarians. These movements of segregation repeatedly gave impulses and enrichment to the cultural and spiritual life of Switzerland.

So did nationals, liberals, members of student fraternities and followers of the gymnastic movement who dreamed of a united Germany and who were persecuted during the period of Restauration by their territorial lords. To them the situation became politically tight after the Carlsbad Decrees in September 1819. Also a corps of Baden liberals asked for asylum in Switzerland after their revolution had failed in July 1849. The same applied to social democrats in the 1880s after the enactment of Bismarck's Anti-Socialist Law or to pacifists and Dadaistic artists during the period of World War I or to victims of persecution during the Third Reich or to Germany's starved children after World War II had ended. And throughout history there came industrious workers and efficient entrepreneurs who sought personal and civil liberty in Switzerland or because a greedy Treasury reached into their pockets.

Most of them found peace and freedom in Switzerland, and some found prosperity. Switzerland is a haven, indeed. A haven of liberty means hope for everyone praising liberty. However, it also means provocation, a provocation for all those who do not care for liberty and focus on force and control. Especially, it means a provocation for those who

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Freedom arouses envy and resentment

Due to its liberty Switzerland does not only enjoy popularity but also arouses envy, resentment and infringement of the powerful. Putting pressure on Switzerland has a long tradition. When young German students fled to Switzerland in the 1820s and 1830s who publicly dreamed here of reformation and reform in Germany, Switzerland had to resist severest pressure. Yes, and some of them even wanted to send the cavalry then. Then, it had to be repeated over and again, and also today it cannot be repeated often enough, towards the Swiss as well as towards foreigners: Switzerland is founded on freedom. Switzerland is inconceivable without freedom. If it comes to freedom, therefore, we will not and cannot make any concessions. The fundament of a country cannot be put up for diplomatic bargain.

It is the government's task and also that of every Swiss citizen to declare this fact. Furthermore, it concerns all those who like Switzerland and who are attached to the country, vocationally or privately, or who, in general, confess to liberty and believe that a community should dare to have a maximum of liberty.

For liberty is at stake again. Let us take a look at the three issues which are actually jeopardizing the relationship between Berne and Berlin.

Holding-taxation and tax controversy

Firstly, holding taxation and tax controversy What is the issue here?

From a technical viewpoint it is about cantonal tax legislation. However, as a question of substance it is all about federalism. About

Editorial

cc. For months now, Switzerland has been exposed to massive attacks: First by the USA, then – to an unprecedented extent – by the German socialist party SPD. The SPD minister of finance Peer Steinbrück wanted to set the cavalry on the Indians – he was talking about the Swiss. And SPD-boss Franz Müntefering threatened his neighbours: in former times, soldiers would have been sent. In Germany, a genuine flush of hostile media products was poured out over Switzerland. The quoted statements and the atmosphere created in the media do not only represent a diplomatic affront and monstrous lapse amongst civilised states – they also deliberately spread a completely distorted image about the financial centre Switzerland, which has been widely circulated since then, especially among the left. Nobody denies the possibility of illegal behaviour of certain bankers. But imagining that Switzerland would hide illegal money from the legal claims of other countries' tax authorities – and to make the Swiss financial legislation liable for this – shows the aggressors' ignorance of Switzerland's legal framework of today. The question arises: What is this all about, really? Is Switzerland too liberal? Does it interfere with somebody's political and economic aspirations of hegemony? The attacks are targeted at the very core, the sovereignty of Switzerland – but the Swiss are not going to put up with this – just as no other state would.

The contributions to this edition may help to put matters right.

democracy and about sovereignty. Cantonal taxing authority is an integral part of federalism. For without their own tax policy, the cantons would exist merely as administrative bodies. Now, however, they can be creative and can make their own economic policy, trade policy, industrial policy and demographic policy. Especially the cantons with a tough geographic structure have come out with excellent courageous new concepts. This is the expression of our democratic structure based on the principle of liberty. This is

living federalism. And this is a living democracy, too. With respect to tax issues, however, authority cannot be renounced. The state must have access to the citizen's private property. The more important it is therefore that the people set the frame. In the emerging liberal western democracies tax liability merged with the people's and citizenship's right to decide freely on when, how and how many taxes they had to pay.

Whereas a number of states in Europe gradually abandoned the originally liberal project of liberalism and detached democratic rights from tax liability, the people in the Swiss cantons are able to determine their tax laws by ballot: Taxes, civil freedom rights, statehood in Switzerland are inextricably linked with our history.

Thus the issue of holding taxation is not a technical question but a very fundamental issue. Ultimately it is about the independence of our state. Quite simply, a sovereign state determines itself its tax laws. This federalist, democratic and liberal order has met with some criticism, because the cantons make use

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of it to set incentives for investors by their tax laws, for example by tax reductions for holdings. That is why this order is now criticized by some neighbouring states and the European Commission. Suddenly the old free trade agreement of 1972 is subjected to a new of norm. Apart from the fact that this order is legally unassailable these attacks reveal an attitude hostile to liberty. The actually mentioned article 23 of the agreement bans "state aid" that distorts or might distort competition by "protection".

Whoever regards tax incentives as aid, proceeds on the assumption that the state renounces something that he is basically entitled to have, which would mean that the tax payers' possessions were basically the state's money. And that the state acted mercifully if it did not confiscate all the money. This is dark red socialism. It is nearly the same as saying: I am supporting you, I am benefiting you because I abdicate from extracting your wallet from your pocket.

Whoever believes in liberty is pleased with tax incentives. It does not matter, where they are granted, and it does not matter who is profiting, because a competitive climate emerges and the tax spiral is broken. Ultimately, this is for the benefit of all.

Bank customer secrecy

Secondly, the bank customer secrecy – What is it about? This is also a fundamental topic, really a fundamental question. It is about the relationship between citizen and state. And thus the freedom rights of all of us.

That includes the principle that citizens are citizens, not subjects. In a liberal state therefore the privacy of citizens is protected. The curious or even greedy state is contained. There shall be a private area in which the administrative apparatus is not constantly looking over our shoulders.

For this reason, the police is not allowed to make arbitrary house searches, for this reason the duty of confidentiality for doctors, chaplains or lawyers exists, for this reason the secrecy of mail and of telecommunications is established. I know a librarian, who rightly refuses to say who of his customers has borrowed which book. It is his professional secret he has to preserve.

And for the same reasons, the banking customer secrecy does exist. These rights of the citizens did stand the test of time. They are safeguarding our freedom. They guarantee our quality of life.

I caution you against throwing over board, what – in the darkest of days, and under much greater pressure: We were not threatened by

the cavalry, but with columns of tanks and stukas – was successfully defended and maintained. And I caution you against underestimating the response of the Swiss people.

Also with regard to a double taxation agreement: This will have to be submitted to all voters for acceptance. I have heard very strong and hard words from the population, which I no longer did expect to hear in today's world, but only in history books.

Here in Switzerland our people are worrying about the principle "might is right". As a small country, we are reacting very sensitively; since it is ultimately vital for us that the strong ones abide by the treaties, agreements and customary practices among civilized states. The small state does depend on the law (justice), while the strong ones apparently ever and again tend to give in to the temptation to rely on their iron fists. However, the liability of the law is part of our western culture; he, who puts might above right here in Western Europe, is betraying his very own tradition.

But this is another topic that is touched on merely superficially by the critics. They are confusing the terms, and they do not show any ambition to understand the real facts: The distinction between fraud and evasion is the logical consequence of the freedom of the citizens. The self-responsible citizen declares his assets himself, in this he may be mistaken, he can make mistakes.

Then the tax authority has to intervene and and has to punish or penalize the guilty one, which is correct. However, there is no justification to prosecute someone as a fraudster, who is guilty of an omission. Tax fraud, on the other hand, has always been indictable in Switzerland. The banking secrecy has always had to be lifted on request of law enforcement authorities. The bank has always been obliged to give information on customers to the law enforcement authorities.

By no means does the Swiss Judiciary work in isolation. Under the Federal Act on International Mutual Assistance in Criminal Matters from 20 March 1981, Switzerland has long since granted legal assistance to other countries. This includes the blocking of assets and, where appropriate, even the transfer of those assets to the responsible authorities abroad. It is also wrong to impute Switzerland with uncooperative behavior on tax issues. We have got over 70 double taxation agreements with other countries – is this a sign for lack of cooperation? *We have got an agreement on interest and tax fraud with the EU. In fact, we*

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summer 2008, are not sufficient. If this is to be Germany's maximal concession, the Swiss population will understand this as an indication that Berlin does not really take this matter seriously. This affects other political areas and fundamentally affects our neighbourhood. It might even have an effect on awarding government contracts to foreign companies.

With respect to military considerations I would like to deal with the issue of acquisition of fighter planes separately. First and foremost: The quality of the product as well as its price are decisive – our pilots have to be equipped

even collect taxes for the EU on our territory – do you call that lack of cooperation?

Switzerland has always reacted to new forms of criminal activities and responded accordingly by the creation of new statutory offenses, such as insider trading (1988), or money laundering, first it was included in the Criminal Code (1990), then additionally in the Money Laundering Act (1998) – does this show a lack of commitment in the fight against international crime?

He who portrays Switzerland as a dark back room for dubious or even mafia operations, does so from ignorance. Or he is intentionally taking part in a defamation campaign against our financial market place.

Landing regime on the Zurich Airport

Third, the landing regime on Zurich Airport in Kloten – What is this all about?

Zurich is a financial- and business place of international significance; an economic engine whose attraction can be felt even on the other side of the northern border. Moreover, it is a guarantor of employment and a prosperity from which the quarter of a million Germans living in Switzerland are also benefiting. The airport is Zurich's international connection. A major region, which does not end north of the border, is profiting from this fact. And the Swiss, which belongs to the *Lufthansa*, profits from it as well.

In 2003 Germany imposed a regulation which unilaterally restricted landings on Zurich Airport from the North. The reason given was the noise pollution caused by aircrafts in the administrative district of Waldshut. Relief of the strain by flying across the sparsely populated Hohentengen resulted in massive noise pollution of Switzerland. The alternative air-route that has been used ever since crosses a very densely populated region.

In our country issues of the airport and aircraft noise are national matters. Joint measurements concerning aircraft noise with Germany, as was agreed on in summer 2008, are not sufficient. If this is to be Germany's maximal concession, the Swiss population will understand this as an indication that Berlin does not really take this matter seriously. This affects other political areas and fundamentally affects our neighbourhood. It might even have an effect on awarding government contracts to foreign companies.

With respect to military considerations I would like to deal with the issue of acquisition of fighter planes separately. First and foremost: The quality of the product as well as its price are decisive – our pilots have to be equipped

with the best possible material when they are in action; moreover, we owe our tax payers an economical assignment of their money.

Nevertheless, a multi-billion acquisition is not only an analytical question – we cannot decide against the people's will. I cannot conceive of advocating the acquisition of Eurofighters in the current situation. Both issues addressed will be solved as soon as the attacks on our domestic order will stop and our sovereignty will be respected once more.

The battle around the landings on Zurich airport is a different matter: Our country's foundations are not affected directly. This means that in contrast to the tax regulation and civil liberties there is some room to negotiate. On the other hand it is about the quality of life in the greater Zurich area and the economic development of eastern Switzerland. And this means that we expect Germany to take binding steps to de-obstruct the situation. The landing issue will be decisive for the further development of the Swiss-German relations.

For friendship in freedom

At the beginning I pointed out that relations are differently assessed – I have explained the views and worries of politicians.

I am confident that a merely economic evaluation will be more positive. If you take the view that relations between Switzerland and Germany are still good, I will be pleased.

I am pleased with your enterprises. And I am pleased with our national economy. I am also pleased with everybody living on both sides of the border, who will profit from it and whose wealth will be increased by it. But I would like to warn you to ignore the critical political state of cross-national relations. Politics is about to have an impact on the economic partnership. You, and everybody, will feel it directly.

As business representatives you are specially affected: Consider the business opportunities in Switzerland. Consider the fact that freedom creates wealth. And consider the permanent competition impulse Europe is receiving from free and democratic Switzerland. In my introduction I gave the word to Schiller, a German friend of freedom. Schiller had never been in Switzerland, but he understood our country better than some people born here. His freedom message is our common heritage. Therefore, I appeal to you today: Firmly hold on to our common declaration of freedom. Use your personal, business and political contacts. Explain to them the federal state of Swiss citizens. Become active as ambassadors of friendship and freedom, friendship in freedom. Thank you. •

Source: Eidgenössisches Departement für Verteidigung, Bevölkerungsschutz und Sport, www.vbs.admin.ch

The Importance of Direct Democracy

A study entitled "Democracy in Communities" financed by national funds has evaluated communal life in Switzerland in 2007.¹ The attentive reader gets some clues about the solution of urgent political and economic questions:

About 7 million people have lived in Switzerland in peace for a long time; they have different cultures and four main languages. They live in 26 cantons and in about 3.000 communities of very different size. Each community has its own history. A lot of communities have just a few hundred inhabitants, the largest city, Zurich, has just 400.000. Compared to communities in Europe the Swiss structures are of small-scale and distinctly decentralized. In countless communities something has developed, which today is known as the "Swiss Model" worldwide. In the course of history, the successful ways of the citizens' sharing responsibilities among themselves of their active shaping of political affairs on the community level have been extended to the higher levels of the state structure: Today the cantons and the federal government have direct democratic structures in essential

fields, as well. Thus important issues in different matters, for example taxation, are determined by direct voting everywhere.

The results of the study show that social integration, contentment, political competence and confidence in politics is more intense in smaller communities than in bigger ones. In other words: in smaller communities democracy is livelier and more direct. There is a whole number of studies which confirm that small communities have financial advantages as well. Professor Vatter from Berne has for example been able to show that the average administrative costs and the debt per resident are clearly lower in regions with many small communities.² Besides, Switzerland's prosperity proves that decentralized, small size structures are not obstructive to the economic development as certain advocates of centralism falsely maintain.

Free cooperation

As early as after the Second World War Professor Gassner pointed out that social values which are rooted in the principle of free cooperation among equals can only develop in free communities.³ In our view this is the

sustainable basis for the solution of some very urgent problems of our time – be it in the field of the state or of the economy.

People do not want war. But the spirit of subordination, of obedient subordination under the orders of their superiors which is incompatible with the direct democratic spirit, habituates people to obeying and ordering.

Unfortunately, this latter spirit forms the large political and economic structures that rule the world today and by which other goals than the common good are pursued.

Extract from the article
"The Importance of Direct Democracy for the World" by Dr W. Wüthrich published in
Zeit-Fragen No 18, 7 May 2007

¹ Andreas Ladner, Marc Bühlmann: *Demokratie in den Gemeinden – Der Einfluss der Gemeindegröße und anderer Faktoren auf die Qualität der lokalen Demokratie*, Zurich 2007.

² Adrian Vatter, Markus Freitag: *Föderalismus und staatliche Verschuldung*, in: *Österreichische Zeitschrift für Politikwissenschaft (ÖZP)*, 33 Jg. (2004) H. 2, 175-190.

³ Adolf Gasser, *Gemeinfreiheit als Rettung Europas*, Basel 1947, p. 12.

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Editor: Erika Vögeli

Address: Current Concerns,

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Phone: +41 (0)44 350 65 50

Fax: +41 (0)44 350 65 51

E-Mail: CurrentConcerns@zeit-fragen.ch

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Malicious Attacks on Switzerland

How the international financial capital launches a campaign

by Jürgen Elsässer, Germany

Peer Steinbrück perpetuated his name in the book of quotations: "We must not only use the carrot against Switzerland, but also the stick", he announced several weeks ago and praised OECD's intention to list some tax havens and impose sanctions on them. "That such a black list could be compiled, [...], is in colloquial language like having the Seventh Cavalry in Fort Yuma that can be ordered to ride out but doesn't have to. The important thing is that the Indians know it exists."¹

Just imagine for a moment, the German Finance Minister would have spoken in similar diction about Israel or Turkey. From the daily papers "taz" to the "Welt", the Indian comparison would have probably been understood as a call to genocide. Henryk M. Broder and Kai Diekmann would have looked up this vocabulary in the dictionary of monsters. Fanatics might have demonstrated and Steinbrück straw dolls might have been burned. The chancellor would have formally apologized to the Israeli Ambassador. Friedel Springer, Liz Mohn, Charlotte Knobloch and other pious women from the Chancellor's girls camp would have demanded the socialist's head to roll. End of story! Franz Müntefering conjures a successor out of the box.

A German "Gröfaz" ("größter Finanzminister aller Zeiten") – Greatest Finance Minister of all times – can shoot from the hip on neighbouring Switzerland, if necessary also with dum-dum bullets from the white man's colonial history, without someone in this country crying out. This is not to argue the case for the indignation automatism of the politically correct. However, it was very remarkable that the "never again!" banner carriers were so reserved this time.

Mob journalism

The fact that Steinbrück succeeded as a John Wayne imitation, encouraged the gunmen in German editorial offices to do alike. They shot from the right and the left – the German opinion industry (not the population!) does no longer know any party affiliation when it comes to attacking the Swiss confederates.

The "Frankfurter Allgemeine Zeitung" (F.A.Z.), the journalistic flagship of the Merkel union, diagnosed that the situation for Switzerland is now "just what the (national-conservative Swiss people's party) SVP always tried to make the people believe it was: alone in the world, without any friends, delivered to the United States' and Europe's plier attacks and put on a 'grey list' by the Commonwealth of Nations. The reprieve after two world wars belongs to the past." It continues: "In integrating Europe Switzerland became 'the internal enemy'.²" The author Jörg Altwegg does not want this to be understood as a criticism of the European Union and the USA, but as a criticism of the Swiss, who have to blame themselves for their isolation. In order to make the readers march in the correct direction, the 'internal enemy' is marked directly in the heading: "The Indians yodel in the alpine fortress".

Steinbrück's theme of the backward savages does not refer to the Rocky Mountains, but to the "alpine fortress", from which the Swiss wanted to resist a Nazi invasion. What the politically correct zeitgeist praises in other cases as heroic partisanry, is used to ridicule in the case of the Swiss: In the "reduit" of the mountains they would have prepared themselves to defend "the autonomous Switzerland in shelters and on small screens". Joseph Goebbels would probably have been amused by such fine mockery of the "F.A.Z.'s" alleged anti-fascism.

The cheap Alpine dweller cliché also appeared in a left-liberal paper. "Wenn Hürlimann jodelt" (When Hürlimann yodels) the article in the online edition of the weekly paper Freitag is entitled. It superficially deals with the Swiss writer Thomas Hürlimann, who is persistently called "mountain poet" or "alpine poet". He dared to counter the German attacks on Switzerland and is now given a wallop by Freitag author Rudolf Walter: "Except for his preference for alpine kitsch Hürlimann's nationally marked yode-



"So broad a land were too confined for me; I'd rather dwell beneath the avalanche." Walter Tell in Friedrich Schiller "William Tell". (picture gbh)

ling reveals only one thing: The author seems to suffer from a nationally caused constant erection – in medical terms priapism, or more popularly: genital alpinism.³

It may be examined by a psychoanalyst whether the critic with his statement on the problem of a stiffened penis reveals more about himself than about his journalistic competitor. It is more important that he puts into words his resentment not only against a colleague, but against a whole country: "However where money, banking secrecy and Swissness govern, fundamental rights serve merely as some party decoration." Which is probably to mean that only if the "international community of states" embodied by Steinbrück, deprived the neighbours of "money, banking secrecy and Swissness", fundamental rights might eventually be secured.

In the German magazine Stern, located in the Red-Green Bermuda triangle between

"Frankfurter Allgemeine Zeitung" and Freitag, star columnist Hans Ulrich Jörges is at his best. For him, Switzerland operates only as the "chocolate republic, notoriously depressed by inferiority complexes" and/or as "a country that even makes money with the holes in the cheese and grants unrestricted asylum only to the Greenback". He manages not only to defend Steinbrück, but outdoes him with his spiteful remarks. "From a moral point of view, the comparison of Swiss citizens with the red skins is not less vulnerable: We feel sorry for the Indians, but we do not for the Swiss. The hungry savages fought for their existence and had all the right of the world on their side. The saturated gnomes by the Zurich Lake, however, are defending their parasitic banking secrecy, the arrogated right of an entire country to operate as a safe for the illicit earnings of the dictators and the Zumwin-

kels of this world – a constant invitation to break the law at home."⁴ Toughness is the only remedy: "A John Wayne must mount a horse, in order to make the Swiss Wild West get moving. Legs apart and spurs clanging. One who makes the saloon doors swing. One who reads the riot act to every banker's conference and makes the gentlemen moan with lust. They like to be given the whip. Hand to the colt, John Wayne Stone! Trumpeter – attack!"

The scapegoat

Of course, the greater part of what is actually written about the so-called tax haven Switzerland in Germany and elsewhere, has nothing to do with the facts – neither has Steinbrück's figure of 200 billion euros illicit earnings that the Germans allegedly took to the neighbouring country.⁵

However, even if Switzerland was in reality the proclaimed evil tax haven, the sounding of the death-haloo for the small alpine republic by the western great powers would still be unjustified: For tax evasion has neither been cause nor background nor trigger for the current world economic crisis, the beginning of which in autumn 2008 started off the furious attacks on the Swiss confederation. It took even the "Frankfurter Allgemeine Zeitung" by surprise that Steinbrück and Co. created the opposite impression – for example at the G-20 summit in London in April 2009: "Will anyone at any time in the future wonder how the summit strategists succeeded in putting the fight against tax evasion in the focus of a meeting, whose aim was to find a solution to the world-wide financial crisis? The latter has much less to do with the former than the heads of state and governments want to make us believe, who concentrated with much more eagerness on tax issues than they would on awkward system reforms."⁶

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Who is Financing the Defamation Campaign Against Switzerland?



In their book "Operation Balkans" diplomat Mira Beham and media scientist Jörg Becker have meticulously proved how in the 1990s PR agencies, on behalf of financially strong circles, launched a smear campaign against Serbia and how this was compliantly taken up by the media. The campaign aimed at supporting the NATO attack against Serbia and the destruction of Yugoslavia.

Therefore, it is not difficult to imagine that there are also PR agencies and financially strong circles behind the protagonists' defamation campaign against Switzerland. They are interested in disparaging the country in order to push through their sinister aims.

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The Swiss Model of Direct Democracy – A Hope For The World ?

by Dieter Sprock

For months now, Switzerland has been under attack for its federal financial system by German leftist circles and the United States. German media publicized a flood of rabble-rousing insulting articles discrediting the Swiss population and giving the impression that the Swiss tax system and its confidentiality in banking were responsible for the present economic world crisis. The absurdity of these accusations is quite obvious.

Nothing could be further from my mind than excusing an inaccurate banking business. Where such behaviour occurs, the persons in charge should be held responsible. If, however, one is willing to impartially study the accusations made by Germany and the US, it is quite obvious that this has neither to do with confidentiality in banking nor, as pretended, righteousness in taxation.

The USA's and German Socialists' attacks on Switzerland must make citizens shudder who feel responsible for righteousness and peace in this world, especially if the attackers plead justice and protection for poor populations or developing countries. Was it not the USA assisted by the German SPD who imposed an economic system onto the world whose wars left a broad bloody trail in history and whose breakdown today is driving a huge amount of people into economic and human ruin.

Schröder and his loyal assistant Josef Fischer lent a hand when Yugoslavia was bombed back to Stone Age. The wars against Afghanistan and Iraq began while they were in power. Both wars were waged with German support. While Schröder and his men reigned, the social market economy was ultimately transferred to an unrestrained and reckless predatory capitalism. And now we are asked to believe that these dubious gentlemen

are attacking Switzerland because of concern for the well-being of their people and in particular, the weaker part!

The attacks on Switzerland have altogether different reasons. Confidentiality in banking and tax disputes are merely the pretext for which the war is fought: Switzerland and its direct democracy, its federalism, its communal autonomy, its Swiss Franc as well as its own National Bank are in the way of the Anglo-American financial circles and their client states in Europe, trying to realize their plans to implement a world government. A sovereign state, where voters are entitled to determine the rate of taxes they want to pay themselves and who have a say in decisions on expenditures taken at community meetings and plebiscites, a country which, compared to other European countries has low tax rates but possesses an excellent infrastructure and well-functioning social system, in short a country that might serve other peoples as role model, is simply not wanted. But exactly that is why it must be preserved!

If anything within the Swiss institutional system, such as the confidentiality in banking, shall be changed, the sovereign alone – that is the Swiss people – can take the decision. Foreign countries must not interfere. The coarse infringement on Switzerland impinges the right of peoples' self-determination.

The Swiss model of direct democracy gives hope to the world. This hope has to be upheld and defended by all honest citizens, across all party limits. Those who cannot go along with these convictions have to reveal what they are up to.

(Translation Current Concerns)

Is Swiss Federalism Suitable for the Future?

by Professor Dr Thomas Fleiner*



Professor Dr Fleiner

One strong point of Swiss Federalism is the fact that since the foundation of the federal state our concept of state has been continuously questioned, critically reconsidered and constantly challenged by reform proposals. No sooner have people and states agreed to the new constitution with considerable reforms of federal cooperation, that new reform proposals are put forward for a debate, which mainly take into account the global development of constantly growing metropolis in all continents. Do we have to reshape our federalism fundamentally and bring it into line with the needs of huge regions and metropolis?

If you compared small Switzerland and its seven million inhabitants with today's metropolis, then "metropolis" Switzerland, measured against the total population of Tokyo, New York, Bombay, Shanghai, Cairo, Mexico City or São Paulo, still would be a small "metropolis". Even a drive from Berne to Geneva or Zurich takes hardly longer than a connection between the centre and the outskirts of Cairo, Mexico City or New-Delhi.

The following article attempts to assess these new challenges critically in the light of the basic values of Swiss federalism. It is incontestable and repeatedly emphasised by the World Bank that world-wide the future belongs to the local metropolis as well as to smaller cities and communities. The question, however, is how we in Switzerland want to deal with this fact. Should we orient ourselves towards concrete solutions, or should we rather improve procedures and institutions so that we are able to find flexible and appropriate solutions which are both suitable for the future and democratically supported?

The following exposition focuses on the democratic legitimisation of territorial politics ranging from local communities to international organisations; it is based on the conviction that we should first of all try to find procedures and methods which pool the energy taking into consideration warring local interests for cooperation on a regional, national and international level. I am convinced that we will only be able to find solutions if they base on the actual political strong points of our federal polity, and if they are developed in procedures which make use of the warring



"And, indeed, federalism permits the living together of various communities which benefit from each other and support and foster each other in solidarity." (photo av)

interest for the common good of our multifaceted country.

Diversity in unity

When the fathers of the American Constitution baptised their first federal state in the late 18 Century, they accomplished to actually reinvent the constitutional wheel. Before that age there had been only unitary states or confederations of states. Since the foundation of the American Federation we have known "the state within a state". States within a state are supposed to strengthen each other's democracies, to protect people against a too powerful state; they ensure that governments, legislators and their linked-up administrations are responsive to the people, because the people – strengthened by many democratic opportunities of political participation – can keep a close eye on them.

About fifty years later the constitutional fathers of the Swiss Federation had the wise idea to apply the model of the American Confederation not only to strengthen small local democracies, but to pacify a system of enemies and antagonised small and very small communities by emphasising the autonomy of Cantons and Communities. It was the first creation of federalism which as a government of peace integrated diversity through local autonomy and participation in the centre of a unity.

With a decentralised and cooperative direct democracy, which had long been rooted in communities and Cantons, the bottom up built federal system of diversity was enriched by a governmental principle of self-determination, freedom, democratic consensus and peacekeeping. Unlike in other states, the goal of democracy was not only to produce legitimate majorities as efficiently as possible. With the principle of democratic participation the people wanted to reserve their right of participating in decisions on the laws which infringe their freedom.

Self-determination as a goal of democracy can only be realised if decisions are made

by an as small as possible circle and if far-reaching decisions you can find by consensus as large as possible majorities. Democratic autonomy of a cooperative polity and compromise as the crucial principle of a consensus driven democracy, which does not exclude anybody, became the political guiding principle of the Swiss Federation.

Whereas American thinking is characterised by the idea that diverse cultures melt in one pot (melting pot), we Swiss have decided to keep diverse cultures side by side in "coexistence" together by granting autonomy. The latest conflicts in Iraq, in Afghanistan and Indonesia should have made clear that the future of peaceful coexistence of diverse cultures cannot be accomplished in a melting pot but only through granting autonomy and self-determination of those cultures.

Universal values of Swiss federalism?

Up to today, more than twenty large and small federal states have developed over all continents. 45% of all mankind live in federal states. Should the European Union at some stage develop into an actual democratic polity, it will only be able to bring together the rich European diversity in a new unity on the basis of a federal system.

Yet today decentralisation of centralised states is generally deemed the imperative of good government. Great Britain has lately realised a far-reaching devolution giving considerable autonomy and self-rule to Scotland, Wales and Northern Ireland. The home rule rights for those merging new autonomous units are little short of a federal system. Italy and Spain are already almost federal entities, and even in centralistic France the revision of 2003 constitutionally joined the tenet of the unitary state to the principle of decentralisation. (compare the revision of article 1 of the constitution "La France est une République indivisible [...]" with the attached last sentence "Son organisation est décentralisée.")

For many states Swiss federalism has become a vision of hope because the Swiss

Confederation has – thanks also to its federalist state structure – managed to lastingly overcome its inner conflicts and tensions, not by means of violence, but by rational political debate and at the same time to keep up the solidarity between different cantons and communities. Of course the specific constitutional configuration of the Swiss federal state is no export model. Every nation has to find its own model to master its specific problems. Already *Montesquieu* said that a constitution is always the expression of a people's soul. But the values that hold our multicultural nation together may well become important milestones for other countries. Examples are:

Taking diversity seriously; implementing self-determination on all levels from the municipality up to the federation; acknowledging not only the right to equality but also the right to diversity that is the right to be different; obliging the polity not only to guarantee individual freedom but also to foster the autonomy of territorial local democracies and cultural communities and the peaceful coexistence of the different cultures; a political culture of consensus and compromise considered not as a weakness but as a value that politics should strive for; not allowing democracy to degenerate to a tyranny of the majority but integrating all communities into the democratic process, so that they can identify with their nation and find a homeland there; understanding the constitution and the constituency as a chance to develop permanently the polity and so to meet new challenges; acknowledging that people may have different allegiances and therefore different civic rights.

Federalism and globalisation

Today we are confronted with world-wide globalisation of the economy, the universalisation of the human rights as well as the intercontinental threat of terrorism and fundamentalism. Efficiency, privatisation, and the competitive edge have become powerful keywords of political jargon. Has small, federalist, democratic Switzerland a future in this context? Rational and economic reasoning dominates private as well as public enterprises; functionality and core competency have become paroles and have led to proposals of reforms aiming at fashioning our federalism in a more flexible, economical, and contemporary way. *Avenir Suisse* suggests that Switzerland organise itself according to functional principles instead of historically developed national units. The political legitimacy of the different communities should be replaced by an economical, functional, and professional legitimacy. Artificial educational circles, traffic agglomerations, hospital centres, drafted districts, sleep and work places should be superimposed on organically developed communities, regions, and cantons. Without doubt, traditionally legitimised communities must seek regional and supra-regional cooperation with the greatest flexibility and

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"Malicious Attacks on Switzerland"

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The big crisis was definitely not caused by tax evasion, but by speculative attacks on the global economy, which were brought forth almost exclusively via the financial centers New York and London and/or the associated speculation hotbeds on the mostly British pirate isles (Cayman Islands, the Isle of Man, and the Channel Islands). Swiss bankers of the *UBS*, for example, as well as managers of the *Deutsche Bank* were involved in these attacks – however they did not act via Zurich or Frankfurt/Main, but via the USA and Great Britain, just like their accomplices did. In other words: They did not act as members or representatives of Swiss or German capital, but as partners of an international finance oligarchy. The "financial weapons of mass destruction" (as the US

multibillionaire *Warren Buffet* calls them), which were deployed in these speculation attacks, were not supplied with real money (e.g. profits from the real economy hidden in tax havens). However, they were particularly supplied with fictitious capital, which was fraudulently created by major private banks without real economic funding (e.g. in the form of credit derivatives).

These complex interdependencies are described in my new book* and can only be contoured here. We must in fact remember one number only: The putrid papers from offshore financial hotbeds like the Cayman Islands, which German credit institutes were talked into by pinstripe suit fellows in London and New York, add up to no less than 296 billion euros, as the "Frankfurter Allgemeine Zeitung" was calculating at the end of January 2009.⁷ These claims are not suable legally by the Germans, since the offshore investment oases are out of reach for

German or international law. Such fictitious capital bombs have already exploded in Iceland and caused the ruin of the country – each third Icelander is now considering emigration seriously. Some proud bank ship will run aground in this country, as well, accompanied by all the consequences for savings balances and jobs, if these explosive devices are not deactivated.

But Steinbrück does not deactivate anything. Even worse: He does not even speak about these 296 billion euros of German claims against Great Britain and its pirate islands that can never be liquidated. All he talks about is the – alleged – two billion euros that the German Treasury claims from Switzerland.

We may call this a diversionary tactic. It means hunting the scapegoat in order to distract attention from the true offender. History teaches us, however, where this might lead to.

More about this topic in German:
www.juergen-elsaesser.de

* Jürgen Elsässer, *Nationalstaat und Globalisierung*, ISBN-13: 978-3937801476

¹ Quoted after Andreas Kunz, Steinbrück in Zitaten, *Weltwoche*, 16 April 2009

² Jürg Altwegg, Die Indianer jodeln in ihrer Alpenfestung, *Frankfurter Allgemeine Zeitung*, 15 April 2009

³ Rudolf Walther, Wenn Hürlimann jodelt, *Freitag* (Online), 20 April 2009

⁴ Hans-Ulrich Jörges, Zwischenruf: John Wayne am Matterhorn, *Stern* 14/2009

⁵ cf. Interview with Steinbrück on 27 April 09 on *Swiss TV* and on *German 3Sat*

⁶ Heike Göbel, Listenplätze, *Frankfurter Allgemeine Zeitung*, 4 April 2009

⁷ maf., Deutsche Banken haben hohes Hedge-Fonds-Risiko, *Frankfurter Allgemeine Zeitung*, 30 January 2009

(Translation *Current Concerns*)

"Is Swiss Federalism Suitable ..."

continued from page 4

according to functional needs and requirements. Yet their political legitimacy must remain anchored in a territorial and democratic commonwealth and not in a contrived functional syndicate.

Professionalism is no substitute for political legitimacy. We see a dentist not because he has been elected but because he is qualified and thus can act responsibly in his profession. But we see a mayor or a governing council because we know that, since he has been elected, he has the confidence of the people and hence can take political responsibility.

To promote an isolated Switzerland would be irresponsible. The Swiss Confederation can only prove its worth in the open competition in an international network growing tighter and tighter. But Switzerland can stay competitive only if it remembers its strengths, which developed the poorest state in Europe in the 19th century into one of the richest countries in the beginning of the 21st century. In particular it needs to give a convincing answer to the following important question: Why did this small and complex democratic federation succeed in holding together conflicting diversities and working its way up from poverty to prosperity?

Why has Switzerland succeeded, as one of few countries of its time, in converting its enemies of the civil war (Sonderbund) [1845-1847] into political adversaries and today even into political partners and to deal with conflicts within the confederation henceforth in a federalist and democratic, but mostly peaceful way? A conclusive answer to this difficult question could help us finding out the real strengths of Switzerland which will make it competitive also in a new international and European order.

Localisation?

Besides globalisation, our times are characterised by a growing "localisation". Financial markets have become global, but the job market is still local. Human rights are universal, but it is only the national states and – in Switzerland – the cantons and the municipalities which implement the rule of law within the frame of public interest on the local level. Global threats produce local fears which can only be mitigated in the security of a small native country. We hardly know how to deal with global migration, however we often forget that the nation we have been born into by lot also allots the fortune of life for all of us.

In spite of a growing tendency for localisation, we should not freeze in provincialism and an egocentric "cantonal chauvinism". Cooperation and tolerance is needed on all levels. The country will hardly be able to persist without solidarity between town and countryside, poor and rich, Swiss and foreign, German, French, Italian and Romansh and between the economy and the consumption. Just as important is the willingness to make use of the diversity and the energy generated from the tensions produced by this richness for a new dynamics focused towards education and development. But how can we generate a fruitful potential for cooperation from such tensions? These are the questions we should focus upon in our research efforts.

Federalism can block energies, but the debate over differing and conflicting interests can also generate energies. Especially a country like Switzerland which, due to its diversity and its federalist and democratic decision processes, has to consider all interests, is forced to help institutions and persons involved in this procedure by supporting them with institutions and procedures to find constructive and sustainable compromises. It would be the task of education and research to supply a new basis for a professional and specific preparation of negotiations, meetings and resolutions, for a good and constructive moderation of negotiations and for successful mediation, making models for solutions available. How can we make use of local public-interest to merge into the nation's common good? Federalism provides the best preconditions to create national welfare from local prosperity.

Dare to innovate

Do we have to reconsider fundamentally our federalism? Without new impulses, mainly

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from economy and society, federalism will lose vitality and power. We need innovations which make use of the available diversity to enhance cooperation. Federalism may not degenerate into a folklore exhibition. Its strength – which is ultimately also an economic strength – lies in the fact that political power and responsibility are identical on all levels.

When the peoples of a municipality intend to build a new school building, they can decide for themselves, but tax payers also have to pay for it. If the canton of the Grisons intends to build the Porta Alpina in Surselva [a valley in the Grisons], it has to convince the people in Engadin to support the people in Surselva. If a university canton wants to establish a medical school, it has to take care by itself to have it acknowledged by the federal government according to international standards. If the federal government wants to create a Swiss education region, it has to define clear goals and to be prepared to cooperate with the cantons. In a federalist state, new challenges can only be tackled with mutual and shared responsibility. Nobody has to deal with problems and hardship alone, but we have to find new and convincing processes for a future innovative and productive distribution of power and responsibility.

Solutions for life cannot be invented from scratch. Neither the people nor a federalist state can be cut to measure. New ways of cooperation can only be found in a permanent political discourse, based on the imperative of legitimacy. Looking back ten years we see that the people and the cantons were always willing to make federalism more flexible. Agreeing to a revenue sharing, the prosperous cantons documented their solidarity with the financially weaker cantons. With the consensus to a Swiss education region which is to be formulated jointly in a new cooperation, the people and the cantons have not only shown the way forward in education, but they have expressed very clearly that politics on all levels has to give education the highest priority.

Indeed, the possibilities of intensive cooperation between the cantons or between the federal state and the cantons are far from exhausted. Making use of these chances for cooperation, we can learn from each other, inspire each other and create new synergies. Cantons which go off into a sulking corner or try to abuse cooperation for their self-interest can now be integrated by constitutional means. Both the new educational articles as well as the clauses for a revenue sharing can give in certain cases the federal state the means to oblige the cantons to cooperation (Federal Constitution art. 48). In the healthcare system, in the police organisation, in homeland security or in environment protection or in communication, solutions are sought on all levels: solutions which build upon the strength of our diversity and try to concentrate the existing en-

ergies towards the common interest instead of wasting them. As long as we are able to find solutions which the people are willing to sustain, there is no reason to fear for our federalism.

International integration

But the motor which keeps and will have to keep us moving and developing, is the increasing international integration. It will permanently force us to keep our system flexible and adapt it to a rapidly changing environment. The most difficult challenge we are dealing is by no means the relationship towards the European Union. It will be of little use if we bury our heads in the sand and wait for the EU to collapse. If Europe continues to develop based on its principles, we will have to reconcile with an EU surrounding our country on all sides. It is realistic to assume that over time we will have to join this new form of European cooperation. Without doubt this will have an effect on our federalist system. Just like Denmark or Great Britain, Switzerland will lose some of its autonomy in a unified Europe. Instead of complaining, it has to use its chances to contribute and to fight for its core competences. It is not the number of initiatives or referendums, not the number of competences which make our identity and hold our diversities together. The basis of our self-reliance is the question if we can make use of the integration to foster our diversity and if we succeed in transcending the potential of the Swiss polities into a different environment, as difficult as this may be, and to make use of it in order to generate and promote the diversity of the population. But we will only be able to succeed in this goal if we preserve the flexibility of federalism and democracy for the future. Currently, such strategic visions are completely missing.

Everybody observing Swiss politics on all levels – in the municipalities, the cantons and the federation – is amazed to notice the political energy present within the citizens in order to struggle for new and good solutions on all levels of the polity, society, economy and science. There is probably hardly a country where, relative to the number of inhabitants, so many people, institutions, groups, political parties, authorities, experts and researchers care for their polity to preserve it, criticise it, defend it, renew it and sometimes also try to modify it fundamentally. The number of innovators has even increased compared to the dynamic times of regeneration in the 1830s. Doesn't this vitality also characterise the strength of our polity? Unlike in other countries, discussions on state politics are not confined to the party headquarters. These topics are subject to a public, political and scientific debate which is open for everyone. All proposals express a deep attachment to the country and the wish to find new ways to project the success of the Swiss Federation into the future.

The weakness of federalism

But which are the weaknesses of federalism? Is it cantonal chauvinism and parochialism? Is federalism too complex and opaque, is it undemocratic or worn-out with time? Are we self-satisfied and intransigent? Or are we narrow-minded, culture-despising hillbillies?

Our country, in contrast to many other countries, has succeeded in reforming its constitution by introducing many new innovative institutions and procedures. The future effect of these new elements is far from clear. While in most states, like in the EU, the development of the constitutions is politically blocked and thus mostly driven by the constitutional courts, our politics succeeded – admittedly after many futile tries in the 1960s – to win the consensus of people and cantons with a new and, especially for federalism, innovative reform constitution.

It is not that our federalism is weak because it cannot be reformed. Its strength lies precisely in the dynamics that gave it the chance to let the pendulum swing back and forth between centralisation and decentralisation, according to the zeitgeist and the national and cantonal needs. Our weakness is that we see the strengths of our federalism as its weaknesses and do not know how to make a virtue out of necessity. The struggles for the Swiss healthcare system are just one example for this. Due to the fact that several cantons are fighting for their transplantation centers, central deciding authorities are demanded – based on the assumption that a conflict of interest can better be solved by a central authority than by cantonal interests. In struggles like this, the various cantonal interests are becoming obvious. But this is the only way how experiences, knowledge and cost can be generated and weighed against each other. Without knowledge of such diverging interests, finding sustainable solutions and compromises will turn out unfeasible.

It is very probable that such an open struggle will result in a solution which takes into consideration the various interests and which the taxpayer is willing to finance. If decisions like this would be made by the federal bureaucracy, many of the worries of the population would not come into effect. The federal state would design a solution from scratch, but frustrations and opposition in the population would erupt much later. A conflict appearing in the federal state, before implementation of a solution has started, is less expensive and can be used for good results in a constructive and legitimate way.

The future: federalism, the constitutional polyphony

In music, one criterion for the development of civilisation and culture is the quantum leap from monophony to polyphony. In a similar way, the leap from a uniform state to a federal state can be called a quantum leap in political science. And, indeed, federalism permits the living together of various communities which benefit from each other and support and foster each other in solidarity. If the three periods of the middle ages, the modern era and the present times are to be symbolised in a geometric way, symbol of the Middle Ages was the hierarchical pyramid, and the symbol of industrialisation and Enlightenment was the interlocking cogwheels of machinery, the symbol of globalisation is the network. Within this network, those 'interfaces' or 'points of intersection' that have a high degree of legitimacy and flexibility have the greatest chance of success. Unitary states have only one interface within this network. The federation however can utilise the interfaces of its federal units, the municipalities and of course of the federation. The federalism of states is probably the political order which is best prepared for the complex transnational networking.

* Professor Dr *Thomas Fleiner* was full professor of the law faculty of University of Fribourg from 1971 to 2008. He specialised in General Theory of the State and Swiss Constitutional and Administrative Law. Moreover, he was director of the Institute of Federalism from 1984 to 2008. Since 2008 he has been professor for general theory of state at the distant University of Brig; besides many publications, some of which together with his wife *Lidija Basta-Fleiner*, Thomas Fleiner taught at various universities in Europe and overseas and was member of numerous international organisations.

Money Does Not Bring Happiness – But Democracy Does

The more direct democracy is, the happier the people are

A scientific investigation, led by Professor Bruno S. Frey, has brought to light that direct democracy, as a form of government and society, is most suitable for humans. It produces peace, freedom and justice in a sustainable way and gives the citizens a chance for direct political involvement and influence. It has a positive effect on the state of health and is attractive for other countries. Bruno S. Frey is professor for national economy at the University of Zurich and has been investigating into relations of economy, politics and ethics for years. His studies on direct democracy make us sit up and take notice. They deserve a broad discussion.

ro. In the following article we cite important passages from Frey's article.

"That 'money does not bring happiness' is partly correct, but it is altogether correct that democracy brings happiness." For Bruno S. Frey it is a given fact that it takes a certain income to satisfy basic needs, but "while money – that is, higher income – does not make actually unhappy, it only slightly in-

creases the subjective well-being of persons." In fact, those who live in democratic conditions feel happier. "In particular: The better the opportunities for a direct influence on political decisions per referendum are, the more satisfied the people will be.

There are two reasons for this: First, the political conditions may be altered by the people. Particularly, governments will be requested to supply those goods and services which the people desire. Secondly, the citizens assess it highly to participate in the political process." Frey's statements are based on carefully performed empirical research. His scientific results confirm findings of psychology, economic and political science.

Frey and his collaborators went one step further and investigated the differences between the cantons (states) in Switzerland with respect to direct democratic participation. This also produced an interesting result. Discriminating cantons with distinctive direct democratic participation (Baselland, Glarus, Appenzell Ausserrhoden, Solothurn) and those with restricted possibilities (Gene-

va, Neuenburg, Ticino, Bern), he concludes: "Taking into account all other economic and socio-demographic influences, it turned out that citizens in cantons with distinctive political rights are significantly more contented."

A prospering economy and also economic growth are important for the welfare of the population. But the economy grows more, and is more sustainable, if the citizens can

participate more. This underlines again that the Swiss direct democracy has a high ethical value. We are falling in with Bruno S. Frey in advising the Swiss to be proud of their direct democracy.

Source: *unijournal* 2, April 2002

Frey, Bruno S./Kirchgässner, Gebhard. *Demokratische Wirtschaftspolitik*. ISBN 3-8006-2737-X, new edition, 3rd quarter 2002

Especially in Switzerland there are people saying that direct democracy was an antiquated matter being inappropriate in the 21st century. We argue exactly the opposite: We find that direct democracy is not only more efficient but it also makes people happier than in other countries. And here, too, I would say again: Some other countries in our surroundings, for example Germany, could actually introduce a bit more participation via initiative and referendum.

[...] We cannot see at all that direct democracy has got a delaying effect. It is very, very often claimed that decisions are always repealed; one should, however, compare this to parliamentary democracies, in which everything is always blocked, too, though by powerful lobbies. But our country empowers the citizens via direct participation to get past powerful interest groups and I think this chance is very important.

From: *Zeit-Fragen* Nr 7, Feb. 11, 2008, interview with Bruno S. Frey, Swiss Radio DRS

Federalism, Communal Autonomy and the Militia System are Foundations of the Public Interest

Everything in Switzerland that is connected with the nature of a general concern for the state, the concern for the community and the undivided responsibility for both of them, is a typical Swiss characteristic which almost exemplarily finds its expression in both the referendum democracy, the concordance and the militia principle. To a certain extent, the meeting of the people in a valley was the nucleus of the people's general participation in politics. This tradition of a discussion at eye level within the community about its problems has been maintained in the two still existing cantonal *Landsgemeinden* (rural municipalities Glarus and Appenzell-Innerrhoden) and in the still very numerous municipality meetings until today. Where the community is too large, it is obvious that the special decisions are handed over to the citizens at the ballot box to be taken there. However, this is hardly possible without any parliamentary preparation, so that the combination of a representative and a direct democratic element corresponds with an internal logic despite a superficial contradictoriness. Concordance leads to the fact that not only the parliaments reflect the variety of the people, but – to a limited extent – also the governments. Actually, they are not hierarchically run managements but councils working according to the principle of helpfulness and consideration.

Additionally, the militia principle is an outstanding instrument which integrates the people in the process of a national formulation of objectives, and at the same time it makes use of their comprehensive knowledge. We must

become aware of the number of executive and legislative representatives that are appointed by the federation, the cantons and the municipalities. We also have to become aware of the number of parapolitical committees that are active for thousands of institutions in the communities, such as schools, kindergartens, water supplies, corporations, hospitals, old people's homes or tourist associations. All these are committees, whose seats are to be taken by citizens. Moreover, there is the militia army, whose importance for the community would fill some more written chapters. Those who want to contribute to the community life in this country are offered innumerable possibilities. There is probably hardly another country, in which such an army of volunteers works for the public welfare in so many committees. Above all, it is the distinct federalism with its division into cantons and municipalities which leads to this high number of militia functions.

The "State of Switzerland" Is Not a Technocratic Organisation But a Brilliant Idea

Our country is not a nation state in a typical sense, because it lacks a central and powerful state leadership, a common language, an identical history, ethnical and religious unity as well as the people's thriving for collective significance. The Swiss people's identity is marked by variety inside the country. The people's permanently renewed will to live together as a community of fate, to debate public matters and to decide on them by majority vote is at the core of the Swiss state concept. The "Swiss state" is a brilliant idea and not a technocratic organisation.

The "Swiss idea of a state" respects the individual and puts man at the centre of its concept. So the citizen should be respected, esteemed and consulted. The state's task is to safeguard the interior and exterior security and to guarantee order, peace and protection from danger. Moreover, good conditions for successful economic activities are necessary. Severe social hardships are to be alleviated.

The above mentioned conditions enable people to freely organise their lives. The

opinion, however, that the state was an end in itself and had to demonstrate prominence and influence is to be rejected.

The Swiss concept of a cooperative "Eidgenossenschaft" (Swiss Confederation) goes back to the Old German "Thing" and functions as the basis of the Swiss concept of state. According to this state of facts, people identify with the state in the sense of the great slogan "We are the state". Even the early constitutions of the urban guilds contributed to a democratic development. The idea of the French Revolution cleared the way for increased democratic thinking as well. The Swiss army functions according to a militia principle; so do the authorities. Since the foundation of the state in 1848, innumerable shooting associations, choirs and gymnastics clubs with their festive activities have essentially strengthened the sense of togetherness. Thus the cohesion beyond social classes, language barriers and regional differences has been stabilised.



Villiger, Kasper. *Eine Willensnation muss wollen. Die politische Kultur der Schweiz: Zukunfts- oder Auslaufmodell?* [A Willful Nation Must Be Willing. The Political Culture of Switzerland: Fit for the Future or an End-of-range Model?] 2009, ISBN 978-3-03823-525-5

Franz Muheim. *Die Schweiz im 21. Jahrhundert. [Switzerland in the 21st century.]* Stäfa 2007, ISBN 978-3-85717-183-3

Civilians Bear Brunt of the Modern Wars

Interview with ICRC director of operations Pierre Krähenbühl

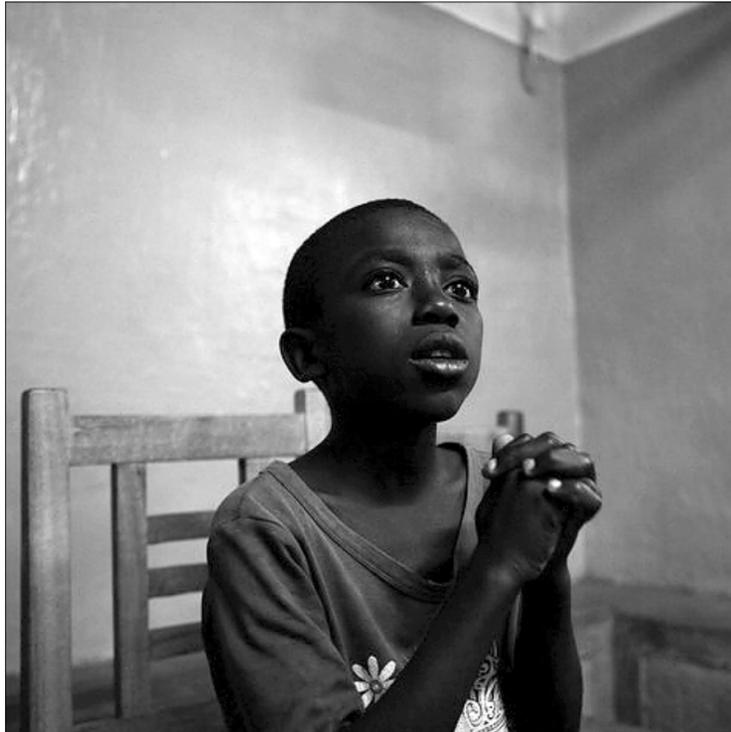
thk. This year the International Committee of the Red Cross is commemorating the Battle of Solferino, 150 years ago, and along with that the birth of this humanitarian organization. The ICRC is, however, inconceivable without the Swiss federal state, founded in 1848. It was Henry Dunant's idea to bring relief to the sufferings of the wounded soldiers, thereby focussing on the misery of every single person; this idea corresponded to a deeply felt human concern and an ethical attitude, which could also be perceived with regard to the fundamentals of the young republic and the age-old nature of the cooperative system characteristic of the Old Confederation. Swiss democracy, the idea of neutrality, combined with the determination to act in a humanitarian way and to become active for peace as well as against sanguinary solutions on the battlefield are part of the basic attitudes of the Swiss way of thinking. Since the 16th century this Swiss people's stance has been saving the country from war and devastation while at the same time it achieved a commitment for peace – in many cases in silence.

The ICRC has adapted its work to the circumstances; in setting up the four Geneva Conventions it created an instrument which is to contain armed conflicts. This week, the ICRC published a study focussing on "today's Solferinos" meaning the current wars. The study shows that in most cases civilians are the victims of modern wars. That is why the ICRC wants to focus on the sufferings of the civilian population in their humanitarian work. Every single person being an innocent victim of the war's misery is to be given enhanced protection. The following interview with the ICRC's director of operations, Pierre Krähenbühl, published by the ICRC, illustrates the organization's concern. Military strategy has changed tremendously during the last 150 years and correspondingly the devastating effects on the people who fall victim to it.

Can you point to a difference in the way civilians experience war today as compared to Solferino, in northern Italy?

There have been striking changes between how battles were fought 150 years ago and today. Historians say that in Solferino, almost 40,000 soldiers were wounded or killed but just one civilian died in the fighting. Today things are very different. Obviously, civilians were affected back then. They had to flee their villages, go into hiding and try to protect themselves. What's alarming today is the scope of that kind of suffering and the number of civilian casualties and deaths we see around the world.

As part of our new research, we looked at what people in Afghanistan had to say about their experiences and 60% said they had been directly affected by the consequences of war-



A child, who became separated from his family during the fighting waits to be reunited with them by means of the ICRC's family-reunification programme. (photo © 4.2.2009, CICR/VIII/Haviv, Ron)

fare. Now imagine that they've been living with the turmoil of hostilities for 30 years, or take the Democratic Republic of the Congo, as another example. High percentages of people there say that in the last 12 months they have experienced a whole range of violations, from exposure to sexual violence and displacement to a lack of access to health care.

The reversal of the trend, in terms of the transformation of armed conflict and who bears the brunt of it, is very worrying.

What prompted you to carry out the survey?

Well, we felt it was time to look at modern-day Solferinos... today's conflicts and situations of violence. In particular, it was important to look at them through the experiences, fears, worries, frustrations and hopes of the people affected by these dynamics.

We chose to examine a geographical range of contexts, as well as a mix of situations that are often in the headlines and a few that rarely make the news. In the end, we selected Afghanistan, Colombia, the Democratic Republic of the Congo, Georgia, Haiti, Lebanon, Liberia and the Philippines. For us, it was essential to sit down and hear from the people themselves what it means to go through these traumatic events.

Were there any findings that were particularly striking or surprising to you?

While not entirely surprising, it's striking to see the extent of people's concern and fear,

first and foremost, about the safety and well-being of close family members. Their concern is not only about the loss of a loved one, but also about separation. In different ways, people refer to that as being among their greatest fears.

At the same time, another finding, which was noticeable and related to family and proximity, was that many people said that those who most effectively respond to their immediate needs were their communities, neighbours or families.

How does knowing that have an impact on the ICRC's work?

The importance of being close to affected communities is something we've picked up on in recent years in our own operational experience. If there are any heroes in the humanitarian field, it's the local surgeons and nurses in war-torn countries like Afghanistan, Iraq or Somalia, who take the risk of going to the hospital every morning in their hope to make a difference for their own people.

Our privilege, and what we've tried to focus on in recent years, is to accompany them in that process... to enable local health personnel and aid workers, including our colleagues from national Red Cross and Red Crescent societies, to respond on the ground, because we've seen that this makes a difference for affected populations. We will be focusing on this increasingly in future.

The survey shows high numbers of people, who have been forced to flee their homes. What's your response?

I'm disturbed by the findings on displacement and the numbers of people who talked about having to flee their homes or abandon their property, and then losing it and never being

able to get it back. In the Congo, it's not just one time people have been displaced over the past 12 to 18 months. Some people have been displaced four, five or six times, again, often with the loss of family members in the whole process.

So it seems very clear that from the perspective of the people interviewed, this ranks among the most anxiety-provoking and fearful experiences of conflict, and that's something that the ICRC must focus on with great dedication.

Corruption was cited quite widely as a reason that is preventing people from getting help. Is that something that has an impact on what the ICRC is doing in these countries?

True, many of the people interviewed cited corruption as being a potential impediment to safe and predictable access to humanitarian aid. The research doesn't reveal who they think is corrupt and it doesn't lay blame. However, it's a striking finding and comes as a very strong reminder of all the precautions that one must put into place in the implementation of programmes, both during the evaluation phase and in carrying them out, in order to ensure that populations do not face discrimination or these forms of blockages. I think that this requires further close attention on our part.

In general terms, what difference will this research make?

There are two big differences that this research will bring to our way of working. The first is a reminder of how important it is to place people at the very centre of our analysis and action. It is only by taking seriously the way in which people see their own situations that we will find a response that's up to the standard of their needs and expectations.

Humanitarian organizations approach people and assess their needs, but tend to do this very much from the perspective of their own expertise. If we turn that around and take the person as the starting point, it becomes a much more sincere and in-depth approach, and I think that is an important finding. We need to adapt our programming to that reality.

Secondly, communicating around the impact of warfare on affected populations is a key responsibility of an organization like the ICRC. Being able to do that based on how the people see their needs, as opposed to our own views and assessments, adds a qualitative dimension to our claim to be able to carry the voices of the victims of war and armed violence to broader audiences.

This is a step towards acknowledging our accountability towards the people that we are there to serve.

Source: ICRC, www.icrc.org, 23 June 2009

International Committee of the Red Cross,
Avenue de la Paix 19,
1202 Genf, Schweiz
Phone: +41 22 730 21 71
Fax: +41 22 730 28 99
don.gva@icrc.org; www.icrc.org/donation
Donations account (Switzerland):
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Kabul. ICRC limb-fitting and rehabilitation centre. Learning to walk again. (photo © 3/2009 ICRC/VIII/Nachtwey, James)

Considerate and Versatile Landscape Protection

The work of the Swiss Foundation for Landscape Protection (SL)

Chestnut Sativas in Dunzio, Canton of Ticino

As hardly any other tree, the sweet chestnut (latin *Castanea sativa*) is equally suitable for wood and for fruit production. As a result of the highly increased population and density of settlements even in high altitude alpine valleys the edible nut was recognised as a main nutritional source from the 13th to the 18th/19th century.

Related to this there was a large spread of chestnut forests (ital. "selva"). In the park-like cultural landscape the farmers looked after the chestnut trees and the undergrowth, harvested the fruit and used the wood for construction. The Centro Natura Vallemaggia, a non-profit association based in Lodano, set themselves the target to revive lost traditions with all its facets. Thanks to the co-operation between AXA Winterthur (an insurance company) and the SL, the project in Dunzio could be launched and financed. The main objec-

tive of the project is the nursing of the tree population: Old chestnut trees are being professionally cut back under the supervision of the cantonal forestry services and young trees are being planted selectively. Careful thinning out of the forest re-establishes the open park-like character. In the past, the agricultural processing and use of the chestnut asked for various buildings, such as drying houses ("grà") or stables. The planned measures for the next five years include the reconstruction and repairing of such precious cultural goods. The interdisciplinary project is being completed with didactic offers around the topic chestnut.

Project manager: *Stefan Kunz*

Source: *Landscape protection 2008. Activities of the Swiss Foundation for Landscape Protection (SL), Berne 2009*



The restoration of former agricultural buildings is an important part of the project in Dunzio, Maggia community in Ticino. (photo CNVM, Lodano, Centro Natura Vallemaggia)

Communal Landscape Protection Eriwis, Canton of Aargau



Eriwis – the campaign "From heart to heart": Employees from AXA Winterthur have voluntarily committed themselves to the preservation of the area. (photo SL)

In spring 2008, a "nature workshop" for children, youths, schools, families and businesses has been established with the support of SL in the former Opalinus clay pit Eriwis near Schinznach, canton of Aargau. The cantonal nature reserve with its multifaceted environment offers possibilities for creative and process-based learning and developing in a diversified landscape. The project features a combination of upgrading measures for the landscape and various pedagogical offers in the field of nature and experiences. In order that the existing values of nature can be sustained and developed in the clay pit Eriwis, regular maintenance measures are necessary. In the scope of their campaign "From heart to heart" employees from AXA Winterthur have voluntarily committed themselves to the preservation of the area. Through hard work done by hand – for the benefit of many native flow-

ering plants – square meter by square meter of the nature reserve was cleared of goldenrod and black berries. Besides many further upgrading measures the operating committee is planning pedagogical courses and work assignments for youths and adults, promoting experiences and integrated health. The concerns for the protection of nature and pedagogical experiences should be complementing each other and not compete. Nature and landscape are thus experienced in depth, consciously, perceptibly and formable. Dealing with nature and our landscape in a responsible and sustainable way is being promoted. This goal finds support in the project being co-financed by SL.

Project manager: *Stefan Kunz*

Source: *Landscape protection 2008. Activities of the Swiss Foundation for Landscape Protection (SL), Berne 2009*

Project Water Channels

Water is the elixir of life. This wisdom has seemed trivial for a long time, since Switzerland harbours Europe's abundant source of water supply and is considered the country with possibly the highest quality of drinking water. Time and again, water has shown its power of destruction. But now, alpine agriculture in inner alpine areas like the stretch between Visp and Martigny in the canton of Valais and the Rhine valley of Chur, the region around Ilanz, the area of Domleschg/Heinzenberg, the Central Grisons, the Lower and Higher Engadin Valley, the Münstertal and the Puschlav – which suffer from dry summers year for year – increasingly experience water as a scarce resource. These regions are rated as to be in need of irrigation, as their water balance is negative. No wonder that in some regions the question arises how water can be transported to the meadows and distributed there. In this context, the SL has repeatedly pointed out the high value of the traditional system of meadow watering by means of water channels and constant irrigation and has supported corresponding projects financially and in substance.

Thus the century-old system of irrigation, which exists in similar forms in arid mountain areas all over the world is turning out to be very fit for the future. Not only can water be saved this way, (as opposed to sprinkling devices), but also the biodiversity in the meadows is preserved (meadow breeders eschew permanent overhead irrigation). Additionally, the old system results in linked benefits for tourism (examples are the Waal trails in Vinschgau or the trail along the Suonen/Bisses in the canton of Valais) and also for regional identity (as living tokens of a regional social history).

With their water channel project, the SL have been able to invest numerous large sponsors' contributions in tangible projects, e.g. in Liddes and Lens, canton of Valais. At the latter place, one of the most spectacular water channels of the Alps was reactivated, greatly backed by the boroughs of Icoigne and Lens, the canton of Valais, the foundation of the Crans-Montana casino, the Swiss Landscape Fund, the Victorinox Company, and others. Apprentices of the companies of

Mercedes Benz Switzerland and 3M Switzerland, under the guidance of our colleague *Roman Hapka*, worked for days to uncover a segment of about 4 kilometres round the Châtelard above Sion. Also the Suone Mittla in Ausserberg is looking forward to a new future. In the second focal area in the Val Müstair, the field photographs of the remaining around 25 "Auals" (water channels) are about to be completed.

On the occasion of the 2008 and 2009 "water days" in Samedan, lively discussions among school classes and experts about water channels as a model for sustainable water use were and are going on. The SL was able to successfully conclude the first stage of their international research project (COST A27) about the water channels in the Val Müstair. This will act as a build-up to a further partnership-based project of the Swiss National Foundation, which is intended to demonstrate the advantages of the traditional system of watering and of open water channels for the mountain forest.

Finally, the SL has advocated to include the water trails along the Suonen water channels in the Federal inventory of historical transport routes, the inclusion of contributions toward the upkeep of water channels in the context of the future output – orientated agricultural direct payments, and the right to receive contributions for traditional meadow watering.

Information: *Roman Hapka and Raimund Rodewald*
Source: *Landscape protection 2008. Activities of the Foundation for Landscape Protection Switzerland (SL), Berne 2009*

Further information

Swiss Foundation for Landscape Protection (SL)
Schwarzenbergstrasse 11, 3007 Berne
Tel. 031 377 00 77, Fax 031 377 00 78
E-Mail: info@sl-fp.ch / www.sl-fp.ch
Membership fees and donations to the Gönnerverein SL
PC Nr. 30-366174-9 or
Bank account IBAN:
CH76 0023 5235 9063 2620 0,
UBS AG, 3000 Berne 94



Excavation works at Grand Bisse de Lens, canton Valais. (photo SL)