

Current Concerns

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

English Edition of *Zeit-Fragen*

“All disputes must be resolved by peaceful means” Proposal by a UN Special Rapporteur on the Prevention of Warmongering

Interview with Professor Alfred de Zayas,
UN Independent Expert on the Promotion of a Democratic and Equitable International Order



Professor Alfred de Zayas (picture thk)

thk. Last Monday, the Human Rights Council met in Geneva to hear and discuss the report of the “Independent International Commission of Inquiry on the Syrian Arab Republic (COI)”, presented by the head of the commission, Sergio Pinheiro. The commission

examined various massacres in Syria. The commission’s current report is based on 258 interviews with various people, the number of respondents not being mentioned at that occasion. In addition, the commission itself was not on the spot to see themselves what was going on, but they obtained their “information” mainly by telephone interviews with people outside the country, as they said themselves.

The discussion following the report reflected in particular the interests of the western countries in this conflict. In sum you can say that NATO and EU countries, together with Turkey, Saudi Arabia, Qatar and some other Western-oriented Arab States condemned the Assad government and used the opportunity to pin on the regime the still unexplained poison gas attack in Ghouta, a suburb of Damascus, which was not the subject of the COI investigation. That war crime, which it undoubtedly is, must have consequences, according to the tenor of those “west-led” states. Previous poison gas attacks, which have been attributed to the so-called rebels, were not mentioned. Countries such as the Latin American Alba States, Russia or China, but also individual Asian and African countries called for moderation and emphasised the prohibition of interference with the internal affairs of a sovereign state. They also called for a dialogue in order to attain a constructive solution to the conflict – which could be achieved if really desired by the negotiators, a fact that had been proven by the negotiations between Russia and the US – and called for an end of the bloodshed. The use

of poison gas was condemned by all states; in this regard the international community is united.

On the periphery of that session of the Human Rights Council, Current Concerns met the American international law professor and historian Alfred de Zayas who currently holds the office of the UN Independent Expert on the Promotion of a Democratic and Equitable International Order. What he considers his task in this world dominated by power struggles and how he currently judges the conflict in Syria, is set out in the interview below.

Current Concerns : On 10 September you presented your report on the “promotion of a democratic and equitable international order” to the Human Rights Council in Geneva. What were the reactions to it?

Professor Alfred de Zayas: After I introduced my report and formulated a number of pragmatic recommendations to the Council, some 30 State delegations and 12 NGOs participated in the inter-active dialogue. I was very satisfied with the constructive tone of the comments, some of which were quite positive and others somewhat critical, but not so much of my report but rather of the mandate, which they feared duplicated some of the other mandates and working groups. The EU was rather reserved and the United States did not take the floor.

What were the points of criticism?

It was stated, for example, that I had gone into too much detail with respect to the issue of self-determination, that I had given that subject too much space. One criticism also was the “with” of the mandate and resolution 18/6 itself.

What did you recommend?

I suggested, for example, establishing a “representative body of the people of the world”, a parliamentary assembly to which all states send representatives elected by the people, a real parliament of the world. It would not be made up by the ambassadors of the countries, but by citizens from all the countries. I am thinking of doctors, tradesmen, lawyers, teachers, etc.

How was this proposal received?

Some states, such as Egypt, welcomed the idea of a World Parliamentary Assembly. 100% of the NGOs endorsed my recommendations. After their statements I was given the floor again and I focused on the Universal Periodic Review (UPR). That is a mechanism to examine the human rights situation in all countries. So far, all states participated. Recently, one country refused, which is extremely regrettable.

What is lost by that?

It is those periodic examinations that always offer the possibility of dialogue and underline the universality of human rights – this is central to the well functioning of the new Council. In order to change anything in a positive way, dialogue among the countries is crucial. All states are called upon to report and to submit to scrutiny, sincere there is no country without democratic or equitable deficits.

How did you respond to the width of the mandate and possible overlaps with other mandates?

I do not see that as a big problem. There are never two rapporteurs who think the same, who approach the issues from the same angle, who make the same proposals. The diversity of perspectives constitutes a fruitful contribution of the special procedures of the Council. Although certain themes appear more than once, you learn by repetition. And in addition an important aspect is the independence of the rapporteur. The expert must be able to think outside the system, beyond the prejudices, Zeitgeist, political correctness. This is the only way to work as an independent expert.

What other issues were mentioned?

We also talked about the manifold threats to regional and international peace. Last week all of us were deeply worried that we had to reckon with a large-scale intervention in Syria. I believe that a democratic and equitable international order requires that all means of dialogue be deployed to

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keep the peace. Wars are not inevitable, but are caused by political miscalculation and hubris. Keeping the peace presupposes that all parties are willing to talk to each other and to find compromises. If we succeed in making people talk to each other, we can think about how we can realize reforms in order to find solutions to the real problems that beset the world. But one thing is certain: you will not reach a solution with weapons, otherwise we will continue the vicious cycle of hatred meeting hatred. A frequently arising problem is that some states play geopolitics by supporting one side with weapons and money and even inciting that side to intransigence so that they think they can remain stubborn and refuse any and all compromise proposals.

You mentioned dialogue as an instrument of peace keeping ...

... Dialogue means that I perceive the other party as an equal partner in conversation. One agrees to use diplomacy and human intelligence instead of force. This is the main idea of the United Nations, as clearly stated in the preamble and in the first and second articles of the UN Charter. All disputes must be solved by peaceful means. This entails a commitment to good faith negotiation. States must not obstinately act outside negotiations and say: I'm not willing to talk. One must not set conditions before entering into a dialogue with others. That is against the spirit and the letter of Article 2 Paragraph 3 of the Charter.

If the people, no matter at what political level, would talk more to each other, using honest exchange, one could have prevented many wars and unspeakable suffering. This approach must be pursued.

Last week we heard the drums of war, as we had experienced flagrant war-mongering in 1999 as well, when NATO attacked Yugoslavia after the Rambouillet negotiations, and in 2003, when the hate campaign against Iraq was running full speed. There was no intention to conduct sincere negotiations in Rambouillet or elsewhere, but a desire to test new weapons and to demonstrate who is more powerful and all of this outside of the United Nations. Had there been negotiations in the Security Council at that time, certainly no resolution would have been adopted allowing the NATO intervention in Yugoslavia or in Iraq. So a war would have been impossible. .

Wasn't dialogue the deciding factor, after all?

It always is. In Syria, an imminent military intervention was averted through the dialogue between two great powers -- for the time being. But the dialogue must take place

not only between the major powers. I would also have liked to hear the views of the 193 States of the United Nations. Would the international community condone unilateral interventions? I would have preferred to see a vote on this question in the General Assembly. I can imagine that the vast majority would have voted against intervention. However, a relatively small number of states would most likely have abstained from voting and three would have endorsed intervention. It is necessary for civil society to demand that democratically elected governments respect the will of the international community that disputes be settled by negotiation and not by force. Again and again I found politicians and media attempting to distort the situation, pretending that the international community would approve an attack on Syria (or at least be "comfortable" with it), which is certainly not the case, as the polls show. In this situation it is important that a mechanism of world referendum be set up in order to listen to the voice of the peoples of the world. The international community should shout "Basta" and demand an accounting from leaders who are not respecting the will of the majority of the people in all countries. The United Nations Secretary-General already has a special advisor of the prevention on genocide. A Special adviser against war-mongering is required, who would set up a kind of early warning system, so that the dynamic of war does not develop, and if propaganda for war is being practiced in some states, it should be condemned by a vote of the United Nations General Assembly. If we saw after the voting, that 160 or more states in the General Assembly oppose an intervention, it would become much more difficult for any state, to unilaterally intervene in the absence of consent by the General Assembly and/or Security Council.

You mentioned the media and the idea of a Special Rapporteur against warmongering. What do you imagine specifically?

In such an atmosphere of warmongering, a dangerous dynamic unfolds which we refer to as "hype" both by the politicians and the media. This is an agitation in which politicians or the media try to outdo each other, like bolting horses. This is one of the greatest dangers to peace. To prevent or to stop such stampede to war, a world authority is needed. The General Assembly is the only authority we have today, or possibly also the Secretary-General of the United Nations. Therefore, I have proposed that in this situation the Secretary-General must raise the alarm when he realizes that this dynamic is being fueled. As indicated above, the Secretary General should have a Special Adviser on the Prevention of War. Similarly, the Human Rights Council could establish a Special Rapporteur on the Prevention of Warmongering.

Are there no laws to prohibit warmongering?

Yes, on paper, warmongering is prohibited by Article 20 of the International Covenant on Civil and Political Rights. But who knows about that? Most politicians have no idea about it, not to mention knowledge of individual articles thereof. Therefore, the Secretary-General must be alert so as to call a special session of the General Assembly as soon as he sees a danger that the politicians are galloping off. This dynamic needs to be stopped before it goes too far. We have actually seen that in all wars. After politicians display a tough "bravado" and present themselves with a degree of cockiness, they don't want to calm down or be moderate in their tone or show any willingness to negotiate, which would be perceived as "weakness". One must make it easier for the politicians. After having made so much noise, they must be able to withdraw gradually, without losing face. There must be a mechanism that offers always a possibility in the General Assembly for states to withdraw without suffering disgrace.

Another idea is to forward the question of war-mongering to the International Court of Justice in The Hague for a consultative opinion based on the implications of article 20 ICCPR. The ICJ could issue an opinion stating that this behavior of politicians is illegal and must have criminal consequences. It is considered the norm, that to threaten with the use of force is prohibited; the UN Charter prohibits this. You have to make use of the authority of the International Court of Justice, so that it is clear that these politicians operate outside of the law. That gives NGOs the opportunity to exert pressure on the basis of the ICJ's judgement and to oblige the offenders to dialogue again. Yet another possibility is to invoke article 5 of the Rome Statute of the International Criminal Court, which gives the ICC competence (beginning 2017) to prosecute the crime of aggression. When States parties to the ICC violate this provision, they are not acting in good faith as required by article 26 of the Vienna Convention on the Law of Treaties.

Does your mandate include such proposals?

Yes, my mandate of all the mandates that have been established by the Human Rights Council, includes the reconciliation of peoples, of human beings, of politicians, of states. I take this very seriously when submitting my proposals to the states. I formulated 35 proposals in my report, proposals to the states, to the Human Rights Council to National Human Rights Institutions and to civil society. They are pragmatic, feasible proposals. This is the novelty of my mandate. I want, for example, the Council to pay more attention to the princi-

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ple of self-determination. This had always been a separate item on the agenda at the Human Rights Commission. Unfortunately it is not a constitutive item of the agenda of the Human Rights Council. .

How could the dialogue on the issue of war and peace be encouraged, so that wars will really belong to the past, as a period of human incompetence?

This issue certainly includes the reform of the Security Council. It is not representative, because only 15 states are represented there. Five of them are veto states that can block everything. This must be gradually changed. Of course, the five privileged states do not like to give up their privileges. My idea is to change it over a period of 5 to 10 years. One could allow the veto only for clearly defined affairs. Why should there be one vote only that blocks everything? An amendment to article 27 of the Charter could provide that instead of only one negative vote the council could demand two or even three negative votes in order to reject a draft decision or resolution. Thus, it could gradually change. Rather than creating more privileges and granting the veto power to more states, it would be best to abolish the veto privilege altogether. Of course, the composition of the Security Council could still be changed from 15 to 24 or 25, adding other permanent members such as India, Pakistan or Brazil, Japan and Germany. Admittedly, that would be undemocratic, but there may be advantages in keeping the Security Council as an enlarged, more representative entity. Moreover, the General Assembly should be provided with more power, e.g. exercise more influence in all areas under the Charter, but particularly on questions of peacebuilding and prevention of war. This must not remain solely the exclusive domain of the Security Council. There must be no wars that the peoples of the world oppose. 80 percent of the Americans were opposed to military intervention in Syria, similarly in Germany, France, England, Italy. If the governments call themselves democratic, they must listen to the people. It can not be that a democratically elected government does something against the expressed will of the people. In such situations, the General Assembly should conduct worldwide referenda to find out what the citizens want and what they decidedly do not want. In this connection the establishment of a "World Parliament Assembly" could finally break the power of oligarchies.

Do we not need genuine democracy in each country at first?

Yes, I strongly advocate direct democracy, and this entails consultation of and partici-

Documentation: Letter to US Parliament



Syrian Arab Republic
People's Assembly
The Speaker
N° 393
Damascus 04 September 2013
Rep. John Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

*Greetings,
Please find attached an urgent formal Open Letter from myself as Speaker of the Syrian Parliament. I am sending this on behalf of the Members of the Syrian People's Assembly. The institution that has functioned continuously since its foundation in 1919.*

In view of today's crucial debate on a possible American military attack on our country, it is vital that the attached letter to be circulated immediately to every Congress Member prior to the debate.

In addition, we kindly ask you read out the letter during the opening stages of the debate in order to ensure that the Honourable Members are fully apprised of the situation in Syria and of the proposals included in the attached letter, and in order to ensure that the full text of the letter is registered in your records.

It is important to note that we have sent an explanatory letter regarding the situation in Syria to our colleagues at the British Parliament who took the responsibility to exhaust all avenues of

diplomacy before involving their nation into war.

We hope that your Honourable Members will also take a similar approach.

*Yours faithfully,
Speaker of People's Assembly
MHD. Jihad AL-LAHHAM*

Dear Sirs and Madams

"If civilization is to survive, we must cultivate the science of human relationships – the ability of all peoples, to live together, in the same world at peace."

Franklin D. Roosevelt

We write to you urgently as you are debating the process of launching an attack on Syria. Additionally, we write to you as fellow Parliamentarians and representatives of our peoples.

It is still important that, we write to you as fathers and mothers, as members of families and communities which really are not so different to yours. Moreover, we write to you as human beings asking: if you bomb us, shall we not bleed?! The innocent people will be harmed.

Local tragedies become regional wars that led to global conflict because of the lack of communication among nations. We urge you to communicate with us

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pation by the population in all decisions of government. The people demand the right to be heard, the right to know and the right to truth. We need as much direct democracy as possible. Of course, power-greedy men prefer the so-called representative democracy because it is easier to manipulate. Whereas a referendum need not be held on every minor issue, certainly the people must be heard when it comes to important things like the environment, finances war and peace. Who is going to die in a war? Not the old politicians, but the civilian populations More than 90 percent of the victims in modern wars are civilians, and. It is the irresponsible politicians who lead countries and the world to disaster. Therefore, let the people say what they want and what they do not want. Politicians who act against the

will of the people must be held accountable, driven into the desert, or "tarred and feathered" as was the practice in the early days of the United States. A conscience of democratic governance can and should be achieved in every state. And then we must strengthen the General Assembly at the international level, as the most representative body that we have today. We must consider a "world parliament of the citizens", which is directly based on the will of the people and in each country the democratic development has to be supported, always in a dialogue, there is no alternative. •

Interview: Thomas Kaiser

"Documentation: letter to ..."

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through civilized dialogue rather than the language of fire and blood.

In Syria, we are keeping in mind the American dream of family values, the opportunity of success in a peaceful environment. James Truslow Adams said in 1931, "life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement" regardless of social class, religion or circumstances of birth.

Before your debate at the Congress let's recall the following:

1. Common facts

- The main factor of 9/11 attacks was the hatred Wahhabi Jihadist Ideology adopted and financed by Saudis.
- The hatred Wahhabi Jihadist Ideology was born from the Muslim Brotherhood jihadist doctrine. One of the living example is Omar Abdel Rahman, who's actually in your prison, where many parties claiming to be your allies are seeking his release.
- More than 3 trillion USD, hundreds of thousands of killed and injured Americans and Iraqis and millions of Iraqi refugees were the cost of the ongoing military war on terrorism.
- Due to the Saudi money the Salafi Wahhabi different jihadist "Mad-rassas" are still operating and where thousands of kids are graduated every year from these terrorist centers.
- Kitchen tools plus Wahhabi Ideology are the main factors behind the horrible terrorist attacks around the world and Boston crime is the living example of the present and future sleeping cells model.
- Since late seventies, Syria was the first country that faced fundamentalist fanatic terrorism.
- Now, Syria is fighting tens of thousands of Non-Syrian jihadists.
- Syria is the last living genuine secular state in the Middle East.
- The United States and Syria both suffered and are still suffering from the terror of the same enemy which is the hatred Wahhabi Ideology adopted and financed by Saudis.
- Both of our countries fully supported the Security Council resolutions 1373 and 1624 to combat terrorism.

"I ask you to judge me by the enemies I have made."

Franklin D. Roosevelt

The main common enemy to our two nations is the hatred wahhabi Jihadi ideology represented by Al- Qaida, Al Nusra Front and its affiliates.**2. Alleged Chemical Attacks**

2.1 Evidences of possessing Chemical Weapons by the armed fanatic terrorist groups:

- On 19.03.2013 Khan Al-Asal, Aleppo chemical attack on civilians and military personnel, Syrian Government asked on 20.03.2013 for an immediate UN investigation. The investigation Team visit was delayed for more than 5 months by US, France and UK intervention.

On 30.05.2013 Turkey announced the capture of an Islamist fanatic terrorist group possessing two litres of Sarin Gas. Therefore, Mr. Sergey Lavrov, the Russian foreign minister, on 31.05.2013 urged the Turkish Government to cooperate to avoid the possibility of any future chemical attack in the Middle East and Europe.

- On 01.06.2013 the Iraqi Army announced the capture of a fundamentalist fanatic terrorist group on the Iraqi-Syrian borders, and seized chemical weapons and a remote control of a small helicopter.
- On 28.07.2013 the Syrian authorities handed to the Russian and Chinese diplomatic missions in Damascus the evidence of the possessing chemical weapon by al Nusra Front and their intention to use them to attack Muareet al Numan and the suburb of Aleppo.

Conclusion: the above facts proves that the fundamentalist Jihadist terrorist groups possessed and used chemical weapons previously.

2.2 *Question:* Logically, what is the benefit of the Syrian Government to commit a chemical attack crime during the visit of the U.N. Independent International Commission of Inquiry on Syria within less than 4 miles from the Commission residence at Four Seasons Hotel?!

3. For that reason, we urge you to come to Syria, to send a delegation, as soon as you can to see and discover for yourselves what is going on here. We invite you to come to Syria to measure the situation before you cut – especially when the cloth that will be cut is human flesh. Where we can together generate a road map for a joint effective effort against terrorism.

We believe that such an aggressive and unjustified act of war would be unfair and illegal due to the following reasons:

- a) Syria is a sovereign state that does not pose any threat to the United States of America;
- b) The UN Security Council did not adopt such an action.
- c) The UN Report about the terrible incident in Damascus Countryside – Ghotta – has not been formulated. No-one can even know whether it will include enough evidence for any claims and allegations.
- d) On the contrary, the UN has already concluded that there is a very strong evidence that the fundamentalist terrorists from the al-Nusrah Front – a terrorist organization affiliated to al Qaeda – have used a poison gas against Syrian soldiers and innocent civilians. Consequently, any aggressive act against innocent and sovereign people, without any legal evidence, would be a criminal act breaching the principles of the International Law. While some of the western circles are offering all possible support to the fanatic Wahhabi rebels who were accused of committing crimes by the UN, which is surely a breach of your declared basic principles of justice.

We highly appreciate your moral feeling of sorrow at the images of the chemical attack victims. We the Syrians, are fully co-operating with the UN Investigation Team, Syrian experts are also investigating the question of who carried out this atrocity and sharing the UN Team with the results. We Parliamentarians, are determined to reach the truth and to bring the involved criminals to justice, regardless whoever they are.

In the meantime we urge you not to rush into any irresponsible reckless action. You have the power and the responsibility today to convert the United States of America from the war track to the diplomatic path. We hope to meet there, and to talk, as civilised peoples should. We adopt a diplomatic solution, as we realize that war would be a bloody destructive catastrophic track, which does not have any benefit for all nations.

In fact, the most important matter is that we all face the same terrorist threat. Attacking Syria and weakening its establishments and infrastructure would automatically strengthen the power of our common enemy, Al Qaida and its terrorist affiliates. Instead of fighting each other, we should be working together to fully implement UN Security Council Resolutions 1373 and 1624 against terror. Instead of being enemies, we should be walking the road to peace and truth together.

With Best Regards

*Speaker of People's Assembly
MHD. Jihad AL-LAHHAM*

Statement of the Africa Forum on the situation in the Syrian Arab Republic*

Forum of the former heads of state and government, Pretoria, 5 September 2013

We, members of the Forum for Former African Heads of State and Government, commonly referred to as Africa Forum (AF), have been deeply concerned about the protracted civil war in Syria, which has now raged for two-and-a-half years.

It has been our understanding from the beginning that this conflict was occasioned by serious differences among the Syrian people concerning their country's constitutional and political system. It was also our understanding that the root cause of the conflict was and remain essentially political. Accordingly, its solution could only be political, and not military. Against this background, we have therefore held the view that the Syrian belligerents must urgently enter into inclusive negotiations to end the civil war through a peaceful process.

Consequently, the international community has had the solemn responsibility to encourage and assist all the Syrians to engage in these inclusive negotiations. In this regard, as Africans, we have been ready to give all necessary support to the two eminent Africans, Kofi Annan and Lakhdar Brahimi, who were given the onerous responsibility to facilitate a peaceful resolution of the Syrian conflict.

We, therefore, support the fundamental position agreed by major players in the world concerned about Syria, in favour of a peaceful resolution of the Syrian conflict, as reflected in the June 6, 2012 Final Communiqué of the Geneva Conference on Syria. Accordingly, we have been and are opposed to all international interventions which have added and would add fuel to the fire, by arming any and all the Syrian belligerents. We have received with horror the news that chemical weapons have been used in this conflict, and strongly condemn this. We are therefore convinced that all Member States of the United Nations (UN), without exception, should rely on the UN to establish the truth, to the best of its ability, with regard to various important matters. These are whether and what chemical weapons were used, where and when, and who used them.

As Africans we remain acutely conscious of the elaborate disinformation campaigns in which major powers engaged, among others by using world media outlets, to propagate falsehoods to justify their armed interventions in Iraq

and Libya. The only correct response even to the use of chemical weapons is not further to escalate the violent conflict, but radically to intensify and accelerate the effort towards a negotiated peaceful resolution of the Syrian civil war.

Therefore, as Africans, we strongly urge that all Member States of the UN, again without exception, should desist from taking any military action in Syria of any kind, including using the alleged use of chemical weapons by the Syrian Government as justification for such action. The speedy and correct resolution of the conflict in Syria demands the exercise of courageous and stellar statespersonship, without regard to the personal and national short-term interests of particular politicians in our various countries.

We strongly urge that no foreign power whatsoever should insert itself in the immensely destructive Syrian civil war as a belligerent, even on the basis that it seeks to deter the use of chemical weapons. All those who would be statesperson players on the global stage, today, must understand what motivated the statespersons of the day, at the end of the Second World War, to insist on the establishment of international institutions, processes and law to help ensure the peaceful resolution of conflicts within and between countries. That insistence by the Allied Powers against Nazism resulted, among others, in the adoption of the UN Charter, which is a fundamental and inalienable part of contemporary international law. We, on our part, as Africans, are directly interested in a law governed rather than an arbitrary system of international relations, imposed on the world by those who exercise military and other might.

For this reason we insist that any action which practically repudiates the UN Charter would be an historical regression that takes all humanity backwards towards an unacceptable past, thus to repudiate the inalienable right of all nations to determine their destiny. International law upholds the view and sets the norm that conflicts within and between States should be resolved peacefully, rather than through resort to force.

We strongly support the view that, in the main, international law prohibits that any State should intervene in any other to encourage the violent overthrow of the Government of the day. This international law also regulates all such interventions as would be said to discharge the so called 'responsibility to protect' peoples subjected to unacceptable human rights

violations by their own Governments. Consistent with all the foregoing, we are convinced that the international community has a solemn obligation to do everything possible to help end the Syrian conflict by peaceful means.

We urge that all African Governments, and all other Governments throughout the world, working through the UN, must act urgently to help achieve this outcome, in the fundamental interest of the peoples of Syria and the rest of the world.

It is our hope and expectation that all relevant multilateral organisations, including the African Union (AU), led by the UN, will, at last, discharge their responsibility aggressively and faithfully to represent the view of the peoples of the world in favour of peace, refusing to be intimidated by those who exercise inequitable global political, military and other power.

Signed by:

Members of the Africa Forum

1. HE *Nicephore Dieudonne Soglo*, Former President of the Republic of Benin and Vice Chairperson of the Africa Forum
2. HE Sir *Quett Ketumile Joni Masire*, Former President of the Republic of Botswana
3. HE *Festus Gontebanye Mogae*, Former President of the Republic of Botswana
4. HE *Pierre Buyoya*, Former President of the Republic of Burundi
5. HE *António Manuel Mascarenhas Gomes Monteiro*, Former President of the Republic of Cape Verde
6. HE *Pedro de Verona Rodrigues Pires*, Former President of the Republic of Cape Verde
7. HE Sir *Dawda Kairaba Jawara*, Former President of the Republic of The Gambia
8. HE Flt Lt *Jerry John Rawlings*, Former President of the Republic of Ghana
9. HE *John Kofi Agyekum Kufuor*, Former President of the Republic of Ghana
10. HE *Henrique Pereira Rosa*, Former President of the Republic of Guinea-Bissau
11. HE *Daniel Toroitich Arap Moi*, Former President of the Republic of Kenya

* The statement of the Africa Forum was written before the resolution of the Security Council of 27 September 2013 (S/RES/2118 (2013))

"Statement of the Africa Forum ..."

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12. HE *Emilio Mwai Kibaki*, Former President of the Republic of Kenya
13. HE Prof *Amos Claudius Sawyer*, Former President of the Republic of Liberia
14. HE Dr *Elson Bakili Muluzi*, Former President of the Republic of Malawi
15. HE *Alpha Oumar Konaré*, Former President of the Republic of Mali
16. HE *Cassam Uteem*, Former President of the Republic of Mauritius
17. HE *Karl Auguste Offmann*, Former President of the Republic of Mauritius
18. HE *Joaquim Alberto Chissano*, Former President of the Republic of Mozambique and Chairperson of the Africa Forum
19. HE *Samuel Daniel Shafiqhuna Nujoma*, Former President of the Republic of Namibia
20. HE *Alhaji Shehu Usman Aliyu Shagari*, Former President of the Federal Republic of Nigeria
21. HE Dr *Abdul Salam Abubakar*, Former President of the Federal Republic of Nigeria
22. HE *Matthew Olusegun Obasanjo*, Former President of the Federal Republic of Nigeria
23. HE Gen Dr *Yakubu Jack Dan-Yumma Gowon*, Former President of the Federal Republic of Nigeria
24. HE *Miguel Dos Anjos Trovoada*, Former President of the Republic of São Tomé and Príncipe
25. HE *Fradique Bandeira Melo de Menezes*, Former President of the Republic of São Tomé and Príncipe
26. HE *Alhaji Almad Tejan Kabbah*, Former President of the Republic of Sierra Leone
27. HE *Nelson Rolihlahla Dalibhunga Mandela*, Former President of the Republic of South Africa and Patron of the Africa Forum
28. HE *Thabo Mbeki*, Former President of the Republic of South Africa
29. HE *Sadiq Al Mahdi*, Former President of the Republic of Sudan
30. HE *Benjamin William Mkapa*, Former President of the Republic of Tanzania
31. HE *Ali Hassan Mwinyi*, Former President of the Republic of Tanzania
32. HE Dr *Kenneth David Kaunda*, Former President of the Republic of Zambia
33. HE *Rupiah Bwezani Banda*, Former President of the Republic of Zambia*
34. HE *William Eteki Mboumoua*, Former Secretary General of the Organization of African Unity (OAU)
35. HE Dr *Boutros Boutros Ghali*, Former Secretary General of the United Nations (UN)
36. HE *Kofi Atta Annan*, Former Secretary General of the United Nations (UN)
37. HE Prof *Adedeji Adebayo*, Former UN Under-Secretary General and Executive Secretary of the United Nations Economic Commission for Africa (UNECA)
38. HE Chief *Eleazar Chukwu Emeka Anyaoku*, Former Secretary General of the Commonwealth of Nations
39. HE Dr *Babacar N'Diaye*, Former President of the African Development Bank (AfDB)
40. HE Dr *Salim Ahmed Salim*, Former Secretary General of the Organization of African Unity (OAU)
41. HE *Edem Kodjo*, Former Prime Minister of the Republic of Togo and Former Secretary General of the Organization of African Unity (OAU)
42. HE *Abdoulie Janneh*, Former Executive Secretary of the United Nations Economic Commission for Africa (UNECA)
43. HE *Jean Ping*, Former Chairperson of the Commission of the African Union (AU)

* To be confirmed by the General Assembly
Forum for Former African Heads of State and Government, Pretoria, 5 September 2013,
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The tasks of media in liberal democracy

Address by Ueli Maurer, President of the Federal Council, to the Swiss Media Congress on 13 September 2013, in Interlaken



President of the
Federal Council
Ueli Maurer
(picture thk)

In case something is very wrong; if there is a worm in the apple, for instance, dealing with the worm is not enough. Instead you have to look at the whole apple, whether it is perhaps rotten; or at the whole tree whether its roots are still okay.

For this reason, I go a little further afield, today. For I am of the opinion that there is something very wrong with our media scenery ...

Searching for guarantees of freedom

I shall begin in the first half of the 19th century. This was the time of origin of our liberal democratic order. After the Restoration, liberal cantonal constitutions emerged in the cantons new. And finally in 1848, the federal government also received a constitution, which aims at guaranteeing the citizens as much freedom as possible. The 1820s and 1830s were very fertile with respect to state politics. They were characterized by active discussions: How can we guarantee the citizens freedom for a long duration? How can we ensure that the authorities, the state will not again become too powerful over time? How can we prevent that a small elite will rule over the vast majority again, sooner or later?

Then, many of the ideas that we take for granted today, for example the constitutional liberties of the citizens, were developed. Or a new criminal law that prohibits punishment without a legal basis. Or the beginnings of transparency in the administration, justice and governance. All these achievements are to ensure freedom in such a way that it can never get lost again.

All these constitutional guarantees are important for freedom. But they are not enough. In those days, this was clear for the founders of liberal Switzerland: Freedom is only possible in the long run if there is a politically attentive and critical public.

And thus the newspapers and magazines obtained their crucial role for freedom and democracy. Previously they had been subjected to more or less strict censorship since the invention of printing. But now they were to be a key element in the new liberal state. The press was assigned to some extent the protection mandate for freedom.

Three state political duties of the media

In 1830, *Ludwig Snell*, one of the big names of Swiss liberalism at the time, published a paper titled "On the prohibitive effectiveness of the press". In it, he summarized the state political function of the press in three points: First, it was formative, secondly, it was prohibitive and thirdly, it was constitutive. He then explained what he meant by these terms. Even if we would choose other terms today, his analysis is valid, since it is timeless:

With the term formative he meant that new ideas are taken up, discussed and disseminated by the press. We can also say it is the shopwindow, in which all sorts of ideas can be presented. Or perhaps even better: the marketplace of ideas, on which the best prevail. For a democracy it is crucial that there is a free competition of ideas, opinions and suggestions.

With the term prohibitive he meant that the press uncovers and fights nuisances. Today, we would speak of researchive or investigative journalism. The main drive here is a healthy distrust of power. For the liberals of that time it was clear that the state is always a potential threat to freedom. They themselves had indeed experienced that in the Ancien Régime. Therefore it is a very important duty of the press to screen the state and denounce mistakes permanently.

Snell wrote that the press was constitutive. By this he meant that the media make the connection between citizens and the state by taking the concerns and needs of the population as their subject. Thus, administration and policy are up to date with what the people think.

Who controls the controllers?

The liberal state and the free press go together. The order, which has brought so much quality of life and prosperity to Switzerland, rests on them.

But just because it has gone well so long, one aspect was overlooked. And only today we notice that the liberal thinkers at that time might have underestimated the risk.

For one question remained – it is the question: Who is controlling the controllers? Or in other words: what happens in case the media do no longer perform their role properly? Maybe because they are simply working carelessly. Or maybe because they want to make policy on their own.

Precisely this question is relevant today. Let us again recapitulate Snell's points very quickly:

First, media are supposed to be the marketplace for ideas and opinions. But instead of representing different opinions, all of them write more or less the same in dif-

ferent shades. I can read this or that newspaper, which one is irrelevant, the opinion tenor is the same everywhere. Sometimes I have the feeling that the media suddenly assume the role of their own censor!

Second, media must screen mistakes. This also means that you call into question the government's activities. Unfortunately, this is too seldom the case. Maybe because you feel too great proximity to the responsible persons, personally or politically. But actually, you would have to be everywhere as critical as with respect to the army ...

Third, the media hardly seem to be constitutive, as the liberal state founders expressed it at that time. They do not take people's concerns as their subject; media take the concerns of the media as their subject. Administration and politics are not informed about what the people think and want, but what the media think and want ...

The conclusion: Today, the media no longer accomplish what is needed for a functioning liberal and democratic state. And so it becomes really serious: so the central pillar of our order is crumbling.

The opinion cartel and its theses

As far as the content is concerned, they differ little in their products. Diversity is lacking. There is largely a media opinion cartel. On the one hand by an economic concentration, on the other hand by a thematic and ideological concentration. In the Swiss media scene there is something like a self-possessed cooptation.

There is talk of title variety. This was said to be important and vulnerable. So promotion measures were needed. There I disagree. Diversity of ideas would be important, diversity of opinion is important. Title diversity is pure masquerade as long as we get to read the same contents under various titles.

You feel the competition of the national television, because it offers similar information online as you do. Of course, I am the first who is on the side of private enterprises. But unfortunately I have to state resignedly: For the diversity of opinion, it makes no great difference, if we are fobbed off with the same food by state media or private media ...

Because you see the same issues through the same glasses; you have your theses, by which you judge the world. And these theses are hardly ever questioned by you. One could also call them the credo of the Swiss media. I want to quote some of your dogmas:

- Man is to be blamed for climate change.
- Nuclear energy is evil, alternative energy is good.

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"The tasks of media ..."

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- Immigration is an enrichment, even if in a small country the net immigration amounts to about 80,000 people per year.
- International solutions are always better than national ones.
- Switzerland is always in the wrong, be the reproaches against our country ever as absurd and transparent.
- The state acts more responsibly than the citizen.

The fact that these opinions are held, is no problem. If, however, only these opinions are exclusively held, opinion-forming suffers. They define fields for discussion much too narrow. If they do, there is no more controversial discussion about essential principles and setting the course for the future.

For politically correct taboo zones you draw the red lines which will not be trespassed any more. Not from you because you omit investigating in certain areas. And also not from others because everybody loses his reputation who stands up against the concerted opinion of the media. Hence the original role has turned into the opposite: Instead of promoting good discussions, good discussions are prevented.

The opinion cartel as an economic boomerang

In the end, you as well will become the victim of your own conformity. The press is living through times not very rosy, financially. However, you have to blame this on yourself at least to some extent.

The situation of an opinion cartel is the same as for other cartels: First it is comfortable. Then one becomes sluggish because the stimulus for improvements and changes is lacking. Everybody rests on

their laurels. Here is the beginning of the problems.

There is no incentive to be different and better and more interesting. The quality suffers. Because you differ only in nuances, you can be content with shallow work. The shallow work is sufficient, you need not go to the depth at all because the others stay at the surface as well. In the long run, however, this certainly does not lead to appeal to the reader and arouse enthusiasm for a product.

Generally, I sometimes have the impression, you deal with yourselves above all and do not think enough of your readership. For tax reductions, for example, you campaign, unfortunately, only if you want to profit yourselves from diminished VAT rates – nevertheless, engage yourselves categorically for tax relieves for everybody sometimes! With that you would launch a state-politically valuable discussion!

With the time the professional group also suffers: Where everybody sings in the same choir, the inventive voices are absent. I miss heads and thinkers, above all exciting, awkward customers and unconventional thinkers in journalism. This is not astonishing, because he or she who would like to write beyond the known thought patterns with pleasure, can hardly develop in a monotonous media scenery.

Probably one has also to ascribe this to the much too big harmony that the offerings of the new media press you to. Exactly this has happened to some of you with what you like to reproach others with pleasure: You have missed the connection with modern developments.

Now you react in such a way as most industries react in case of headwind: They turn to the state and require support. However, all in all, the problems will only intensify thereby. Since with subsidies

nobody is motivated to become more innovative and to venture new ways.

Appeal to the publishers: More responsibility! More pluralism!

If we go back to the original subject: To the freedom of the citizen and how it can be protected for extended periods of time. One has built the liberal, democratic state on you, on the free media.

In *Goethe's* "Faust" someone asks the question: "I would like to know what holds the world together at heart!" For the world the question is unanswered till this day. However, for a democratic and liberal society we know the answer. It is the varied, on all sides critical media which hold the society together. But you see: Today we are far away from the state-political role which you should actually play. In effect, our media are uniform, colourfully presented, but pale, bland and monotonous with respect to the contents.

This worries me: Only varied media make democracy possible. Since without you we do not hear about new, good ideas and solutions, without you we do not hear about mismanagement which must be urgently repaired, and without you politics hears nothing from the concerns of the citizens.

What is to be done? I have just now raised the question: Who controls the controllers? What does that mean in relation to the media? The answer is easy in the liberal state: Of course it is nobody except you! However, with that the whole state-political responsibility rests on you, as well, you, the publishers. It is your task to provide real variety in healthy competition. Do not look for further state nearness and state press support. Renounce instead the opinion cartel and play your important state-political role again! •

Source: www.vbs.admin.ch/internet/vbs/de/home/documentation/reden/liste/detailspeech.50232.nsb.print.html of 13.9.2013

Swiss Trade Association director Hans-Ulrich Bigler in the crossfire of conformist Swiss German Press The only reasonable person on this wobbly globe?

mw. "Polarizing appearance," "casual can-do style", "aggressive tone", "surly dealing with people," "autocratic behavior" – it is a truly terrible collection of labels which is being stuck on to *Hans Ulrich Bigler*, director of the *Swiss Trade Association*, by some brave and upright journalists. Now, a person treated in so devastating a manner by the conformist Swiss German Press cannot be all bad, can he? Oh yes, and he inspires fear as well, as it seems that many small entrepreneurs will comment on him only anonymously – a black mark for Mr Bigler – or perhaps rather for the anonymous denouncer?

So what evil has he perpetrated? The reader learns little of substance: He is said to have accused the think tank *Avenir Suisse* of using "cheap polemics" and reproached a so-called bourgeois politician for "the betrayal of the word bourgeois". When, how, where, in what context did this happen? This is what the reader is not told – perhaps because there are one or two grains of truth in director Bigler's statements?

But now we are getting somewhere: Hans-Ulrich Bigler "has the urge to represent SMEs as the best of all companies". Now this is indeed appalling: The director of the Swiss Trade Association approves

of SME! Just fancy that! And he has shown "high-handed behavior". Namely, he ran for a National Council seat on the Zurich Free Democrats' list in 2011. And surely we cannot tolerate that in direct democratic Switzerland a citizen exercises his political rights and stands for parliament – that is just not done! By the way, director Bigler has also suggested we abolish the euro floor. At last, thinks the rational citizen, here is someone who expresses his uneasiness about the Swiss National Bank sitting on tons of bills which

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Providing education as a civil right – developing responsible citizens

by Erika Vögeli

The Swiss elementary school, but also the higher education institutions at the tertiary level, especially the universities, have really been turned upside down in recent years by numberless reforms. And more are to follow. However, meanwhile many small and midsize businesses abstain from taking on apprentices, because the young people no longer meet the personal and academic requirements to be a staff members in a company. Other companies have resorted to conducting their own entrance exams or tests, as the final grades at school do no longer have any validity for them.

The introduction of constantly new methods and materials and of an administrative burden that has replaced a real educational reflection have made school a structure which now has to be rightly compared with the financial bubble of rubbish assets. The initiators – US, EU and OECD with the “Bertelsmann plow” in front – are obviously rejoicing at their success. There is also a huge inflation of “therapeutic” measures – in many classes a number of special teachers and therapists is busy besides the classroom teacher. If children develop a little slower or faster in one or the other area, parents are immediately confronted with questions about this or that psychological check of their children, with diagnoses and appropriate special measures. If they are lucky, they may just get around a *Ritalin* prescription.

Many and especially experienced teachers are of the opinion that all these

reforms have only led to the conclusion that a regulated learning in class and the formation of a real classroom community are no longer wanted from above – so far no one has dared to enter a staff room with an honest explanation – with all the consequences for the emotional side of school and learning and for democracy. The experienced teachers complain that children do no longer receive a solid basic knowledge and that they are prepared much too little for professional life, much less for their civic role in democracy. The “reforms”, which are allegedly necessary because of the globalization of economy, do therefore not serve the real economy, and they miss to accomplish one of the most important tasks of elementary school in a democratic state: the provision of education as a civil right, and the developing of responsible citizens.

Even at the universities, well-grounded resistance arises both from the faculty and the students. Instead of receiving a broad foundation of studies with academic specialization based on it, students are chasing *credit points* now. A sociology professor at the University of Zurich bluntly described the Bologna reform in an interview: “There is bulimic learning now: scoffing down, vomiting, forgetting.” Containing the university’s space for research and thinking, “reduces university to a ‘Paukschule’” (swatting school) and: “Teaching was reduced to the mainstream. The teaching staff is forced to teach standardized knowledge and then query it by multiple-choice tests.”¹

How did we actually get there?

Various papers of the *Collaborative Research Center 597* “Transformations of the State” at the University of Bremen, Jacobs University Bremen and Oldenburg University like “Soft Governance in Education. The PISA Study and the Bologna Process in Switzerland” by *Tonia Bieber*² and other publications throw a clear light on the processes going on in Swiss education during the last 15 years. They demonstrate the processes and analyze how international organizations, so-called “IO’s”, like the OECD by means of the PISA study and the EU by means of the Bologna process have exerted a great influence on the transformation of schools of primary and higher education in Switzerland; and they did so not only in Switzerland. The process has been running Europe-wide and has led to an army of poorly educated young people who have be-

come study dropouts, respectively “not employable”.

The analyses and presentations show clearly even for us in Switzerland that such “IO’s” have influenced and controlled not only the content of education policy, but also the structures of our democratic state founded on the rule of law: they have on one hand redefined the form and content of schools and universities, but they have also taken enormous influence at the level of government decision-making and policy-making and severely shifted it – away from its democratic basis, away from legislature and the sovereign – towards a willfully controlling influence on executives, towards “actors” and “IO’s” who have no democratic legitimacy; shifting it, moreover, from its constitutional foundation down to the level of a construction site, for which there is no legally binding basis and which is therefore not accessible for direct-democratic mechanisms. Thus, the organization of education policies which is actually considered one of the core tasks of the prevailing nation-state systems and seems firmly anchored as part of the cultural sovereignty in the national political system, is transferred to international organizations, which “have no legal responsibility for the education sector”. (pp. 145)³

During this process in Switzerland (but also in other states), especially the federalist structure, the cantons’ sovereignty on education, was undermined: The cantons were preempted, the people, the sovereign, was not really informed and involved in the decision-making process. A basic, democratic discussion about what is going on – whether, for example, we want to give up the traditional Swiss understanding of education and want to exchange it in favor of the Anglo-Saxon system – has never been carried out.

The analysis of the Collaborative Research Center “Transformations of the State”

This influence of international organizations on an area such as public education, which in all countries from time immemorial has always been closely associated with their own identity, how does it work? How is it possible, that organizations, such as the OECD and the EU, which have no legislative competence in education, can exercise such an influence, not only in the member countries of the EU, but also in Switzerland?⁴

“Swiss trade association director ...”

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might, in the not too distant future, be fit for nothing but toilet paper. But no, says the outraged journalist, a Swiss citizen who cares about the future of our country – that will certainly not do!

Now we are approaching the absolute highlight of Mr Bigler’s unruliness. Several cabinet ministers are said to have complained that “constructive cooperation” is not possible with him. This reproach compensates for every contravention that might possibly exist – although the journalists offer no proof at all –: If you cannot be roped in by Federal Berne for its relevantly known political plans, then you cannot be all bad at all!

Sources: “Dicke Luft im Gewerbeverband wegen Direktor Bigler”, in: “Schweiz am Sonntag” vom 11.8.2013; “Hans-Ulrich Bigler, die schlechte Kopie von Otto Fischer”, in: “Die Nordwestschweiz” of 10.7.2013

"Providing education ..."

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Although the theoretical framework of the Collaborative Research Center, which, however, as is clearly declared by the authors, must also be examined, they very realistically describe the process. Those concerned with school and education and reading these publications, know what is being discussed: In each section, we recall specific own experiences in our own environment, or processes and procedures observed in the wider political sphere. What some have only experienced as a constant restlessness and relentless reform turbulence, although coming along with beautiful slogans such as individualization, integration and lifelong learning, the background of which were hard to understand, though, gains information here about a development going far beyond the education sector.

"Since in 2003 the Collaborative Research Center 'Transformation of the State' (*TranState*) has analyzed the transformation of the state in OECD countries at the ending 20th and the beginning 21st century" is published on the homepage of the University of Bremen.⁵ The so-called 'diffusion of statehood' which, however, is quite varied depending on the political field and the country – "can neither solely be interpreted as a reaction to external shocks, nor as a pure endogenous institutional change".⁵ Moreover, diffusion of statehood does not happen so easily – as shown by the papers, it is a matter of a process pressed on in a purposeful way.

There are firstly in fact national "actors", mostly at the executive level, who very deliberately "make use of the international intergovernmental level in order to circumvent the educational responsibilities within their political systems, and thus to overcome obstacles blocking the implementation of their own educational reform objectives." (p. 146)³ Of course, the approach is not only limited to educational issues, but also all other areas – currently financial and economic, as well as defense policies should be mentioned here. This strategic integration into the supra-national level, which assembles the members of the government and "which aimed at the manipulation of the national balance of power in favour of the national executive" (p. 145)³, however, contains only one side of the operation. It does not explain "the extent going far beyond a strategic in-

strumentalization by governments, in which both international organizations [EU and OECD] have been promoted today to become independent actors in educational policy, designing and pursuing themselves educational reform processes." (P. 146)³

In other words: Government executives, by the step "to outmaneuver", via the international level, "domestic political opponents and institutional resistance" (5, p 57)³ and to expand their own domestic scope of action, in order to gain more autonomy of action, that is, political enforcement-power, have finally contributed to a loss of state control: The international organizations have taken the lead and, among other things, they have declared war on the federalist structure of the European countries. The middle level – cantons, federal states, departments, etc. – was part of the delicate distribution of state power in the post-war European order, with the intention to prevent a central government like under *Hitler* or *Stalin* being easily able to rear its head again. To the same extent, as this ruinous process in the countries is becoming clear, resistance has grown. Yet, the question arises: How was that possible? What have been the ways through which it became possible that the shaping of educational policy, being closely connected to the history and culture of each country, has shifted to international organizations, who possess no legitimization at all to this end?

In order to familiarize oneself with the background, we consider the following two texts as a very good start:

- Langer, Roman. "Warum haben die PISA gemacht?" Ein Bericht über einen emergenten Effekt internationaler politischer Auseinandersetzungen. (Why did they make PISA? A report on an emergent effect of international political disputes.) In: Langer, Roman (Ed.) "Warum tun die das? Governance-Analysen zum Steuerungshandeln in der Schulentwicklung. Educational Governance" (Why are they doing that? Governance analysis to modes of regulation in the school development. Educational Governance), Volume 6 Verlag für Sozialwissenschaften, Wiesbaden 200.
- Bieber, Tonia. *Soft Governance in Education. The PISA Study and the Bologna Process in Switzerland*. TranState Working Paper No. 117. Bremen, 2010.

Direct democratic Switzerland is determined to reclaim education into its own

competence, and therefore deals with all papers concerning our statehood. •

¹ Interview with Kurt Imhof in the "SonntagsZeitung" of 1.11. 2011. (Quotation translated by *Current Concerns*)

² Bieber, Tonia. *Soft Governance in Education. The PISA Study and the Bologna Process in Switzerland*. TranState Working Paper No.117. Bremen, 2010.

The text can be found on the Internet at www.sfb597.uni-bremen.de/homepages/bieber/arbeitspapierBeschreibung.php?ID=159&SPRACHE=de *USER=bieber*. A working group of educators and education researchers has studied it and written to it a set of arguments for Swiss readers. www.zeit-fragen.ch

³ Martens, Kerstin and Klaus Dieter Wolf. "Paradoxien der Neuen Staatsräson – Die Internationalisierung der Bildungspolitik in der EU und der OECD" (Paradoxes of the new reason of state – The internationalization of educational policy in the EU and the OECD). In: *Zeitschrift für Internationale Beziehungen*. 13th year's issues (2006), Issue 2. (Quotations translated by *Current Concerns*)

⁴ In the Maastricht Treaty, some countries have explicitly insisted on putting a stop to the insidious communitarisation of educational policy powers. (See note 5, p. 153)

⁵ www.sfb597.uni-bremen.de/pages/forKonzept.php (Quotations translated by *Current Concerns*)

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