

Current Concerns

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

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When human rights become a weapon

by Prof Dr iur. et phil. Alfred de Zayas*



Alfred de Zayas
(picture ma)

The weaponisation of human rights has transformed the individual and collective entitlement to assistance, protection, respect and solidarity – based on our common human dignity and equality – into a hostile arsenal to target competitors and political adversaries. In the stockpile of weaponised human rights, the technique of “naming and shaming” has become a sort of ubiquitous Kalashnikov.

Experience shows, however, that naming and shaming fails to alleviate the suffering of victims and only satisfies the strategic aims of certain governments, politicised non-governmental organisations and of a burgeoning human rights industry that instrumentalise human rights for the purpose of destabilising others and often enough to facilitate “regime change”, regardless how undemocratic, imperialist indeed neo-colonialist that may sound and notwithstanding the customary international law principle of non-intervention in the internal affairs of sovereign States.

The strategy rests on the false premise that the “namer” somehow possesses moral authority and that the “named” will recognise this moral superiority and act accordingly. Theoretically this could function if the “namer” were to practice

“naming and shaming” in a non-selective manner and refrain from obvious double-standards. Alas, the technique frequently backfires, because the “namer” uses human rights à la carte has its own skeletons in the closet anyway, or lacks moral credibility.

This classical example of intellectual dishonesty usually stiffens the resistance of the “named”, who will be even less inclined to take any measures to correct real or alleged violations. Or, what may be surmised, the “namer” actually wants the “named” to stiffen resistance and refuse to make any concessions, so that the “named” can be denounced even more loudly. This fits into the concept of human rights as a foreign policy tool, which is not intended to improve the lives of individuals but rather to advance geo-economic and geo-political objectives.

Another technique of norm-warfare is what is termed “lawfare”, whereby the “law” is used to subvert the rule of law, and international criminal law is instrumentalised to demonise certain leaders and not others. Doublestandards here as well. A self-respecting judge would not betray the profession by playing this kind of game – but some do, and instead of safeguarding the ethos of the rule of law these politicised judges corrupt it (remember *Roland Freisler’s Volksgerichtshof!*) thus undermining the credibility of the entire system.

The arsenal of weaponised human rights also includes non-conventional wars such as economic wars and sanctions regimes, ostensibly justified on the alleged human rights violations of the targeted State. The result is that, far from helping the victims, entire populations are held hostage – victims not only of violations by their own governments, but also

of “collective punishment” by the sanctioning State(s). This can entail crimes against humanity, when as a consequence food security is impacted, medicines and medical equipment are rendered scarce or are available only at exorbitant prices. Demonstrably, economic sanctions kill. Sanctions regimes against Iraq, Syria or Venezuela have already killed thousands and thousands of people and set off major migration movements. Under certain conditions, “naming and shaming” involve further violations of human rights and the rule of law, contravening Arts. 6, 14, 17, 19 and 26 of the *International Covenant on Civil and Political Rights*, and could reach the threshold of what is termed “hate speech” (Art. 20) .

Bottom line: while in specific cases “naming and shaming”, particularly by credible nongovernment organisations, has yielded positive results, it is a very problematic means and certainly not a cure-all for all human rights abuses.

In more complex situations, “naming and shaming” has either aggravated a situation or proven to be a thoroughly ineffective instrument of change. States would do well to revisit Matthew VII, 3-5 and replace the disingenuous and politicised “naming and shaming” technique by good faith proposals and constructive recommendations, accompanied by the offer of advisory services and technical assistance. so as to concretely help the victims on the ground.

Sowing honesty and friendship is best to reap cooperation and progress in human rights terms. What is most needed today is mature diplomacy, result-oriented negotiations, a culture of dialogue and mediation, instead of this petulant culture of grandstanding, intransigence and holier-than-thou pretence that help no one. •

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On the framework agreement and the referendum of 25 November

The people want to set the course themselves

Werner Wüthrich, D. Sc. (Admin.)

Ever since the 1992 No to the EEA, there has been a tendency to tie back the direct participation of the people. 18 full and half cantons voted against political affiliation to the EU at the time. Nevertheless, for 13 years (until 2005!) the Federal Council with its policy officially has pursued the strategic goal of joining the EU (which was also supported by the parliament). Popular initiatives were and are only half-heartedly or hardly at all implemented, international treaties are talked – and written – up as “international law” so as to get mixed in the minds with humanitarian international law and human rights, in order not to be questioned. – It is time to take countermeasures, so that the direct interaction between the authorities and the people, which has been tried and tested for many years, can function again!

Switzerland has a liberal economic order. It is the only country that has recognised economic freedom as a civil right in its constitution since the 19th century – in combination with direct democracy. Since



Riburg salt works entrance in Rheinfelden. Schweizer Salinen AG (Swiss salt works corporation) is an enterprise run under private law in sole possession of the 26 Swiss cantons and the Principality of Liechtenstein. Fixed prices support the peripheral regions throughout Switzerland. It is part of our economic constitution that the people design, shape and share responsibility for economic freedom in the interests of the common good. (picture wikipedia)

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then, around 200 economic votes have taken place at the federal level – on corporate taxes, taxes in general, on the “debt brake”, on economic and industrial policy (innovation risk guarantee), on the cartel system, vocational training, the monetary system, on nuclear power plants, the electricity market and other energy issues, on agriculture, on immigration, the protection of employees, tenants and consumers, price monitoring, on social insurance, on the protection of the environment, water and animals, on co-determination of employees, shorter working hours or more holidays, on minimum wages, excessive bonuses and wages at the management levels of large companies, on a wide variety of international agreements ...

The people themselves determine the cornerstones of their free economic order. And the people have also repeatedly set the course and the direction of our economic policy themselves. In 1972 they clearly said Yes to the comprehensive free trade agreement with the then EC, which did not provide for any political integration – and twenty years later they clearly said No to the EEA, which would have changed broad areas of Switzerland’s pol-

itics. Similar questions also arise today in connection with the enjoined framework agreement, with which the EU once again wants to align and integrate Switzerland politically.

Our economic constitution revolves around the principle that, via their constitutional rights, the Swiss coin and shape their economic freedom and take a share of the responsibility. – Today, the results speak for themselves. It would therefore be negligent to use the means of direct democracy to break out or even only to weaken a supporting pillar. The “No” campaign, which attempts to persuade us that acceptance would be the kiss of death for the future, is absurd. Switzerland has always been export-oriented – even more before the First World War than today. The export industry has always learned to cope with the circumstances and difficulties – even with the strong franc. All this has strengthened our country and not weakened it. Today’s internationalist trends are no reason to bring about a system change.

Actually, it is self-evident that we should say Yes to self-determination and direct democracy!

Direct democracy facing a practical test

by Dr iur. Marianne Wüthrich

A yes vote by Swiss voters to the self-determination initiative could be an encouraging sign for other peoples to opt for a more independent path. The fact that the counter campaign is so sharp and financially powerful shows once again that such insistence on sovereignty is not appreciated by certain circles at home and abroad.

Today it shall be stated that the initiative only indirectly opposes “foreign law and foreign judges”. First and foremost, it obliges its own parliament and judges to comply with the Federal Constitution in legislation and jurisprudence, instead of speaking out for foreign powers. The individual parts of the initiative text are scrutinised here.

Democracy or judicial state?

Irrespective of their party-political origin, the self-determination initiative addresses fundamental questions about the legitimacy of state action. It touches on issues of sovereignty, but also of the separation of powers. Actually, it does not demand anything fundamentally new or unusual. The principle according to which the constitution of a country should take precedence over international agreements was undisputed for a long time and still corresponds to the practice of many countries today.

Initiative text: Art. 5 para. 1

The basis and barrier of state action is the law. (hitherto) The Federal Constitution is the supreme source of law of the Swiss Confederation. (new)

Below are three voices of different provenance on this principle:

“The supreme power in the Confederation is the Federal Assembly, subject to the rights of the people and the cantons; at least according to the applicable constitutional law and the conventional understanding of democracy. In reality, however, the supreme power tends to be shifted to the *European Court of Human Rights (ECtHR)* in Strasbourg – a gradual, little-noticed, partly deliberately veiled constitutional amendment without democratic legitimation, which is therefore excluded from critical discussion.” (former Federal Judge *Martin Schubarth*, “*Neue Zürcher Zeitung*” from 13 May 2013)

“It [the self-determination initiative, *mw*] is about the legitimacy of political processes and the sovereignty of state action: the central problems of constitutional law. Are political decisions really taken

“The supreme power in the Confederation is the Federal Assembly, subject to the rights of the people and the cantons; at least according to the applicable constitutional law and the conventional understanding of democracy. In reality, however, the supreme power tends to be shifted to the *European Court of Human Rights (ECtHR)* in Strasbourg – a creeping, little-noticed, partly deliberately veiled constitutional amendment without democratic legitimation, which is therefore excluded from critical discussion. (former Federal Judge *Martin Schubarth*, “*Neue Zürcher Zeitung*” of 13.5.2013)

by the citizens or their elected representatives, can they therefore claim to represent the will of the people? That is less and less the case today. *National and international courts create a ‘judiciary law’ that has never been approved by a parliament or a vote [...]. Democratic legitimacy has undoubtedly suffered in recent years - and not only in Switzerland”* (*Eric Guyer*, “*Neue Zürcher Zeitung*” from 13 October 2018, emphasis *mw*).

In an interview with *Katharina Fontana*, *Hans Mathys*, then President of the Criminal Division of the Federal Court – he resigned at the end of 2014 for age reasons - also commented on the relationship between the Federal Constitution and the ECtHR: “They are on the same level and contain practically the same content. Should contradictions arise, they must be resolved by means of interpretation. However, this is not always possible, the interpretation also has limits. In such a case the constitutional provision must nevertheless be applied.” To the question: Even if it collides with the ECtHR? “How to proceed in such cases must be decided by the politicians. This is not a legal question that should be clarified by the Federal Court.” (“*Neue Zürcher Zeitung*” from 22 December 2014).

Why should 5 judges decide more fairly than 5 million voters?

Here we read in black and white what everyone should have learnt in civics lessons. From a former SP federal judge, the “*Neue Zürcher Zeitung*” editor-in-chief (who, however, prefers the judge’s state), a former SVP federal criminal judge: in the Swiss state structure, the sovereign (people and cantons) is at the top of the list; it decides what is written in the federal constitution. *The Swiss Federal Court is not a constitutional court that can overturn popular or parliamentary decisions. Why should 5 judges (or 3 against 2) decide more fairly than 246 parliamentarians or over 5 million*

voters? For us democratically certified Swiss, it is unacceptable for the Federal Court not to apply constitutional provisions adopted by the sovereign – only because a chamber of the ECtHR, whose members are foreign to the Swiss legal culture, decides or could decide differently. Former Federal Judge *Schubarth* characterised this process as a “veiled constitutional amendment without democratic legitimation”.

“Land law before international law? Other countries have been doing it for a long time” (swissinfo)

As the following statements show, Switzerland would by no means be a “special case” if the supremacy of the Federal Constitution over non-binding international law were considered.

Initiative text: Art. 5 para. 4

Confederation and cantons observe international law. (hitherto) The Federal Constitution takes precedence over international law, subject to the mandatory provisions of international law. (new)

“The self-determination initiative wants to establish that the Federal Constitution takes precedence over non-binding international law. *This is the way it is regulated in most countries.*” (*Dominik Feusi*, “*Basler Zeitung*” from 10 October 2018, emphasis *mw*)

In a report, the Federal Council has presented a comparison with the laws of other countries.¹ *Swissinfo* from 30 May 2018 summarises the results of the Federal Council²

– “Germany: *Own constitution stands over ECHR.*”

“International treaties, which regulate the political relations of Germany or refer to objects of federal legislation, require a ‘consent law’. As a result, these agreements do not have

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priority, but are on the same level as an ordinary German law. *This also applies to the European Convention on Human Rights (ECHR). The law of the European Communities, however – the European law in the narrower sense – takes precedence over German law*".

- France: International agreements have "a higher legal force than French laws – provided that the other contracting parties also adhere to the contract". [...] *Exception: EU law takes precedence over French law: if it violates the French Constitution, the Constitution must be revised.*
- Great Britain: "*International law applies only in the form of national laws*". International treaties are transformed into a national law and have the same status as 'normal' laws. *Only Community law (EU law) takes precedence over other laws*". [However, this is not for much longer the case in Great Britain.]

Mandatory international law is clearly defined

mw. Today every treaty between two or more states runs on "international law" for example for the joint organisation of cultural events or for police cooperation between two neighbouring states. People's heads are confused by pushing every trivial treaty into "international law". The fact is that the vast majority of international treaties do not contain any binding international law and can therefore be terminated, for example the bilateral treaties between Switzerland and the EU.

If a popular initiative doesn't suit your needs, you will quickly claim that it violates "international law" or "human rights". In fact, however, a popular initiative in Switzerland is only invalid if it violates mandatory international law. Until now, this has only been the case with a single federal popular initiative.

Mandatory international law (ius cogens) according to a compilation of the Federal Council

In 2010 the Federal Council designated the following norms as mandatory international law:

"According to the practice of the federal authorities, the term 'mandatory provisions of international law' currently includes the prohibition of violence, torture (Art. 3 ECHR; Art. 7 UN Covenant II), genocide, slavery, servitude and forced labour (Art. 4 (1) ECHR; Art. 8 (1) and (2) ECHR), the prohibition of arbitrary killing (Art. 2 (1) ECHR; Art. 6 (1) UN Covenant II), the principles 'nulla poena sine lege' [no punishment without law, mw] and "ne bis in idem" [pro-

- Sweden: Treaties under international law must be transformed into a national law, "including the ECHR. The treaty will then have the status of an ordinary law [...]".

"The EU law takes precedence over the Swedish laws. On the other hand, the relationship between Community law and the Swedish constitution is controversial. It is, however, *"unlikely that Swedish courts would deny application of Community law because it is unconstitutional"*.

- "United States of America: *national law above all else*."

"The American Constitution cannot be supplemented in any way by international law, nor can it be amended or restricted. [...] According to jurisdiction, parliament can validly pass a law that is contrary to international law - this then takes precedence." "The courts repeatedly refused to apply international law with reference to national or even federal law. The Supreme Court does not consider the judgements of an International Court of Justice to be binding." Comment:

But to reproach other countries for shortcomings in the rule of law ...

In this sense, the Federal Council stated: "As far as the question of priority is concerned, none of the constitutional systems examined admits to a primacy of international law that can be applied mechanically, as it were; weighing processes always play a central role in one form or another [...]. The central values and principles of national constitutional systems, for example in the area of fundamental rights, must also be included in the weighing up process." (Federal Gazette 2010, p. 2300) We can only follow this.

Conclusion: Two clear results of the 2010 Federal Council report:

- The ECHR is at the level of a national law.
- In the European states examined, the ECHR has the legal status of an ordinary law, except in France — if the contracting party complies with the treaty, which would have to be denied with regard to the excessive jurisdiction of the ECtHR.

In this sense also Federal Criminal Judge Hans Mathys: Federal Constitution and ECHR "stand on the same level and contain practically the same contents". How to proceed in the event of a contradiction "must be decided by the policy. This is not a legal question to be clarified by the Federal Supreme Court. The difficulty, however, is not with the ECHR itself, but with the Strasbourg Court of Justice. ("Neue Zürcher Zeitung" from 22 December 2014)

- *EU law is above national law for all member states and severely restricts their state sovereignty.* The only remedy is a Brexit or Grexit or Öxit.

Consequence for Switzerland: Let us beware of a framework agreement with Brussels!

This would give the EU *carte blanche* for the repeal of Swiss law in wide areas of law. The process surrounding the EU Weapons Directive is an alarm signal: Who among the voters who approved the Schengen Treaty at the ballot box 13 years ago thought then of such excesses of the "continuation of Schengen law"? Further large-scale interventions are planned in the negotiations on the framework agreement, even if the negotiations are currently suspended: Adoption of the Citizens of the Union Directive (unforeseeable immigration that cannot be controlled by Switzerland, with access to social benefits and the long-term objec-

hibition of double punishment for the same offence, *mwj*) (Art. 7 ECHR, Art. 15 UN Covenant II), the internal freedom of religion (i.e. the right to develop one's own religious opinion in freedom and to free oneself from it again; protection of the so-called 'forum internum' [freedom of faith and conscience, *mwj*], Art. 18 (3) UN Covenant II e contrario) and the main features of international humanitarian law (Art. 3 of the Geneva Conventions of 1949). [...] (Report of the Federal Council of 5 March 2010, Federal Gazette 2010, p. 2314/2315).¹

Validity of popular initiatives

The Federal Assembly declares popular initiatives invalid, in whole or in part, if they "violate the unity of form, the unity of substance or mandatory provisions of international law" (Article 139(3) of the Federal Constitution).

With regard to the validity of popular initiatives, Parliament has always shown itself to be democracy resistant. Since the introduction of the federal popular initiative in 1891, out of 333 initiatives, only four have been declared invalid by the National Council and the Council of States, three of which due to a lack of unity in the matter (mixing of a number of unrelated issues in a single vote). Only a single initiative was declared invalid by Parliament in 1996 for violation of mandatory international law.

¹*UN Covenant II: International Covenant on Civil and Political Rights of 16 December 1966, entered into force for Switzerland, 18 September 1992*

(Translation *Current Concerns*)

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tive of political rights for foreigners), the Posting of Workers Directive (instead of tailor-made accompanying measures to the FMPA), prohibition of state subsidies (e.g. support for hydropower stations, state guarantee for cantonal banks, cantonal building insurance). These are only the tips of the iceberg - the rest is still hidden below sea level. We're not buying a pig in a poke!

**Implement Swiss law and apply or:
The sudden change
in Federal Court practice**

Initiative text: Art. 56a Obligations under international law

1 The Confederation and the cantons shall not enter into any obligations under international law that will contradict the Federal Constitution.

2 In case of contradiction, they agree to amend those obligations to international law to fit the premises of the Federal Constitution, if necessary by means of cancelling the respective treaties.

3 The mandatory provisions of international law remain reserved.

One reason for the self-determination initiative was the refusal of the National Council and the Council of States to implement the mass immigration initiative from 9 February 2014 (now Art. 121a of the Federal Constitution). On the other hand, the initiators took the sudden change in practice of the Federal Court after the adoption of the deportation initiative by the people and the cantons on 28 November 2010 (now Art. 121 para. 3-6) as an aim.

Until a few years ago, the Federal Court adhered to the Schubert practice, as it did under the 1874 constitution: a new federal law applies even if it contradicts older international law, if the parliament expressly wants it. The court also followed this principle in its jurisdiction when taking account of the ECHR. The precedence of the consciously set newer norm would have to apply all the more if it is a question of a constitutional provision.

However, with the controversial judgement on the deportation initiative (BGE 139 I 16) from 12 October 2012, the Fed-

eral Court deviated from this long-standing practice by postulating that the ECHR takes precedence over the Federal Constitution. In a nutshell, the *II. Public Law Division of the Federal Court* protected by 3 votes to 2 (!) the complaint of a foreigner convicted of qualified drug trafficking, who was subsequently deprived of his permanent residence permit by the Thurgau Administrative Court. Reason given by the Federal Court: "Paras. 3-6 of Art. 121 incorporated into the Federal Constitution by the deportation initiative on 28 November 2010 are not directly applicable [...] but require implementation by the legislator; they do not take precedence over the fundamental rights or the guarantees of the ECHR" [emphasis *mw*]. The new constitutional article would only be taken into account to the extent "that it does not lead to any contradiction [...] in the margin of discretion which the ECHR grants to the individual Convention states in implementing their immigration and foreigners policies". Instead of relying on the constitution, the court relied on Article 63 of the Foreign Nationals Act, according to which permanent residency may be revoked in the case of more serious offences. This measure must, however, be "like any government action – proportionate".

In plain language: The Swiss people could have saved themselves the trouble of collecting signatures for the deportation initiative if three gravediggers of direct democracy in the Federal Court were of the opinion that they did not need to abide by the constitution. The deportation article does not mention the principle of proportionality. In order to circumvent this fact, the court simply declares the expulsion of a criminal foreigner as "not proportionate" (elastic term), because harmony with the Strasbourg court is more important to him than compliance with the will of the people.

Federal Criminal Judge Mathys commented: The principle of proportionality is not a fixed size, but must be concretised in individual cases. "*If the electorate now accepts a popular initiative, then the regulation made there is just proportionate from his point of view. I have difficulties when you say that political decisions that don't suit you are not proportionate and need to be corrected.*" ("Neue Zürcher Zeitung" from 22 December 2014)

"If Switzerland were to adopt the EU's working conditions and wages through a framework agreement, this would be dangerous for the protection of our employees. Swiss law provides better protection than European law. I am firmly opposed to European law governing all relations between Switzerland and the EU."

Micheline Calmy-Rey, former Federal Councillor, Sonntags-Blick vom 12.8.2018

The more Switzerland opposes something, the less it "will have to swallow".

Switzerland may be a small country, but its word has weight – if it is said to be so. Switzerland can also be more self-confident towards the EU. Many EU states would be interested in a reorganisation of Schengen/Dublin and the free movement of persons, and for reasons of constitutional law Switzerland must never enter into an institutional framework agreement with Brussels. The obligation to adopt current and future EU law with unknown content and scope is incompatible with Switzerland's direct-democratic state structure. Against unlawful reprisals from Brussels, such as the threat to abolish stock exchange equivalence, Parliament, for example, has the 1.3 billion cohesion funds in its back. Instead of positioning herself accordingly, *Doris Leuthard* now wants to submit a totally liberalised Electricity Act for consultation shortly before her resignation from the Federal Council in order to pave the way for an electricity agreement with the EU. Before the referendum on the new energy strategy she did not reveal this planned step.

By voting yes to the self-determination initiative, the citizens of Switzerland are helping to get the Federal Council, the Federal Assembly and the Federal Court back on the Swiss track. •

¹ "The relationship between International Law and National Law" Report by the Federal Council from 5 March 2010, *Federal Gazette* 2010, pp. 2290-2301

² "National law before International Law? Other countries have been doing it for a long time". *SWI swissinfo.ch* from 30 May 2018, by Sibilla Bondolfi

Indispensable white gold – the well-established Swiss salt supply system

by Peter Aebersold and Eliane Perret

Searching for new markets, globally operating corporations have “discovered” the basic services (water, electricity, education, etc.) and services provided by the nation states, the service public. While the global players strive to minimise costs (no stock-keeping, reduced maintenance) and to maximise profits on the principle of supply and demand, it is the primary task of the nation states and cooperatives to offer goods and services at affordable, at most cost-covering prices for the entire population aiming to contribute to the common good. The state must therefore also ensure security of supply in the event of disasters and in times of need (compulsory stockpiles, maintenance, high degree of self-sufficiency, etc.). Our prosperity makes us forget that our digitalised, electrified society has become extremely susceptible to disruption. A lack of knowledge about the history of proven institutions of the nation states is making many people susceptible to fictitious arguments in favour for privatisation: State institutions are said to be no longer necessary today, not appropriate or contradicting the liberal economic order. It is not for nothing that the abolition of nation states is at the top of the globalisation agenda. The little-known history of Swiss salt mining is a good example enabling to conceive the relations.

The salt of the earth

Salt is essential to life. It is for good reason that our language devotes a large number of idioms to salt. Roughly speaking, the usage of salt can be divided into two main areas: On the one hand, the human and animal nutrition, the household and the winter service for the roads. On the other hand, chemistry, metallurgy, animal skin and intestine utilisation, pharmaceuticals and cosmetics, as well as industry and commerce in general.

A look into history

With the rise of the great cultures, the use of salt came up. The Sumerians and Babylonians already used salts to conserve food. The Egyptians also discovered that using salt was essential to live five thousand years ago. Meat, poultry and fish were preserved by salting for weeks and months. Salt was discovered as a valuable commodity. In the Celtic-Germanic area there was a large-scale salt extraction from sea water from the Bronze Age onwards. In the Roman Empire, salt was literally taken at face value. Price stabil-



The trax shovels salt in the warehouse of the Rheinsaline Schweizerhalle. The warehouse holds around 15,000 tons of salt. Around 200,000 tons of salt per year are extracted from the Schweizerhalle plant using leaching technology. (picture keystone)

ity and regulated supply enabled the Romans to use salt as a means of payment. And so the many state officials and legionnaires were remunerated with salt. The Latin word for salt – *sal* – is also the origin of the term “salary”, which is still used today. Salt thus became “white gold”. From the 10th century onwards, the conservation of food became increasingly important. Salt was used as a means of preserving meat and cheese for trade, transport and storage, thus avoiding major famines.

Salt was in great demand, but the salt deposits were unevenly distributed. On prehistoric salt roads the salt was transported to regions with no salt resources. It was a valuable commodity, and the transport and trade of table salt made many cities rich.

One teaspoon daily

Table salt (sodium chloride) is the most important mineral substance for humans and animals. The rule of thumb for humans is: 4–6 grammes daily (one level teaspoon). It is a vital inorganic nutrient which the organism cannot produce itself and which must be provided with food. No somatic cell can exist without salt, the heart could not beat, and all nerves would be paralysed. Blood circulation, metabolism, muscle activity, digestion and excretion would be impossible, as sodium regulates the water balance, the transmission of stimuli from muscle and nerve cells and activates many metabolic processes.

Among other things, chloride is an important component of gastric juices. It causes the formation of hydrochloric acid in the stomach, which splits proteins from food as a component of gastric juice and deactivates undesirable microorganisms.

Another important finding was that the addition of fluorine to table salt provided an effective protection against tooth decay. Even before this, it was recognised that the addition of iodine could counteract the formation of a goiter associated with iodine deficiency. Unfortunately, this problem has increased again in recent years, since ready meals produced abroad are being distributed. As a rule, the salt used for those does not contain iodine.

An indispensable raw material

The salt as a resource is indispensable in industry, chemistry and pharmacy. Salt cannot be produced synthetically. It is needed in more than 10,000 products. More than 60 % of the salt is used in our industry primarily for the production of soda, acids, alkalis and chlorine. A wide variety of products such as detergents, dyes, glass, baking powder, medicines, PVC plastics, computers, smartphones, soap and aluminium cannot be produced without salt.

Salt for Switzerland

Until 1837, Switzerland could not cover its own needs and had to import practi-

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"Indispensable white gold – ..."

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cally all its salt from neighbouring countries. Salt trading was a profitable business. The magnificent *Stockalperpalast* in Brig bears witness to this. In the course of time, however, salt deposits were discovered in various places in Switzerland, which today are used with state-of-the-art technology to cover Switzerland's salt needs.

Salt has been mined in Bex in the Canton of Vaud for over four centuries. Legend tells that chamois and sheep were particularly fond of certain watering places. A boy from the area, *Jean de Bouillet*, is said to have noticed this. The reason for this preference was that the water was salty there. In the 16th century, after some non-industrial attempts, the salt was mined using large-scale methods. A tunnel labyrinth more than 50 kilometres long was created. Excavation in the salt mines was not easy, and the salt mines of Bex ran the risk of being closed several times. The well-known *Sel des Alpes* comes from Bex.

When the German mining expert *Carl Christian Friedrich Glenck* came to Switzerland in 1836, he also wanted to find and

mine the primeval white gold in Swiss soil. Here, too, there were many setbacks. In 8 cantons 17 drillings were made – unsuccessfully. He lost his entire fortune in his efforts. Shortly before bankruptcy, *Peter Merian*, a professor of geology in Basel, drew his attention to the Basel area. With a final attempt, the breakthrough came on 30 May 1836. In two further drillings, he discovered a 13-foot, 2-inch-thick salt deposit at a depth of 137 metres. It became the first salt mine, and on 1 August of the following year the first 90 centners of Jura salt were delivered in Liestal. By the way, the name *Schweizerhalle* stands for the tradition of salt mining sites. Halle goes back to the Greek word *hals*, which simply means salt. The *Saline Kaiseraugst* (Kaiseraugst salt works) were founded in 1843, the *Saline Rheinfelden* in 1844 and finally the *Saline Riburg* in 1848. Thus, within 12 years, four salt works were built within a radius of 20 kilometres at the Rhine, which were in strong competition with each other.

Together into the future

Instead of struggling to survive the competition, the Rheinfelden, Kaiseraugst and Riburg salt works joined forces in 1874 to form the "Schweizerische Rheinsalinen AG" (Swiss Rhine Salt Works Ltd.), in order to be better able to cope with *Schweizerhalle*. In 1909, however, the *Schweizerhalle*, *Rheinfelden* and *Riburg* salt works were bought and merged by the cantons. *Schweizerhalle* became the company headquarters. In these salt works the rock salt layers are leached out with injected water. It is called *Siedesalz* (boiled salt) because it is produced by boiling the Brine. The Canton of Vaud continued to operate its own salt works in Bex, where salt was mined from the layers of salt and rock. In the course of time, the output of salt was considerably increased by various technical achievements. Whereas in 1909 52,000 tonnes of salt were still extracted, today up to 600,000 tonnes per year can be processed.

Learned from mistakes

Some people may still remember the snowy and cold winter of 1999. The year also made history for the Swiss Rhine salt works. For the first time, the de-icing salt warehouses were empty within weeks. Trucks and trains queued up to bring road salt onto the roads. The salt ordered abroad did not arrive on time. The salt-supply of Switzerland could no longer be guaranteed. The consequences were learned from this failure, and in autumn 2004 work began on the construction of an additional salt warehouse in Riburg. Since August 2005, the largest timber dome building in Europe (capacity 80,000 tonnes of salt) is located here. Switzerland can now look forward to harsh winters calmly. And it can supply itself in all respects.

In 2012, a second large salt dome was built by the Swiss salt works as a salt storage facility in Riburg to ensure security of supply. *Schweizer Salinen AG* employs 200 people at its sites in Riburg, *Schweizerhalle* and Bex and produces about 600,000 tonnes of salt per year. It ensures the domestic supply of all types of salt through its own production, storage and trade up to the remotest areas of Switzerland. One kilo of Swiss table salt costs less than a litre of milk, lasts for a very long time, has an unlimited shelf life and is enriched with fluorine and iodine.

Salt sovereignty – an important privilege

For our authorities, securing the supply of salt has always been a responsible matter. In the Middle Ages, salt was still a luxury good. Today it is available to everyone. We owe this to the *monopoly of salt supply of the cantons*, i.e. the sovereign right to extract salt. This right was transferred to the salt works in 1973 by the cantons (with the exception of the Canton of Vaud) in a concordat (agreement between the cantons). The new Canton of Jura joined in 1979 and the Canton of Vaud joined finally in 2014. In the same year, the Swiss *Rheinsalinen AG* and *Saline de Bex SA* merged. Since then, the company has operated under the name *Schweizer Salinen AG*. *Schweizer Salinen AG* is a commercial company owned solely by the 26 Swiss cantons and, since 1990, also by the Principality of Liechtenstein. The Swiss salt works have uniform and thus solidary prices that are stable. These fixed winter and summer prices provide solidarity with the peripheral regions throughout Switzerland. In other words, whether the salt is delivered to the nearby city of Basel or to distant Puschlav, it always costs the same. Foreign salt suppliers do not apply such solidarity. In the snowy winter of 2012, de-icing salt became scarce for roads in Switzerland and abroad. Thanks to the salt monopoly, however, prices in Switzerland remained stable, while they rose abroad.

Since 2014, the salt monopoly has no longer applied in absolute terms, as trade in food grade salt specialities has been liberalised.

The Swiss people has a right to benefit from the salt supply monopoly

Although the Swiss population can rely on a reliable and well-functioning supply of salt, in 2006 a group of cantonal parliamentarians tried to override the salt monopoly by means of a parliamentary initiative. The government council rightly argued against this and recommended its rejection.

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"From brine to crystalline salt." A film about Swiss salt

Ben. The Arbeitsgemeinschaft für Film und Fernsehen (Working Group for Film and Television) in Zurich produced the impressive documentary film "Schweizer Salz. Von der Sole zum Salzkristall (Swiss salt. From brine to crystalline salt)". It lasts 23 minutes and is suitable for secondary schools I and II. The film is an instructive journey with fundamental references to the history of the earth and shows the extraction of salt from the sea in the extensive salt gardens in the French Aigues Mortes and in the depths of the earth's interior in huge salt mines in Borth, Germany.

If you drive past Pratteln on the motorway in the direction of Basel, you cannot miss the *Schweizerhalle* salt works. Nearby, in the charming Jura landscape, is the hill called *Wartenberg*. The nearby mountain outside Basel has housed a valuable treasure in the earth for millions of years: deep inside the earth lie thick layers of stone salt. The film team also visited the Swiss Rhine saltworks and documented in detail the process of brine mining. Fresh water is fed into the caverns. The raw brine obtained must then be crystallised again in an evaporation process.

"*Schweizer Salz Von der Sole zum Salzkristall (Swiss salt. From brine to crystalline salt)*" (German/French/Italian) is available from *Schweizer Rheinsalinen*, 4133 Pratteln, +4161 825 51 51. Brochures, pictures and films can be downloaded from <http://www.saline.ch> at the Info-Service.

After the elections in Bavaria

by Karl Müller

The results of the elections to the Bavarian Landtag on 14 October and the way the results were discussed are shedding light on the state of political affairs in Germany. Also the interpretation of election results is used for political purposes.

Compared to the 2013 result the CSU, which during the past term had ruled in Bavaria with an absolute majority, lost 10.5%, now receiving 37.2% of the votes but remaining the strongest party in the Landtag by a large margin. Bündnis 90/Die Grünen [Green Party] who have won 17.5% (8.9% more than in 2013 but less than half the percentage of the CSU) is now the second strongest party. The AfD won the biggest increase in voters; for the first time they are represented in the Landtag with 10.2%. Also the Freie Wähler have won votes (11.6% which is 2.6% more than previously) and also the FDP (5.1% which is 1.8% more). The SPD has lost even more than the CSU. Its share got cut in half: from 20.6% to 9.7% of the votes. With 72% the voter turnout was the highest since 1982, demonstrating a high degree of mobilisation.

Focusing on Horst Seehofer

Many analyses and commentaries were following the elections. The dominating position was criticism of the CSU chairman and Federal Minister of the Interior Horst Seehofer. Weeks before the elections there had been a campaign against Seehofer, predicting his discharge from positions in party and government after

the elections. Also the TV makers of the ARD stuck to this line – from the first projections to [the talk show] “Anne Will” in the evening: the goal was to focus the question regarding the loss of CSU votes towards Seehofer. Obviously there is an interest in dismantling Seehofer. His statements on German migration politics since summer 2015 (“illegitimate state”), on border controls (control state borders as long as there is no efficient control on EU’s external borders) and on the events in Chemnitz end of August 2018 as well as the statements of the President of the Federal Office for the Protection of the Constitution regarding these events (in contrast to most of the media and the chancellor he stated that a “mad rush” against foreigners could not be proven) did not suit the German mainstream. The question if these statements were founded on facts is not relevant here.

A call for a different politics?

Political content was hardly discussed after the elections. It is interesting for example that *infratest dimap* polls have shown that the economic situation in Bavaria was considered good by 89% of the people – the highest percentage since 20 years. Some 75% of the people stated that Bavaria had benefitted from being ruled by the CSU for decades. So why the severe CSU losses – and why the strong gains of Bündnis 90/Die Grünen? The politicians of Bündnis 90/Die Grünen claimed that the election results were documenting the call for a change in politics. *Spiegel online* was

setting the tone: “The CSU will have to change; in its political position it meanwhile has fallen far behind the social development in its core state. In nearly all fields of politics people in Bavaria are thinking more progressively than what the party programme is willing to accept. Nobody is representing this discrepancy more than the party chairman Horst Seehofer.” This should be challenged. The votes of the civic parties (CSU, Freie Wähler, AfD and FDP) sum up to 64.1%, almost two thirds. That is even 4% more than 5 years ago. Bündnis 90/Die Grünen, SPD and *Die Linke* together won only 30.4% of the voters. While it is true that 180,000 former CSU voters have voted for Bündnis 90/Die Grünen, some 180,000 former CSU voters have voted for the AfD and 170,000 for the Freie Wähler. What can we conclude from this?

“I am worried that our German culture is getting lost step by step”

Here we have to keep in mind that 52% of the interviewed stated “I am worried that our culture in Germany is getting lost step by step”. Even 100% of the interviewed AfD voters, 68% of the Freie Wähler voters and 61% of the CSU voters agreed with that statement. Among the voters of Bündnis 90/Die Grünen only 20% agreed with that statement, even less than among the SPD voters. It seems that this most clearly shows the differences in attitudes.

What does the educated middle class really know?

It is also interesting that almost half of the interviewed stated they were so far content with the politics of the state government but the trust of the voters in the top rank CSU politicians was much lower. How can it be explained, for example, that 65% of the interviewed are charging Horst Seehofer for not being interested in political questions but only in himself? Where do they get this idea? Most of the voters have little or no direct contact with top rank politicians. The media, however, are playing a big role in the formation of the images of politicians, particularly among the educated middle class who believe in the media more than people who are ranking higher their own, direct experiences. And indeed Bündnis 90/Die Grünen could increase its share of votes among the so-called educated middle class to 28%, nearly the same percentage as the CSU (29%). It is also interesting that the percentage of votes of Bündnis 90/Die Grünen is largest, 27%, in cities of more than 100,000 inhabitants, slightly

“Indispensable white gold – ...”

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In 2016, a Berne professor of economics found in the statutes of the concordat what he considered to be an unusual regulation which wrongly obliged the cantons to purchase the salt from the Swiss salt works. What had not bothered anyone for a hundred years and had guaranteed Switzerland a smooth, cost-effective and repeatedly optimised supply of salt, was to be made a problem. That was of course water for the mills of those who wanted to hand over everything – including the basic needs of the population – to the free market. Fortunately, the Berne government council kept a cool head and rejected a motion to abolish the salt monopoly in 2016, because of its outweighing advantages: “The government council would see no reason to exchange the proven Swiss salt supply system for an uncertain proce-

cedure. The Swiss salt works, for example, ensure that there is always enough de-icing salt available for the roads and pavements. Furthermore, the prices for Swiss salt were ‘fair and constant’, long transport routes could be avoided – and the salt works also made an important contribution to health prevention by adding iodine and fluorine to the table salt.

There is nothing to be added to this! •

Sources:

This article is based on informations received on a guided tour in Schweizerhalle as well as on excellent fact sheets provided by the Schweizer Salinen. Kanton Zürich. *Parlamentarische Initiative* (parliamentary initiative) KR-Nr. 13/2006, *Antwort des Regierungsrates*. (answer of the cantonal government) 9.1.2007

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Propaganda is marching

by Christian Fischer

For some time now it has been noticeable that the party *Bündnis 90/Die Grünen* is clearly more loved by the media than the other parties. For the *CDU*, a *Merkel*-twilight is being conjured up – although the Chancellor does more or less what she has always done. The *CSU* is often portrayed as an unpredictable, if not insane, power bloc. The *SPD* does not need to be further picked to pieces by the media – it does that itself. The *FDP* is mainly too small to be the object of loud praise or blame. *The Left* also tends to remain unnoticed, but sometimes it is commented in a partly derogatory, partly supportive way, depending on how its various statements fit into the mainstream. The *AfD* is the welcome Beelzebub, against whom democratic reason has to stand up in disgust.

Now the Greens have clearly become the second strongest force in Bavaria – but they will probably not come to government responsibility, as in Baden-Württemberg, because there is another conservative force specific to Bavaria: the “*Freie Wähler*” (free voters). You need not be a great prophet to predict that they will not get a good press in the future.

For the mainstream is increasingly turning out to be coloured green. Here we find the allegedly unspent and credible political personnel, being able to show the citizen the path mapped out well in advance to a borderless European Union as the only acceptable way out of its fascist past. The other parties will gradually have to gather behind this flag if they want to survive. The extra-parliamentary auxilia-

ry troops are already marching in this direction.

In many cities, over and over, demonstrations “against the right extremists” are being initiated to show that there are still yet “good Germans”. In Chemnitz, these good Germans revolt against “right-wing hunts” which, according to police reports, never took place – and remain silent about the manslaughter by a foreigner who should have been expelled long ago. The German cabaret is largely forced into line with the singing of “anti-fascist” contributions and government-friendly indignations at the opposition – criticism is at best voiced about the fact that the government does not tear down all borders (and

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more than the *CSU* votes. *Bündnis 90/Die Grünen* have become the “party of large cities”. This could also inspire considerations regarding ways of thinking and living of people in large cities in relation to people in rural areas.

What’s next in Bavaria?

All parties now represented in the *Landtag* should take care not to see their share of the votes only as agreement with their

programmes. More than a third of the interviewed (34%) stated that they had cast their vote not because they were convinced of the party they voted for but because they were disappointed by other parties.

In Bavaria coalition negotiations between *CSU* and *Freie Wähler* have started. The Bavarian constitution requires that a new Minister-President has to be elected within four weeks. It remains to hope that Bavaria will get a good government for the next five years. Even more it remains to hope that the political future of the state does not only depend on who

was elected and who is ruling. Bavaria is a state with a direct democratic tradition. But also in Bavaria referenda have to overcome high hurdles and are still the exception. Bavaria would also benefit if the new government and the new parliament gave the true political sovereign, the citizens, more rights and more options. Then the citizens could decide directly about matters more than now and the focussing towards parties and party politicians would lose importance. More self-determination means more responsibility. This is more demanding but also a good thing. •

Former German constitutional judge warns of lack of rule of law

km. Hans-Jürgen Papier, former President of the German Federal Constitutional Court, warned in an interview with the Funke Media Group on 13 October 2018 (www.nrz.de/politik/papier-warnt-vor-einer-willkuerherrschaft-in-deutschland-id215552971.html) of an erosion of the rule of law.

In an international comparison, Germany is still in relatively good shape, but the signs of erosion should not be misjudged. The separation of society has increased. The dispute between the various political currents is becoming more and more aggressive: “The political opponent is treated as if he were an enemy of the constitution. We have a government that may be a grand coalition in mathematical terms, but is unable to achieve great things. More and more people are losing confidence in the ability of the institutions of this constitutional state to function”.

All these are symptoms of an eroding rule and enforcement of the law. But the rule of law is indispensable to democracy: “We have a pluralistic society which

is no longer primarily held together by a common culture, a common religion or a common tradition. Our society is primarily held together by unrestricted submission to the rule of law. And unfortunately this is no longer guaranteed throughout.”

For years there has been a discrepancy between what the law in force dictates or forbids and what is actually practised in Germany and Europe. This is most evident in the areas of migration and asylum: “Illegal immigration to Germany is still taking place – albeit not to the same extent as in 2015. Statutory exit obligations of persons without a residence status are still not enforced in many cases”.

According to Papier, no one should be allowed to “sneak out of the application of the law without sanctions. Otherwise commandments and prohibitions are only for the stupid, the well behaved and the weak”.

As a countermeasure, Papier demanded: “The awareness of politics and the public for the value of the rule of law

must be promoted. Without the rule of law, democracy is not worth much. Then it can become the arbitrary rule of the majority over the minority.”

It could also happen that social groups form their own right according to their moral and ethical ideas – “and distinguish between a good breach of the law and a bad breach of the law”. Thus there is a danger that “valid law will be replaced by personal moral concepts”. It is certainly to be welcomed “if a society helps according to moral-ethical considerations and tries to alleviate the plight of other people. But humanity and mercy must run in the tracks of the rule of law. Morality which opposes the law leads to randomness and arbitrariness”. Papier therefore welcomed Interior Minister *Seehofer*’s initiative to return to compliance with the law at German borders. “This was not a quarrel that was picked for personal reasons. It was about questions of principle.”

(Translation *Current Concerns*)

The glut of money

Draghi has emulated in real life what Mephisto explained in advance as a fairy tale

Prof. Dr Eberhard Hamer*



Eberhard Hamer
(picture ma)

In the *Goethe* era there was still a gold currency in circulation. Money consisted of gold or silver coins. Since precious metal was limited, the princes also repeatedly ran into financial difficulties when they wanted to spend more than

they could earn.

Finance Minister *Necker* had first shown *Louis XIV* a way out: he – like the ECB – issued uncovered paper money notes instead of metal coins. These were accepted by the people and allowed the king a decade of life in excessive luxury (for example *Versailles*) – until the swindle ended in a crash.

Goethe took up this bubble of false prosperity created by fictitious money in *Faust II*. *Mephisto* suggests to the emperor that he create money through paper.

The chancellor announces:

*“To whom it concerns, may you all know,
This paper’s worth a thousand crowns, or so.
As a secure pledge, it will underwrite,*

All buried treasure, our Emperor’s right.

*Now, as soon as the treasure’s excavated,
It’s taken care of, and well compensated.”*

The emperor, however, had reservations because the paper money had no value:

*“I smell a fraud, a monstrous imposture!
Who forged the Emperor’s signature?
Have they gone unpunished for their crime?”*

The treasurer, on the other hand, replies: *“Remember! You yourself it was that signed:*

*Last night. You acted as great Pan,
Here’s how the Chancellor’s speech began:*

*‘Grant yourself this great festive pleasure,
The Peoples’ Good: a few strokes of the feather.’*

*You wrote it here, and while night ruled the land,
A thousand artists created another thousand,
So all might benefit from your good deed,
We stamped the whole series with your screeed,*

Tens, Thirties, Fifties, Hundreds, all are done.

You can’t think how well the folk get on.”

The emperor continues to doubt:

*“And my people value it as gold, you say?
The Court and Army treat it as real pay?
Then I must yield, though it’s wonderful to me.”*

The marshall reports:

*“It flashed like lightning through the land:
The moneychanger’s shops are jammed,
Men pay, themselves, the papers mount
They’re gold and silver, and at a discount.
Now used by landlords, butchers, bakers:
Half the world thinks they’re merrymakers...”*

Faust reflects on the relationship between the papers published without any real value:

“The wealth of treasure that solidifies,

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thus all rule of law) quickly and consistently enough. On the other hand, a truly critical petition to the German Bundestag “Declaration 2018”,¹ launched by *Vera Lengsfeld*, which deals with the government’s legal violations in connection with the opening of the border in 2015, is not reported – although 165,000 signatories had supported this petition in a short time and despite all kinds of harassment.

On 13 October 2018, an event with around 200,000 participants took place in Berlin under the motto “For an open society – solidarity instead of exclusion”. Solidarity with the victims of right-wing violence was expressly demonstrated. Newspaper articles report on the sidelines² that the CDU was not one of the organisers. Reason: One organiser supported also left-wing extremist criminals, and various dubious organisations ranked among the organisers. The message of the media: the CDU is excluding itself from the march of the good.

The same weekend also saw simultaneously identical demonstrations in Karlsruhe, Frankfurt, Cologne, etc., in which the participation of television, cultural and cabaret personalities from *Ranga Yogeshwar* to *Jan Böhmermann* were a must.³ It is interesting to note that organisations such as *Pulse of Europe*, *Mehr Demokratie e.V.* (*More democracy*) and (so far) little-known activists under the names of *We are Europe*, *Start with a friend*, *Demokratie in Bewegung* (*Democracy on the move*), *Volt Europa*, *Junge Europäische Föderalisten* (*Young European Federalists*) are becoming increasingly active here, what we should indeed observe in the future.

The main thread in the current “narrative” is the propaganda against everything national, sometimes even explicitly against the national rule of law (thus suspected of fascism), and for a stronger European Union – in fact in the name of democracy! What a mockery. Nobody will seriously claim that the EU is a more democratic organisation than the German constitutional state, some of the propagandists even shamefacedly confirm a European “de-

mocracy deficit”. Who of these anti-fascists is interested in that? Who still knows that popular rule does not already exist when everyone takes to the streets and sings the right songs? Have we not had this already a few times in the 20th century?

However, we must take note of the fact that the content of the party landscape is currently reshaping in accordance with this narrative: EU or fascism. France set an example last year; we are imitating it with German thoroughness. We must observe this closely and defend our institutionally still existing democracy against this propaganda. There are counter-movements and counter-publics, even if practical and propagandistic obstacles are obstructing their way. In the future, being a democrat will probably mean being the child who exclaimed in *Andersen’s* fairy tale: “But he’s got nothing on!” – when the emperor strutted past in his new but non-existent clothes. “The EU has really nothing democratic on!”

¹ <https://www.youtube.com/watch?v=QeOINHgQ7o4&feature=youtu.be>

² “Kölner Stadt-Anzeiger” from 15 October 2018

"The glut of money"

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*That in your land, in deep earth lies,
Is all unused. In our boldest thought,
Such riches are only feebly caught:
Imagination, in its highest flight,
Strives to, but can't reach that
height."*

When the emperor further doubts that worthless paper would be accepted as real money, Mephisto dispels doubts about the uncovered paper money:

*"Such paper's convenient, for rather
than a lot
Of gold and silver, you know what
you've got.
You've no need of bartering and ex-
changing,
Just drown your needs in wine and
love-making.
If you lack coin, there's money-
changers' mile,
And if it fails, you dig the ground a
while.
Cups and chains are auctioned:
well,
Since the paper, in this way, pays for
itself,
It shames the doubters, and their
acid wit,
People want nothing else, they're
used to it.*

*So now in all of your Imperial land
You've gems, gold, paper enough to
hand."*

The emperor then asks his courtiers how they want to use the new prosperity created by the papers. Most of them want to use it to pay for food, celebrations and greater luxury, i.e. to increase their consumption.

Mephisto only talks to the fool, who alone stands sceptically aside. The fool asks:

*"But see here, is it truly worth real
gold?"*

Mephisto:

*"You've there just what belly and
throat are owed."*

The Fool:

*"And can I buy a cottage, cow and
field?"*

Mephisto:

*"Why yes! There's nothing to it:
make a bid."*

The Fool:

*"Tonight I'll be substantial with my
property".*

Mephisto:

*"Who doubts now that our Fool's
full of wit!"*

Even Goethe already had the people cheer about the unrestrained glut of paper money. The population believed that the paper notes had a real value. In Goethe's play, only the fool saw that this paper has only a fictitious value, is not covered, is not really of value and must therefore be quickly exchanged for material assets, so as to avoid the inevitable crash.

The FED and the ECB are once again throwing unlimited amounts of money into the market – not just as paper money, but as virtual money. And once again the population believes that this will make them become richer and they will be able to afford more than before.

Throughout history, unrestrained money multiplication, like drug intoxication, has brought only short-term joy and then collapsed in a withdrawal crash.

Goethe's money multiplier and seducer of the people was Mephisto – today these are *Draghi* and his courtiers, who are opening the money gates without restraint.

How wisely Goethe foresaw the future – even if his sham money and the associated sham boom still consisted of paper, and he did not yet think virtually! •

Quotes mostly taken from "Poetry in Translation", partly changed by *Current Concerns*.

(Translation *Current Concerns*)

ECB and ECJ hand in hand against existing law?

eh. Under its Statute, the European Central Bank (ECB) is not allowed to provide public finance. With the ECB's OMT programme 1, however, the ECB decided to buy unlimited government bonds in crisis situations. "In order to overcome the euro crisis," as is officially declared, purchase programmes for government bonds with a volume of more than 2 trillion euros were launched. The aim was to lower interest rates and to create liquidity for banks and governments. The ECB's balance sheet has thus inflated to more than EUR 4.6 trillion, creating risks the costs of which must be borne by taxpayers.

The OMT programme had been challenged before the German Federal Constitutional Court. The court shared the concerns of the plaintiffs and asked for a vote of the European Court of Justice. The court's expert has now found this practice, which is prohibited by the statutes, to be perfectly in order.

The dispute as to whether the rights of European taxpayers are violated by the

decisions of the central bank and its ultra-loose monetary policy will therefore now be decided by the European Court of Justice (ECJ) against the vote of the Federal Constitutional Court – in case of doubt again *contra legem*. The argument of the ECJ Advocate General: State financing will remain within the mandate of the ECB as long as the monetary policy goal of averting the danger of deflation is pursued.

However, there has been no recession and danger of deflation since the start of the ECB's public financing in March 2015, but only an exuberant boom – which fact the ECJ Attorney General apparently overlooked.

Government financing is due to expire at the end of the year. It is only now that the downturn is bringing with it the risk of a crash.

If in the coming months, the European Court of Justice justifies illegal state financing by the ECB against the warning of the Federal Constitutional Court, there will be no stopping the ECB. As with the exam-

ple of the Targo balance, which has risen to over 1 trillion euros due to a lack of repayment, the ECB will go from being the currency guardian to the debt guardian; it will increase the money supply and the debts in Europe even more unrestrainedly, until nobody can pay back the debts that have already risen high today, and then there will be a joint financial crash.

Instead of monetary responsibility, the ECB is showing irresponsibility. The scandal, however, lies in the fact that the only supervisory body to which it is subject – the European Court of Justice – also sanctions this behaviour without statute or law. Irresponsibility without control as well as insatiability has destroyed our monetary system to the detriment of the citizens.

¹ OMT = Outright Monetary Transactions: That means purchases and sales of securities on the market.

(Translation *Current Concerns*)

Do not rely on politics – turn active yourself

Civil rights activist Vera Lengsfeld on democracy in Germany

gl. Vera Lengsfeld, a civil rights activist in the GDR and a member of the German Bundestag from 1990 to 2005, spoke critically in Bautzen, Saxony, about the current state of democracy in Germany.

At the invitation of the forum “Von Bürgern für Bürger” (Citizens for Citizens) she spoke to about 250 participants about the political situation in Germany and pointed out parallels between the GDR in the late eighties and the current situation in the united Germany. According to Lengsfeld, Saxony was already the centre of the peaceful revolution in 1989. On 9 October 1989, 20,000 people were on the street in Dresden to campaign for democracy. Many of those who experienced the situation at the time would now feel as if in a nightmare: “Is it really possible that the country has changed that much?” In contrast to the rapid development in the autumn of 1989, the necessary change in the future will be a marathon.

Do we still have a democracy in Germany? Vera Lengsfeld answered this question with a clear no. The essence of democracy is the separation of powers with a mutual control of the powers, and this is missing today. Parliament no longer exercises its control over the government. Today bills mostly come from the chancellery. In Lengsfeld’s view the parliamentarians have forgotten that they hold their parliamentary seat on behalf of the voters. Instead, they see themselves as “educators” of the people and want to impose on them how to behave and to think. There are veritable hunts against the population, in order not to hear what people think. Vera Lengsfeld calls the media coverage of the events in Chemnitz the biggest media scandal of the century. There

were lies on a scale only known from wartime. All Chemnitz was stigmatised before the world, without any apology or correction.

Much today reminds her of the GDR: praise to the government, even in budget debates. Controversial debates in the Bundestag no longer exist. All parliamentary parties are “only busy running down the AfD”. The “fight against the right” has meanwhile “taken on traits of madness”.

Vera Lengsfeld sees the West German left as an essential factor in the development of the unfavourable political situation. The left always considered the GDR to be the better Germany and did not want reunification. The activist, who was first in the Bundestag for the Greens and joined the CDU in 1992, when it became clear that the Greens had largely been taken over by the West German K groups, also blamed the West German left for being a source of hatred against Saxony. The leftists think that actually all easterners should be on the couch,” until they understand terms like cosmopolitanism.

What is to be done? The constant mad rush against the easterners must not be irritating, says Vera Lengsfeld. Citizens should no longer rely on politics, but take action themselves. The self-initiated “Joint Declaration 2018”, which was presented as a petition, initially signed by 165,000 and then again by 65,000 citizens, in the German Bundestag on 8 October (the petitioners were given only five minutes!) is a real-life example. Nationwide referendums are provided in the German constitution, but since to date no corresponding law has been passed for their implemen-



(picture vera-lengsfeld.de)

gl. Vera Lengsfeld is one of the best known civil rights activists of the GDR era. Born in Thuringia in 1952, she studied history and philosophy in Leipzig and Berlin. Since the seventies she has been active in opposition to the SED regime. In 1983 she was expelled from the SED (Sozialistische Einheitspartei Deutschland – Socialist Unity Party Germany) and was banned from working and travelling. In 1988, she was arrested and sentenced, after one month of arrest, for “attempted riotous assembly”. After her deportation to the West, she stayed in England until she returned to the GDR on 9 November 1989, the day of the fall of the Berlin Wall. In 1990 she was elected to the first and last freely elected People’s Chamber of the GDR. From 1990 to 2005 she was a member of the German Bundestag, first for Bündnis 90/Die Grünen (Alliance 90/The Greens), then from 1996 for the CDU. In 2008 she was awarded the Order of Merit of the Federal Republic of Germany. Vera Lengsfeld now works as a freelance author and runs the blog www.vera-lengsfeld.de.

tation, the means of nationwide political participation are currently still very limited in Germany.

In the lively but very factual discussion, Vera Lengsfeld received a lot of approval. A critical number of citizens must take action: by writing letters to the editor, calls, events, etc., so that something changes. In the West, it could take a little longer, until the people realise that something is going wrong. •

Impressions from Saxony

by Rita Brügger

Inspired by various articles in *Current Concerns* over the past years, reporting on Eastern Germany, we recently travelled to East Germany ourselves, focussing on the federal state of Saxony. Except for the information from said articles, we had little to no idea what to expect. Even historically, we lacked much knowledge about a region that is located not all too far away from Switzerland.

It was important to us to get an impression of the country and its people as broad as possible. For this reason, we took enough time to be able to travel flexibly by car and the bicycles we brought with us. We also wanted to get to know plac-

es rich in history offering much culture and regions untouched by mass tourism. After four weeks, we returned home very enthusiastic and still full of impressions. A few highlights shall reflect our impressions here.

Everywhere we met remarkably friendly people. We came into contact with many of them very easily, be it in a restaurant, in a small guesthouse, during a guided tour or at the box office of a museum. In cases of small uncertainties in the bus we were offered help or in the case of a coughing attack, a glass of water. Let it be clear, they were just passers-by or near-by shopkeepers.

In many places we observed that the people loved their city, their museums, their cultural sites and acted with a great self-confidence as city or museum guides. Even young people were evidently dedicated to their tasks and they did not need any notes to give detailed and accurate reports and were able to answer any questions. Always apparent was a particular sense of humour, which we met over and over again.

Old traditions are cultivated with love. A teacher, who showed us lace making (a very intricate handicraft that requires great skills), also reported that in the Vogtland

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this craft is still practised today by some 22,000 women. Children and teens regularly register for optional courses, and once they get into it, they almost become addicted.

In the Erzgebirge woodturning and carving of toys, a craft born of necessity, still exists today. In the times of men working in the mines, they used the winter days and evenings to manufacture toys. Today, it is hardly possible to imagine one without the well-known band animals, the nutcrackers and Christmas pyramids from Seiffen. The former leisure activity has turned into an industry with impressive handicraft. However, we rather prefer not be part of the onrush of tourists during the Advent season.

Outside Dresden we stayed in Pesterwitz, part of the district town of Freital. This year, Pesterwitz is celebrating its 950th anniversary and a parade took place at the time of our stay. With little over a population of 3000, the town displayed a great communal achievement. On our arrival in the commune, we noticed life-size rag dolls in the gardens, which were in context with the inhabitants. The village restaurant for example placed two "guests" on a hedge, rising their glasses to each other. The parade with its 90 themes from local history provided a wonderful insight into the past and present of the place: Among other's they depicted a Slav settlement, the margrave of Meissen, Jacobean pilgrims, the Thirty Years' War, the plague, the World Wars, the time of the GDR. Also presented were the trade of the town and its associations, the school, church and authorities. The colourful groups were passing by on horse-drawn carts, with cars or on foot in. Just about every person of the place contributed to the great success. Many spectators lined the streets of the parade on this sunny Sunday. Even from the city of Dresden hordes of families came by bus.

The most unforgettable and exhilarating impressions we gained by watching children and teenagers on our journey. We hardly ever met any whining children. Instead, we often experienced situations, which have become rare in our country, but which give cause for joy. School classes walked orderly with their teachers through



Entrance to the folk art gallery in the Frohnauer Hammer, a historical hammer mill in Frohnau, today part of Annaberg-Buchholz in the Erzgebirge. (picture es)

the streets, chatting lively with one another while still keeping an eye on the path. A young man made room for a 60 year-old in the tram. At the bus stop, a teenager picked up a piece of paper and threw it into the rubbish bin. A 10-year-old boy interrupted his mobile game to return a newspaper to an elderly woman on a park bench near-by. It blew away by the wind.

In our view, such and similar situations have a connection with strong family ties, something we had read about and confirmed by our own observations. We met parents not shying away from guiding their children. A child, running around the restaurant, was called back to the table and told to be considerate of the other people in the room. "You are going to stay here with us now!", it was told. The little boy listened to his parents and subsequently happily joined in the conversation at the table.

A couple who had lived and worked in Switzerland for 20 years had moved back to Brandenburg near the border to Saxony because of their elderly parents. The two meant, "We couldn't let the parents build up everything and now they have to watch it all deteriorating," they reasoned. Today, they are early retirees and live more modest than in the years

before. They are happy to be able to give something back to their parents in their old days. These are just some of the qualities of Eastern Germany we experienced first hand.

Naturally, we also came across some of the worries of the people, although due to the rather short conversations and a mere holiday trip it can only reflect a fraction of it. The lack of jobs preoccupies people. Young people migrate to areas where they get higher wages. Money is not always applied to benefit the majority. If tourism is promoted unilaterally, this only benefits one industry, others are left out. There is a great demand for tradesmen. Therefore, they often have to travel long distances and they have to spend the night away from home. The good school education is declining. Many of the book publishing companies that did exist have disappeared. In Leipzig we overheard two older ladies in the tram, who discussed feeling uncomfortable and threatened due to the increasing proportion of foreigners in the city.

Summing-up, we would encourage everyone to form their own impressions of Eastern Germany and its friendly inhabitants.