

# Current Concerns

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

English Edition of *Zeit-Fragen*

## “Caesar Act”: USA wants to bring Syria to its knees by tougher sanctions

by Karin Leukefeld, Bonn and Damascus



Karin Leukefeld  
(picture ma)

*The sanctions imposed on Syria by the West have had devastating consequences for the civilian population. They are to be used against the Assad government, whose overthrow by military means did not succeed. Now the USA is tightening the thumbscrews with the “Caesar Act”.*

the country is prevented from starting the necessary reconstruction after the destructive war years. Not only is there no international aid for reconstruction, but also states such as Russia, China, Iran, India and the Gulf States, that want to support the country in its reconstruction, are to be prevented from doing so by the “Caesar Act”. Particularly affected are Syria’s direct neighbours: Iraq, Jordan and Lebanon, for whom trade with Syria is vital for their own economy and national security.

The Syrian government condemned the new sanctions as “economic terrorism”. Unilateral economic coercive measures would violate international law and international humanitarian law. According to a statement by the Syrian Foreign Ministry, quoted by the Syrian news agency

SANA, the measures are based on “false statements by those who are hostile to the Syrian people”.

Furthermore, the Syrian ambassador in Moscow, *Riad Haddad*, condemned the sanctions as “medical terrorism”. In view of the global corona pandemic, such measures were inhumane. Syria, he said, also needed medicine and technical equipment to protect its population. The new sanctions package was also aimed at Syria’s allies in the Persian Gulf, Haddad continued. The sanctions were intended to block foreign trade, domestic trade and joint investment projects with the Syrian government as well as loans and remittances, Haddad said. “Nobody should invest in Syria, and anyone who

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The Syrian government controls 70% of the country and partly cooperates with the Syrian Kurds in northeastern Syria – under Russian mediation. Nevertheless,

## The International Criminal Court in the web of power politics

Statement on the Executive Order signed  
by the President of the United States on 11 June 2020

by Professor Dr Dr h.c. mult. Hans Köchler, President of the International Progress Organization



Hans Köchler  
(picture  
[hanskoechler.com](http://hanskoechler.com))

The decision by President *Donald Trump* to block property and restrict entry into the United States of any foreign person directly engaged in efforts by the *International Criminal Court* (ICC) to investigate or prosecute United States personnel without the consent of the United States constitutes a serious interference with judicial independence. As such, any attempt to coerce a court, whether domestic or international, is incompatible with the rule of law. The “Basic Principles on the Independence of the Judiciary” were repeatedly affirmed by the United Nations, in particular in General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

Invoking, inter alia, the *International Emergency Economic Powers Act* (1977),<sup>1</sup> the President of the United States determined that any investigative or prosecutorial action by the ICC against U.S. personnel constitutes “an unusual and extraordinary threat to the national security and foreign policy of the United States.” Subsequently, the President declared a national emergency, ordering the imposition of punitive measures on officials of the ICC and other persons having directly engaged, or assisted, in efforts of the Court to investigate, arrest or prosecute US personnel. These measures taken by the President of the United States threaten the very fabric of international law.

On 5 March 2020, the Appeals Chamber of the International Criminal Court unanimously decided to authorize the Prosecutor of the Court to commence an investigation into alleged international crimes in relation to the situation in Afghanistan. The Islamic Republic of Afghanistan has acceded to the Rome Statute of the International Criminal Court on 10 February 2003, which gives the court jurisdiction to investigate and prosecute war crimes and crimes against humanity committed on the territory of Afghanistan since 1 May 2003.

The United States is not a State Party to the Rome Statute of the International Criminal Court. Having taken an active part in the negotiations on the Rome Statute and having signed the Statute on 31 December 2000, the United States never ratified it. The Court only has jurisdiction over crimes committed on the territory of a State Party or by nationals of a State Party. Accordingly, the Court has no jurisdiction over crimes committed on the territory of the United States, except by nationals of a State Party. Reversely, the Court has jurisdiction over crimes committed on the territory of Afghanistan, including by nationals of Non-States Parties.

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It is obvious that the United States, not being a State Party, is not bound by the Statute of the ICC. *Pacta tertiis nec nocent nec pro sunt* (a treaty binds the parties and only the parties; it does not create obligations for a third state). According to the *Vienna Convention on the Law of Treaties*, a “treaty does not create either obligations or rights for a third state without its consent.” As a sovereign state, the United States is not in any way obliged to cooperate with the International Criminal Court (except in matters referred to the Court by the UN Security Council on the basis of a mandatory resolution). According to the President’s Executive Order, the actions on the part of the ICC “threaten to infringe upon the sovereignty of the United States.”

However, the argument of sovereignty does not hold in regard to the status of individuals, whether private or official, on the territory of a foreign state. While the U.S., as a state, is not bound by the Statute of the ICC, individual U.S. citizens are subject to the laws, including criminal laws, applicable in the territory of the states they visit. This includes legal norms arising from treaty obligations of the state they visit. Accordingly, if a country has ratified, or acceded to, the Rome Statute of the International Criminal Court, the Court is competent to investigate and prosecute atrocity crimes committed on the territory of that state irrespective of the nationality of the suspects.

As regards assertion of U.S. sovereignty in a quasi-absolute sense, the Executive Order signed by President Trump incorporates the rationale of the earlier *American Servicemembers’ Protection Act* (dubbed “Hague Invasion Act”), adopted by the U.S. Congress in 2002. The law authorizes the U.S. President to use “all means necessary and appropriate to bring about the release of any U.S. or allied personnel being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.”

The U.S. policy vis-à-vis the International Criminal Court is based on an absolute, exclusionary, understanding of sovereignty that openly contradicts the United Nations Charter’s principle of “sovereign equality.” The “absolutist” interpretation of sovereignty has also been obvious in other areas such as the U.S. practice of extraterritorial sanctions. Though politically consistent, this approach is legally inconsistent when it comes to decisions of the United States in matters of international criminal justice.

To mention only two of the most striking examples: While it has insisted on upholding the sovereignty of the United States under all circumstances, the U.S. was nevertheless instrumental in the estab-

“The U.S. policy vis-à-vis the International Criminal Court is based on an absolute, exclusionary, understanding of sovereignty that openly contradicts the United Nations Charter’s principle of ‘sovereign equality.’ The ‘absolutist’ interpretation of sovereignty has also been obvious in other areas such as the U.S. practice of extraterritorial sanctions. Though politically consistent, this approach is legally inconsistent when it comes to decisions of the United States in matters of international criminal justice.”

lishment of ad hoc tribunals for the former Yugoslavia and Rwanda by the UN Security Council. These courts were not the result of international treaties, but of “executive fiat” by the Security Council, a body that does not possess legislative authority. There was no ratification procedure for the statute of the courts by the legislative authorities of sovereign states. The court’s decisions were, nonetheless, considered as binding upon all member states.

An agenda of power politics, not law, was also apparent in the United States’ use of the International Criminal Court – the existence of which it rejects, in principle – for measures of criminal justice against the leaders of Sudan and Libya, both Non-States Parties of the ICC. Neglecting the argument of sovereignty, the U.S. enabled the Security Council to “refer” the situations in these two countries to the International Criminal Court. Article 13(b) of the Rome Statute (“Exercise of jurisdiction”) is almost an invitation to the most powerful countries in the Security Council – those permanent members that are not State Parties of the ICC – to engage in a policy of double standards in matters of criminal justice. While not being bound by the Court’s Statute, they can nevertheless make “political” use of the Court.

The Executive Order of 11 June 2020 as well as the *American Servicemembers’ Protection Act* of 2002 also seems to neglect one basic legal fact. The International Criminal Court does not exercise universal jurisdiction. According to Article 1 of the Rome Statute, its jurisdiction is complementary to national criminal jurisdictions. Only in cases where a state is unable or unwilling to exercise jurisdiction can the ICC initiate an investigation.

In this regard, as well as in the case of territorial jurisdiction, the United States’ assertion that the ICC violates the sovereignty of the United States is not supported by the legal facts. Furthermore, in modern international law, sovereignty is defined on the basis of mutuality. Mutual recognition, not mutual exclusion, of national rights defines the sovereign status of all members of the international community. This implies that acts of nationals of

any state are subject to the territorial jurisdiction (including jurisdiction under treaties) of the state where they act.

United States officials have repeatedly called for a reform of the Rome Statute of the ICC and for greater effectiveness and accountability of the Court. In a press statement, the White House deplored “corruption and misconduct at the highest levels of the International Criminal Court Office of the Prosecutor, calling into question the integrity of its investigation into American service members” (Statement from the Press Secretary, 11 June 2020). These calls would be much more credible if the United States refrains from threatening a court – of which it is not a member – with the blocking of property and a travel ban on that court’s officials and their family members.

The controversy between the United States and leading UN member states over the International Criminal Court has made the predicament of criminal justice in the context of global power politics more than obvious. The Joint Statement of 67 member states of the ICC, issued in response to President Trump’s Executive Order, emphasizes that a permanent international criminal court “is an essential element of the multilateral architecture upholding the rule-of-law.” This will only become a reality if all permanent members of the United Nations Security Council and other powerful states join the Court. As long as this is not the case, powerful Non-States Parties may always put the assertion of national interests above the rule of law. In the words of *David Scheffer*, former United States Ambassador-at-Large for War Crimes Issues and member of the U.S. negotiating team in the United Nations Diplomatic Conference on the Establishment of an International Criminal Court, the Executive Order of 11 June 2020 will go down in history as an act that is tantamount to a “retreat from the rule of law.”

<sup>1</sup> The *International Emergency Economic Powers Act* (IEEPA) is a United States federal law authorizing the president to regulate international commerce after declaring a national emergency in response to any unusual and extraordinary threat to the United States which has its source in whole or substantial part outside the United States.

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intends to do so should seek permission from the US”. Haddad further said that he saw the danger that Syria would be divided by the sanctions and pointed out that the “Caesar Act” would not apply in the northeast of Syria, which is controlled by the US army and the Syrian Kurds allied with it.

Iranian Foreign Minister *Mohammad Javad Zarif* reiterated that Iran would deepen its economic relations with Syria, and that the Syrian-Iranian credit line would be maintained. Zarif, who met with Russian Foreign Minister *Sergey Lavrov* for bilateral talks in Moscow on 16 June, told Russian media that they were preparing another meeting with Russia and Turkey in Astana format. The economic pressure on Syria was also discussed between Iran and Russia.

China and Russia have so far not officially commented on the US Caesar Act. Both countries are closely allied with Syria politically, as well as economically and Russia also militarily. The US administration has openly stated that the “Caesar Act” is also intended to put pressure on Syria’s allies Russia, China and Iran.<sup>1</sup>

The new US economic sanctions against Syria entered into force on 17 June 2020. The “Caesar Syria Civilian Protection Act”, or “Caesar Act” for short, is embedded in the US national defence budget for 2020 and is used by the US administration as a foreign policy instrument against Syria and its allies.

The law was an “important step in promoting accountability for the large-scale atrocities *Bashar al Assad* and his regime have carried out in Syria”, US Secretary of State *Mike Pompeo* announced immediately after US President *Donald Trump* signed the law on 21 December 2019.<sup>2</sup>

The law would provide the US administration “tools to help end the horrific and ongoing conflict in Syria”. “It also holds accountable those responsible for the widespread death of civilians and for numerous atrocities including the use of chemical weapons”, Pompeo continued. The Caesar Act “sends a clear signal that no external actor should enter into business with or otherwise enrich such a regime”, he said.

The new US sanctions package is aimed at individuals, institutions, companies and states that do business with the Syrian government. Officially, the targets are said to be the Syrian president, the government, the military and intelligence services. In reality, however, it affects Syria’s largely state-run economy in the energy, transport and agricultural sectors, as

well as the state-run healthcare system and all state-owned manufacturing companies.

Alleged exceptions for the medical and humanitarian sector will hardly have any effect, as companies or civil society organisations are reluctant to start projects in Syria from the outset due to the unclear and complicated application procedures. Many aid organisations practised “self-censorship”, explained *Bassma Alloush* of the *Norwegian Refugee Council* to the internet portal *AI Monitor*. Aid organisations were afraid of the risk, and if there was a danger of falling under US sanctions, they would withdraw.

Alloush called the “Caesar Act” “salt on the wound” of the Syrian population, which had been suffering from the war for years. “Now to ... say, you can’t rebuild for another five years because of Caesar and because we think it’s going to create regime change or accountability or justice – that’s where I disagree”, Alloush said.

**International criticism of unilateral sanctions**

Criticism of unilaterally imposed economic sanctions by the EU and the US administration comes from all over the world. Syrian church representatives have been pointing out for years the serious consequences for the civilian population that has been severely affected by the war. At the beginning of the year, an association of Syrian non-governmental organisations, foundations and individuals appealed to the UN Secretary-General and called on him to stand up against the sanctions. Signature lists and protests by committed civil society all over the world, however, went unheard in Washington, Brussels, London, Paris and Berlin, as did the numerous studies presented worldwide on the consequences of economic sanctions in general and against Syria in particular.

These include a 2016 study by the UN Commission on Economic and Social Affairs in West Asia ESCWA<sup>3</sup> and a report by Algerian diplomat *Idriss Jazairy*, the recently deceased UN Special Rapporteur on the Effects of Unilateral Coercive Measures.<sup>4</sup>

**Syria in the gray zone**

The note that the unilateral EU and US sanctions should lead to a division of Syria is confirmed by the remarks made at the “Syria in the Gray Zone” meeting held at the *Centre for Strategic and International Studies* (CSIS) in Washington in November 2019.<sup>5</sup>

*Dana Stroul* of the *Washington Institute for Middle East Policy* explained the US administration’s strategy in Syria, where the aim is to keep both Russia and Iran in check in Syria’s “gray zone”. The “architecture of econom-

ic sanctions” is part of the “Trump administration’s campaign to exert maximum pressure on Iran”. Reconstruction aid could be provided through “stabilisation aid” in northeastern Syria, the “resource-rich economic and agricultural powerhouse of Syria”, which the US administration was claiming “through the US military with its local partners, the Syrian Democratic Forces [...]”. The US administration also has influence on “the international financial institutions, and (through) cooperation with the Europeans” one has a “card in hand” to force “the Assad regime” to make concessions. It needs to be impeded, said Stroul, that “reconstruction aid and technical expertise arrive in Syria”.

**Confrontation in the UN Security Council**

The political and humanitarian situation in Syria was discussed in the UN Security Council on 16 June 2020. The economic distress in the country was one of the topics. The massive decline of the Syrian pound towards the US dollar within a few days of the beginning of June has led to an enormous surge in the price of food and medicines. According to the *World Food Programme* (WFP) prices in Syria have risen by more than 100 per cent in the span of a year. The unilateral coercive measures and sanctions are hampering the reconstruction of national production because the purchase of spare parts, new machinery, and raw materials is obstructed. Because there is no improvement, no jobs are being generated with which the workers can feed their families. Syria’s close connections to its neighbours Iraq, Jordan and Lebanon are such that the crisis in Syria, deliberately perpetuated by the Western states, is also leading to ongoing economic crises among its neighbours.

As many times before, Russia and China had called for the lifting of unilateral sanctions against Syria at the last monthly UN Security Council consultations on Syria. The concrete reason for this was the health threat to the population in April and May posed by the corona pandemic. UN Secretary General *António Guterres* had requested that all states should cooperate and suspend their wars and battles to protect themselves from the corona virus.

The representatives of the US, Great Britain, France and Germany are not willing to lift the sanctions against Syria. In March, the German UN diplomat *Jürgen Schulz* had already rejected a respective appeal by Russia. The sanctions were “not targeted against the population”, but “against the leadership in Damascus [...]”,

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which was guilty of the severest human rights crimes imaginable”, said Schulz. “The human rights situation in Syria is solely the result of the Damascus policy.”<sup>6</sup>

#### Caesar and the international humanitarian law

The new US sanctions law is named after the Syrian military photographer “Caesar”, who in 2013 smuggled thousands of photographs of bodies from Syrian military prisons with the assistance of a support troop under the same name. Allegedly the dead were prisoners tortured to death.

However, there are strong indications that the dead may also have been victims of attacks, abductions and fighting. All the dead who have been found by the Syrian civil defence or military since the beginning of the war in 2011 are documented in military hospitals, as to the author was confirmed in numerous conversations in Syria.

After his escape, “Caesar” did not turn to the *International Committee of the Red Cross* (ICRC), advocating for prisoners, disappeared persons and victims of torture since its foundation, with the photographic material. In Syria, the ICRC has been working for decades and since 2017 has also participated in negotiations between armed opposition groups and the Syrian government to exchange prisoners or search for disappeared persons.

The work of the ICRC is based on the Geneva Convention and the clear rules of international humanitarian law, and is neutral, impartial, and independent. The ICRC has developed a guide on the subject of death in captivity.<sup>7</sup>

But this was not what “Caesar” and his supporters were interested in. They showed the photos to French reporter Garance La Caisne. “Caesar” told her his story which the journalist published media-effective in a book.<sup>8</sup>

Invitations to “Caesar” followed at the highest political level in the US and Europe. The photos were shown internationally at exhibitions, in the UN, and in the EU Parliament. In a “first criminal trial worldwide” opened by the Oberlandesgericht Koblenz against two presumed former employees of the Syrian intelligence service the photos were used as evidence.<sup>9</sup>

Under ICRC rules, that would presumably not have been possible. The protection and dignity of the victims, including their families, prohibit under international humanitarian law the unauthorized presentation of such photos in public. The elucidation of the events behind the pictures would be tedious, lengthy and could lead to a multifaceted result.

“Caesar” was then supported by the US-based “Syrian Emergency Task Force” (SETF), which handed over the photos to the US secret service FBI, that verified them as authentic.<sup>10</sup>

Since 2014, SETF has been intensively lobbying the US Senate and Congress for the new sanctions law “Caesar Act”. The Syrians should be happy about this, SETF director *Mouaz Moustafa* told the internet portal *Al Monitor*: “It should be a comfort to Syrian civilians because it is coming to punish those that are forcing them to live in poverty.”

#### Money-heavy lobby for the “Caesar Act”

In addition to the “Syrian Emergency Relief Operations Command (Task Force)”, a number of other organisations campaigned in Washington for the passage of the “Caesar Act”. The groups “Americans for a Free Syria” and “Citizens for a Secure America”, registered in the USA as non-profit organisations, have been campaigning for the “Caesar Act” for years, according to an article in “Foreign Lobby”. The Internet portal examines the work of foreign lobby groups in Washington and provides access to the \$500 million “foreign influence industry in Washington”.<sup>11</sup>

Lobby groups must register in the USA and disclose their activities. The lobbyists were particularly campaigning for the Syrian central bank to be placed on the US sanctions list as a “money laundering operation”. The spokesman of “Americans for a Free Syria”, *Thomas George*, who is registered as a lobbyist in the USA, told Pecquet that the Syrian central bank is the “most important instrument for enriching the oligarchy in Syria to the detriment of the Syrian people”. The group has spent \$78,000 since 2017 to promote the Sanctions Act in the US Congress and the US Government.

According to the *Foreign Lobby*, the “Citizens for a Secure America” paid \$330,000 to the company of lobbyist *Brian Ballard* between April 2018 and September 2019 to campaign for a tougher sanctions law against Syria. Ballard, who

was for a long time the most important lobbyist for Donald Trump, is considered the “most powerful lobbyist in Trump’s Washington”, according to *Politico* magazine. When he spoke, “the wallets of influential donors in Florida opened up”.<sup>12</sup>

Voices such as those of the Lebanese ambassador to the USA, *Gabriel Issa*, are having a hard time making their voices heard against the money-heavy sanctions advocates. For Lebanon, trade with Syria and the urgent reconstruction of the war-ravaged neighbouring country means an important recovery and stabilisation of the Lebanese economy. For this reason, they are trying to keep the impact of the sanctions on Lebanon “as low as possible”, Issa explained to “Foreign Lobby”.

This is also too much for the advocates of sanctions. US Secretary of State Mike Pompeo, who announced the first part of the target persons and companies on 17 June 2020, made it clear that, no matter where in the world, “anyone who does business with any of the listed persons or companies can be sanctioned themselves”. The “campaign” will continue in the coming weeks and months and “target every individual and company that supports the Assad regime”. Pompeo expressly pointed out that the USA is conducting its “campaign of economic and political pressure in full cooperation [...] especially with our European partners”. They had “renewed their own sanctions against the Assad regime [...] only three weeks ago”.<sup>13</sup> •

<sup>1</sup> <https://www.state.gov/passages-of-the-caesar-syria-civilian-protection-act-of-2019/>

<sup>2</sup> <https://www.state.gov/passages-of-the-caesar-syria-civilian-protection-act-of-2019/>

<sup>3</sup> <https://theintercept.com/document/2016/09/28/humanitarian-impact-of-syria-related-unilateral-restrictive-measures/>

<sup>4</sup> <https://reliefweb.int/report/world/report-special-rapporteur-negative-impact-unilateral-coercive-measures-enjoyment-human>; <https://deutsch.rt.com/der-nahe-osten/89109-un-botschafter-zu-syrien-einseitige/>

<sup>5</sup> <https://www.csis.org/analysis/syria-gray-zone>

<sup>6</sup> <https://deutsch.rt.com/der-nahe-osten/100353-trotz-corona-pandemie-bundesregierung-fuer-sanktionen-syrien/>; <https://deutsch.rt.com/der-nahe-osten/101092-lage-hier-ist-schrecklich-syrier-sanktionen-corona-krise/>

<sup>7</sup> <https://www.icrc.org/en/publication/4126-guide-lines-investigating-deaths-custody>

<sup>8</sup> <https://www.chbeck.de/le-caisne-codename-caesar/product/16128742>

<sup>9</sup> <https://www.lto.de/recht/hintergruende/h/olg-koblenz-1ste919-folter-prozess-auftakt-syrien-assad-geheimdienst-voelkerstrafrecht/>

<sup>10</sup> <https://www.syriantaskforce.org/caesar-team-1>

<sup>11</sup> <https://www.foreignlobby.com/2020/06/16/lobbyists-scramble-to-shape-imminent-syria-sanctions/>

<sup>12</sup> <https://www.politico.com/interactives/2017/politico-power-list/brian-ballard/>

<sup>13</sup> <https://www.state.gov/syria-caesar-act-designations/>

# Stop misusing the corona pandemic for your wars!

## EU claims of “disinformation” are questionable

by Karl-Jürgen Müller

On 10 June 2020 the *High Representative of the [European] Union for Foreign Affairs and Security Policy*, the Spaniard *Josep Borrell*, has published in German a 19-page “Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions.” The “Communication” is entitled “Tackling COVID-19 – Getting the facts right.”<sup>1</sup>

This opinion of an EU authority and the documents associated with it are not only a renewed attempt to seal off the EU from criticism,<sup>2</sup> but also to impair freedom of expression and information in the EU states and to extend the powers in this respect at EU level. Since September 2015,<sup>3</sup> the European Union has also been contributing to the war policy of the NATO states (and the EU) against Russia and now also against China. One of the ways in which it is doing this, is by pretending to expose and pillory “disinformation” (until 2018 referred to by the EU as “fake news”). The “Joint Communication” of 10 June belongs in this context.

Indeed, page 4 of the “Communication” states:

*“Foreign actors and certain third countries, in particular Russia and China, have engaged in targeted influence operations and disinformation campaigns around COVID-19 in the EU, its neighbourhood and globally, seeking to undermine democratic debate and exacerbate social polarisation, and improve their own image in the COVID-19 context.”*

There is no direct reference to these statements in the “Communication” itself. However, a footnote within this paragraph refers to another paper from the EU to support these statements. This extensive text was published on 28 May 2020 and is entitled “EEAS Special Report, Up-date: brief assessment of the narratives and disinformation on the COVID 19 pandemic (update: 23 April to 18 May) – EU versus disinformation.”<sup>4</sup> EEAS is the abbreviation for the “European External Action Service”, which reports to the “High Representative”.

Anyone who expected to find any concrete evidence in this text that would be comprehensible to the reader for the statements from the “Communication” quoted above would be deceived. However, it is very interesting to read what the EEAS believes is all supposed to be “disinformation”.

### Russia and China

It says for example: “The efforts of state actors like China to deflect blame, to use the pandemic to promote their own governmental system and enhance their image abroad continue.” Is that “disinformation” already? What government does it differently?

Or: “In line with our previous analysis, China’s general aim of controlling the narrative on COVID-19 and deflecting any criticism of the country is still present. China – “having made sacrifices to buy time for the rest of the world” – is portrayed as a responsible and transparent actor in the pandemic and a model for other countries to follow. In parallel, where established facts or prevailing narratives could be seen as unfavourable to China or could support criticism of Chinese authorities there seems to be the effort of creating doubt in relation to those. For example, creating doubts about China’s role in the COVID-19 outbreak and countering international calls for an independent inquiry into the origins of the outbreak of the virus in China. At the same time, there has been a shift towards more directly challenging and mocking the US administration and its response to the pandemic. China’s state-run media has been implying a US cover-up and demanding answers from the country.” A lot of interesting points to start talking about. But “disinformation”?

The paper goes on to say: “Multiple Russian state-controlled media channels, including *RIA Novosti* news agency and *RT*, explicitly defended China in face of international criticism of handing the COVID-19 outbreak. EU-sanctioned TV host and media manager *Dmitry Kiselyov* compared criticism of the Chinese government to Russia being held responsible for the chemical attack in Salisbury and meddling in the 2016 US presidential elections – referring to two prominent pro-Kremlin disinformation narratives.” Here, too, there are many interesting points to get into a discussion. But “disinformation”?

### The USA and NATO

Then it says: “Multiple pro-Kremlin outlets have reported (in Russian, French and English) about alleged clandestine US biological laboratories in Ukraine. The implication behind such disinformation messages is that the US is afraid of leakage of infectious substances on its own territory, that such labs facilitated the US support for Euromaidan that epidemics start around the labs, and more directly that

COVID-19 might have been created in one of the labs in Ukraine. These type of messages build on a prominent pro-Kremlin disinformation narrative about the ‘secret military laboratories’, most notably in the case of Lugar lab in Georgia. As such, they are easily replicated throughout the region: in Armenia, Georgia, Moldova. The same conspiracy theory about US biological laboratories in former Soviet republics has been also spread by Chinese officials and state media.” Once again, many interesting points to get into a discussion. But “disinformation”? Or even “conspiracy theory”? The reader will find no comprehensible evidence of this here either.

It is also interesting to see who the EAD cooperates with: “In addressing disinformation and identifying and analysing disinformation surrounding the COVID-19 outbreak, the EEAS is working closely with the European Commission, European Parliament services and EU Member States. The EEAS also cooperates on this issue with international partners (G7, NATO and non-state actors).” [Emphasis added by the author]

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### Syria and the sanctions

The following monstrosity fits to this. It is being disputed that the sanctions against Syria are also hindering the country in its fight against the corona pandemic: "The Syrian regime is further advancing its disinformation campaign against sanctions claiming that Western countries are perpetrating an 'economic war' against Syria and the Syrian people and that sanctions have crippled the health sector and are impeding the country's response to COVID-19. This was reiterated by Assad claiming that COVID-19 comes in addition to an economic

challenge, which we have been facing as a result of over nine years and unjust sanctions imposed on our people'."

The fact that this is also referred to as a "disinformation campaign" illustrates which way the wind is blowing. The truth about the consequences of the war policy should be dismissed as "disinformation". You can call this war propaganda.

### And what Putin really says

However, there is no reference to a video conference of Russian President *Vladimir Putin* with various ministers, heads of authorities and other responsible officials of Russia on 28 April 2020, which also dealt with the corona pandemic (see "Russian President Vladimir Putin on Corona").

And one wonders why such statements have not been and are not reported in our countries. •

- <sup>1</sup> [https://ec.europa.eu/info/sites/info/files/communication-tackling-covid-19-disinformation-getting-facts-right\\_de.pdf](https://ec.europa.eu/info/sites/info/files/communication-tackling-covid-19-disinformation-getting-facts-right_de.pdf)
- <sup>2</sup> For example, much emphasis is placed on dismissing as "disinformation" the reports about the lack of solidarity within the EU, which was quite obvious to everyone in the initial phase of the responses to the corona pandemic.
- <sup>3</sup> In September 2015, the EU Commission set up the *East StratCom Task Force* to track and analyse "disinformation" flowing from Russia to Europe. It publishes a *Disinformation Review*.
- <sup>4</sup> <https://euvsdisinfo.eu/eeas-special-report-update-short-assessment-of-narratives-and-disinformation-around-the-covid19-pandemic-updated-23-april-18-may/>

## **"Russia has lived a thousand years with values such as mutual assistance, mutual support and solidarity. And today these are the main pillars of our statehood."**

### Russian President Vladimir Putin on Corona

"In this context, I would like to explain again what my decisions are based on.

Freedom is, of course, an absolute value in modern civilisation. I am referring to the freedom of every citizen. But every human's life is inimitable and is also an absolute value given to us from above. And we must protect it so that people can experience joy, love, raising children and just living.

Let me also recall a well-known adage: the freedom of everyone is limited by the freedom of others. This is very appropriate during the pandemic. If some people prefer to behave differently and raise their unlimited personal freedom above the interests and freedoms of others, then they are threatening their lives. In this case, freedom becomes irresponsibility, egotism and, to a certain extent, violence as regards others and could trigger serious trouble.

And one more point – about the ethical, moral choices we are facing today. Some people in the world in general and Russia in particular maintain that it is more important to think about the economy and material prosperity, which is, of course, important.

But what is being implied here? Basically, it implies moving forward, by stepping over everything and everyone without looking back. This basically implies ignoring the risks of the epidemic and simply lifting the restrictions as soon as possible. And if some people get sick, then they will be sick and become incapacitated or even die and this is their lot. It comes down to survival of the fittest, where everyone is only out for himself.

We know from history and world literature that in primitive times, seniors, sick children and weak people were simply abandoned for the sake of the survival of an entire tribe. Perhaps, there was simply no other way to get through those times. But we live in the 21<sup>st</sup> century and I will say straightaway that those who suggest sacrificing people today and leaving them to their own devices are only calling for a return to savagery and barbarity.

Legends say that in ancient Sparta, ill-born babies were tossed into a chasm at the foot of Mount Taygetus, but most historians and archaeologists now dismiss this as myth. Yet, we do know that the Spartan society operated on rigid orders. However, even that did not help; ultimately, Sparta lost its statehood. A revealing story.

Let's now recall a very short – just a few pages – but poignant story by Jack London, *The Law of Life*, which can move one to tears. It describes a tribe that abandons its old people who became a burden. Their children gave them some food and left, leaving their parents to be eaten by animals, leaving them to die. But the old father, left alone by the fire, trusted and hoped until the end that his sons would return for him. Can you imagine for a moment that we would treat our parents, our grandparents like that, like they did in that story? I will never believe it. This is not our genetic code.

Because we take from our ancestors who taught us completely different things. Russia has lived a thousand years with values such as mutual assistance, mutual support and solidarity. And today these are the main pillars

of our statehood. We inherited them along with Orthodoxy. These values are also at the core of other religions professed by the peoples of Russia – Islam, Buddhism, and Judaism. A philosophy of humanism has helped us survive for centuries. And today the future of our families, the fates of other people, depend on our responsibility.

I repeat – people and their lives are what matters most to us now. Any other choice would be unacceptable for our people. I know, I am fully confident that the absolute majority thinks so, and acts in good conscience.

We need to save people, to keep them alive, and the rest will follow. We will certainly rectify things and make up for everything; we will defeat this coronavirus and when it's all over we will bail out the economy together, bolster prosperity, and will certainly support those who have lost their jobs and savings, those going through hard times now; we will prop up our struggling businesses, help them save jobs, and get strong again. More state support measures will be added and expanded.

And now, each achievement, however small, but still a real success, especially each life saved, is strengthening our hope and confidence in a victory over the pandemic.

We will force it to retreat. Life will get better, I promise. And it lies in our power to make this happen as soon as possible, so we will not only overcome these trials and tribulations, but also create a reliable context for future development.

Thank you all. Thank you."

Source: <http://en.kremlin.ru/events/president/news/63288> from 28 April 2020

## Mass violence in Stuttgart

km. During the night from Saturday to Sunday, 20/21 June 2020, there massive riots took place in Stuttgart's city centre, causing quite a stir beyond the state borders. Three different press releases issued by the Stuttgart Police Headquarters on 21 and 22 June include the following statements:

"During the night from Sunday to Sunday there were considerable attacks on police officers, patrol cars and shops in the centre of Stuttgart. More than a dozen police officers were injured. Many party-goers from the clientele mainly gathering in the evening and at night [...] took side against the officers in connection with a police check regarding a drug offence. Subsequently, the people moved towards the Schlossplatz and apparently also dispersed into groups in the city centre. Parked police cars were massively damaged. The vehicles were attacked with poles and posts; windows were smashed. Rioters also threw large stones and other objects at passing patrols, including cobblestones that had previously been torn out of the ground or taken from construction sites. Police officers were approached, attacked and injured in an extremely aggressive manner. More than 200 officers from the Stuttgart area had to be alerted and deployed. Many shops in the city centre have apparently been damaged indiscriminately. In particular, shop window panes were

smashed or broken. Film scenes also show massive attempts to smash even heavy, large windows. Apparently in order to conceal their identity, perpetrators have also deliberately disguised themselves with balaclavas and other materials. The displays were stolen from a still undetermined number of shops. [...] Only after hours did the situation calm down."

"According to initial findings, an assignment due to a drug offence was apparently the trigger for the subsequent riots. During the preliminary arrest of a suspect around 11:30 p.m. in the area of the upper Schlossgarten, a large number of the bystanders showed solidarity, attacked the police officers on duty and threw stones and bottles at them. Additional police forces were called in and succeeded in forcing the rioting crowd away from the intervening officers in the direction of the Schlossplatz, even with the use of direct force and pepper spray. Subsequently, other people present at the Schlossplatz showed solidarity

so that several hundred people now stood against the police officers and continued to throw stones and bottles at them. Some of the rescue teams on duty were also attacked. Consequently, further police forces from surrounding police headquarters and the federal police were alerted for support, and a police helicopter also circled over the city centre at times. The rioters marched through the city centre in numerous small groups of different sizes. The situation only calmed down around 4:30 a.m. Preliminary results as of 5:00 p.m. [21 June]: 24 suspected hooligans were arrested. 19 police officers were injured; one officer was unable to continue his service due to an injury to his hand. In the area of the city centre, especially Königstrasse and Marienstrasse, 30 damaged shops and facilities have been found so far, some of which have been considerably demolished by the rioters by smashing doors and windows, including mobile phone shops, clothing stores and jewellers. In addition, the perpetrators also damaged billboards and sprayed graffiti. So far, eight shops have been identified where the rioters broke in and looted goods. According to current information, twelve patrol cars were damaged during the operation, some of them considerably. Various video sequences circulating in the social networks show how rioters hit the patrol cars with chairs and other objects, smashing the windows."

"Of the 25 persons provisionally arrested, seven accused persons aged between 16 and 33 will be presented to the judge at the Stuttgart District Court today [22 June] with an application for an arrest warrant. Yesterday evening, the Public Prosecutor's Office had already applied for warrants for the arrest of two other accused, aged 18 and 30, and the warrant for the 18-year-old was suspended for a period of time. The accused, who have German, Croatian, Iraqi, Portuguese and Latvian citizenship, are accused of, among other things, aggravated breach of the peace (§ 125a StGB), dangerous bodily injury (§ 224 StGB), assault on execution officers (§ 114 StGB) and theft in particularly serious cases (§ 243 StGB). A 16-year-old accused is also alleged to have deliberately kicked the head of a student already

### The seed sprouts Some thoughts on the attacks on the police in Stuttgart

ds. Twenty years ago, I was concerned with the fact that primary school pupils, in some way naturally, spoke among themselves of cops when it came to the police. What were they thinking? Didn't they have schoolmates whose fathers were police officers and whom they entirely liked and appreciated as fathers of their colleagues? Normally ten or twelve-year-old pupils could never have had such bad experiences with the police. So where does this disparaging language come from? "Bash the cops flat like sandwiches!"

Since then, a few "youth revolts" have crossed the countries, the cops have become "cop bastards", and the singer of the hate song has become an "artist". For years, police officers and, increasingly, paramedics and firefighters have been attacked physically during their operations in some city districts. Books and numerous newspaper articles report on it.

In the night from Saturday to Sunday on 21 June 2020, "400 to 500 young people" have massively attacked the police

in the city centre of Stuttgart and looted shops. At least 19 police officers were injured. The material damage is in the millions. Twelve police cars were also demolished.

According to the "Neue Zürcher Zeitung" of 22 June, the starting point was the drug check of a 17-year-old youth. As a result, 200 to 300 people from the "local party scene" had shown solidarity with the youngster and attacked the officers with stones and bottles. The group had then grown to 400 to 500 people. Several videos circulating on the internet show the extent of the violence: "Young men – many of them hooded – are rioting and looting through the shopping streets. One video shows a hooded man taking a running jump into the back of a kneeling police officer. The officer falls, the audience cheers", writes the "Neue Zürcher Zeitung".

Stuttgart's police president *Franz Lutz* speaks of an "unprecedented dimension of open violence against police officers". He has been a police officer for 46 years. •

# Austerity measures in the healthcare system – Why? To what end? Who benefits?

by Professor Dr med. David Holzmann, Zurich

*At present, the world is kept in suspense by the pandemic caused by a new viral disease, and the importance of a good and well-functioning health care system has once again become clearer to us all. But even though ever louder voices in the population claim that hospital closures would be absolutely irresponsible, especially now, in view of the demonstrably inadequate pandemic protection, health economists are still adamant that hospital closures are the way to go. The question rises whether the Federal Council and parliament will continue to pursue their health policy course, including further cost-cutting measures, or whether they might yet be more reasonable. It remains to be feared that the hospital closures and the measures against the constantly rising health insurance premiums planned before the appearance of the corona virus will continue to be pursued by the decision-makers, regardless of the facts. Regardless of the facts, this means that before further cost-cutting measures are planned, a glance should be cast at the causes of the rising health insurance premiums. In general, however, it is not clear to the population how and why health insurance premiums are constantly rising or why the Confederation and the cantons are contributing less and less to healthcare costs. This clarification is to be provided here, and on that account, a view into the recent history of our country is essential.*



View of the University Hospital Zurich. (picture usz)

## What is the connection between the WTO agreements and the upheavals in the Swiss healthcare system?

On 15 April 1994, the then Federal Councillor *Jean-Pascal Delamuraz* (FDP) signed the Swiss Confederation's declaration of accession to the *World Trade Organization* WTO in Marrakech (*admin.ch/Document0.632.20*). Contrary to constitutional considerations expressed by well-known lawyers, this decision was not subjected to a mandatory referendum, but only to an optional referendum, which, however, did not come about. With

the accession to the WTO and the associated GATS treaties, each accession state undertakes to use less and less state funds (taxpayers' money) for public services and thus also for its health system.

The new *Health Insurance Act* (*Krankenversicherungsgesetz KVG*) was adopted in a plebiscite in September 1995. A campaign led by the head of the *Federal Department of Home Affairs* (FDHA), *Ruth Dreifuss* (SP), made palatable to the people that the health insur-

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## "Mass violence in Stuttgart"

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lying on the ground who had verbally criticised the riots and was then beaten up by a group of people. The public prosecutor's office is accusing this 16-year-old of attempted manslaughter, as he had at least accepted the possible death of the student by the targeted kick against the head. For the other 16 persons provisionally arrested, the conditions for remand in custody were currently denied and the persons concerned were therefore released after the police measures were completed."

\*\*\*

Actually one is speechless – and wonders how this is possible. Hundreds of teenagers and young adults respond to a legitimate police operation against a suspected drug offence with massive violence against objects and people, respecting neither other people's property

nor their right to physical integrity, completely disregarding the state's monopoly on the use of force – full of hatred for police officers (they call them "cops") and rescue workers. Meanwhile, there is a great deal of public reaction, comments on the course of the action, on the causes and also on the conclusions. Stuttgart is no exception. At the same time it was reported from Switzerland that the number of violent crimes committed by youths has "markedly" increased. The "*Neue Zürcher Zeitung*" reported on 22 June: "Last year, the number of crimes committed by minors increased throughout Switzerland. The development is particularly striking in the case of violent crimes. The brutality of some attacks is also a cause for concern. Foot-kicks to the head, stabbings, all of these are no longer rare, according to the juvenile criminal authorities."

The logical conclusion from all this should be to put the issue at the top of

the agenda, not just for a few "experts" who are declared "competent", but for all those who are concerned about the state and future of our society. There is no need to justify this more precisely; the facts speak for themselves. It was to be expected that, without further investigation, voices were heard in the days that followed that knew exactly what the causes were and what needed to be done. It is rather questionable whether this will serve the cause. What sense does it make, for example, when it is claimed that the outbreaks of violence in Stuttgart were caused by the corona lockdown – and that such nonsense actually is circulating in the media world? Each discipline is trying to contribute its own way of thinking. This is also a good thing. From the beginning it must be clear that such a thing is no longer tolerated. Not only among "experts" and "responsible persons", but among all of us. •



**"Austerity measures ..."**

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ance premiums, which had been rising moderately up to then, would become cheaper if the health insurance companies were enabled to break away from the corset of the so-called *Health Insurance Concordat*<sup>1</sup> and began to compete freely with each other.

### The passing on of costs resulting from the 1996 KVG reform

In the period before 1996, i. e. before the KVG reform, all costs incurred in the outpatient sector of health care (e. g. visits to the family doctor or to the polyclinic (outpatient ward) of a hospital) were settled via health insurance (KK). The strict requirement was that the health insurance companies were not allowed to make a profit. In addition to their income from the premiums of the insured, they had a kind of deficit guarantee from the public authorities, in that the public authorities took over those costs that could not be covered by premium income. Regarding the treatment of inpatients, health insurance funds and public authorities shared the costs equally. In September 1995, the fact that as of 1 January 1996 the KK would only receive the premiums of the insured as a source of income was kept from the people's notice, by the use of sharp practices. The KK were now obliged to handle outpatient treatment without public contributions.

As before, the costs of inpatient treatment were borne equally by the KK and the municipality or canton. However, it was now up to politics and the economy to increasingly withdraw from the financing of inpatient treatment. Following the introduction of the new KVG on 1 January 1996, the health directors complained about alleged overcapacity in hospitals. In the Canton of Zurich, government member *Verena Diener* (Greens or Green

Liberals) decided to close seven hospitals at one stroke without further ado, without being able to prove any savings potential. Other cantons resisted such efforts, as in addition to small-scale decentralised health care, a small hospital also represents a location advantage and economic factor.

### Causes of the premium explosion and the shift from inpatient to outpatient

Today no more tax money is flowing into the care of outpatients. Only the *Spitex* units (external help and care at home) receive tax money from the municipalities, as they would not be able to maintain their operations with the payments from health insurance funds alone. By closing hospitals, the cantons have been able to save further tax money. If one now also takes into account the fact that medical progress means that more and more treatments can be carried out on an outpatient basis, more and more costs are therefore being handled by the health insurance funds alone and thus by the premium payer. As health insurance premiums began to rise steadily, and more and more people began to complain about this, the official federal and cantonal authorities felt called upon to use the savings lever in the outpatient care sector. Outpatient examinations and treatments are charged according to the tariff system of the so-called "TarMed". Clearly health policy makers were now passing on the complaints of the population about high premiums to doctors and outpatient treatment institutions. In a seemingly never-ending dispute between politicians and doctors over *TarMed*, the politicians proved to be stronger. Especially the doctors in primary care and the hospital polyclinics were confronted with the fact that the *TarMed* treatment tariff was barely sufficient to cover their costs. Nevertheless, the Federal Council insisted on

further cost-cutting measures and announced the message "outpatient rather than inpatient". This message prescribes which operations must be carried out on an outpatient and no longer on an inpatient basis. In view of the flood of articles by political leaders in the mainstream media, the doctors' resistance was without chance. Accordingly the "Neue Zürcher Zeitung" of 13 May 2019 reported uncritically under the title: "Outpatient operations mean financial relief for the cantons" because "hospitals are increasingly sending patients home without overnight stays".

As a result of medical progress, the average length of stay in a hospital has fallen continuously for more than two decades. However, since people in our country are still getting ill and need treatment, these lines will explain that it is the public sector that is contributing less and less to the costs, while the premium payer, i. e. the sick person, has to pay correspondingly more.

### Hospital closures in the age of case-cost flat rates (DRG)

What politicians refer to as "increasing the efficiency of the health care system" has been explained above and says nothing else than the systematic withholding of tax money that is actually due to the health care system under state law. It will have become clear from the text above that every hospital closure means a reduction of the financial burden for the respective municipality or canton. In addition to their closing of hospitals, the politicians responsible have also exerted considerable pressure on the inpatient tariff and billing systems. In the case of inpatient treatment, the costs of basic care (for patients with general insurance coverage) are covered by a flat-rate case fee (so-called Diagnosis Relat-

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**"Austerity measures ..."**

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ed Group, DRG). This means that for a specific diagnosis (e.g. a hernia) a fixed amount (flat rate) is paid for treatment – regardless of the individual case and its possible complications. When this DRG system was introduced, doctors fought it with reference to the devastating effects in Germany. However, even an open letter from over 50 senior physicians at the University Hospital Zurich – all of them habilitated lecturers and professors – triggered at most a small storm in a teacup in the Department of the Interior in Bern (*Schweizerische Ärztezeitung* 2011;92: 964f).

All the fears expressed at the time have come true, but will not be listed here in detail. Those politically responsible are no longer members of the National Council or the Council of States, and also in the Federal Council others now carry responsibility. Yet instead of working on damage control, health politicians, escorted by so-called health economists, continue following their road map and action plans. Only those who have the money and good fortune to have supplementary hospital insurance will be less affected by the austerity measures. As feared, the DRGs were rigorously cut down, which is why for example the *Zurich Health Directorate* was able to proudly report on 8 July 2019 that average case costs were reduced by 2.3% (press release of the Health Directorate of the Canton of Zurich and "Neue Zürcher Zeitung" of 9 July 2019).

**The "gaining of independence" alias privatisation of public hospitals – malicious use of psychological tricks**

Led by the bourgeois parties FDP and large parts of the SVP, doctors and hospitals have been and continue to be called upon to apply more free-market principles to health care. This is already evident in the terminology, which speaks of customers instead of patients, service providers instead of doctors, nurses, physiotherapists or hospitals. In recent years, hospital buildings have been released into the responsibility of the respective hospitals, which were thus transformed into "independent companies". Cantonal hospitals have thus been transformed into public limited companies (e.g. the Cantonal Hospital Aarau). In concrete terms, this means that hospitals have to pay for all maintenance (cleaning, repairs, fire protection, renovation, etc.) themselves and finance this through their own revenues from patient care. In the case of the University Hospital Zurich, this has enabled those responsible in the Cantonal Council – in an in-

glorious way – to get rid of the costs of renovating the aging buildings. Virtually all the buildings were in need of renovation at the time of transfer from the canton to the University Hospital. The story of the nuclear medicine wing is almost heinous: several tons of asbestos material had been used in its construction, and knocking down the building requires extremely expensive dismantling and disposal before a new building can be erected there. At the same time, the canton also got rid of its dispute with the monument protection authorities. There are many more disagreeable duties which the canton was able to get rid of elegantly by means of the "independence/privatisation" of its hospitals.

It is obvious that public hospitals are not profitable enough. According to *Price Waterhouse Coopers*, the EBITDA margins<sup>2</sup> of acute care hospitals and psychiatric institutions are only 5.9–6.4%. In the long term, this is not enough to make necessary investments, for which margins of 10% would be necessary (*Richard Schindler*, Head of Capital Markets at *Zürcher Kantonalbank* and lecturer at the University of Zurich in the "Neue Zürcher Zeitung" of 22 March 2017). The Cantonal Council, however, sets these margins and was able to achieve, at the University Hospital of Zurich for example, that doctors have to give up parts of their additional earnings in order to perhaps still be able to achieve this unrealistic margin. To explain: Up to now, the actual income of salaried management physicians (senior physicians, clinic and institute directors) has been made up of a fixed salary and additional earnings (additional medical fees) earned from the treatment of patients with supplementary insurance (private and semi-private insurance). In most public hospitals, about 55% of these additional fees are paid to the hospital, while the remaining 45% flow into a clinic pool. From the latter, shares are distributed among the management physicians according to a distribution key.

**The "fruits" (excesses) of this new health policy**

In recent years, the budget of the canton of Zurich has been in the black. Against the background of what has been said so far, however, the words of Finance Director *Ernst Stocker* (SVP) really go against the grain: "However, another item stands out: the canton had to spend 112 million francs less than budgeted for per-case flat rates in hospitals" ("Neue Zürcher Zeitung" of 16 March 2019). The elegant coup of the slogan "outpatient before inpatient" also contributed to the outcome that the cantons have been and are able to save a considerable amount of

money. The "Neue Zürcher Zeitung" of 19 March 2019, for example, writes that in 2018, nine cantons saved a total of 200 million compared to their budgets, 112 million of which was saved by the canton of Zurich. "But it is unanimously stated that the main cause is likely to be the shift from the inpatient to the outpatient sector." Needless to say, the fact that the costs were loaded onto the health insurance companies and thus on the premium payers even more than before was not mentioned.

**Patients cannot be compared with screws – or: the nonsense of applying market based principles to the health care system**

It is not difficult to see that health care cannot be forced into a market based corset. But that is exactly what was started in 1996. At that time, political leaders began to talk about medical "supply" and "demand". The bourgeois parties, in particular, accused doctors of not being cost-conscious in their work and of not meeting the WZW criteria (wirtschaftlich, zweckmässig, wirksam – economic, functional, effective). To this day, however, these WZW criteria have never been defined, not even in response to repeated requests by the author of this article.

With the birth of a new profession, that of health economist, the economic parties have built up propagandists in the proper sense, whose usefulness has never been proven. It was and still is a mistaken belief that principles of supply and demand can be applied to the treatment of a patient. This may work in the production of screws; the processes are standardised and can therefore be planned and calculated. The creators of an economised medicine have ignored individual needs, concomitant diseases and other circumstances related to patients. Thus, not every 73-year-old patient with a hernia can be treated in the same way, a standardised way, as can be done with screws. One person is in perfect health, while another person of the same age suffers from high blood pressure, diabetes, etc. and is hardly able to walk.

As soon as this circumstance was recognised, patients were divided into different degrees of severity, which is recorded in the so-called *Case-Mix-Index* (CMI). With the CMI such concomitant diseases are included. This has, however, imposed an additional task on doctors and hospitals: For each patient, a list of all his or her concomitant diseases has to be listed as meticulously and completely as possible when the invoice is issued; and this has further increased the administrative prolif-

**"Austerity measures ..."**

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eration thus necessary in order to be able to cover the effective costs of patient care. In the DRGs mentioned, the representatives of an economised medicine have disregarded delays caused by complications such as wound infections. But in contrast to the screw, each patient is unique and one of a kind, so to speak a prototype. Moreover, health cannot be measured. Health economists are ignoring both of these aspects.

More and more hospitals have faced up to the competition and have increased their "supply"; they advertise on expensive homepages, in public transport and in many other ways. Thus, some smaller hospitals, to avoid bankruptcy, have tackled the issue head-on. When, for example, the regional hospital in Einsiedeln considered opening an invasive heart centre a few years ago, there was harsh criticism from politicians. When asked by the regional journal of *Radio SRF1* whether this was not somewhat excessive, the then hospital director answered that if politicians demanded that hospitals compete with each other, they were free to expand their services. When asked whether this would not cost too many patients too much money and time, the hospital director replied that the political decision-makers would have to answer that question, and that he was responsible for ensuring that the hospital did not have to close.

**Alarming excesses**

Private clinics like *Klinik Hirslanden* have higher profitability. According to Richard Schindler, their EBITDA margin is around 20% ("Neue Zürcher Zeitung" of 22 March 2017). Negative areas such as further education or specialists training and the acceptance of emergencies are handled very restrictively here. A public hospital, however, must examine and diagnose every emergency patient who claims to need "emergency" treatment. These investigations must be carried out even if the patient does not have any documents.

Occasionally, private hospitals have attracted negative media attention because their proportion of patients with only basic insurance was and still is much lower than in public hospitals (for example, the Hirslanden Clinic only had 24% in 2017). Nevertheless, the Hirslanden private hospital group, for example, has done everything it can to obtain a place on the "list". A place on the list means that the canton

gives the hospital the mandate to treat persons with basic insurance and subsequently pays 55% of their costs.

The "quantity expansion" has already been explained above. In general, there can be no doubt that many hospitals are increasingly striving to expand their medical services in the wake of the public authorities' cost-cutting measures on the one hand and the free-market orientation of politics on the other. The public hospital can make its greatest profit only from inpatient treatment, especially for patients with supplementary insurance. To this end, many hospitals have set out to reach as many of these private patients as possible, for which they have set up their own marketing departments.

In the public discussion, however, politicians and health economists, who are precisely those who have forced the economisation of medicine and thus the profit orientation of hospitals, are now discussing a "quantity expansion" and are once again putting the blame on doctors and hospitals.

**How to counteract?****Possible approaches to a "way out"**

A public health system needs public funding and cannot finance itself. In this sense, what we once learned in civic education was correct: The Confederation and the cantons levy taxes to ensure, among other things, the provision of health care. That is why health insurance is a social insurance.

The Federal Council's signature on the WTO and thus the GATS treaties had disastrous consequences that should be corrected. Free-market principles cannot work in health care because the very definitions of "patient" and "customer" are not congruent and, moreover, the state of health of a nation cannot be measured in francs and centimes. Nor can and must it be the aim of a health care institution such as a hospital to be targeted at return or profit. In the fire service, for example, there are also factors that cannot be measured in francs, and the most important one is safety.

Like the *Old-Age, Survivors and Disability Insurance* (OASI/DI) and other insurance schemes, health insurance schemes should be social insurance schemes, and the federal government and the cantons should contribute to their financial security. It has been overlooked that good health care with an appropriate and controlled density of physicians and hospitals is also an economic factor.

A reversal in the assessment of values in health care is more necessary than

ever. High life expectancy and low infant mortality have been and still are parameters for measuring a high quality of life and economic prosperity in a country. It is a great asset and a clear sign of medical progress that today a great many people over 75 years of age live with about three diagnoses and enjoy a good quality of life.

Certainly, health care costs should not get out of hand, but experience shows that the abolition of regulatory measures in favour of "more market" was a mistake. Before 1996, it was the task of the respective "cantonal physician" to determine exactly where in his canton there was a need for which doctors or for an inpatient facility. In addition, the procedures for the admission to practice of doctors, physiotherapists, etc. were subject to very strict guidelines. This has been abandoned without replacement.

A very central aspect which can certainly not be dealt with conclusively here concerns the physician in his role as a helper, "service provider" to the patient. It cannot be denied that, in the context of a certain change in values, especially in industrialised countries, various doctors have misunderstood the meaning of their profession. This, however, is an expression of a general social development that has completely pushed the human-social aspect of the medical profession (not only of this calling) into the background, in favour of economic considerations and a mentality of profit maximisation. The time has come to give more weight again to values such as joy in helping others, responsibility for the common good, consideration, thrift and other values in their right sense – not only in the field of health care.

Certainly, many new factors have emerged over the last 25 years that need to be taken into account. But that does not mean that everything was bad in the decades before. A critical assessment with a necessary reversion to certain values will certainly lead to a healthier – and also affordable – healthcare. •

<sup>1</sup> *Concordat*: In Switzerland, this is what contractual agreements between cantons are called. They can be concluded between individual cantons, a few, or all of them. With such concordats, areas under cantonal sovereignty can be harmonised as required without the need for national legislation.

<sup>2</sup> *Earnings Before Interest, Taxes, Depreciation and Amortisation*: They are regarded as key figures in the profit and loss account and are intended to reflect the earning power and efficiency of a company.

# More solid self-sufficiency is the order of the day

## From household stocks to a sound agricultural policy

by Dr iur. Marianne Wüthrich

*It's all over town: When there is need, the borderless world of global corporations is incapable of contributing to humane solutions in the various countries. After all, that is not their most urgent goal. Their priority, even in times of pandemics, remains the re-increase of their profits. To this end, they play down the continuing risk of infection with COVID-19 and press for a speedier removal of state measures.*

*For us humans, for the majority of our politicians and entrepreneurs anchored in the country, other issues are at the forefront, such as improving self-sufficiency in times of crisis. According to the experience of this spring, the necessary increase in healthcare provision is already underway. But what about the other vital areas – food, energy, security?*

*These issues deserve to be widely discussed and tackled. In recent months it has been confirmed that it must be and remain the responsibility of nation states to plan ahead for their populations and to act in the crisis. The "Stop Palm Oil!" referendum, which was submitted on 22 June, is a welcome reinforcement of this way of thinking, combined with a view far beyond one's own garden fence.*

In Switzerland and other wealthy countries we are used to being able to buy everything we need at any time. What is not produced domestically is imported. The Corona pandemic has given us a salutary shock in this respect. Today, let us first deal with what must be the first thing available in a state of emergency: food and drinking water.

### Insufficient private stocks in many households

According to Article 102 of the Federal Constitution, the Confederation must ensure the provision of national economic supply in all vital areas:

*Art. 102 National economic supply*

*1 The Confederation shall ensure that the country is supplied with essential goods and services in the event of the threat of politico-military strife or war, or of severe shortages that the economy cannot by itself counteract. It shall take precautionary measures to address these matters.*

*2 In exercising its powers under this Article, it may if necessary depart from the principle of economic freedom.*

The Confederation fulfils this duty on the one hand by recommending to the popu-

lation to hold stocks for a bridging period and on the other hand by guaranteeing compulsory stocks of essential products.

According to the *Federal Office for National Economic Supply* (FONES), stocks for households are required, for example, in the event that the "well-functioning distribution system [...] would fail due to blocked roads or for other reasons". According to the brochure "Kluger Rat – Notvorrat" (wise council – emergency stockpiles) (edition February 2017), the FONES recommends keeping drinks for three days (9 litres of water + other drinks) per person, as well as a food supply for seven days, including uncooked consumables. In addition, per household one battery-powered radio, torches and candles with matches, necessary medication and hygiene articles as well as cash.

A rather scarce emergency equipment, one must note: Drinks only for three days? And: In how many households is there probably a radio that is not dependent on sockets and the Internet? Despite these low specifications, a survey by *Agroscope*<sup>1</sup> in 2018 revealed "that food and, above all, drinking water supplies are below the recommendations in larger sections of the population". Around a third of those surveyed do not have food in stock for seven days and even 70 per cent do not have enough drinks for three days! Less than 20 per cent fear a crisis in the food supply (this number is likely to have grown in times of corona). We do not know how many battery-powered radio receivers exist: *Agroscope* merely states that most of the inhabitants can be reached via public TV and radio stations, the younger ones and a part of the over-65s can also be reached via the Internet or social media.<sup>2</sup>

No one in the Federal Office for National Economic Supply seems to consider a longer lasting power failure or even an Internet ultimate MCA. And a traffic blockade as the solely mentioned cause of a food bottleneck seems to trivialise the problem. As far as drinking water is concerned, we Swiss have the great privilege of having enough of it. In the past, everyone had a well nearby where one could fetch water in case of emergency. But have you noticed that in recent years most public wells in villages and towns have effectively been taken out of service: marked with "no drinking water" and no longer maintained, with dirty spouts? We have not yet been informed about the cause and effects of this process. The most vital of all issues, the secure supply of drinking water, is one that needs to be addressed in particular.

These are just a few of the critical remarks of a layperson. It is urgent that the Federal Office for National Economic Supply and we citizens take a closer look at the emergency stockpile and that the open questions addressed here are also included.

### Cooperatively organised Swiss compulsory stockholding

The compulsory stockpiles under the Federal Constitution are not in the hands of the Confederation, but are held decentrally in the Swiss manner by private companies organised as cooperatives: "The *réserve suisse* cooperative has 117 member companies. All members of the cooperative have concluded a compulsory stockholding agreement for food and animal feed with the Confederation in the interests of national economic supply". In addition to large corporations such as *Migros*, *Coop* and *Nestlé*, members include many grain mills, regional agricultural cooperatives (*Landi*), the *Rupperswil Sugar Mill* and other food traders and processing companies (<https://www.reservesuisse.ch>). Sugar, rice, edible oils and fats, coffee, cereals for human consumption and feed grain (stocks for three to four months each) are subject to compulsory storage. In addition, most traders keep their own reserves to about the same extent.

In addition, the *Carbura* (compulsory stockholding organisation of the Swiss petroleum industry) organises the storage of petrol, diesel and heating oils as well as aviation kerosene. *Helvecura* is responsible for the compulsory stockpiles of remedies such as antibiotics. *Agricura* organises the compulsory stocks of nitrogen fertilisers, and natural gas for heating and cooking as well as for industry and commerce is stored by *Provisiogas*. (<https://www.reservesuisse.ch>)

### Food imports cannot replace the high-quality self-sufficiency provided by local agriculture

Since the corona pandemic many people have become more aware of how important Swiss farmers are for us. With their products they make an invaluable contribution to healthy and sustainable nutrition. While shops and borders were partially closed, they went about their business as usual. More people than usual are now using direct agricultural sales. The farm shops are booming, and the Saturday markets, where the crunchiest salads and the finest strawberries and aspar-

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**"More solid self-sufficiency ..."**

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agus are often available, are all the more appreciated after being closed for a longer period of time: customers wait patiently at a reasonable distance until it is their turn to shop, and then queue up again afterwards to pay.

The fact that the importance of domestic production is clearly on the table in times of pandemic gives a new impetus to farmers and their organisations. The *Swiss Farmers' Union* was able to announce in a press release on 1 April: "The Federal Office for National Economic Supply has confirmed to the Swiss Farmers' Union (SBV) in a letter and after an appropriate intervention that the farms are 'systemically relevant' for the supply of the country with vital goods and services in the current corona exceptional situation. The freedom of movement required to carry

out their work is thus guaranteed. This would also be the case if the Confederation were to further tighten the measures."

The advocates of (agricultural) free trade, on the other hand, find it very inconvenient that the domestic food production of these days has proven to be indispensable. The *Neue Zürcher Zeitung* of 14 May 2020, for example, headlines: "Well-filled compulsory stocks instead of autarky [...]".<sup>3</sup> The authors thus construct a contrast between state-organised emergency reserves and self-sufficiency that does not exist. The term "autarky" also implies that anyone believes that Switzerland can maintain itself completely on its own, which is absurd. In reality the "*Neue Zürcher Zeitung*" is annoyed that since the pandemic everyone has had to realise what we have in our farmers: "Agricultural self-sufficiency has gained new weight in the current corona crisis. In recent weeks numerous countries have imposed export restrictions or even

bans on exports. This has also led to delays in imports in Switzerland, for example of raw materials such as rice, grain or coffee. The agricultural lobby, which has been calling for an increase in the degree of self-sufficiency for some time now and, under the guise of security of supply, is rejecting the new agricultural policy (AP22+), was quick to react." However, the debate on increasing the degree of self-sufficiency in food is too short, according to the "*Neue Zürcher Zeitung*", because Switzerland is dependent on imports for basic foodstuffs as well as for seeds, concentrated feed and machinery.

Of course, Switzerland is dependent on imports, just like any other country, and as a small state and a landlocked country with few natural resources, it is particularly so. This is nothing new. However, we are not distracted by the fact that the im-

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**Referendum "Stop Palm Oil" submitted on 22 June with almost 60,000 signatures**

*mw.* For some years now, broad circles have been fighting against two free trade agreements with Malaysia and Indonesia. In the 2019 winter session, the National Council and the Council of States approved the agreements. In order to ensure that Swiss exports benefit from more favourable conditions, agriculture is to take the blame: Swiss rape cultivation and rape oil production would have to compete even more than today with cheap palm oil, which is produced neither sustainable nor under acceptable working conditions. In contrast, cantonal initiatives from four cantons (Thurgovia, Jura, Bern, Geneva) were submitted, but were rejected by a majority in the National Council and the Council of States. Several initiatives from the SP and the Greens came from Parliament itself, which were rejected by both chambers.

After parliamentary approval of the two agreements, around 50 farmers' organisations, political parties and trade unions as well as environmental and third world organisations began to collect signatures for the referendum from January 2020. Because, as a result of corona, collecting signatures in public places was prohibited from 21 March, the Federal Council decided to suspend the deadlines for popular initiatives and optional referendums from 21 March to 31 May. Fortunately, 59,200 signatures against the agreement with Indonesia were submitted on 22 June 2020, and the people will decide at the ballot box.

The referendum against the Free Trade Agreement with Indonesia is supported by the following organisations:

"We are a civil society and peasant alliance, initiated by the organic winemaker *Willy Cretegn* from Geneva. The referendum is so far supported by:

*Uniterre, Multiwatch, Incomindios, Agrisodu, Grassrooted, Agrarinfo, Partei der Arbeit, Solidarités, Nouveau Radical, Bioforum, Longo Maï, Solidarité sans frontières, JUSO, Tier im Fokus, Kleinbauern-Vereinigung, Rural Centre Switzerland, Green Party Genf, Klimastreik Waadt, FIAN Schweiz, Collectif BreakFree Switzerland, Fédération Romande d'Agriculture Contractuelle de Proximité (FRACP), SP Geneva, Young Green Switzerland, Green Party Vaud, Green Party Fribourg, Centre Europe – Tiers Monde (CETIM), Fédération Syndicale SUD, Slow Food Switzerland, Chrétiens au travail, BastA! Basels starke Alternative, Alternative Linke Bern, Die Gewerkschaft im Service public VPOD, Sozialdemokratische Partei Neuenburg, Green Party Jura, Vision 2035, FIAN Schweiz, ATTAC Schweiz, Árbol Conrazón, Magasins du Monde, Action Chrétienne Agricole et Romande (ACAR), Theologische Bewegung für Solidarität und Befreiung (TheBe), Décroissance Bern and Green Party Neuchâtel.*

**Serious reasons against the large-scale cultivation of palm oil**

- Deforestation of huge rainforests in favour of enormous oil palm monocultures: "Indonesia, the fourth largest country in the world in terms of population, has become the world's largest producer of palm oil since 1990 (30.5 million tonnes per year). By 2016, the oil palm areas had grown to 13.5 million hectares. That is an area three times the size of Switzerland. Indonesia has one of the most species-rich rainforest areas in the world, but a quarter of it had to make way for plantations. By 2020, it is estimated that there will be almost 22 million hectares of oil palms. [...] Ever larger

areas of the rainforest are being deforested, ancient CO2 reservoirs are emptying into the atmosphere and animals threatened with extinction are losing their habitat."

- Inhuman working conditions: "Around 20 million people work in palm oil production. [...] Child and forced labour is widespread, wages are below the legal minimum and occupational safety is inadequate. Likewise, the use of highly toxic pesticides and fertilizers without adequate protection is common practice."
- Swiss agriculture must not be sacrificed for free trade agreements: With these clear words, the prestigious economist Professor *Mathias Binswanger*\* in an interview with the Referendum Committee leads to the main argument for the referendum: "In the case of free trade, Swiss agriculture is not competitive due to the high costs in Switzerland and the topographical situation". Palm oil competes with domestic oilseed production because it is extremely cheap and produces four to seven times more than rapeseed or sunflower. Swiss agriculture should not be sacrificed for free trade agreements, but "agreements should be negotiated in such a way that a functioning border protection for agricultural products is still possible. Unfortunately, however, the Federal Council lacks the political will to do so".

\* *Mathias Binswanger* is Professor of Economics at the University of Applied Sciences Northwestern Switzerland in Olten and private lecturer at the University of St. Gallen.

Source: <https://uniterre.ch/de/themen/stop-palmol-das-referendum-gegen-das-freihandelsabkommen-mit>

# How a brain wave conquered the world!

## High altitude medicine and heliotherapy in the Samedner Hospital

by Heini Hofmann

*The highest acute hospital in Europe is in the town of Samedan, in the South West Swiss canton of Grisons, near San Moritz. Well-deserved birthday celebrations just this year had spoiled this joy through an exceptional epidemiological situation. Let us however take a look in the rear-view mirror at the remarkable history of this hospital, founded 125 years ago in 1895.*

At the beginning of the second half of the 19th century, the mountainous canton of Grisons, with its 150 valleys, had only two small hospitals located in the cantonal capital Chur. The railway ended at Chur necessitating a gruelling further 12 hour journey by horse across the Julier Pass from the Engadine. Medicine in the Alpine valleys was as yet rudimentary, and infectious diseases were treated in infirmaries such as the Ospidel Vegl in Samedan. Indeed the title “Ospidel” was probably a euphemistic one for what was in point of fact only a “hospice for the dying”. It offered no treatment.

### Father pharmacist – son medical doctor

At that time a mere handful of physicians cared for the population of the Upper Engadine. Prominent among them was



*Inauguration of the Samedan District Hospital in 1895, which Oscar Bernhard had co-founded. (picture “Gesundheitsmythos St. Moritz”)*

Oscar Bernhard, son of the pharmacist Samuel Bernhard, who became famous for his “medicinal” bitter-aromatic herbal liqueur “Iva”. It remains the national drink of the Engadine. It is made from the “mountain yarrow” flower. His Iva factory opened in 1880 in Samedan and

was one of the village’s first small industrial enterprises. Vis-à-vis the *Academia Engiadina*, where once the Kurhaus Spa was located, the yellow building still stands today.

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### “More solid self-sufficiency ...”

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perative of the hour is not the borderless free agricultural market, but the maintenance and strengthening of Swiss farms as a prerequisite for the highest possible level of food self-sufficiency. This is also very feasible – if it is really what we are striving for. Let’s take a closer look at this.

### Agricultural Policy 22+ heading towards free agricultural trade – also with the EU

Most citizens were well aware of the systemic relevance of indigenous agriculture and the importance of the highest possible self-sufficiency with food long before corona. Because Federal Councilor Johann Schneider-Ammann had promised before the vote on food security that the level of self-sufficiency would remain at 60 per cent, many eligible voters cast a yes in the ballot box on 24 September 2017.<sup>4</sup>

In reality, however, the Federal Council is aiming in the opposite direction with its (already planned) *Agricultural Policy 22+*: Stricter ecological requirements

should apply to domestic production, while the agricultural market is increasingly being “opened” to foreign products.<sup>5</sup>

This would lead to flooding with foreign products, which can already be offered cheaper today due to cheaper production costs. According to the newspaper “Der Schweizer Bauer”, Agricultural Policy 22+ and the current free trade agreements would mean that the share of domestic production in consumption would fall to 52 per cent by 2025. The newspaper summarizes the difficult situation in Swiss agriculture in a few words: “AP 22+: Produce less food in Switzerland, but import it without restrictions from all over the world.”<sup>6</sup> Or in the debunking wording of the Federal Council: “By importing food, the indigenous ecosystems could be relieved.”<sup>7</sup>

The agricultural agreement with the EU is currently being kept silent. If the heads of large corporations (mostly not rooted in Switzerland) and the EU turbos in politics and federal administration bring the institutional framework agreement Switzerland-EU through the referendum, the agricultural agreement will soon be on the

table, just like the long-planned electricity agreement.

With an emphasis on “if” – we Swiss don’t cut the branch we’re sitting on! We will surely not serve the Swiss model, which is blessed for the country and its people, for the centralist and undemocratic EU colossus.

- <sup>1</sup> Agroscope is the Swiss centre of excellence for agricultural research, and is affiliated with the Federal Office for Agriculture (FOAG).
- <sup>2</sup> Zimmermann, Albert; Pescia, Gabriel. “Notvorrat: aktuelle Situation und Einflusskriterien.” Editor: Agroscope (ordering party: Federal Office for National Economic Supply FONES). 2018, p.4
- <sup>3</sup> Gratwohl, Natalie; Rütli, Nicole. “Gut gefüllte Pflichtlager statt Autarkie: wie die Lebensmittelversorgung in der Krise effizient geregelt wird.”, in: *Neue Zürcher Zeitung* from 14 May 2020
- <sup>4</sup> Chefredaktor Daniel Salzmann. «Das gebrochene Versprechen», in: *Der Schweizer Bauer* from 16 May 2020
- <sup>5</sup> See Botschaft des Bundesrates zur Weiterentwicklung der Agrarpolitik ab 2022 (AP22+) from 12 February 2020 (<https://www.blw.admin.ch/blw/de/home/politik/agrarpolitik/ap22plus.html>)
- <sup>6</sup> Chefredaktor Daniel Salzmann. «Das gebrochene Versprechen», in: *Der Schweizer Bauer* from 16 May 2020
- <sup>7</sup> Vonplon, David. “In der Corona-Krise: Bauern wollen Agrarreform des Bundesrats stoppen”, in: *Neue Zürcher Zeitung* from 31 March 2020

### Mountain disease in focus

*hh.* Another research focus at the Samedner Hospital deals with questions of high-altitude medicine, which – in recent times – have been addressed by *Donald Marugg*, the long-time head physician of the Medical Clinic, regarding *Acute Mountain Sickness (AMS)* including *High-Altitude Cerebral Edema (HACE)* and *High-Altitude Pulmonary Edema (HAPE)*. A fact that proud masculinity is probably reluctant to acknowledge: Statistically speaking, women are less likely to be affected. Any more questions about the stronger sex?

### "How a brain wave ..."

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Young Bernhard was a product of his mountain culture. At 16 he had shot his first chamois and by 18 had obtained his mountain guide's licence. He studied medicine in Zurich, Heidelberg and Bern and went on to assist the Bernese Nobel Prize-winning surgeon *Theodor Kocher*. Upon completion of his studies and his placement in the medical officer school he opened a medical practice in Samedan with a branch clinic in the mountaineering village of Pontresina. Soon 'Il Bernard', as the population of the Engadine and the southern valleys titled him, became respected both as a doctor and a surgeon.

### Pioneer of mountain rescue

At that time, a medical practice located in the mountains was no walk in the park. It meant visiting sick people by day and by night, in all weathers, even snowstorms, sometimes on foot or on horseback. In emergencies Il Bernard often had to operate in the patients' own homes, in low-ceiling Engadine rooms or on a kitchen table, by the light of a petrol-fuelled lamp. His practice of operating on the elderly initially aroused some suspicion. According to an older colleague a policy of not letting the elderly die in peace was "a cheeky disturbance of the worldorder"...

At this time, the quest to explore and to climb mountains tended to displace due respect for the Alpine terrain. This led to mountaineering accidents. As rescue services were still in their infancy, Oscar (Il) Bernhard, as a practical doctor, high mountain hunter, mountain guide and president of the Bernina section of the *Swiss Alpine Club*, took the initiative. His famous information panels with practical mountain rescue instructions became a bestselling almanac, as well as a working tool for the Samaritan services, the Alpine Club and the army.



*Oscar Bernhard with child patients during the sunlight cure on a sunbathing terrace in winter. (picture "Gesundheitsmythos St. Moritz")*

### Highest acute hospital

It evokes little wonder that, together with others of his ilk, this man of action was responsible for the Engadin's acquiring a hospital. On 12 May 1895, initially with just 35 beds, the Samedan District Hospital, opened 1750 metres (5740 feet) above sea level. Aged only 34, Il Bernard became its first 'conducting' doctor (today: 'chief physician') and remained in office until 1907. After just one year of operation, those in charge declared: "It is mainly thanks to him that the hospital has achieved its already high reputation in its first year of existence."

A confirmatory note resounded in the No. 19 issue of the "Allgemeines Fremdenblatt, St. Moritz" 19 August 1896: "The Upper Engadine District Hospital seems to be becoming a more and more international place of refuge for sick people. The fact that recently the inmates belonged to five different language areas bears witness to this development. There was a Roman, an Italian, a German, a Frenchman and an Englishman together in one room."

The daily hospital charge was then for the 3rd class Sfr. 1.50 - 2.50 and for the 1st class Sfr. 10 to 20.

### A flash of sunny insight

In February 1902 a decisive event occurred thanks to a flash of inspiration and a brand new therapy was created in this small Samedner hospital. It was a therapy which went on to become a worldwide success. This is how it happened: The surgical wounds of an Italian were not healing despite best efforts. He had suffered severe knife wounds. During a morning visit, the sun was shining through the

open windows, warming the patient and "a tingling air" filled the hospital room. Il Bernard had a decisive flash of inspiration. Analogously with the local practice of preserving the Bündner Bindenfleisch speciality by drying (see box), might not the tanning of sunlight and fresh air work also on a living patient's tissue? Perhaps such exposure would dry, granulate and thus heal the wound? He moved the bed up to the open window and exposed the wound. After only one and a half hours, improvement became apparent and after repeated tanning, the wound was completely covered with skin and had healed.

### Cradle of heliotherapy

This great success prompted Bernhard to treat all infected wounds from then on with solar radiation; later also fistulas, tuberculous ulcers and even bone tuberculosis. He hypothesised that the sun also had a depth effect. He used all available tools: chemicals, light, heat and pain killing medicines, even though the latter had side effects. The heliotherapy of surgical tuberculosis (joint and bone tuberculosis, in contrast to pulmonary tuberculosis) had been "invented" and went on a worldwide triumphal march. The Samedner Hospital can be proud of this fact! Samedan itself could have become famous thanks to this globally acclaimed medical discovery – if it had been assessed correctly at the time. Unfortunately the success of one so capable was neither appreciated nor recognised and ended with a note of bitterness. As a "thank you" for his services, he was bullied out of Samedan Hospital. The exchange of letters in connection with his

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**"How a brain wave ..."**

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resignation "to the titular District Office of the Upper Engadin, pro Hospital Commission" is voluminous and ends with the statement: "The fact that I had to experience such ingratitude troubles me and many right-minded people with me."

**Out of the frying pan into the fire**

For the sake of objectivity it must be added that the question as to who was ultimately responsible for the severance remains unanswered. But one fact remains: Samedan had lost its son, one who was to become famous later.

Even this tragedy was not enough. Even in St. Moritz, to which he now removed himself, he was not well-well-received – at first. Here, people feared for the good reputation of the world famous tourist destination. At the time people did not know how to distinguish between the highly infectious pulmonary tuberculosis and the only slightly or entirely non-infectious joint and bone tuberculosis.

In St. Moritz, he first built and operated a villa with an integrated mini-hospital on a beautiful hillside location. Because heliotherapy had become a booming success he soon was overrun with international patients. His Sun Clinic was built above Villa Bernhard as early as 1911/12. It became the first Engadine Belle Epoque Hospital, enjoying a worldwide reputation. Next he wanted to build a monumentally dimen-

*hh.* Sometimes ground-breaking discoveries are based on coincidences (example: penicillin) or on very everyday things. This is the case with heliotherapy, which has helped hundreds of thousands of patients worldwide. In 1902, the Engadine Alpine physician *Oscar Bernhard* (1861–1939) came up with the idea of sun treatment through a eureka experience in the Samedan District Hospital, when he remembered how farmers in Graubünden used sun aids to dry meat. This principle now proved its worth in the treatment of wounds, fistulas and bone tuberculosis. Bündner-

sioned solar clinic directly above his clinic; but St. Moritz vetoed the project. This perhaps is the explanation of how a possible Nobel Prize candidate for medicine became grounded in his own country.

**Prophet in his own fatherland**

Thus, the founder of heliotherapy had had his hands tied at home, while in Leyzin and in other countries, his 'sun clinics' sprouted like mushrooms. It was only in foreign fields that his expertise in the construction of sun clinics remained in demand. For example he was requested by the Grand Duchess *Luise of Baden*, who had come to know him at the Samedan hospital, to construct a clinic in the Black Forest. The plaudits

**Bündnerfleisch\* and Birchermüesli**

fleisch wrote medical history! Incidentally, meat with a bandage was not the only foodstuff that influenced the 'invention' of a doctor: at the same time, traditional cereal muesli dishes from the Alpine herdsman gave the doctor and nutritionist *Maximilian Bircher-Benner* (1867–1939) the idea for his 'Spys', which later conquered the world as 'Birchermüesli' and is still on everyone's lips today.

\* *Bündnerfleisch*, also known as *Bindenfleisch* or *Viande des Grisons*, is an air-dried meat that is produced in the canton of Grisons, Switzerland.

and international honours bestowed upon him were immense. But in his own homeland he has fallen into oblivion, especially since tuberculostatics have now made heliotherapy superfluous.

Although the sun doctor could have confined himself to working during the First World War in the safe haven of St. Moritz, his altruism drove him to contribute his medical knowledge and surgical skills where they were urgently needed – on the war front. He joined the Swiss mission as a military doctor.

On 14 November 1939, the sun doctor and founder of heliotherapy from Samedan died in a shady hospital room in St. Moritz. In the end he had been granted honorary citizenship of the town... •