

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*

“Further indications that the future world order will no longer be dominated by the US” The Federal Intelligence Service presents its annual report

cc. Every year the Swiss Federal Intelligence Service publishes a comprehensive situation report. This year's complete report "Security 2020 – Situation Report of the Federal Intelligence Service" published on 27 October 2020 is more than 100 pages and can be consulted and downloaded at <https://www.news.admin.ch/news/message/attachments/63415.pdf>. The following passages represent the first part of the press release of the Federal Intelligence Service (<https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-80848.html>), also published on 27 October. It deals with an assessment of the current global political situation. We have added the commentary of a Swiss expert as a box.

Berne, 27.10.2020 – In today's international system, there are several actors competing for spheres of influence. The Federal Intelligence Service's (FIS) anticipation and detection capabilities play a leading role in identifying and assessing threats in advance so that preventive measures can be taken in time. The FIS annual report presents the most important develop-

ments in the intelligence scene over the past year.

Although we cannot yet know what the full impact of the COVID-19 pandemic will be on security policy, the FIS's findings suggest that the pandemic has reinforced and probably accelerated existing tendencies in the international system. The pandemic has provided further indications that the future world order will no longer be dominated by the US, its system of alliances, and institutions under strong American influence.

The currently evolving changes in the international system will continue. It is uncertain whether this will lead to a new stable order in the foreseeable future. A new bipolar system dominated by the US and China is one possible outcome, but is not yet clear that this will happen. The emergence of a multipolar system is another possibility, but this is a more unlikely development.

Strategic rivalry between the major powers

Switzerland's strategic environment is shaped by the rivalry between the USA and

China, Russia's ambitions to consolidate its sphere of influence in Europe, and a range of conflicts and crises at Europe's borders. While the US will remain the most influential global power beyond 2020, the importance of transatlantic relations and the American presence in the Middle East will continue to decline. The US's challengers on the geopolitical stage will attempt to benefit from this and will seek to expand their power and assert their own interests in areas of waning US influence.

China sees itself as a rising great power on a par with the US. The gulf between the Western-style liberal model and authoritarian state capitalism will continue to widen. There are growing indications that the international system could be increasingly shaped by strategic competition between the US and China – to the extent that each establishes its exclusive zone of strategic influence.

Russia continues to pursue its goal of acting on an equal footing with the US and seeks to establish and strengthen its sphere of influence. This policy is yielding success, but it is striving for more. Ukraine

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The pressure to adapt to neutral and independent states to clearly position themselves will increase

gb. Russia has succeeded in stopping the eastward expansion of the EU and NATO in recent years, and it could now start to regain the positions it had lost in the 1990s. The limited resources of Russia and the domestic political situation force the Kremlin to proceed with a sense of proportion.

The Middle East remains an unstable region in which Turkey, Iran and Saudi Arabia claim a leadership role. The influence of the West in the region has declined. After the "Arab Spring", stabilisation in North Africa was insufficient, and the creeping destabilisation of Africa south of the Sahara threatens to undo any progress.

The conflict in and around Ukraine is currently only the extreme example of the structural problems faced by many countries in the former Soviet Union.

Antiquated notions of the nation prevent an adequate treatment of national minorities. The states often remain in the hands of political and economic elites (oligarchs) who established their dominant position in the days of the fall of the Soviet Union. A young part of the population has different life plans than their parents' generation. Building democracy and the rule of law is limping, and the latent conflicts are increasing the influence of the security apparatus.

Consequences for Switzerland

At a time when old camps are re-emerging, the pressure to adapt to neutral and independent states to clearly position themselves will increase. The argumentation will certainly tie in with the "Concert of Democracies"¹ from 2004. The

way in which the big players deal with such states will show to what extent they still believe in cooperative coexistence. The same applies to international organizations and multilateral platforms such as the OSCE and ultimately also to the UN.

1 In May 2004, the Americans Ivo Daalder and James Lindsay proposed an alternative international organisation called the Concert of Democracies or League of Democracies in an article in the "Washington Post". They advocated that a group of countries they considered as democracies should form their own group within the United Nations. Since they classified 60 countries in the world as democracies, they also spoke of a D-60 group within the UN. The two's proposal was taken up again and again in the years that followed, most prominently by US presidential candidate John McCain.

Law and Peace – what now after the US elections?

by Karl-Jürgen Müller

Not only in the United States but also on this side of the Atlantic, the US election campaign (the president, the entire House of Representatives and one-third of the senators were newly elected) and the vote counting have received enormous media attention. Now it seems like *Joseph Biden* has won the election for the office of US president.

Not only on the other side of the Atlantic, but also on this side there was little objectivity in many statements. In the US this went so far that television stations stopped broadcasting a press conference of the incumbent after a short time. On this side of the Atlantic, the media “sympathies” were even more clearly forgiven. Attempts to at least take seriously the position of the previous incumbent and his doubts about the legality of the election process were rare and could be found almost exclusively in so-called alternative media. “*Trump* must go” was the widespread slogan in the “mainstream”.

Moreover, if Joseph Biden, his team and thus also the forces active in the background should assert themselves as the new rulers, they will most likely want to carry out a radical dismantling of the previous incumbent; for the continuing great support for Donald Trump in large parts of the US population is a thorn in the side of these people. *Glenn Greenwald*, US investigative journalist and certainly no friend of Trump, who in 2012 reported extensively on *Edward Snowden's* findings for the British newspaper “*The Guardian*”, prophesied: “[The media] are going to continue to say, not maybe Trump or at least his movement, still pose this existential threat [...] they’re going to inflate it wildly so that any questioning of Joe Biden, even with Trump’s out of the picture, is still going to be depicted as endangering American liberty, as helping fascism, as serving the agenda of the Kremlin, and the need for censorship, as a result, is going to be accepted by more and more people.”¹ *Greenwald* himself, after personal experience, assumes that there is only one way to work independently as a journalist in the USA: with one’s own medium.

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remains at the centre of Russia’s strategic interests, as does Belarus; following the protests in the wake of the country’s presidential election on 9 August 2020, the Kremlin has warned the US and the EU not to interfere in any way. The Black Sea and the Mediterranean are further areas where Russia is competing for influence with other actors.

So far, Biden has made no statements regarding war and peace

Serious political considerations of what one or the other candidate’s presidency would have meant or will mean, not only for the United States but for the world, were hardly discernible. And when it came to factual issues, then only for specific topics. Agenda-setters were and are very influential circles. Examples: Biden and the program to combat climate change. Biden and the international organisations. Biden and his relationship to EU-Europe.²

War and peace were not part of it.

It is a truism to say that the world must somehow get along with a US President Biden. Some will add that the new president should be given 100 days probation in office. And in EU-Europe many responsible politicians hope for less disagreements and more influence in the world – now again together with the USA.

With “best intentions” into the Third World War?

Meanwhile, many in the USA still have a claim to world power for their country alone, the US is still far too highly armed, the bellicosity of this state and its military-industrial complex has still not been broken, the dollar domination and the hard will to preserve it is still there and the world situation is still too tense to wait until mid-April next year, not least due to the *pre-Trump* US foreign policy – especially considering the following quotation by the internationally renowned historian *Niall Ferguson*:

“‘Timeo Danaos et dona ferentes’ is a line from *Virgil*, usually translated as ‘Beware of Greeks bearing gifts.’ I feel the same way about Democrats when they make uplifting speeches full of promises about billions (sorry, make that trillions) of dollars to be spent on public health, education, health care and infrastructure.

If there is one man I can readily imagine – inadvertently, of course, and with the best of intentions and the most uplift-

ing of rhetoric – turning Cold War II into World War III, it is the self-anointed heir of *Roosevelt*, Joseph Robinette Biden Jr.”³

The demands on the new US President must be made now

If the other part of the world was in a state of political alertness and reason, then in the coming days and weeks decisive demands would have to be made from the new US President – also if, contrary to expectations, the new President were to be the old one again.

These demands would have to focus on law and peace. The formulations of the now already 75-year-old Charter of the United Nations and international law still offer a sufficient basis for this. A new President Biden would have to give an answer to what *Niall Ferguson* has formulated. In his election manifesto he omitted concrete statements on this core question. But we know from the previous candidate of the party which Joseph Biden is a member of how she would have wanted to act: in Syria, in Libya, in Ukraine, against Russia. What does Mr. Biden say about this?

During the election campaign, Biden sharply attacked Russia and its president and spoke of Russia having to pay a “price” for its behaviour. “There is no doubt about his critical attitude towards the Kremlin,” wrote the “*Neue Zürcher Zeitung*” on 10 November 2020.

And can he be expected to solve the escalating conflict with China by improving bilateral relations at eye level?

On 8 November 2020, *Foreign Affairs*, the journal of the *Council on Foreign Relations* affiliated with the Democratic Party, advertised an essay by Joseph Biden from the March/April 2020 issue: “Why America Must Lead Again. Rescuing US Foreign Policy After Trump”. The advertising text itself then reads: “In Foreign Affairs earlier this year, presumptive President-Elect Joe Biden set out a plan for restoring the United States’ position of global leadership.” This does not sound

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“If the other part of the world was in a state of political alertness and reason, then in the coming days and weeks decisive demands would have to be made from the new US President [...]. These demands would have to focus on law and peace. The formulations of the now already 75-year-old Charter of the United Nations and international law still offer a sufficient basis for this.”

New Russian disarmament initiative

cc. The German-language website *Anti-Spiegel* (<https://www.anti-spiegel.ru>) has translated a Russian television report on a new disarmament initiative by Russian President Vladimir Putin. About this initiative has hardly been reported by us so far, an exception was the “*Neue Zürcher Zeitung*” of 27 October 2020 (“*Moscow proposes new disarmament treaty to Washington*”). In the following we are documenting the translation of *Anti-Spiegel*.

Russia is proposing to the NATO countries to define the future of the security architecture on a parity basis. This follows from *Vladimir Putin’s* statement published today (26 October 2020). The content is plain. After the short- and medium-range missile treaty ceased to exist because of the United States’ withdrawal, our country is not stationing missiles on European territory in return for similar actions by the Alliance.

The Treaty was a cornerstone of the international security and strategic stability architecture. It played a special role in maintaining predictability and restraint in terms of missile weapons in Europe. It is about the *Treaty on the Prohibition of Intermediate-Range Nuclear Forces* (INF Treaty), which has been suspended by the United States.

“We consider the withdrawal of the United States from the INF Treaty, which ended the treaty, a serious mistake that increases the risks of unleashing a missile arms race, increasing confrontational potential and sliding towards uncontrolled escalation. Given the relentless tensions between Russia and NATO, new threats to pan-European security are evident,” Vladimir Putin said in a statement.

To minimise the negative consequences of the collapse of the INF Treaty, Russia has prepared a number of proposals. “In

this context, we reaffirm our commitment to the moratorium on the deployment of land-based ICBMs by the Russian Federation until similar U.S.-made missile weapons get deployed in the regions concerned,” the document states. “We also believe that our call on NATO countries to consider a reciprocal moratorium remains relevant.” “Based on our earlier proposal to develop a control toolkit in support of the Russian reciprocal moratorium initiative, we invite all stakeholders to consider options for reciprocal verification measures to address the existing concerns,” the document reads.

“In particular, these can be verification measures regarding the *Aegis Ashore complexes* equipped with the MK 41 launching systems at US and NATO bases in Europe and also the 9M729 missiles at the Russian military facilities in the Kaliningrad region. The purpose of verification activities would be to confirm the absence of land-launched ICBM facilities and also the weapons on which characteristics and classification the parties failed to agree (Russian missile 9M729). While staying committed to the consistent position that the 9M729 missile is in full compliance with the terminated INF Treaty, Russia nevertheless is prepared to act in accordance with good will and to refrain from deploying the 9M729 missiles on its European territory, but on the condition of reciprocal steps by NATO countries, which will rule out the deployment in Europe of weapons that were prohibited under the INF Treaty,” the statement said.

The *Aegis Ashore*, mentioned in the statement, is the land-based version of the US Department of Defences’ missile defence system. It is a four-storey steel construction usually installed on warships. Inside are the electronic equipment as well as a device for the vertical launch of guided missiles type MK41. The first Europe-

an country where such a system was declared operational was Romania. This was followed by work on it in Poland. The steps proposed today by the Russian President to de-escalate the situation are therefore directly related to the security of the entire continent.

“You know that the President made a statement on additional steps to de-escalate in Europe under the conditions of the termination of the INF Treaty. This is an important document. President Putin has consistently pursued the line of such a multi-vector de-escalation. Under the *New START Treaty* and the *Open Skies Treaty*, efforts are now being made at expert level. In this respect, work on strategic stability is underway and the substance is extremely complex”, the Russian President’s Press Secretary *Dmitry Peskov* said.

This is not the first time that the Russian President has called on partners to talk about global security. First, Washington withdrew from the *ABM Treaty*. Then came the agreement on short- and medium-range missiles. Now the USA is threatening to abandon the *Open Skies Treaty*. Last Thursday, at a meeting with the participants of the *International Valdai Discussion Club*, Vladimir Putin emphasised that we should try to find a compromise and not put the world at risk by a new arms race.

“We took account of all the problems when we were negotiating these issues. Only one thing was left out. It is what Russia acquired in response to the United States withdrawing from the *ABM Treaty*. Precisely in response to the withdrawal. I am referring to our innovative high-precision hypersonic weapons. Indeed, neither the United States nor other countries have access to such weapons, although they are

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like a world of equal states. And then there are European voices like this one: “The world needs American leadership” – according to an editorial in a major Swiss daily newspaper on 7 November 2020.

What can the responsible citizen do?

But unfortunately the other part of the world is not in a good state either, at least not the part of the world that is particularly keen on close relations with the United States. The daily stream of messages and the real challenges of everyday life also prevent taking a moment for real reflection. Not to mention the courage and con-

fidence it takes to make the world a little better in many small steps.

The “influential circles” mentioned above have their own agenda. They will most likely get along well with a US President Biden. We will probably see this clearly in the coming weeks and months. Large sums of money have been spent for Biden’s election success. It is therefore probably not very promising to expect constructive impulses from these ranks. Moreover, this hope would not only be futile, it would also be incapacitating. Law and peace are too important a matter for all people to be left to others.

The US itself has many domestic problems. The effects of the Corona pandemic in the country, for example, are devastating.

The Americans will be happy if their new government devoted all its attention and energy to these problems. There is really no room for foreign policy adventures. •

¹ Cited from „Wegen Trump alles Mass verlieren. Glenn Greenwald hat mit Edward Snowden die NSA-Affäre aufgedeckt. Nun warnt er vor Auswüchsen in amerikanischen Medien“ (Losing all sense of proportion because of Trump. Glenn Greenwald and Edward Snowden uncovered the NSA affair. Now he warns of excesses in American media); in: *Neue Zürcher Zeitung* of 9 November 2020

² It already looks like Biden will support the EU in the Brexit negotiations with the UK, weakening the position of the British Prime Ministers

³ Ferguson, Niall. “Wird auch der freundliche Joe Biden Krieg führen?” (Will friendly Joe Biden also wage war?); in: *Neue Zürcher Zeitung* of 31 August 2020

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working on it, and someday they will have them as well. They are telling us, "You have it, we do not, so we must take this into account." Well, we do not mind, let us take it into account. Both regarding the number of carriers and the number of war-heads. We do not mind. There are other issues that we can discuss. But what choice do we have? The treaty expires in February. After all, my proposal is very straightforward. It lies on the surface. Nothing will happen if we extend this agreement, without any preconditions, for one year and persistently work on all the issues of concern both to us and the Americans. We will work on it together and look for solutions. After all, the trick is that we have had hardly any constructive discussions about this so far. Our partners, to put it bluntly, shied away from a direct and substantive professional discussion," Putin declared.

And Russia is ready for such talks. This is demonstrated by the continued cooperation between Moscow and Washington on key issues of global security, despite the many contradictions between the two countries.

"We are cooperating with the US despite numerous contradictions on a lot of areas, still cooperation at the level of special services is underway, Our cooperation on de-conflicting in Syria is well known. And a very good working contact was established at the operational level and at the level of military units' chiefs."

According to Putin, the Americans share data on anti-terror with their Russian colleagues. "We view the Americans' effort in Afghanistan as an anti-terrorist effort," he stressed.

"They hand over and repeatedly handed over [data] to us. I thanked incumbent President [Donald Trump] because information that we received from America helped us prevent several terrorist acts in Russia, [...] In our turn, we are trying to do the same and we have such an agreement with the incumbent US president that if this information emerges, we will share it and help each other."

The credibility deficit must be reduced. Regional and global stability must be strengthened. And the risks of misunderstandings and disagreements must also be reduced. Today's statement by the President outlines the key tasks. Only if they are resolved can we be sure that "a world without the INF Treaty", while no longer the same, will remain secure.

Source: <https://www.anti-spiegel.ru/2020/warum-wird-in-deutschland-darueber-nicht-berichtet-putin-macht-erneuten-abruestungsvorschlag/> of 26 October 2020; the text is a translation from Russian television: <https://www.vesti.ru/article/2477354> of 26 October 2020; <https://tass.com/politics/1216103> of 25 October 2020

An end to the war in Nagorno-Karabakh

by Gerd Brenner

The ceasefire brokered by Russian President Vladimir Putin put an end to the latest round of fighting between the arch-enemies Armenia and Azerbaijan. Since 10 November 2020, there has been calm at the front in Nagorno-Karabakh. And once again, the West is left with only the role of spectator.

An old conflict

The conflict over Nagorno-Karabakh is old and must also be seen in the context of the mass murder of the Armenians after the end of World War I. In the 1920s, the Soviet Union pacified the region, but never

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Map of the Caucasus region before the war. (Map wikimedia)



The division of the contested territories according to the agreement of 10 November 2020.

1: Nagorno-Karabakh; 2: Karvachar district; 3: Lachin district and 6: Agdam district mark areas that must be gradually returned to Azerbaijan; 4, 5 and 7 identify areas held by Azerbaijani forces which are agreed to remain with Azerbaijan. The Lachin Corridor (paragraph 8) will remain under the control of the Russian Federation peace-keeping contingent as a link between Armenia and Nagorno-Karabakh. (Map mapah, wikipedia, Current Concerns)

Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation from 10 November 2020

We, President of the Republic of Azerbaijan *Ilham Aliyev*, Prime Minister of the Republic of Armenia *Nikol Pashinyan* and President of the Russian Federation *Vladimir Putin*, state the following:

1. A complete ceasefire and termination of all hostilities in the area of the Nagorno-Karabakh conflict is declared starting 12:00 am (midnight) Moscow time on 10 November 2020. The Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the "Parties," shall stop in their current positions.
2. The Agdam District shall be returned to the Republic of Azerbaijan by November 20, 2020.
3. The peacemaking forces of the Russian Federation, namely, 1,960 troops armed with firearms, 90 armoured vehicles and 380 motor vehicles and units of special equipment, shall be deployed along the contact line in Nagorno-Karabakh and along the Lachin Corridor.
4. The peacemaking forces of the Russian Federation shall be deployed concurrently with the withdrawal of the Armenian troops. The peacemaking forces of the Russian Federation will be deployed for five years, a term to be

automatically extended for subsequent five-year terms unless either Party notifies about its intention to terminate this clause six months before the expiration of the current term.

5. For more efficient monitoring of the Parties' fulfilment of the agreements, a peacemaking centre shall be established to oversee the ceasefire.
6. The Republic of Armenia shall return the Kalbajar District to the Republic of Azerbaijan by November 15, 2020, and the Lachin District by December 1, 2020. The Lachin Corridor (5 km wide), which will provide a connection between Nagorno-Karabakh and Armenia while not passing through the territory of Shusha, shall remain under the control of the Russian Federation peacemaking forces.

As agreed by the Parties, within the next three years, a plan will be outlined for the construction of a new route via the Lachin Corridor, to provide a connection between Nagorno-Karabakh and Armenia, and the Russian peacemaking forces shall be subsequently relocated to protect the route.

The Republic of Azerbaijan shall guarantee the security of persons, ve-

hicles and cargo moving along the Lachin Corridor in both directions.

7. Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh and adjacent areas under the supervision of the United Nations High Commissioner for Refugees.
8. The Parties shall exchange prisoners of war, hostages and other detained persons, and dead bodies.
9. All economic and transport connections in the region shall be unblocked. The Republic of Armenia shall guarantee the security of transport connections between the western regions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic in order to arrange unobstructed movement of persons, vehicles and cargo in both directions. The Border Guard Service of the Russian Federal Security Service shall be responsible for overseeing the transport connections.

As agreed by the Parties, new transport links shall be built to connect the Nakhchivan Autonomous Republic and the western regions of Azerbaijan.

Source: <http://en.kremlin.ru/acts/news/64384> of 10 November 2020

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managed to solve the underlying problem. Nevertheless, major violence was prevented until 1988. After the collapse of the Soviet Union in 1991, the autonomous oblast of Nagorno-Karabakh immediately declared itself independent of the then Azerbaijani Soviet Socialist Republic and could never be reconquered by the army of the newly formed Republic of Azerbaijan. On the contrary, the war in Nagorno-Karabakh ended in 1994 after large terrain gains by the troops of Armenia and the Republic of Nagorno-Karabakh, who were not only able to defend the territory of Nagorno-Karabakh, but also conquered Azerbaijani territory around it. These now largely deserted areas subsequently served as a kind of buffer zone for the Armenians. In the war that ended on November 9, the Republic of Nagorno-Karabakh lost a large part of these areas.

For over 25 years a group of OSCE participating States has been trying to resolve the conflict over Nagorno-Karabakh by peaceful political means. This so-called *Minsk Group* is co-chaired by the USA, Russia and France. This group of states developed the *Madrid Principles*, which provide, among other issues, for the return of the buffer zone, i.e. of those Azerbaijani areas which had never been part of the autonomous oblast of Nagorno-Karabakh

and which had always been inhabited by a majority of Azerbaijanis. *Madrid Principles* are called these principles of conflict resolution because they were first presented to the representatives of the conflict parties at the OSCE Ministerial Council in 2007.¹ However, the *Madrid Principles* do not provide for the return of the Laçin Corridor to Azerbaijan, which connects Nagorno-Karabakh with Armenia.

The UN Security Council has also dealt with the conflict in Nagorno-Karabakh on several occasions and expressed concern about Armenia's occupation of Azerbaijani territory outside the heartland of Nagorno-Karabakh.² However, this does not concern the Republic of Arzach itself.

However, Azerbaijani President *Ilham Aliyev* once again showed that he is not concerned with the implementation of the *Madrid Principles* when he categorically ruled out a referendum in Nagorno-Karabakh on the status of the territory.³ However, such a referendum is explicitly provided for in the *Madrid Principles*. Based on his military successes and the alliance with Turkey, Aliyev currently seems to believe that he can afford such an arrogant attitude. This attitude was already evident in October during the Azerbaijani advance on the city of Hadrut: Hadrut is a small town inhabited entirely by Armenians on the territory of the former autonomous oblast of Nagorno-Karabakh,

and has never been the subject of restitution claims in accordance with the *Madrid Principles*. Hadrut is part of those territories which are to determine their status in the aforementioned referendum.

For months, Azerbaijan has criticised the *Minsk Group* for failing to restore Azerbaijan's territorial integrity over many years.⁴ Russia is Armenia's ally in the *Collective Security Treaty Organisation* CSTO, but also maintains good relations with Azerbaijan. In September, Russian Foreign Minister *Sergey Lavrov* had already brokered a humanitarian ceasefire. And at the end of October, the US ambassador to NATO, *Kay Bailey Hutchison*, clarified the US government's position: the conflict over Nagorno-Karabakh could not be resolved by military action.⁵ But that is exactly what Aliyev has been trying to do since September 27.

Conclusion

By stationing troops close to the Laçin corridor at the end of October, Russia already showed where the red line is in October. This was achieved in the first week of November with the Azerbaijani advance towards the villages of Laçin/Berdzor and Şuşi/Şuşa. Although cooperation between Moscow, Washington and Paris within the *Minsk Co-Chairs* apparently worked, the West proved in-

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We should promote small hydropower instead of choking it off

Federal Court clears obstacle on the way to the EU electricity market

by Dr iur. Marianne Wüthrich

“Small power stations are running out of steam” we read in the daily press on 5 November.¹ This cannot be happening! On the contrary, in view of the energy bottlenecks to be expected after the nuclear power plants are phased out, local self-sufficiency in hydropower would have to be particularly promoted and expanded.

The Federal Supreme Court took the wind out of the sails of small-scale power plants in a very strange decision on 29 March 2019. In just a few sentences, the Swiss Supreme Court simply abolished the “immemorial water rights” that had arisen in the course of history, and that without instructing the cantons how exactly to implement this new ruling. The cantons are thus forced to abolish a traditional legal form, which was organised in different forms, and to spend taxpayers’ money on extensive expert opinions on possible implementation. According to a press release issued by “Swiss Small Hydro” on 16 May 2019,² “this ruling has enormous implications and affects hundreds of small and medium-sized hydroelectric power plants throughout Switzerland.” The canton of Zug, which was affected by the court ruling, commissioned an expert opinion, and this was the reason for the above-mentioned newspaper article.

In order to make it easier to understand what is at stake, the backgrounds and underlying factors will be illuminated here.

According to the *Swiss Small Hydro Association*, small hydropower in Switzerland is the second most important renewable energy source for electricity generation (after large hydropower). The 1,400 or so small hydroelectric power stations on



Rufi small power station (Glarus). In the foreground the bypass channel of the Rufi power station (GL) for the fish ladder. Behind it the weir and in the background the 3-chamber desander of the power plant. (Picture Swiss Small Hydro)

Switzerland’s rivers and brooks produce 11 per cent of all hydroelectric power. Their operators thus make a significant contribution to local self-sufficiency. How is it that they “are running out of steam”?

WWF Switzerland versus small hydropower plant in Cham

The former Cham paper mill (now Cham Group) operates the *Hammer* power station on the Lower Lorze (river in Canton Zug). In 2015, the owner submitted two building applications to the cantonal building department for the repair of the plant and for residual water remediation. The state council rejected a complaint by WWF Switzerland and granted the build-

ing permits. The WWF appealed to the cantonal Administrative Court against this decision, arguing that the specified residual water level was too low and that the planned fish migration aids were insufficient, particularly with regard to lake trout. Following the dismissal by the administrative court, WWF appealed to the Federal Supreme Court on 20 November 2017. On 29 March 2019, the Federal Supreme Court upheld the WWF’s appeal, overturned the decision of the Zug Administrative Court and referred the matter back to the State Council for reassessment.³

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capable of action. Without the support of the West, Turkey was unable to seek confrontation with Russia and had to recognise its limitations. Now, Russia gave Turkey the opportunity to sit on a joint supervisory commission over the peacekeeping mission. However, Turkish troops are apparently not expected to participate in the operation.⁶ As in Syria, Turkish President *Recep Erdoğan* made a deal with Russia – and the West is once again on the sidelines. Turkey’s NATO membership has been further eroded in

terms of content, and the future of the Minsk Group depends on Russia’s goodwill. The ceasefire of November 10 is a further indicator of a supra-regional trend in European security policy. The real winner of the war in which it did not participate is Russia. It can now take further advantage of it.

¹ For the Madrid Principles, see https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-security-studies/pdfs/CSS-Analysen_131-EN.pdf. The Minsk Group consists of Belarus, Germany, Italy, Sweden, Finland and Turkey. They are joined by the members of the Troika, the leadership of the OSCE, i.e. currently Albania, Slovakia and Sweden. Turkey’s membership of the Minsk Group

is highly controversial, as is Turkey’s representation in the OSCE High Level Planning Group.

² See UN Security Council Resolutions 822, 853, 874 and 884

³ Interview with the Japanese newspaper *Nikkei Asia*: <https://asia.nikkei.com/Editor-s-Picks/Interview/Azerbaijan-s-president-calls-on-Armenia-to-return-land-for-peace>

⁴ see <https://www.bbc.com/russian/live/news-54317944>

⁵ see https://nato.usmission.gov/october-21-2020-press-briefing-with-kay-bailey-hutchison/?_ga=2.152498298.2130501265.1605168971-1797807319.1605168971

⁶ see <https://www.msb.gov.tr/SlaytHaber/11112020-74373> and https://twitter.com/NKobserver/status/1326664196872790016?ref_src=twsrc%5Etfw%7Ctwcamp%5Eembeddeditimeline%7Ctwtterm%5Eprofile%3ANKobserver%7Ctwtcon%5Etimelinedchrome&ref_url=https%3A%2F%2Fnkobserver.com%2F

“Sustainable use of small-scale hydropower is widely supported”.

Interview with Martin Bölli, Managing Director of Swiss Small Hydro*



Martin Bölli
(Picture ma)

Current Concerns: Mr Bölli, what do you think of the decision of the Federal Supreme Court of Switzerland that “immemorial rights” should be abolished and replaced by concessions?

Martin Bölli: It came as a surprise to everyone involved. So far we have been proceeding on the assumption that they are to a certain extent protected. However, this new decision requires new concessions to be granted “as soon as possible”: what does that mean?

The whole concession procedure is very complex. It can take up to ten or even fifteen years. During this time, the project is often revised several times, sometimes due to objections. Sometimes it can be very streamlined and will not attract much attention, but that is rather the exception; basically there is a certain wariness regarding new concessions.

Can the concession also be refused?

Yes, the environmental associations can lodge an objection with the State Council on the basis of the association’s right of appeal. They can, for example, demand that more residual water is needed than the legally stipulated minimum, for example to better protect a species of fish. The volume of water that flows down the residual watercourse is then not available for turbine generation. This means correspondingly less electricity yield, and if the volume of residual water becomes too large, at some point it is no longer worthwhile.

Did I understand you correctly: a concession is better for the WWF and other environmental organisations, because then they can make their objections and drag out the proceedings?

Yes, exactly.

And for small power stations, the situation is worse without their immemorial rights, because in the end it is no longer worthwhile for them to produce?

Yes. The immemorial water right was like a trump card. People knew that we had been producing energy at this site for 150 years, mechanically or electrically, and because this right is still valid, there is a good starting situation for investment in renewal or even expansion.

In the past, water wheels had to provide a certain amount of energy for 20-24 hours a day throughout the year to drive the mills.

Today, things are different with the transmission network. If there is not enough water, you turn off the system and channel the water into the residual water, and the more water flows in, the more electricity you can produce. You don’t have to consume this electricity on site; you can channel it into the grid so that it can be used elsewhere. In this way, you can generally leave more residual water in the watercourse, but still produce more electricity all year round. This is a win-win situation. But in order to make this conversion, you need a new diversion, new pipes, a new turbine, a generator, and you have to take various measures at the weir. The whole thing will therefore be a rather complicated project with corresponding investment requirements.

At the moment we have the problem that the price of energy is very low, 4 to 6 centimes per kilowatt hour. But if you need 80 years to redeem this investment, then nobody will invest any more. If a person takes money in hand today, they want it to be paid back within 15 or 25 years at an interest rate of at least 1 to 3 per cent. In doing so, they have to take into account various risks, from the risk of not being granted a permit to a drought (like two years ago) or downtime due to maintenance and repair work. The risk must be in proportion to the yield.

Why is the conversion more expensive today?

Today, comprehensive planning is required, as a teamwork of civil engineers, hydrologists, aquatic ecologists or also of mechanical and electrical engineers. It is a technically complex structure, an interdisciplinary project, which requires a certain amount of effort and alignment with each other. The structures have to meet stringent requirements, and on rivers at risk of flooding it is also necessary to ensure safety even in the event of extraordinary flood events.

This is the problem that the facilities with immemorial water rights also have: they could actually be expanded, in line with the new energy strategy, resulting in a significantly higher yield. But because the administrative procedures have become so complicated and time-consuming, it is not worthwhile for most of the plants to spend so much money, partly also because they are not eligible for subsidies.

There are no federal subsidies for smaller power plants?

No, not with the new Energy Act. Unfortunately, this was one of the decisions of parliament not made in favour of renewable electricity production. Although even a water wheel with an output of 3 kW can supply about 5 to 6 households with electricity all year round. Perhaps too few politicians were aware of this proportionality; otherwise there would probably have been another outcome.

Moreover, in the federal administration we have two authorities with different objectives: The Federal Office for the Environment (FOEN), which wants to protect water bodies, and the Swiss Federal Office of Energy (SFOE), which emphasises the contribution of small hydropower accounting for four terawatt hours per year, i.e. 11-12 % of total hydropower.

11-12 %? Surely this should be encouraged! With the new energy strategy of 2017, we voted in favour of promoting renewable energies, not making life difficult for them.

Agreed. But it is also true that the new Energy Act states that the maintenance of existing small power stations with a capacity of less than 300 kW should no longer be promoted. For new small hydropower plants, Parliament has even raised the limit to 1 MW. That threshold is really high.

Back to the Federal Supreme Court ruling. In the case of the Hammer power plant, the Federal Office for the Environment says that the environmental requirements have been met. So actually, there was no reason to uphold the complaint of WWF Switzerland. Did I understand that correctly?

Personally, I suspect that in the Hammer power plant case an agreement between WWF and the operator would have been possible. But the complaint effectively targeted the immemorial water rights. The WWF had a legal opinion prepared by *Bütler/Riva* for a trial [quoted in Recital 5.3. of the Federal Court], and then waited until it had the opportunity to take a case with immemorial water rights to the Federal Court via the association’s right of appeal. Hammer was unlucky in that it was the power station summoned before the Federal Court and confronted with this new expert opinion. There, the whole matter of immemorial water rights

"We should promote small ..."

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**"Immemorial rights" –
traditional water rights versus
"opening" the electricity market**

The Hammer small power station uses the water of the Lorze River for local electricity production on the basis of "immemorial rights". Immemorial rights are perpetual water rights, which were established in pre-industrial times to operate water-powered mills. It is estimated that several hundred small Swiss power stations are still operated today on the basis of immemorial rights. As early as 1657, for example, a paper mill was built in Cham which used the water power of the Lorze River, thus establishing rights of use which were passed on from generation to generation.

As stated by the Federal Supreme Court, immemorial rights "originate in a legal system [...] which no longer exists. They can no longer be established under the new law, but can continue to exist under the new legal system". (Federal Court Decision 1C_631/2017, recital 5) Today, immemorial rights would no longer fit into public law "without friction". It is not revealed what "friction" the supreme court means. In any event, the owners of these power plant must also comply with the environmental requirements in force, as is clear in the present case: If WWF Switzerland is of the opinion that the residual water volume at Hammer power plant is too low, it can file an appeal against the application for a building permit and take the matter right up to the Federal Supreme Court.

In reality, there is friction with the plans of the EU turbos in Federal Bern: in Switzerland, the use of hydroelectric power

is part of the public service. Most power plants are in the hands of cantons and communes. For years the Federal Council has been trying in vain to persuade the 650 larger power stations into large-scale mergers and thus to initiate their privatisation – a mandatory condition for their inclusion in the EU electricity market. The reason for this is that the planned framework agreement and an electricity agreement based on this would be subject to the ban on state aid. If an electricity agreement with the EU is sought, there will be absolutely no use for traditional legal forms, such as immemorial rights of those commercial enterprises that produce electricity for local needs – and are in the way of no-one in the community.

Federal court cracks immemorial rights by using a questionable trick

The Federal Supreme Court is now using this specific complaint to initiate the dissolution of the immemorial rights, although they were not even objected to in the present case: "The subject matter of the dispute is thus only the building permits and exceptions to be granted, but not the obligation (also asserted by the FOEN [Federal Office for the Environment] in its consultation) to convert the immemorial right into a concession." Therefore, this conversion could not be ordered in the present proceedings. "On the other hand, it can be examined whether a concession is the condition for the grant of the contested authorisations. If that were the case, they could (and should) be revoked." (Recital 1.2.)

A very curious legal interpretation: although the Federal Supreme Court may not order the abolition of immemorial

rights in this case, it does examine whether the Hammer power station would have needed a concession to enable the Zug cantonal government to issue the construction permits, which it has already granted on the basis of the immemorial rights. In doing so, it abolishes the – not disputed! – legal basis of the immemorial property rights, even with retroactive effect.

As regards the actual subject of the dispute, the building permits already issued, the Federal Court relies on the ecological expertise of the Federal Office for the Environment FOEN. The latter agrees with the Zug Administrative Court that the measures planned by Hammer power station "to ensure the free migration of fish" are "sufficient" (recitals 7.6 and 8). So, although the requirements of WWF Switzerland have been met, the Federal Supreme Court upholds its appeal.

The judgement is consistent with this course of action: "Building permits and exceptional permits may therefore only be issued once a concession has been granted. Since this condition is absent in the present case, on this ground alone the appeal must be upheld and the contested decision annulled. [...]" (Recital 6.5)

**The Federal Supreme Court
should not render political
decisions; it should dispense justice**

It is understandable that the highest court in Switzerland relies on the Federal Office for the Environment (FOEN) for the assessment of fish ladders. However, the fact that it also follows the requirement of an administrative office with regard to the purely legal question of the annulment of matrimonial rights is rather unusual. Thus the Federal Court quotes: "The FOEN emphasises that according to current legal opinion the state shall no longer grant special rights of use to public waters for an unlimited period of time, but only for a limited period, by means of a concession", and it is "highly contrary to the public interest [...] to misuse public waters for eternity". (Recital 3.4., emphasis mw).

Is the use of water bodies for electricity generation a "misuse"? The fact that people in the FOEN regard our rivers and streams primarily as habitats for animals and plants is nothing new, nor is it new that they are seeking internationalisation for this purpose. But the Federal Supreme Court has to make its decisions in accordance with Swiss law.

In accordance with the FOEN's demand, the I. Public Law Division of the Federal Supreme Court de facto suspends the immemorial water rights, using many nebulous formulations: They should be "subjected to the regulations currently in force, and in principle without compen-

"Sustainable use of small-scale ..."

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was reopened, and the Federal Court concluded for the first time that these were no longer up to date and needed to be brought into line with the law in force. Using Hammer as an example, the WWF was able to turn the Federal Court's practice around in one fell swoop, and now there are hundreds of power stations where they can demand that this right be replaced by a concession. The associations will then be able to make their demands in the concession procedure. They did not have this option in the case of immemorial water rights.

In addition to the WWF's Bütler/Riva expert opinion, the Federal Supreme Court also relied on the "legal opinion" of the Federal Office for the Environment. However, the Federal Supreme Court would have had to introduce its own legal opinion, not that of the FOEN. It could have said that immemorial rights were not at issue here.

Yes, definitely. Because the FOEN has one billion (!) Swiss francs to mitigate the negative ecological consequences of hydropower through its programmes, this Federal Court ruling is naturally also in the interests of the FOEN. On the other hand, I have been informed that the Swiss Federal Office of Energy SFOE was not heard at all throughout the proceedings. Actually, it was not the FOEN that should have been consulted, but rather the SFOE, under whose jurisdiction the Federal Hydropower Act falls.

Thank you very much, Mr Bölli, for this very informative and gripping discussion. •

* *Swiss Small Hydro* supports the concerns of small hydropower plants. In Switzerland there are around 1400 micro- and small hydroelectric power plants with a maximum output of 300 kW and 1 to 10 MW respectively. These produce 11-12 % of Swiss hydropower and a good 5 % of the total Swiss electricity production. "The sustainable use of small-scale hydropower is widely supported, as careful integration into the environment is ensured and local added value is promoted". (Source: <https://swissmallhydro.ch>)

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“We should promote small ...”

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sation”. Immemorial rights should be replaced “at the first opportunity”, conceivably with a *transitional period*. “If the person entitled wants to continue using the water, he or she requires a concession under current law for this purpose”. (Recitals 6.4. and 6.5., emphasis m.w.)

The court has imposed a whole series of unclear instructions on cantonal au-

thorities and power plant operators. The general helplessness following this decision was great, and the expert opinion on the replacement of immemorial water rights, which was recently published on behalf of the canton of Zug, is correspondingly extensive.⁴ This is not the place to present the results of this expert opinion. •

¹ Stalder, Helmut. “Kleinkraftwerken geht der Schnauf aus” (Small power stations are running out of steam); in: *Neue Zürcher Zeitung* of 5 November 2020

² Bölli, Martin. *Press release on the decision of the Federal Supreme Court on the necessary relicensing of several hundred hydropower plants*. Swiss Small Hydro of 16 May 2019

³ Federal Supreme Court decision 1C_631/2017. Judgment of 29 March 2019. I. Public-law division. Facts of the case

⁴ Abegg, Andreas; Seferovic, Goran. “Die Ablösung ehehafter Wasserrechte” (The replacement of immemorial water rights). *Expert opinion on the implementation of Federal Supreme Court decision 145 II 140 (Hammer) of 26 October 2020 for the canton of Zug*

Deceptive “security of supply” through an electricity agreement with the EU

mw. On 21 May 2017, the Swiss people adopted the revised Energy Act, thereby agreeing above all that nuclear power plants in Switzerland should be replaced by renewable energies in the longer term. However, a resolute promotion of domestic energies, and in particular of hydropower, which nature makes available to Switzerland on a large scale, is essential to secure energy supplies. Switzerland has done well in keeping hydroelectric power, one of the most important areas of public service, in the hands of the cantons and communes or, indeed, locally based commercial enterprises.

Anyone who thinks that an electricity agreement with the EU would increase Switzerland’s security of supply because we would then be able to import electricity more easily in times of electricity shortages is seriously mistaken. Have you forgotten that our neighbouring countries illegally refused to allow supplies of protective masks and other urgently needed material ordered and paid for by Switzerland in spring? The same thing will happen to electricity: When a state itself is in short supply, it first looks for itself. To be able to import the necessary energy, Switzerland

would in any case be better off concluding agreements with individual states. That would bring more security than an agreement with Brussels. But the most reliable option is a substantial increase in domestic production.

The Swiss authorities, including the Swiss Federal Court and the administration, are obliged to promote domestic energy production instead of putting obstacles in its way because it does not fit in with the “opening” of the electricity market.

Nevertheless, the Federal Council announced on 11 November that the revision of the Energy Act of 2017, which is already pending again, will significantly improve the framework conditions for the expansion of electricity production, especially hydropower. In particular, the Federal Council wants to promote storage power plants to secure the electricity supply in winter with massively higher contributions (an additional 0.2 centime/kWh). (“Der Bundesrat will eine sichere Stromversorgung mit erneuerbaren Energien” (The Federal Council wants a secure electricity supply with renewable energies), *Press release* of 11 November 2020)

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

Publisher: Zeit-Fragen Cooperative

Editor: Erika Vögel, Eva-Maria Föllmer-Müller

Address: Current Concerns,

P.O. Box, CH-8044 Zurich

Phone: +41 (0)44 350 65 50

Fax: +41 (0)44 350 65 51

E-Mail: CurrentConcerns@zeit-fragen.ch

Subscription details:

published regularly electronically as PDF file

Annual subscription rate of

SFr. 40,-, € 30,-, £ 25,-, \$ 40,-

for the following countries:

Australia, Austria, Belgium, Brunei, Canada, Cyprus, , Denmark, Finland, France, Germany, Greece, Hongkong, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Qatar, Singapore, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom, USA

Annual subscription rate of

SFr. 20,-, € 15,-, £ 12,50, \$ 20,-

for all other countries.

Account: Postscheck-Konto: PC 87-644472-4

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US economic war against Germany

by Professor Dr Eberhard Hamer, "Mittelstandsinstitut Niedersachsen e.V." (SME Institute Lower Saxony)



Eberhard Hamer
(Picture ma)

In the last five years, US courts have imposed penalty payments of over \$50 billion on German banks and companies for a variety of reasons, and these have been paid. On top of this, the US has used arbitrary sanctions to drive German companies out of business with Iran and Russia, even though US companies are permitted to transact such business.

The USA still wants to use sanctions to stop the *Nord Stream 2* gas pipeline from Russia to Germany and has repeatedly extended these sanctions, even to the port and to companies only indirectly involved in the construction. They want to use force to cut off German supplies from Russia, so as to cause harm not only to Russia but also to Germany.

In addition, the entire German telecommunications sector has for decades been monitored by American nodal points and through total control on the part of the NSA; technical innovations of German companies, in particular, are filtered out and passed on to US competitors, not only stationary telecommunications, but also all mobile and digital communications.

Were the government to take seriously its oath of office to work "for the good of the German people", it would have reacted long ago. However, the Chancellor's reaction to the wiretapping of her own mobile phone was: "That's just the way it is!" the EU has already estimated the damage caused by American NSA espionage of communications at 50 billion per year – mostly in Germany.

The previous blockade of our energy supply from Russia not only affects our economy, but will also affect our private households if energy becomes scarce, expensive and insecure in the future.

The US measures against our economy and our supplies turn the government's claim that the "USA is our ally" upside down.

So the USA has not only decided on tough sanctions against China, Russia and Iran, but also against Germany. Although Germany is in a military alliance with the USA within NATO, there is in fact an economic war going on. And our military alliance is also becoming increasingly questionable because Germany has no enemies on its borders or in Europe, but has to pay constantly increasing arms contributions. As Defence Minister, *Ursula von der Leyen* has increased the cost of armaments

payable to NATO from Euro 35 to 50 billion. The USA is demanding 70 billion, without saying what these are to be used for. And our government continues paying and does not react to constantly new economic attacks by the USA.

A government representing German instead of US interests would have a number of options to counter US economic attacks:

- Instead of lamenting US plans to reduce the number of US occupying troops in Germany, the German government should have encouraged the USA. After all, this would have reduced occupation costs and increased our independence.
- From Germany's point of view, there is no reason whatsoever to increase NATO costs. The German government should not have increased these costs without comment, but should have attached conditions to them, e.g. approval of the *Nord Stream 2* pipeline. Even now, the Federal Government would still have the option to withhold NATO payments with reference to the ongoing gas pipeline blockade.
- The German government should have long since taken steps to ensure that the digital networks are no longer concentrated via the USA but only in Europe, in order to reduce US espionage.
- The Federal Government should not prevent Finance Minister *Scholz* from levying a financial transaction tax on

the turnover of US digital companies in Germany. He who burdens every medium-sized company with the highest taxes in the world, even up to travel costs, must not leave the large US companies tax-free!

- Also the German aggressive stance against Russia ordered by the USA is counterproductive. The US economic war against us and the coming collapse of the dollar empire will force us to look towards the East for a replacement for missing business in the West. Here, Ms *Merkel* and her two ankle-chomping friends *Maas* and *Röttgen* have allowed themselves to be futilely misused as a EU spearhead of hatred against Russia, thus perhaps causing long-term damage to our relationship with one of the most important world economies. How could Ms *Merkel*, of all people, pursue the continuation of US sanctions against Russia in Europe, when it was precisely the German economy that suffered the most damage and when we would be the ones benefiting most from the Russian market?

Germany must not be a warmonger and not a party to the war. We should finally have understood that we can only live happily and economically well in peace.

But as the USA is also waging economic war against us, we must not remain inactive; we must offer resistance.

(Translation *Current Concerns*)

cc. Eberhard Hamer has been publishing, either as author or editor, for many decades much-read books on a variety of socio-political, while primarily focusing on economic and financial policy issues. The two books shown here are only a small selection: His volume "Visionen 2050" (ISBN 978-3-86445-332-8), published in 2016, presents the research results of various working groups. His "classic", in which he was one of the few to predict the financial crisis of 2007/2008, is the book "Was tun, wenn der Crash kommt?" (What to do when the crash comes?), which was published in its 10th edition in 2008. (ISBN 978-3-7892-8261-4).

Corona virus: Safe through the second wave

Press release of the Kaufmännischer Verband* [Swiss Commercial Employees Association] of 11 November 2020

The measures ordered by the Federal Council to combat COVID-19 are a balancing act between containing the second wave of the epidemic and maintaining economic and social life. In order to counteract an escalation of the situation and at the same time avoid further restrictions, the Kaufmännischer Verband calls for consistent implementation of the operational and external protection concepts. Emphasis must also be placed on strengthening the mental health of employees.

The Kaufmännische Verband can understand the intention of the Federal Council to prevent a second national lockdown if possible. The negative consequences of the first corona wave are still considerable (cf. KOF) and the socio-economic consequences of a second lockdown would be profound: renewed rise in unemployment, deterioration in working conditions, further bankruptcies, etc. Not to mention the psychological consequences of isolation for broad sections of the population and of the insecurity associated with COVID-19, which are likely to worsen during the winter months. In order to reduce the number of cases in the long term and yet avoid a second national lockdown, the Kaufmännischer Verband therefore calls for a consistent implementation of the protection concepts – in the company as well as in the home office (cf. *Chang, S., Pierson, E., Koh, P. W. et al.*) and actively supports employees with appropriate offers. In addition to the physical health of the employees, mental health must also be brought to the fore.

Better implementing and monitoring protection concepts

The measures ordered by the Federal Council mainly provide restrictions of recommendatory nature, but hardly any bans. The latter are mainly provided in connection with large gatherings of people, whether at events or at school. In addition, there are sometimes divergent regulations at cantonal level. "It is imperative that the measures ordered by the Federal Council and the cantons are better known, understood and consistently implemented," says *Caroline Schubiger*, Head of Occupation and Advice at the Commercial Employees Association. Although most of the measures are not new and most of them have already been tried and tested, there are still many uncertainties, particularly in the world of work, between the protection concepts ordered by the authorities and those drawn up by companies (see Corona-FAQ). It is also essential that any resulting loss of wages have to be financed. "It is not clear to the employees

what actually applies and how they should act in case of doubt."

The Kaufmännische Verband recommends that companies communicate clearly and transparently about all their protective measures and define internal contact persons who actively assist both the company in compliance with the measures as well as the employees. "It is important that employees have contact persons in the company to whom they can report their concerns and who respond to the respective fears," explains Schubiger. "This role can be played, for example, by safety officers or occupational health management specialists. Also the route via the HR is possible, or the staff commissions or the Kaufmännische Verband as social partner". If there are indications that protection concepts are not being implemented or adhered to correctly, the Kaufmännische Verband recommends to document deficiencies and to report them immediately. If necessary, the control mechanisms of the regional labour inspectorates should also be strengthened.

Do not neglect mental health

But clear protection concepts are not only needed in the field and in the office. Professionals in the home office as well as those who are on short-time work and have been unable to work for weeks in some cases also require adapted (if not personalised) health protection. Psychosocial risks must

be given adequate consideration, especially in view of the coming winter months. "Unlike the first national lockdown, we cannot currently benefit from long summer nights. There are also restrictions on switching to outdoor activities as an alternative to fitness and culture. For this very reason, companies must also pay attention to the well-being of their employees, so that employees can develop a balance between their own resources and burdens," Schubiger emphasises. This balance largely influences motivation and state of health.

The commercial association recommends that employees test a new daily rhythm for working in the home office and take enough time for personal activities (see guidelines for mobile working). In this way, new energy can be replenished regularly and long-term health can be strengthened. In collaboration with its partner SWICA, the Kaufmännische Verband has therefore developed concrete tips on how to deal with self-management, mindfulness and ergonomics at the workplace. These are formulated in its new guide "Health at Work". Psychological counselling, as offered by the Kaufmännische Verband, can also be valuable in order to obtain good solutions in the fight against the winter or corona blues and to

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Letter to  the Editor

About the COVID-19 theme

Some additional thoughts related to the title theme during the second shutdown of part of the economic and social life. Regarding school lessons, the hygiene concepts with respect to obliging wearing a mask, distance rules, room ventilation etc. is being discussed and negotiated back and forth for months. It startles me each time I observe what goes on outside the school building. Here I see how teenagers in groups are without mask and required distance, standing so closely together. I believe that there is no awareness for the danger of infection and above all, the consequences which exist for these circles of friends. From all sides in the media, the talk is always about the so-called risk-groups, such as the elderly and those who have a previous illness. Now, as reported from the newspaper and television, I have read enough examples of healthy and relatively young people and how they, after becoming infected, suffer for months from consequential damage to the lungs, the heart or the brain. It is impossible to forecast a full recovery.

Aside from this, everyone, including the younger people, can potentially infect others. This demonstrates the need for solidarity with others, regardless if they are in family, among friends or just strangers. In the news there has been an increase of professional athletes such as football players being tested positive for corona which then give the impression of suggesting its harmlessness especially when they return after a few weeks to team training or to play in a compulsory game. From possible long-term damage, which ends their sports career and the health limits carried into the rest of their lives is remained unsaid. Therefore my appeal to the responsible teachers, school directors and other employees in the teaching field, to be more conscious regarding the dangers for the healthy, young people as well and to carry out their responsibility towards their fellow human beings.

Werner Voss, Wiehl, Germany

More in-depth reflection is needed

by Urs Graf

There is a need for deeper reflection on the direction of social development.

Individual events make visible or raise the question why political decisions of great importance are withdrawn from democratic discussion and decision-making. It seems that influential actors only make such decisions among themselves.

Over the decades since the Second World War, a tendency – and an implicit image of humanity – has become increasingly clear, which corresponds to a regression to the rule of force.

Market radicalism dominates economic life worldwide, and throughout society we are witnessing a tendency towards social Darwinism and the safeguarding of undeserved privileges, as already claimed by the colonial barons of the 19th century.

But the “world economy” is not a subjectless undertaking. There are actors therein “with names, addresses and faces”, who by no means act in a covert manner and who cannot avoid public opinion. They must therefore make their interests appear in harmony with the common good.

The era of colonialism is over, when people could still unashamedly indulge their lust for power on the militarily inferior peoples.

This is why the field of opinion-forming has become increasingly important. However, it should be about an honest presentation of the facts.

Various political developments in Switzerland clearly violate the interests of the sovereign and thus reveal the effects of socio-technological interventions. The list is only roughly sketched and therefore incomplete.

- This process has become strikingly obvious since the efforts to legalise narcotics. The market is being opened up more and more for a product which harms its consumers in every respect,

deprives them of the power of disposal over their own person and thus of their freedom and dignity, and disrupts the entire social fabric. But the initiative *Youth without Drugs*, of all initiatives, has been fought by business circles as “inhuman”.

- In 1995, in the newly founded WTO was decided to sell off provision with basic supplies worldwide via the GATS agreement. Since then, so-called reforms, for example in the education and health sectors, have led to the privatisation of state tasks and enabled the establishment of global monopolies over the supply of essential goods.

- The *People’s Initiative on popular sovereignty rather than official propaganda*, apostrophised as a “muzzle initiative”, was rejected, but had the consequence that “propaganda by the authorities” is now commonplace as an accusation which must be avoided. Executive members are therefore holding back and are now increasingly using specialised lobby groups and think tanks.

- After the turn of the millennium, in rapprochement with the EU, the so-called “Cassis-de-Dijon” principle was adopted unilaterally, i.e. unconditionally, by Switzerland. The referendum narrowly had not come into existence because too many believed that they could “conquer the European market as niche producers”. This opened up the Swiss market in all sectors to foreign suppliers whose products do not have to meet the standards we have decided on to the same extent as our domestic producers. (After all, the term “technical barriers to trade” covers all non-tariff requirements, i.e. of an ecological, social or health policy nature).

- In order to counteract such developments, the *Initiative for a state treaty*

referendum was launched. The referendum right should be extended to international treaties. The advocates of globalisation fought it successfully with the slogan: “Important developments would be blocked. [...] Everyone cannot have a say in what they do not understand ...”.

- Subsequently, the *Swiss law, not foreign judges* was an attempt to protect our Federal Constitution against the legal imperialism of large states or powers such as the EU. It was dismissed with the obvious lie that Switzerland (the SVP) wanted to “abolish human rights ..., break treaty compliance [...]”.

- In the course of this campaign, “Operation Libero” was also launched, a campaign with very eloquent people (mainly of the young, cheeky and female variety) to fight against the “reform backlog” and strive for Switzerland’s accession to the EU.

In this twilight, the debate about the popular initiative *For responsible businesses – protecting human rights and the environment* or how to deal with the COVID pandemic is now also being discussed.

People are insecure in their self-concept and in their understanding of living together. And in this hopeless confusion, determined actors have a free hand to pursue their selfish interests.

A calm reflection is urgently needed. Modern anthropology provides us with a picture of human social nature, which is often given too little consideration in political life. From the perspective of the human sciences, the lines of movement of social development with the interests involved could be carefully viewed and examined for their relevance to life.

Perhaps we are now using the slow movement of public life caused by the pandemic as an opportunity to do so. •

“Corona virus: Safe through ...”

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professionally deal with fears or frustrations.

Engagement in times of crisis

Both, on the political and social partnership level, as well as towards its members, the Kaufmännische Verband will continue to do its best to find good solutions during the Corona crisis. It actively supports employees, employers, and learners at the KV as well as professional and practical trainers. In its Corona-FAQ, the Kaufmännische Verband answers the most important labour law questions in connection with the corona virus: What can employ-

ees expect from their employer and their supervisor if they have to continue working on site in the company? What do they have to bear in mind in the home office or during short-time working? How can learner training also be provided remotely? The Corona-FAQ is available free of charge to members and non-members of the association. •

* The Kaufmännische Verband is the largest Swiss professional organisation for office and sales staff and related professions. At national level, the Kaufmännische Verband represents the interests of 48,000 members. It is represented in all three language regions and in all parts of Switzerland and is active in 29 sections. (Wikipedia)

For more than 140 years the Kaufmännische Verband has been the centre of competence for education and

training in the commercial and business environment. We advise and inform our members on questions concerning their professional careers and are committed to strengthening their employability. We also represent employees from office, sales, trade and industry in more than 40 collective labour agreements. Through our schools – primary and secondary commercial schools, the *University of Applied Sciences (HWZ)*, the *Swiss Institute of Business Administration (SIB)* – we offer practical training and further education. We are the sponsor or co-sponsor of various professional and specialist examinations. More at kfmv.ch.

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(Translation *Current Concerns*)

Protecting democracy – but how?

by Christian Fischer, Cologne

Since the summer, Germany has been the site of strange political demonstrations. The reason is the protests against the pandemic protection measures. Recently, another demonstration took place in Leipzig in massive disregard of protective measures, which was rightly dis-banded. For many organisers and participants, however, the abstract reference to civil liberties is only a pretext for a fundamental critical attitude towards our real existing democracy. Is demonstrative disregard for state-imposed health protection measures supposed to be democratic action?

Corona dictatorship?

There are various ideological tendencies among the demonstrators, from radical left-wing critics of the “deep state” to “lateral thinkers” up to the imperial Hohenzollern flag bearers. Between them, there are also many who reject state measures simply out of incomprehension and comfort. Many talk about a dictatorship to which our democracy has been transformed or which it has always been. To this end, they list democratically illegitimate lobby groups from the *World Economic Forum* over private foundations (*Bill Gates*) up to countless other circles and NGOs, and denounce their plans for global exploitation, control systems and accompanying propaganda.

There is no doubt that such plans exist and are already being implemented outside or even through democratic bodies. It is true that powerful business and political circles assert their interests away of democratic legitimacy. To do so, they also abuse the pandemic protection measures¹ – as by the way any other opportunity that may arise. But vice versa, it is also an abuse of the pandemic if it is used as proof of a dictatorship. For it is indeed a pandemic. The leaders of the demonstrations and the operators of the various platforms deny, in the interest of their argumentation, that in many places in the world there are massively more deaths, dangerous courses of the disease not yet understood and transmission routes only partially understood.

Is it good that people are fighting for fundamental rights – but at the expense of health protection? Is that not a fundamental right? If the face mask must be used as evidence of a political muzzle, the same logic would have to be applied as evidence of a dictatorship to the shackling of the free citizen by the seat belt in the car. Or a thousand other examples of state-ordered “deprivations of liberty”. (Whereas the seat belt protects only one person, but the mouth and nose protector protects many!)

“National democracies or their officials have become for a long time already the executive organs of democratically illegitimate lobby groups. Privatisation of state functions, dissolution of national sovereignties, non-recognition of democratically legitimised legal systems, establishment of supranational decision-making bodies without the separation of public powers – these are the attacks that would be worth fighting against – in the name of our national sovereignty, including our democratic institutions.”

Corona protection measures are no reason to use the constitutional right of resistance. Rather, the spokesmen of this movement have a problem with state “paternalism” completely independent of this. They have chosen this inappropriate example to bring their long-held opinion about our alleged sham democracy to the streets and various internet platforms.

What is the danger?

The protective measures are not an entry into dictatorship. They are protective measures. It is a pity that people think they have to attack the constitutional state for this reason for there are enough veritable reasons to denounce anti-democratic machinations.² Those who want to delegitimise the “patronising” constitutional state do not breast in this way the actual, but obviously unrecognized attack on the constitutional state, but they just fall for it: After all, the real attack through economic and political globalisation consists above all in dissolving the national legal systems. Real resistance would be to protect them.

National democracies or their officials have become for a long time already the executive organs of democratically illegitimate lobby groups. Privatisation of state functions, dissolution of national sovereignties, non-recognition of democratically legitimised legal systems, establishment of supranational decision-making bodies without the separation of public powers – these are the attacks that would be worth fighting against – in the name of our national sovereignty, including our democratic institutions.

Whoever declares our democracy a dictatorship, as many demonstrators and spiritually related platforms do, not only reveals a lack of historical education, but obviously does not consider our democratic institutions worthy of protection. Here

a disastrous convergence between “neoliberal” and “neoliberalist” rejection of the democratic nation-state becomes apparent. The powerful and their critics dance to the same tune: Away with this nation state! Thus one plays into the hands of those who, from a more powerful vantage point, are engaged in the same business: the privatisation of public order, that is, the introduction of arbitrariness.

Is it too much to ask to distinguish an abuse of democratic institutions from the institutions themselves? Part of this comfortable attitude is that positive alternatives are hardly visible among the demonstrators and associated platforms. Therefore, a look at the neighboring country Switzerland might help.

View into the neighbouring country

Swiss democracy is often cited as a better model, sometimes even by the anti-Corona dictatorship demonstrators. But have they also understood that this is not only about the right to direct votes, for which there must be universally valid rules, but about a complex political system, created and lived over many centuries and changed again and again? A closer look is provided by *Werner Wüthrich's* extremely knowledgeable and very readable account in his book “Wirtschaft und direkte Demokratie in der Schweiz” (see page 15 pp.).

The main message that Swiss democracy sends us is cooperation instead of struggle and efforts towards democratic accountability. Cooperation – this does not mean subjugation and renunciation, as one could read it with German glasses, but rather consideration of what one wants to achieve concretely in certain areas and convincing one’s fellow citizens in order to create generally valid legal conditions

The Swiss democratic example – a review

cf. Swiss democracy is often regarded as ideal, but almost as often only partially perceived and understood. Werner Wüthrich's book "Wirtschaft und direkte Demokratie in der Schweiz" (Economy and direct democracy in Switzerland) is a great contribution to a better understanding. It is presented here from the perspective of a German reader.

The book comprises 29 chapters in eleven thematic areas, which can also be read separately. The best overview is of course provided by reading the entire book. The subsections refer to different historical sections since the founding of the state in 1848, but also to topics of different content such as economic theory, financial policy, agriculture and others. Not everything can be adequately appreciated in a review.

The founding of the federal state took place under the intellectual influences of the Enlightenment and the French Revolution. From this, for example, individual liberty rights were taken over. (The old Confederates' concept of freedom was different. It referred to independence from foreign powers).

From the American Constitution, Switzerland adopted above all the bicameral system (National Council and Council of States). The actual basis of the federal state, however, was its own history, which since the Federal Charter of 1291 had been built on freedom and independence from foreign feudal lords, combined with the duty to provide assistance and the living direct democracy, especially in the rural municipality cantons. Direct models for the Federal Constitution of 1848 were a whole range of cantonal constitutions of the regenerating cantons in the 1830s, in which direct democracy was already established. The sovereign cantons, which merged to form the federal state, retained a strong position. As a result, after the founding of the state, competition between decentralised aspirations for sovereignty and centralising intentions became politically effective, as it had been before. The former were often based on the rural population and shaped the instruments of direct democracy (referendum, popular initiative) first in some cantons, while the latter were stronger in the cities and relied more on what we now call representative democracy. This "conflict of aims" is still alive today in various forms.

An interesting example is the portrait of *Alfred Escher*, a formative politician and business leader in the middle of the 19th century. The Zurich businessman was a member of the Cantonal Council for 36 years, a member of the National Council for 34 years, a member of the government for seven years. He founded a railway company, a bank (now *Credit Suisse*),

a university (now ETH) and much more. He was a supporter of the representative democracy and an opponent of the emerging democracy movement for more direct popular participation. However, this prevailed in the form of a very progressive constitution for Zurich in 1869 – without therefore wanting to abandon Escher's entrepreneurial initiatives. Both sides "complemented each other in political interplay and prepared the ground for the development of modern Switzerland" (page 61).

Another example is the functioning of democracy in the 1930s and 1940s, when Switzerland was surrounded by aggressive European dictatorships. The First World



ISBN 978-3-909234-24-0

War had taught people painfully how important self-sufficiency in vital products was in a country that was poor in raw materials and already heavily export-oriented. On the basis of this experience, referendums were held to decide how the state should support the country's own agriculture. This helped the country to become self-sufficient, while Nazi dictatorship and fascism prevailed all around.

From 1939, the parliament transferred to the executive power the authority to guide the country through the difficult times with emergency decrees. The sovereign, the people, had partly agreed to this because they understood that rapid action was needed. After the war, however, there were voices, for example from *Zaccaria Giacometti*, the outstanding professor of constitutional law at the University of Zurich, who were critical of the continuation of the emergency regime and insisted on the sovereign's sovereignty. These voices were important to ensure that after the war, the executive power did not claim the increase in power it had created as a per-

manent state of affairs for civilian times. The sovereignty of the people did not only exist on paper, it was repeatedly exercised by vigilant citizens. This did not happen through revolutionary struggle, but by appealing to and exercising the rights guaranteed by law, which were thereby repeatedly adapted to the times.

A separate part is addressed to agriculture, in which it is shown how regulations were created over decades in the last third of the 20th century that enable a balance between the protection of farms and food security as well as nature and animal protection. To this end, there were numerous popular initiatives from various interest groups, which had to be coordinated by the Federal Council and the parliament. Some initiatives were withdrawn when parliamentary bills took up the concern and meaningfully included other matters.

Particularly interesting for German and probably all other readers as well is the fact that the Swiss attach great importance to a pronounced federalism. This is only understandable because sovereignty here actually operates decentralised. Municipalities and cantons not only have much greater financial autonomy than in other countries (until the First World War the Federal Government was financed exclusively from customs revenue and is still heavily dependent on the lower levels today), but the sovereign itself, the citizenry, has financial sovereignty at the federal, cantonal and municipal level. Citizens decide directly on the collection and use of taxes by vote. Therefore, they are prepared to pay higher taxes temporarily, if they know that these taxes will be used for the intended purpose and will not trickle away in dubious channels.

This also explains voting results, which surprises the foreigner. In 1973, for example, the sovereign rejected an initiative to introduce a uniform federal tax on income and assets and capital gains – instead of the previous different cantonal taxes. The nationwide tax fairness desired was clearly not as highly valued by the citizens as the financial sovereignty of the cantons. Decentralisation, i.e. citizen-orientated decisional power, was more important to the citizens than equality of tax rates.

The systematic presentation of the voting systems that exist at the various levels is not the subject of the book. However, in connection with the various key subjects, you can experience how it works and how complex and historically well practised it is. Optional referenda to bring parliamentary decisions to the people, initiatives by citizens' groups or political parties to introduce their own bills, mandatory ref-

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for this. This message is highly topical especially in these days.

The second Swiss message is called decentralisation instead of centralism; the upper levels live from the lower ones, not vice versa. But the lower levels are not simply informal expressions of opinion with the here and hubristic call "We are the people", but rather the use of the democratic rights gained to date. And their further development.

Swiss democracy is not a "model" that can be imported by decision. German history has taken a different course and created different conditions. Therefore, in the following, some suggestions are made as to what tasks we Germans could put on our agenda in the light of the Swiss experience in order to make our legal system more democratic. This has already been presented in somewhat more detail in this newspaper.³ These suggestions may also send a signal to the fundamental critics, who make neither the mental nor the practical effort to further develop our democracy inherited from our ancestors.

Democratic proposals for Germany

Since democracy works from below, it starts with the community. In contrast to Switzerland, municipal autonomy is only poorly developed in Germany. Our municipalities only have some of their own revenues, mainly trade and property tax and fees for services. They are strongly reliant on the state and federal levels for their finances. A good 80 % of administrative work at local level is the performance of state and federal tasks (social and youth welfare, housing benefit, immission control, etc.); financial allocations from above, which do not necessarily cover costs. The task would therefore be:

"The Swiss democratic example ..."

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erenda when amendments to the Federal Constitution are pending; and in between, always negotiations in parliament when various initiatives originating from the people, a party or the cantons have to be coordinated and agreed with other issues.

It is not concealed that quite a few politicians have been striving for many years to bring Switzerland closer to the EU, if not into it. In 1992, there was a referendum on accession to the European Economic Area (EEA) with a clearly negative result, although the major parties, the Federal Council and Parliament had supported an accession. The proportion of votes was indeed close. But most cantons voted against. Since that time, the *Swiss People's Party* (SVP) has become the strongest party,

"The main message that Swiss democracy sends us is cooperation instead of struggle and efforts towards democratic accountability. Cooperation – this does not mean subjugation and renunciation, as one could read it with German glasses, but rather consideration of what one wants to achieve concretely in certain areas and convincing one's fellow citizens in order to create generally valid legal conditions for this. This message is highly topical especially in these days."

- Municipalities must become more capable of acting independently of the higher levels of government. It is at the municipal level that the democratic consciousness of citizens – including that of the younger generation – is created (or not created). Many civic initiatives could also work more effectively with greater municipal autonomy.

The next level is federalism. Germany is a federally structured federal state, whose Länder are separate states with their own constitutions and three powers. This is enshrined in the constitution and is a good thing. Nevertheless, federalism is unfortunately increasingly underestimated by the sovereign. Many citizens see it only as a distant decision-making body and another place for party bickering. This perception reflects the fact that the federal states do not legislate as comprehensively and sovereignly as would be possible under the Basic Law.

- The Länder must exercise their constitutional legislative competence much more confidently and comprehensively. And they could do so if the officials wanted to.

among other things, because it is clearly against an EU accession. Swiss industry is strongly export- and internationally oriented, but Switzerland cultivates its economic relations with other countries not by a sovereignty tax but through bilateral agreements. Thanks to the direct democratic system, a small-scale economy and an effective brake on debt initiated by the people, Switzerland is one of the most economically successful countries with a high quality of life for its citizens. If it were integrated into the EU, it would largely lose its political system of popular sovereignty within the framework of its own parliamentary, executive and judicial separation of powers. Switzerland's internationally important role as a neutral and peace-mediating country would also be lost.

These are a few brief remarks on this very worth reading book. •

The idea of federalism is also weak because there is no citizen-oriented representation of the Länder at federal level for joint federal and Länder legislation, as is the case in the USA or Switzerland. Our federal state chamber, the Federal Council, is an assembly of state governments, an undemocratic relic from the 1st and 2nd German Empires.⁴

- Why is there not an independent body of country representatives directly elected, as in the US Senate or the Swiss Council of States? This could also promote federal awareness and objectively appropriate autonomy.

At federal level, the German Bundestag has already substantially surrendered its legislative sovereignty to the EU Commission three decades ago through the revision of Article 23 of the Basic Law.⁵ This process, which many citizens did not notice or understand, is unforgivable and reversible according to democratic criteria. This is possible.

- International cooperation can be very comprehensive and appropriate without having to surrender sovereignty to Brussels. Switzerland proves this every day.

Finally, let us remember the right to vote promised in the Basic Law but not realised at federal level. It must finally be implemented by federal law. Nevertheless, it should not be forgotten that there are voting rights at the Länder and municipal level, which are also used – in different ways depending on the Länder. However, there is a substantial need for reform here, which applies to all levels, including a future federal level:

- Quorums for the admission of a vote must be reasonably low; they may be waived altogether for the conduct of an admitted vote.
- The subjects which may be put to the vote must, unlike at present, include everything on which MPs at each level

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may vote, for example budgetary issues, economic policy, tax collection and tax spending, etc.

This essential element of direct democracy is in Germany not even in its infancy. It must first be gradually born, no, be generated in thought: because there is a lack of awareness that the sovereign citizenship is competent not only to elect one person or one party, but also to say in all factual issues which concern the community, if they are formulated in a comprehensible manner. Swiss history shows that economic success is due especially to direct democratic financial competence, too. In Germany not even such a commendable direct democratic initiative such as “Mehr Demokratie e. V.” (More democracy) formulates the centrally important demand for direct financial sovereignty. And “The Greens” are just about to withdraw the call for voting at the federal level from their programme.⁶

Such a more direct democracy of course includes a good and broad school education for all, including history and civics – whereby another task is addressed, which our “representatives” in the last decades often have “reformed” in the wrong direction. In the case of direct democratic voice this probably would not have happened.

Think straight ahead

The aim is to develop a political culture, where citizens cooperate with each other to develop their community in the for the common good, to give themselves therefore institutional rules, to observe and update them and use them in practice. By the way, even politicians would be more cooperative having the people in their sight more directly by referendums and initiatives as a corrective to their deci-

“We do not have to start from scratch in Germany. We have a wide range of expandable democratic structures; that is what we must work on and work in instead of being blind to history and lazy in thought and thrust them aside as a dictatorship. If the aim is a better democracy, then the next step on the way to it is formulating realistic and up-to-date proposals, for example for more social justice, for better peacekeeping, for more democratic institutions.”

sions. This too is one of the positive Swiss messages. We do not have to start from scratch in Germany. We have a wide range of expandable democratic structures; that is what we must work on and work in instead of being blind to history and lazy in thought and thrust them aside as a dictatorship. If the aim is a better democracy, then the next step on the way to it is formulating realistic and up-to-date proposals, for example for more social justice, for better peacekeeping, for more democratic institutions, but certainly not: against health protection measures.

Yes, there are powerful lobby groups standing in the way or lurking sideways in the bushes, and yes, many things in Germany will probably have to be developed through extra-parliamentary channels first. But it is precisely here that steadfast persuasion of our fellow citizens to accept concrete proposals, which we must first work out and think through ourselves, is the means of choice. Democracy is nice, but it is a lot of work, especially not just the abstract claiming of fundamental rights, as if they had been abolished.

The preoccupation with Swiss history, to which Werner Wüthrich’s book invites

us in an excellent way, can be very helpful in providing concrete suggestions for further democratisation.

¹ <https://ruptures-presse.fr/deutsch/gluecksfall-virus-corona-aufschwungplan/> (Lucky chance-virus-corona-upturnplan)

² For example: Rügemer, Werner. *Die Kapitalisten des 21. Jahrhunderts*, Köln 2018 (The capitalists of the 21st century, Cologne 2018), or: <https://www.larsschall.com/2019/01/28/der-council-on-foreign-relations-die-bilderberg-gruppe-und-ein-haufen-fiktives-kapital/> or: Ploppa, Hermann. *Die Macher hinter den Kulissen* (The makers behind the scenes), Frankfurt 2015

³ Fischer, Christian. “Direktere Demokratie in Deutschland“ (More direct democracy in Germany) in: *Current Concerns* 2019 (No. 8, 12, 14, 20) und 2020 (No. 2, 3)

⁴ Rudzio, Wolfgang. *Das politische System der Bundesrepublik Deutschland* (The Political System of the Federal Republic of Germany), Wiesbaden 2019, p. 256f.

⁵ For example: <https://zeitgeist-online.de/exklusivonline/nachdenkliches-und-schoengeistiges/1040-demokratie-braucht-nation.html> or: Loewe, Jens. *Europa ist ein Friedensprojekt – und die Erde ist eine Scheibe* (Europe is a peace project – and the earth is a disc), *Schramm’s blog* of 19 May 2019 or: Hofbauer, Hannes. *Europa – ein Nachruf* (Europe – an obituary), pp. 93-187, Wien 2020

⁶ <https://www.change.org/p/cem-%C3%B6zdemir-b%C3%BCndnis-90-die-gr%C3%BCnen-h%C3%A4nde-weg-von-der-demokratie-volksabstimmung-im-grundsatzprogramm-erhalten>

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