

Current Concerns

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English Edition of *Zeit-Fragen*

Human Rights and Peaceful Co-existence among States: Universality – Diversity – Dialogue*

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

Peace is a supreme value of the international community. It is indispensable for the enjoyment of human rights at the collective as well as at the individual level. In the hierarchy of human rights norms, the right to life – the basic rationale of peace – is fundamental for the realization of all other rights, whether political, economic, social or cultural. In the community of nations, states can only flourish in the absence of violence against their sovereignty and independence. The ban on the use of force in relations between states, enshrined in the United Nations Charter, is an essential element of the international rule of law.

The general obligation of states to conduct their relations in a peaceful manner implies *mutual respect* and *non-interference* in their internal affairs. This also follows from the principle of sovereign equality of states, which includes the right of every state to conduct its affairs according to its own traditions and on the basis of its specific conditions and priorities.

In view of these *universal norms*, proclaimed by the United Nations as its guiding purposes and principles, the enjoyment of human rights cannot, and must not, be subordinated to the conduct of power politics. Human rights reflect the *inalienable dignity* of the human being – in terms of the individual (as citizen) as well as of the collective organization of individuals (the sovereign state). This implies that no state – whether small or large, weak or powerful – seeks to dominate other states, or undertakes to impose its domestic system, socio-cultural tradition and worldview upon the rest of the world.

In the above-described sense, human rights – as expression of human dignity (individual as well as collective) – are universal. However, *universality* of

“No state has the right to lecture others about their worldview, value system or socio-cultural tradition. Human rights must not become a tool of geopolitics. On the basis of a joint commitment of nations to cooperate for the common good of mankind, human rights discourse should instead become part of a global dialogue between civilizations and cultures, informed by mutual respect.”

human rights does not mean *uniformity* of their application. There is a rich *diversity* of civilizations and socio-cultural traditions at the global level. The multitude and variety of traditions are also reflect-

ed in the perception and implementation of human rights under different historical circumstances. Thus, if one is committed to an order of peace, diversity has to be ac-

continued on page 2

International Human Rights Conference in China

More than 100 participants from China and abroad attended the one-day hybrid conference*, sponsored by the *China Society for Human Rights Studies* and organized by the *Jilin University School of Law* and *Jilin University Human Rights Center*. The President of the China Society for Human Rights Studies, *Qiangba Puncog*, delivered the inaugural speech. Ms *Li Xiaomei*, Special Representative of Human Rights Affairs at the Ministry of Foreign Affairs of China, briefed the experts on China's participation in the work of the UN Human Rights Council. Scholars and journalists from Austria, Burundi, Colombia, Egypt, France, Germany, Italy, Netherlands, Norway, United Kingdom, and United States shared their observations on the diversity of human rights traditions in China and their respective countries. Among the speakers were *Tom Zwart*, Director of the *Cross-cultural Human Rights Centre* at Vrije Universiteit Amsterdam (Netherlands); *Anthony Carty*, Professor of Public Law at the University of Aberdeen (United Kingdom); *Rune Halvorsen*, Professor of Social Policy and Co-director at the *Centre for the Study of Digitalization of Public Services and Citizenship*, Oslo (Norway); and *Harvey Dezodin*, Senior Research Fellow at the *Center for China*

and Globalization and a former legal adviser in the *Carter* administration (United States). Foreign media and social science professionals based in China spoke about their experiences concerning the human rights situation in the country.

The participants of the conference agreed that a self-critical attitude – on all sides – is indispensable for a fruitful global debate on human rights. In the closing session, Chinese delegates addressed the tension between East and West and emphasized the need to overcome misunderstandings through fact-based analysis. The Executive Director of the Human Rights Center at the University of Jilin (China), Professor *He Zhipeng*, organizer of the conference, summed up the debates, stressing the cross-cultural perspectives of human rights and expressing the hope for continued dialogue between Chinese and foreign experts.

* In a hybrid conference, a subset of the people attending the meeting is located together in the same place. Other participants join the meeting by conference call or web conference. (Editor's note)

Source: News Release International Progress Organization of 8 April 2021 (excerpt); http://i-p-o.org/IPO-Koehler-HUMAN_RIGHTS-Changchun-08April2021.htm

* Keynote Speech at the International Human Rights Conference, convened by *China Society for Human Rights Studies* in co-operation with *Jilin University School of Law*, and *Jilin University Human Rights Center*, Center for Jurisprudence Research, *Jilin University*, Changchun, China, 8 April 2021; http://i-p-o.org/Koehler-Human_Rights-Peaceful-Coexistence-KEYNOTE_SPEECH-Changchun-08April2021.pdf

"Human Rights and Peaceful ..."

continued from page 1

knowledge not only in terms of culture, ethnicity, religion, etc., but also in regard to the social aspects of human rights. Corresponding to the development of civilizations and cultures, there is indeed a complex variety of perceptions and paradigms concerning notions such as "citizen," "state," "individual," "family," or "collective," and their structural connection in different contexts. Internationally, this has resulted in a diversity of interpretations of social standards, conventions of social decency, protocol, etc., according to particular national and civilizational traditions.

Accordingly, in terms of human rights, no state has the right to impose its peculiar socio-cultural tradition or system of values – in general, its worldview (*Weltanschauung*) – upon other peoples and states. While, in certain traditions, the focus may be more on the assertion of the individual versus the state, other traditions follow an essentially community-oriented approach that defines the role of the citizen in a more integrated sense where the state is not juxtaposed in opposition to society. Accordingly, the only adequate approach

to diversity of human rights perceptions is *dialogue*, based on mutual respect. In an international order of peace, there simply is no "paradigmatic state," and there can be no tolerance for an intrusive *human rights doctrine* that only serves the interests of the most powerful states.

The differences in perceptions and priorities, related to the social and historical peculiarities of states, are also obvious in the ratification status of international human rights instruments. To give just one example: The International Covenant on Economic, Social and Cultural Rights, one of the core treaties of the global human rights system, is not ratified by the United States. China has signed the treaty in 1997 and ratified it in 2001. It goes without saying that a country that is not party to a treaty cannot act as authoritative interpreter or judge – not to speak of the role of self-appointed enforcer – of the rights enshrined in that treaty. Even among the group of state parties of a treaty, no state has the right to impose its unique socio-cultural traditions and life-style, insofar as they may impact on the national implementation of the treaty's provisions, on fellow member states.

The disparity in terms of ratifications corresponds to the fact that there is no uniformity of cultures and civilizations in today's globalized world. Denying diversity would be tantamount to an essentially totalitarian approach that is not only intrinsically antithetic to human rights, but also incompatible with the above-mentioned sovereign equality of states. False *human rights universalism* – a position that declares as "universal" (and legally binding) the particularities of a national tradition – is indeed based on the legacy of colonialism, and in particular Euro- (or: West) centrism. What is universal is the *principle* of human dignity, but not the *implementation* of the principle in a specific (socio-cultural) context. The notion of dignity can indeed be found e.g. in the Confucian, Christian, and other religious, but also in the secular traditions of Marxism or European Enlightenment (Immanuel Kant).

False universalism has often served hidden geopolitical purposes. It has provided the ideological framework to justify interference into the internal affairs of states. The history of so-called "humanitarian" interventions, since the 19th century

continued on page 3

"The Swiss Lectures – World Order and the Rule of Law"

The book "The Swiss Lectures – World Order and the Rule of Law" is the extended edition of the German book "Schweizer Vorträge – Texte zu Völkerrecht und Weltordnung" (2019). The English book will be published in June 2021. It is a collection of all articles by Hans Köchler published in the Swiss journal *Current Concerns*, from 2011 to 2021. The articles summarise lectures given in Switzerland to readers of *Zeit-Fragen*, the German edition of *Current Concerns*. The book also contains further analyses and interviews on pressing issues of our times.

Hans Köchler's approach combines basic legal-philosophical analyses with an assessment of current developments in law and world affairs. In one of his texts he writes:

"In philosophical – or more specifically, hermeneutical – terms, we can only understand ourselves if we are able to relate to other identities. This is true for the individual person as it is for a collective of individuals. [...] Realizing that knowledge of other cultures is indispensable for knowing oneself will also help to create a new and solid basis for what is called peaceful co-existence, namely a harmonious living together of communities – cultures and civilizations as well as states" (p. 24f).

"May this English edition encourage readers to further deepen their appreciation for the dialogue between cultures and people, to advance the awareness of the benefits of diversity and exchange rather than violent power politics, and

to acknowledge the 'resulting need to reach an understanding beyond ideological boundaries' (pp. 70f below)." (Preface of the Editors, p. 10)

The Author

Hans Köchler (*1948) is emeritus professor of philosophy. From 1990 until 2008 he served as Chairman of the Department of Philosophy at the University of Innsbruck (Austria). Köchler's research interests

include legal and political philosophy, hermeneutics, and philosophical anthropology. As co-founder and president (since 1972) of the *International Progress Organization* (Vienna), he has committed himself to the causes of peace and inter-cultural dialogue. This has been evident in numerous publications and lectures all around the globe, as well as in his engagement in many international organizations. Köchler served in committees and expert groups on international democracy, human rights, culture, and development. In 2019 he was appointed as member of the University Council of the *University of Digital Science* (Berlin). Since 2018 he has taught at the *Academy for Cultural Diplomacy* in Berlin. Hans Köchler lives in Vienna.

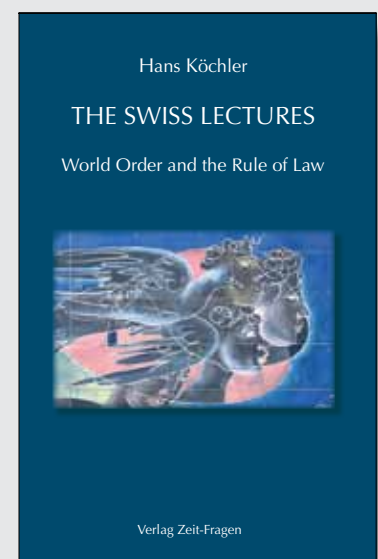
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As an impartial world organisation, the OPCW must serve the truth

Disinformation and propaganda destroy the credibility of politics

Interview by Karin Leukefeld with Hans von Sponeck

zf. On 7 April 2018, an alleged chemical weapons attack killing 50 civilians took place in Douma, Syria. Seven days later, on 14 April, a missile attack by US, French and British forces on three targets in Syria followed in response. These were justified on the grounds that the Syrian government was responsible for the alleged attack. However, important information and views of OPCW scientists who were involved in the investigation at the time are still being ignored today. What is more, two of its former scientists have been denounced by the OPCW, and the online network Bellingcat, which is close to NATO, even tried to slander one of the former OPCW scientists. All this despite the fact that factual WikiLeaks and Grayzone documents had since become public (see also Current Concerns No. 5 of 17 March 2020). On 11 March 2021, 27 former diplomats, high-ranking military officers, writers and journalists issued a “Statement of Concern” demanding transparency and accountability from the OPCW in order to restore the credibil-

ity and integrity of the organisation (see page 5 of this journal).

One of the signatories of the declaration is Hans von Sponeck, former UN Assistant Secretary-General and UN Humanitarian Aid Coordinator in Iraq, with whom Middle East correspondent Karin Leukefeld conducted the following interview.



Karin Leukefeld
(Picture T. Gräser)



Hans von Sponeck
(Picture zvg)

Karin Leukefeld: Mr von Sponeck, you are an experienced UN diplomat and know the Middle East, especially Iraq, from your own experience. Is the war in

Syria comparable to what happened earlier in Iraq?

Hans von Sponeck: No armed conflict in the Middle East is as complex as the current conflict, the war in Syria, which has now been ongoing for ten years. The internal uprising of 2011 quickly became a broad confrontation of groups that had little to do with the internal Syrian conflict, but much to do with national interests of neighbouring countries and those of major powers pursuing their own geopolitical goals.

Over the years, it has become increasingly difficult for observers to identify which of the internal and external parties was responsible for individual attacks. At the same time, the destruction of the country and the aggravation of the suffering of the people increased inexorably.

Why a “statement of concern”?

You have addressed a “Statement of Concern” to the Organisation for the Prohibition of Chemical Weapons, the OPCW. Why are you concerned?

continued on page 4

“Human Rights and Peaceful ...”

continued from page 2

ry in particular, testifies to this instrumentalization of human rights.¹ More recently, political and economic sanctions have become a tool of human rights “enforcement” in the service of ulterior motives. These practices are essentially self-contradictory, as the comprehensive economic sanctions against Iraq (1990–2003) have demonstrated. Instead of protecting human rights, the states that insisted on the continued enforcement of those punitive measures (over more than a decade) systematically violated the basic human rights of the entire population of the targeted country.

A policy of *double standards* is a frequent corollary of this form of ideological imperialism in the context of today’s global power struggle. States that, in the name of humanitarian principles, undertake to impose their standards on other states have often been proven to be *selective* (a) in regard to the countries targeted (the choice depending on considerations of geopolitics, not of human rights), and (b) in the priorities of interpretation, or weighing the dimensions of human rights. The latter is the case when states emphasize particular rights in *one case* while neglecting those same rights in *another*, depending on political convenience. Often, those states violate

basic human rights on their own territory or have not even ratified human rights treaties the implementation of which they demand from other states.

Human rights activism tainted by power politics risks to undermine, and ultimately discredit, the efforts of the United Nations in the promotion of human rights on the basis of *impartiality* and *inclusivity* – two criteria which the President of the United Nations Human Rights Council, Ambassador *Nazhat Shameem Khan*, in her inaugural speech identified as essential for credible human rights monitoring at the global level.² Only if impartiality and inclusivity are observed, can human rights monitoring, based on the respect for national sovereignty, contribute to the strengthening of the international rule of law, and subsequently to a stable order of peace. This includes the right of every state, as legally constituted collective of citizens, to self-preservation, as it evokes, at the same time, the duty of every state to abide by the international treaties it has ratified. This also is the challenge before member states of the United Nations Human Rights Council.

Under these circumstances, and in view of the imperatives of peaceful co-existence, there is no room for ideological arrogance in the implementation of human rights. No state has the right to lecture others about their worldview, value system

or socio-cultural tradition. Human rights must not become a tool of geopolitics. On the basis of a joint commitment of nations to cooperate for the common good of mankind, human rights discourse should instead become part of a global dialogue between civilizations and cultures, informed by mutual respect. The United Nations should facilitate an exchange of experiences in the implementation of those rights. Debates must not be used as a tool of indoctrination or an instrument of global confrontation. In today’s multicultural – and increasingly multipolar – environment, there is no room anymore for suppression of the diversity of human rights perceptions in the very name of human rights. Accordingly, international policies and initiatives must follow a *multilateral* approach, informed by the mindset of cooperation among equals. This will be in conformity with the solemn commitment, made by the founders of the United Nations, “to practice tolerance and live together in peace with one another as good neighbours.”³

¹ Köchler, Hans, in: *Xiandai Guoji Guanxi / Contemporary International Relations*, Monthly Chinese Edition, Beijing, No. 9, serial no. 143 (2001), pp. 28–33.

² United Nations, Human Rights Council, Geneva, 8 February 2021, www.ohchr.org

³ Preamble to the Charter of the United Nations, fifth paragraph.

"As an impartial world organisation ..."

continued from page 3

Today, the public is aware that all adversaries in Syria – the Syrian government, internal opposition groups, self-proclaimed rulers and other states – have most brutally as well as repeatedly violated martial law and international humanitarian law. The *Organisation for the Prohibition of Chemical Weapons* (OPCW), founded in 1997, has – in general terms – the mandate to implement this prohibition and to ensure the destruction of chemical weapons. In cooperation with the United Nations, the OPCW is to do everything possible to prevent actions contrary to international law and the use of chemical weapons. At least, this is what is stipulated in the Chemical Weapons Convention, which has been signed by OPCW member-states or contracting states. The OPCW's mandate in Syria was just that, to investigate and determine whether chemical weapons were used.

The "Statement of Concern" is, after all, specifically about the case of Douma, where there was allegedly a chemical weapons attack in April 2018.

Fifty Syrian citizens were reportedly killed, and, according to the OPCW's final report on Douma, allegedly by a chemical weapons attack. In the meantime, however, there has been an increase in the number of documents, scientific reports and statements by OPCW staff testifying that a false picture was spread about what happened in Douma at the time. This all points to the conclusion that the legitimisation of a certain political and military approach was aimed at. That is why we published the "Statement of Concern".

This is a serious accusation.

This is not about speculation or assumptions, but about facts that testify that the

Coldly given the heave-ho

ef. From 20 to 22 April 2021 the Twenty-Fifth Session of the *Conference of the States Parties to the Chemical Weapons Convention* (CWC) was held in The Hague. At this conference, 87 out of 193 states suspended OPCW member Syria's rights and obligations.

Karin Leukefeld reported in detail on this conference and the background in the *Nachdenkseiten* of 22 April. Syria's punishment was demanded at the request of a group of 46 Western states "Addressing the possession and use of chemical weapons by the Syrian Arab Republic. This request was granted: "Of the 193 member states, 136 took part in the vote. Of these, 87 voted in favour of the resolution, following the motion of the EU and the NATO states Canada, USA and Australia. 15 states voted against the resolution, 34 abstained." (Leukefeld) With the result that Syria was suspended from the OPCW.

The investigation findings of two OPCW inspectors, confirming the alleged chemical weapons attack in Douma on 7 April 2018 as unlikely, were coldly given the heave-ho; as were further efforts at the international level, as outlined by Hans von Sponeck in the interview and as expressed in the "Statement of Concern". Even a mediation proposal by Hans von Sponeck and Professor Richard Falk, sent to all OPCW member states before the conference was not considered. Nor were the forceful, fact-based statements of the high-level guests at the Arria Formula meeting of the UN Security Council on 16 April 2021. (<http://webtv.un.org/watch/watch/protection-of-developing-nations-against-political-pressure-upholding-the-integrity-of-international-non-proliferation-regimes-security-council-arria-formula-meeting/6249210604001/>)

Source: www.nachdenkseiten.de of 22 April 2021

OPCW management, in collusion with various governments, built up a false picture of what had happened in Douma. In the process, the OPCW's commitment specified in the OPCW's self-imposed values to "conduct itself professionally and with integrity at all times" was forgotten.

Repression against high-ranking British co-signatory

One of your co-signatories, the British Lord West, has been accused by the government in London of engaging in "disinformation and propaganda". These are big guns brought in to destroy your credibility.

Lord West is a member of the British House of Lords, he is a retired Admiral and was for a time Minister for Security in

the UK. As a co-signatory of the "Statement of Concern", he expressed, to the British government among others, considerable doubt on the claim that chemical weapons were used in Douma. His call for an investigation has led to harsh accusations against him. Behind these is probably the fear that his actions might lead to a criminal prosecution for the manipulations.

The evidence of wrongdoing within OPCW management is serious and supported by facts. This cannot simply be dismissed by the UK or by other governments as "ideologically coloured" or, say, "simple-minded and naïve". At least, one would think so. But it is so dismissed, and politics follows.

Well, these governments are led by interest groups that have been involved in the manipulations and so defend them vehemently. They refuse to accept the facts and are pushing the dangerous confrontation further and further. This harms the Syrian people and prevents a peaceful end to the long war. These groups are not about international law or protecting the integrity of multilateral institutions.

It is about the truth

The signatories of the "Statement of Concern", however, are concerned with the truth. It is ridiculous to think that they have anything to do with ideology or that they want to defend a dictator. They are 27 internationally known people who, despite their very different backgrounds, have one demand in common: Scientific knowledge should not be politicised. We

continued on page 6

"Again, the final report made no mention of the fact that toxicologists from the original OPCW team had concluded that the deaths of civilians in Douma could not have been caused by chlorine gas. And it also fails to mention that OPCW engineers on the team had testified that it was ballistically impossible that the gas cylinders found had been dropped from the air onto the affected house. Rather, the scientists thought it likely that these cylinders had been carried into the house and placed at the site to show a false picture of what had happened. [...] The documents confirming it are available for inspection. [...] Just to be clear, these are not assumptions, but facts. "

Statement of Concern

The OPCW (Organisation for the Prohibition of Chemical Weapons) investigation of alleged chemical weapons use in Douma, Syria

We wish to express our deep concern over the protracted controversy and political fall-out surrounding the OPCW and its investigation of the alleged chemical weapon attacks in Douma, Syria, on 7 April 2018.

Since the publication by the OPCW of its final report in March 2019, a series of worrying developments has raised serious and substantial concerns with respect to the conduct of that investigation. These developments include instances in which OPCW inspectors involved with the investigation have identified major procedural and scientific irregularities, the leaking of a significant quantity of corroborating documents, and damning statements provided to UN Security Council meetings. It is now well established that some senior inspectors involved with the investigation, one of whom played a central role, reject how the investigation derived its conclusions, and OPCW management now stands accused of accepting unsubstantiated or possibly manipulated findings with the most serious geo-political and security implications. Calls by some members of the Executive Council of the OPCW to allow all inspectors to be heard were blocked.

The inspectors' concerns are shared by the first Director General of the OPCW, José Bustani, and a significant number of eminent individuals have called for transparency and accountability at the OPCW. Bustani himself was recently prevented by key members of the Security Council from participating in a hearing on the Syrian dossier. As Ambassador Bustani stated in a personal appeal to the Director General, if the Organization is confident in the conduct of its Douma investigation then it should have no difficulty addressing the inspectors' concerns.

To date, unfortunately, the OPCW senior management has failed to adequately respond to the allegations against it and, despite making statements to the contrary, we understand has never properly allowed the views or concerns of the members of the investigation team to be heard or even met with most of them. It has, instead, side-stepped the issue by launching an investigation into a leaked document related to the Douma case and by publicly condemning its most experienced inspectors for speaking out.

In a worrying recent development, a draft letter falsely alleged to have been sent by the Director General to one of the dissenting inspectors was leaked to an 'open source' investigation website in an apparent attempt

to smear the former senior OPCW scientist. The 'open source' website then published the draft letter together with the identity of the inspector in question. Even more alarmingly, in a BBC4 radio series aired recently, an anonymous source, reportedly connected with the OPCW Douma investigation, gave an interview with the BBC in which he contributes to an attempt to discredit not only the two dissenting inspectors, but even Ambassador Bustani himself. Importantly, recent leaks in December 2020 have evidenced that a number of senior OPCW officials were supportive of one OPCW inspector who had spoken out with respect to malpractice.

The issue at hand threatens to severely damage the reputation and credibility of the OPCW and undermine its vital role in the pursuit of international peace and security. It is simply not tenable for a scientific organization such as the OPCW to refuse to respond openly to the criticisms and concerns of its own scientists whilst being associated with attempts to discredit and smear those scientists. Moreover, the on-going controversy regarding the Douma report also raises concerns with respect to the reliability of previous FFM reports, including the investigation of the alleged attack at Khan Shaykhun in 2017.

We believe that the interests of the OPCW are best served by the Director General providing a transparent and neutral forum in which the concerns of all the investigators can be heard as well as ensuring that a fully objective and scientific investigation is completed.

To that end, we call on the Director General of the OPCW to find the courage to address the problems within his organization relating to this investigation and ensure States Parties and the United Nations are informed accordingly. In this way we hope and believe that the credibility and integrity of the OPCW can be restored.

Signatories in Support of the Statement of Concern:

José Bustani, Ambassador of Brazil, first Director General of the OPCW and former Ambassador to the United Kingdom and France.

Professor Noam Chomsky, Laureate Professor U. of Arizona and Institute Professor (em), MIT.

Andrew Cockburn, Washington editor, Harper's Magazine.

Daniel Ellsberg, PERI Distinguished Research Fellow, UMass Amherst. Former Defense and State Department official. Former official of Defense Department (GS-18) and State Department (FSR-1).

Professor Richard Falk, Professor of International Law Emeritus, Princeton University.

Tulsi Gabbard, former Presidential candidate and Member of the US House of Representatives (2013-2021)

Professor Dr. Ulrich Gottstein, on behalf of International Physicians for the Prevention of Nuclear War (IPPNW-Germany).

Katharine Gun, former GCHQ (UKGOV), whistleblower.

Denis J. Halliday, UN Assistant Secretary-General (1994-98).

Professor Pervez Houdbhoy, Quaid-e-Azam University and ex Pugwash.

Kristinn Hrafnsson, Editor in Chief, Wikileaks.

Dr Sabine Krüger, Analytical Chemist, Former OPCW Inspector 1997-2009.

Annie Machon, former MI5 Officer, UK Security Services.

Ray McGovern, ex-CIA Presidential Briefing; co-founder, Veteran Intelligence Professionals for Sanity.

Elizabeth Murray, former Deputy National Intelligence Officer for the Near East, National Intelligence Council (rtd); member, Veteran Intelligence Professionals for Sanity and Sam Adams Associates for Integrity in Intelligence.

Professor Götz Neuneck, Pugwash Council and German Pugwash Chair.

Dirk van Niekerk, former OPCW Inspection Team Leader, Head of OPCW Special Mission to Iraq

John Pilger, Emmy and Bafta winning journalist and film maker.

Professor Theodore A. Postol, Professor Emeritus of Science, Technology, and National Security Policy, Massachusetts Institute of Technology.

Dr Antonius Roof, former OPCW Inspection Team Leader and Head Industry Inspections.

Professor John Avery Scales, Professor, Pugwash Council and Danish Pugwash Chair.

Hans von Sponeck, former UN Assistant Secretary General and UN Humanitarian Co-ordinator (Iraq).

Alan Steadman, Chemical Weapons Munitions Specialist, Former OPCW Inspection Team Leader and UNSCOM Inspector.

Jonathan Steele, journalist and author.

Roger Waters, Musician and Activist.

Lord West of Spithead, First Sea Lord and Chief of Naval Staff 2002-06.

Oliver Stone, Film Director, Producer and Writer.

Colonel (ret.) Lawrence B. Wilkerson, U.S. Army, Visiting Professor at William and Mary College and former chief of staff to United States Secretary of State Colin Powell.

Source: <https://berlingroup21.org/translations-of-11-march-2021>

"As an impartial world organisation ..."

continued from page 4

call on OPCW Director-General *Arias* to abide by this rule. He should do everything possible to fulfil the OPCW's mandate. The OPCW was created as an impartial world organisation; its duty is to serve the truth.

The hope to be heard

Who else besides the OPCW have you informed about your statement?

The statement was sent to the OPCW Director-General and all 193 OPCW members in mid-February. While an OPCW response is pending [on 24 March 2021, at the time of the interview], several Member States have already clearly expressed their concern about this development. Others have confirmed that they are not prepared to deviate from their policy of false statements. Similar to what happened in Iraq in the 1990s, they seem to be preparing to mislead the public by any means possible, just as they did then. Only in order to maintain their Syria policy. This will have serious consequences.

The President-in-Office of the UN Security Council, US Ambassador *Linda Thomas-Greenfield*, the President of the UN General Assembly *Volkan Bozkin* as well as United Nations Secretary-General *António Guterres* have also received the "Statement of Concern". We hope to be heard there.

And who is the Berlin Group 21?

We are a small group of people from different countries who, with the help of the signatories of the statement, want to ensure that an investigation into the OPCW's approach to the Douma incident takes place, that the public learns the facts and will remain informed. We have also published background material for this purpose. We will remain in discussion worldwide to defend the right to truth about what happened in Douma.

Facts ...

Please let us go into more detail. What is the basis of your findings that there is something wrong with the final report on the alleged chemical weapons attack on Douma? What are the facts involved?

One fact is that the original, internal OPCW report on Douma did not include evidence of the use of chemical weapons. It is also a fact that shortly before the planned publication of the first interim report in the summer of 2018, and without the knowledge of several OPCW scientists involved in the Douma investigation, OPCW management wanted to replace the original report with a "revised" one, a manipulated one. This report falsely stated that chlorine gas had been used

"It has remained no secret that American diplomats made representations to the OPCW to ensure that the report would contain references to the use of chemical weapons in Douma. Details are now known of how the US exerted pressure on the OPCW in Iraq, for example. And although governments involved, such as those of the US, the UK and France, defend the OPCW, the agency has become increasingly discredited. Again, I want to point out that these are facts, not insinuations."

in Douma. Finally, this "revised" version was not published because the OPCW scientists protested. Nevertheless, the fact remains that a falsification was attempted.

It is also a fact that the final report on Douma, which was eventually published on 1 March 2019, contained conclusions that had not been made by the original OPCW investigative team. The original report contains no evidence that chlorine gas was used in Douma; this information is missing in the final report.

And what about the 50 people found dead?

Again, the final report made no mention of the fact that toxicologists from the original OPCW team had concluded that the deaths of civilians in Douma could not have been caused by chlorine gas. And it also fails to mention that OPCW engineers on the team had testified that it was ballistically impossible that the gas cylinders found had been dropped from the air onto the affected house. Rather, the scientists thought it likely that these cylinders had been carried into the house and placed at the site to show a false picture of what had happened. The published final report also does not address the fact that there had been considerable tension among the OPCW staff involved, between scientists from the Douma team and those who were called in later.

... and their manipulation

Why should the OPCW have strayed so far from its own standards?

In this context, it is important to mention the timeline of events: On 7 April 2018, the attack on civilians in Douma occurred; one week later, on 14 April 2018, missile strikes were carried out by the US, the UK and France. Aircraft and warships were used in the Eastern Mediterranean, the Red Sea and the Persian Gulf. The attacks were explained or justified by saying that the Syrian government should be punished for the alleged use of chemical weapons in Douma. The airstrikes

were carried out before the OPCW had begun its Douma investigation! In other words, even without the OPCW, it had been "confirmed" that chemical weapons had been used in Douma, and thus the airstrikes were legitimate as punishment. All that remained was for the OPCW's final report on Douma, published in 2019, to confirm that the dead civilians in Douma were victims of a chemical weapons attack. And the governments had already declared this a "fact" with their attacks a year earlier.

Open Sources: Facts verifiable for everyone

This sounds like a crime story. The governments of three countries that have veto power in the UN Security Council and also possess nuclear weapons are putting pressure on the OPCW to manipulate the report on what happened in Douma in order to legitimise the three countries' attack on Syria?

The whole thing is without question a very disturbing event, but it is no longer a secret. The documents confirming it are available for inspection. I am referring to the original OPCW draft reports, which have been published and can be read at *Wikileaks*, by the *Courage Foundation* and also by the *Berlin Group 21*. Statements by OPCW staff have confirmed these documents bona fide. Furthermore, it is known that there have been other very serious scientific and procedural irregularities. "Inconvenient" OPCW staff members have been expelled. Just to be clear, these are not assumptions, but facts.

US pressure on the OPCW – as in Iraq

If the OPCW can be put under pressure like this and still try to hide it, does one have to ask how credible the organisation still is?

Urgent questions must be asked. These include the question: Where was the OPCW's interest in allowing or even agreeing to neglect its mandate? And the ques-

continued on page 7

"As an impartial world organisation ..."

continued from page 6

tion: was there a mandate from "outside"? The answer to the second question probably explains the OPCW's behaviour. It has remained no secret that American diplomats made representations to the OPCW to ensure that the report would contain references to the use of chemical weapons in Douma. Details are now known of how the US exerted pressure on the OPCW in Iraq, for example. And although governments involved, such as those of the US, the UK and France, defend the OPCW, the agency has become increasingly discredited. Again, I want to point out that these are facts, not insinuations.

Germany must take more responsibility, but honestly

How do you assess the attitude of the Federal Government? Germany is – after the USA and Japan – the third largest contributor to the OPCW. That also means taking responsibility.

Germany is an important country in the large multilateral organisations such as the UN and the OPCW. Our government must understand that the world is watching them. Therefore, it should be particularly concerned that Germany respects international law and behaves correctly in its basic attitude. The developments on Douma over the last twelve months must lead the German government to seriously review Germany's stance on cooperation with the OPCW. It must be examined to what extent corrections in cooperation have become unavoidable, especially in the case of Douma. At the annual Munich Security Conferences, politicians repeatedly emphasise that German foreign and security policy is ready to assume more responsibility. This must be a willingness to defend the integrity and honesty of politics. Many people who follow and think politics show concern about the dangerous and dishonest behaviour in the Douma case.

False accusation are nothing new

"These recollections of the past bring about a bitter déjà-vu feeling. Just like 20 years ago, today our Western colleagues invest every effort to convince the world that 'Assad's regime' is to be blamed for all deadly sins, including in the area of non-proliferation. In doing so, they deliberately neglect all the arguments that contradict the guilty case they are making. They turn a blind eye not only to our criticism but also to basic laws of nature, physics, mathematics and even common sense. They attempt

to mobilise public opinion against Syrian authorities with a sole purpose. And it is not about upholding non-proliferation regime. It is all about the regime change." (Ambassador *Vassily Nebenzia*, Permanent Representative of the Russian Federation to the United Nations, at the *Arria-Formula Meeting* of UN Security Council on 16 April 2021. (excerpt)

Source: https://russiaun.ru/en/news/arria_160421

"The signatories of the 'Statement of Concern', however, are concerned with the truth. It is ridiculous to think that they have anything to do with ideology or that they want to defend a dictator. They are 27 internationally known people who, despite their very different backgrounds, have one demand in common: Scientific knowledge should not be politicised."

As UN Assistant Secretary-General for Humanitarian Aid, you were serving in Iraq and resigned in protest over the UN sanctions at the time. In our dialogue, you repeatedly referred to Iraq. Is it these experiences in Iraq why you are now so committed to the truth about the OPCW report on Douma?

Indeed, it is reminiscent of the damage done to Iraq by the American and British governments during the years of sanctions and in 2003 through the war that was illegal under international law. The impoverishment of a people, the violation of international law and the weakening of the United Nations were based on the falsehood about Iraqi weapons of mass destruction that did not exist.

Disinformation and false-flag propaganda destroy the incorruptible asset of political credibility. Germany and Europe must strengthen and protect this asset. A repetition of military operations in Syria, which was imminent after the publication of the censored OPCW final report on Douma in March 2019, must be prevented. As a member of *Berlin Group 21*, I wholeheartedly agree with former OPCW Director-General *José Bustani*. In his statement to the UN Security Council on 5 October 2020, he urged the current Director-General Fernando Arias to invite the inspectors who reject parts of

the Douma report with scientific critical concern to a dialogue. This must be done if the OPCW is to restore its credibility. Such a dialogue should lead to the depoliticisation of the Douma Final Report, and governments that have supported and encouraged the OPCW's approach should contribute to it. The road ahead will be long.

Thank you for the interview.

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War in Europe again? Nobody can want that!

by Karl-Jürgen Müller

Why does a citizen of a Central European country take a stand on Russia and the relationship of the “West” to this country? And even one contrary to what one can read, hear, and see in the so-called mainstream media?

It is about the confrontation with campaigning journalism, which can also be seen here. It is also about a sense of justice – even if that is an often-misused word. Yes, one must not find it right how Russia and its politics are usually treated in the West. Not because everything is perfect in Russia – there is no such thing anywhere in the world. But because so many things that are said about this country are not true. Because the blatant use of double standards is striking: Almost daily, the *Navalny* case fills the headlines – but *Julian Assange* is largely hushed up. Obviously, the campaign is not about truth, but about power; or rather, the campaign is the mouthpiece of power-political aspirations.

According to new figures released on 26 April 2021, by the *Stockholm International Peace Research Institute* (SIPRI), the US officially spent \$778 billion on its military in 2020 (4.4 per cent more than in 2019) and Russia spent the equivalent of \$61.7 billion (2.5 per cent more than in 2019). The US has about 800 military bases abroad; Russia has fewer than 20.

Russia has never formulated the aspiration to lead the world. The current US administration and many of its predecessors – and in tow many other states in the West – very much have. That is where those who do not want to be subordinate “interfere.”

The fact that in politics, especially in international politics, might is increasingly prevailing over right is a step backward in terms of civilisation, a relapse into barbarism.

The existential question of preventing a great war

Above all, however, the existential question is how to prevent another, perhaps even major, war in Europe and the world. “At the end we lucked out,” said former US Secretary of Defence *Robert McNamara*. By this he meant that the world was mainly lucky not to go down in a nuclear war during the Cuban Missile Crisis in 1962. “Luck” – that was a few political figures at the time who prevented the war – against the opposition of many “hardliners” – that was the Soviet submarine lieutenant colonel *Stanislav Petrov*, who did not press the button. That was

“We appeal to the media to fulfil their duty to report without prejudice more convincingly than before. Editorialists and commentators demonise entire peoples without sufficiently appreciating their history.” (Appeal “War in Europe again? Not in our name!” of December 2014)

almost 60 years ago. Have the lessons been forgotten? After NATO’s war of aggression on the Federal Republic of Yugoslavia, which violated international law, Swiss Division Commander *Hans Bachofner*, who died in 2012, said, “War is back – but we’ve lost respect.”

We know this: Germany’s own war-mongering, which was a major cause of the two great World Wars, is recast as the “fight for freedom”; the struggle for the survival of entire peoples is portrayed as “aggression.”

Why does Germany want to be a frontline state?

In his latest book “Anmassung – Wie Deutschland sein Ansehen bei den Russen verspielt” (“Insolence – How Germany gambles away its reputation with the Russians”), *Alexander Rahr*, who has been intensively involved with Russia for many years, gives a detailed account of the Russian diplomat *Volodja*. The latter does not understand why Germany has rejected the many benevolent offers of cooperation made by Russian President *Putin* since he first took office in 2000. Instead, large sections of German politics and the German media had turned Germany into the front state of the anti-Russian campaign.

The German *Greens* wrote in their election programme (see *Current Concerns* No. 9 of 28 April 2021) that they wanted to support the “democracy movement in Russia” as a future governing party. We are familiar with similar formulations by U.S. politician *Victoria Nuland* after the coup in Ukraine: after all, she said, \$5 billion had been invested in “supporting democracy” in the country.

In this year’s State of the Nation Address (see the article “Just a few words about the meaning and purpose of Russia’s policy in the international arena”), the Russian president formulated Russia’s orientation points. Everyone can read them. The reactions of the German-language media to this speech were not

formulated in a way that signalled any kind of rethinking: “Putin’s fairy tale hour: The West should debunk propaganda,” the German “*Handelsblatt*” wrote on 22 April “How Putin staged his threat against the West,” the “*Augsburger Allgemeine Zeitung*” on the same day, “He wants to destroy opponents, buy loyalty and keep Belarus under control,” said the German foreign radio station *Deutsche Welle* on 22 April, “Threatening words, beautiful promises,” the “*Salzburger Nachrichten*” of 21 April “Illegal and inhumane,” commented the “*Neue Zürcher Zeitung*” of the same day, which – like so many – directed its focus not on the content of Putin’s speech, but entirely on the *Navalny* case.

Clear words from Russia

Reading the official Russian statements of the last days and weeks, one can recognise clearer words than in the past years. The speech of the Russian president also contains clear words. Russia, the West should assume, will not surrender. The repeated attempts to bring about regime change in Russia, too, will not improve the situation.

Can the people in the East and West expect improvements? Very much does not look good at all. It will be even more important to remain (or become) active and to make one’s voice heard for peace.

At the end of 2014, 60 prominent Germans published an appeal entitled “War in Europe again? Not in our name!” in the newspaper *Die Zeit*. Among the signatories were former German President *Roman Herzog* (CDU) and former German Chancellor *Gerhard Schröder* (SPD). It also says: “We appeal to the media to fulfil their duty to report without prejudice more convincingly than before. Editorialists and commentators demonise entire peoples without sufficiently appreciating their history.” The situation has not eased since then. On the contrary. But such initiatives have become rare. Many can and should have the will to change this. •

“Just a few words about the meaning and purpose of Russia’s policy in the international arena”

The foreign policy part of Vladimir Putin’s State of the Nation Address

cc. On 21 April 2021, Russian President Vladimir Putin delivered his annual State of the Nation Address to the country’s two legislative bodies, the Federation Council and the State Duma, which together form the Federation Assembly. The speech lasted more than an hour and was mainly devoted to domestic issues. Only at the end did the President briefly address foreign and security policy issues. We document this part of the speech.

“The meaning and purpose of Russia’s policy in the international arena – I will just say a few words about this to conclude my address – is to ensure peace and security for the well-being of our citizens, for the stable development of our country. Russia certainly has its own interests we defend and will continue to defend within the framework of international law, as all other states do. And if someone refuses to understand this obvious thing or does not want to conduct a dialogue and chooses a selfish and arrogant tone with us, Russia will always find a way to defend its stance.

At the same time, unfortunately, everyone in the world seems to be used to the practice of politically motivated, illegal economic sanctions and to certain actors’ brutal attempts to impose their will on others by force. But today, this practice is degenerating into something even more dangerous – I am referring to the recently exposed direct interference in Belarus in an attempt to orchestrate a coup d’état and assassinate the President of that country. At the same time, it is typical that even such flagrant actions have not been condemned by the so-called collective West. Nobody seemed to notice. Everyone pretends nothing is happening.

Organising coups, that’s too much

But listen, you can think whatever you like of, say, Ukrainian President [Viktor] Yanukovich or [Nicolas] Maduro in Ven-



State of the Nation Address to the Russian Federation Assembly.
(Picture kremlin.ru)

ezeuela. I repeat, you can like or dislike them, including Yanukovich who almost got killed, too, and removed from power via an armed coup. You can have your own opinion of President of Belarus Alexander Lukashenko’s policy. But the practice of staging coups d’état and planning political assassinations, including those of high-ranking officials – well, this goes too far. This is beyond any limits.

Suffice it to mention the admission made by the detained participants in the conspiracy about a planned siege of Minsk, including plans to block the city infrastructure and communications, and a complete shutdown of the entire power system in the capital of Belarus! This actually means they were preparing a massive cyberattack. What else could it be? You know, you cannot just do it all with one switch.

Clearly, there is a reason why our Western colleagues have been stubbornly rejecting Russia’s numerous proposals to establish an international dialogue on information and cyber security. We have

come up with these proposals many times. They avoid even discussing this matter.

What if there had been a real attempt at a coup d’état in Belarus? After all, this was the ultimate goal. How many people would have been hurt? What would have become of Belarus? Nobody is thinking about this.

Just as no one was thinking about the future of Ukraine during the coup in that country.

The unfriendly actions against Russia do not stop

All the while, unfriendly moves towards Russia have also continued unabated. Some countries have taken up an unseemly routine where they pick on Russia for any reason, most often, for no reason at all. It is some kind of new sport of who shouts the loudest.

In this regard, we behave in an extremely restrained manner, I would even say, modestly, and I am saying this without irony. Often, we prefer not to respond at all, not just to unfriendly moves, but even to outright rudeness. We want to maintain good relations with everyone who participates in the international dialogue. But we see what is happening in real life. As I said, every now and then they are picking on Russia, for no reason. And of course, *all sorts of petty Tabaquis [jackals] are running around them like Tabaqui ran around Shere Khan [the tiger in The Jungle Book] – everything is like in Kipling’s book – howling along in order to make their sovereign happy.* Kipling was a great writer.¹

“We really want to maintain good relations with all those engaged in international communication, including, by the way, those with whom we have not been getting along lately, to put it mildly. We really do not want to burn bridges. But if someone mistakes our good intentions for indifference or weakness and intends to burn or even blow up these bridges, they must know that Russia’s response will be asymmetrical, swift and tough.”

“Just a few words ...”

continued from page 9

We really want to maintain good relations with all those engaged in international communication, including, by the way, those with whom we have not been getting along lately, to put it mildly. We really do not want to burn bridges. But if someone mistakes our good intentions for indifference or weakness and intends to burn or even blow up these bridges, they must know that Russia’s response will be asymmetrical, swift and tough.

Those behind provocations that threaten the core interests of our security will regret what they have done in a way they have not regretted anything for a long time.

Red lines

At the same time, I just have to make it clear, we have enough patience, responsibility, professionalism, self-confidence and certainty in our cause, as well as common sense, when making a decision of any kind. But I hope that no one will think about crossing the “red line” with regard

to Russia. We ourselves will determine in each specific case where it will be drawn.

I will now say, just as I always do during the annual addresses to the Federal Assembly, that the improvement and qualitative strengthening of Russia’s Armed Forces continues on a regular basis. In particular, special attention will be given to the development of military education both at military school and academies and at military training centres at civilian universities.

By 2024, the share of modern weapons and military equipment in the armed forces will reach nearly 76 per cent, which is a very good indicator. This share in the nuclear triad will be over 88 per cent before this year is out.

Standing on combat duty are the latest Avangard hypersonic intercontinental missile systems and the Peresvet combat laser systems, and the first regiment armed with Sarmat super-heavy intercontinental ballistic missiles is scheduled to go on combat duty in late 2022.

The number of combat air systems with Kinzhal hypersonic missiles, and warships

armed with precision hypersonic weapons such as Kinzhal that I mentioned, and with the Kalibr missiles, is increasing. The Tsirkon hypersonic missiles will be put on combat duty soon. Work is underway on other modern combat systems, including Poseidon and Burevestnik, in accordance with the development plans of the Armed Forces.

Invitation to disarm

As the leader in the creation of new-generation combat systems and in the development of modern nuclear forces, Russia is urging its partners once again to discuss the issues related to strategic armaments and to ensuring global stability. The subject matter and the goal of these talks could be the creation of an environment for a conflict-free coexistence based on the security equation, which would include not only the traditional strategic armaments, such as intercontinental ballistic missiles, heavy bombers and submarines, but – I would like to emphasise this – all

continued on page 11

Oskar Lafontaine
21 hours.

Annalena Baerbock



Together with Heinrich Böll, Petra Kelly and Gert Bastian, I demonstrated in Mutlangen against Pershing II. The red-green coalition with Schröder and Fischer came about largely at my instigation – Schröder wanted a grand coalition. I regretted this decision. Not only because of Agenda 2010, but also because of Germany’s participation in the war in Yugoslavia, which violated international law and was essentially pushed through by Joschka Fischer and the Greens. Since then, the Greens have transformed themselves from a peace party into a war party. The Heinrich Böll Foundation should be renamed the General von Clausewitz Foundation.

A leading representative of this pro-war Green Party is the new “candidate for chancellorship” Annalena Baerbock. She approves of wars against international law, further armament, arms deliveries, the encirclement of Russia by the USA and is of course against Nord Stream 2. Jens Berger has compiled relevant quotes on the Nachdenkseiten today [20 April]: <https://www.nachdenkseiten.de/?p=71720>

The idea of the US-controlled Greens providing the chancellor with Annalena Baerbock in the event of an escalating crisis on the Russian-Ukrainian border is a horror for me.

And there is something else: It would be unthinkable in business for someone to become head of, say, VW, Daimler or BASF who has never been managing director in a small company, or department head or board member in a medium-sized company. The Greens and many of their supporters in journalism, along with Annalena Baerbock, apparently think that if you have been an associate of a Green parliamentary group and raised two children, you are sufficiently qualified to be Chancellor of Europe’s largest economic nation.

I can only think of Wilhelm Busch:
“If someone climbs laboriously
Into the branches of a tree
And thinks himself a bird to be:
Wrong is he.”

#btw21 #Baerbock #Bundestagswahl #kanzlerkandidat #frieden #krieg #aufrüstung #oskar #lafontaine #oskarlafontaine #aufstehen

(Translation Current Concerns)

Accordo quadro: basta! – The Framework Agreement is at an end

Now Bern is speaking plainly!

by Dr iur. Marianne Wüthrich

The many voices from politics, business and the population that have warned against the serious consequences of a Framework Agreement with the EU for the Swiss state model and the rights of citizens are having an effect: the Federal Council has taken a position vis-à-vis the EU. On 23 April, President of the Swiss Confederation Guy Parmelin held a lengthy discussion with EU Commission President Ursula von der Leyen, which – as was to be expected – did not result in an agreement on the substantive differences, but rather in the willingness of both sides to continue cultivating good relations.

A pleasing success for Switzerland, on which the Federal Council can build further. Obviously, Guy Parmelin's calm but clear way of saying what is important is suitable for communicating with Brussels.

"Just a few words ..."

continued from page 10

offensive and defensive systems capable of attaining strategic goals regardless of the armament.

The five nuclear countries bear special responsibility. I hope that the initiative on a personal meeting of the heads of state of the permanent members of the UN Security Council, which we proposed last year, will materialise and will be held as soon as the epidemiological situation allows.

Open to broad international cooperation

Russia is always open to broad international cooperation. We have consistently advocated the preservation and strengthening of the key role of the United Nations in international affairs, and we try to provide assistance to the settlement of regional conflicts and have already done a great deal to stabilise the situation in Syria and to launch a political dialogue in Libya. As you know, Russia played the main role in stopping the armed conflict in Nagorno-Karabakh.

It is on the basis of mutual respect that we are building relations with the absolute majority of the world's countries: in Asia, Latin America, Africa and many European countries. We are consistently expanding as a priority contacts with our closest partners in the Shanghai Cooperation Organisation, BRICS, the Commonwealth of Independent States, and our allies in the Collective Security Treaty Organisation.

Our common projects in the Eurasian Economic Union are aimed at ensuring

"In fact, the 'three points' contain the entire problem of the adoption of EU law and the role of the ECJ as the supreme court: Switzerland's understanding of law and the state is worlds apart from that of the EU."

"We can't sign the agreement like this"

The statement of the President of the Confederation at the media conference in Brussels was brief but clear: "The Federal Council has always stated that Switzerland wishes to consolidate and develop its bilateral relations with the European Union. But it has also stipulated [...] that Switzerland will not be able to sign the Framework Agreement without satisfactory solutions on wage protection, on the issue of the

Citizens' Right Directive and on state aid."

He said that after discussions at the technical level, there were still significant differences in the positions of Switzerland and the EU. "It's not just about the three points as such, but about a holistic view."¹

That's how it is. In fact, the "three points" contain the entire problem of the adoption of EU law and the role of the ECJ as the supreme court: Switzerland

continued on page 12

economic growth and the wellbeing of our people. There are new, interesting projects here, such as the development of transport-and-logistics corridors. I am sure they will become a reliable infrastructure backbone for large-scale Eurasian partnership. The Russian ideas of this broad, open association are already being put into practice, in part, via

alignment with other integration processes.

All these projects are not just geopolitical ideas but strictly practical instruments for resolving national development tasks. •

¹ Vladimir Putin is referring here to "The Jungle Book" by Rudyard Kipling

Source: <http://en.kremlin.ru/events/president/news/65418> of 21 April 2021

News that belongs together

With 2 trillion military spending ...

"Global military spending continued to rise last year. According to the Stockholm-based peace research institute SIPRI, total global military expenditure rose to almost 2 trillion USD, an increase of 2.6 per cent. This was a new peak since the surveys began in 1988. This means that the pandemic had not had a significant impact on global armament spending. It remained to be seen whether countries will maintain this level through a second year of the pandemic.

As the world's largest military spender reportedly remained the United States, that alone with nearly 780 billion accounted for 39 per cent of global military expenditure last year. Germany had increased by 5.2 per cent to an estimated around 53 billion dollars. According to SIPRI, this was the largest percentage increase among the top ten countries on the ranking."

... the concern about

"serious conflict" is very justified

"German Foreign Minister Maas has warned of an increasing collision course

with Russia. The SPD politician said on ARD television that the EU and the West had already shown Moscow that they were reacting decisively with new sanctions in the Navalny case and earlier in the Ukraine-Russia conflict. President Putin thus knew about the risk of further punitive measures. However, Maas criticised that there were now many 'smart alecks' who were calling for ever tougher measures. He added that it was important to consider whether these measures would really benefit Navalny. He believes that the opposite is the case. The foreign minister added that ultimately no one could have an interest in permanent provocations turning into serious confrontations at some point – certainly not here in Europe. Green Party co-chairwoman and candidate for chancellor Baerbock had spoken out in favour of a tougher course toward Russia and, among other things, advocated withdrawing political support for the German-Russian Nord Stream 2 Baltic Sea gas pipeline."

Source: Deutschlandfunk News of 26 April 2021

(Translation Current Concerns)

“Accordo quadro: basta! ...”

continued from page 11

land’s understanding of law and the state is worlds apart from that of the EU. This will be discussed in more detail later.

Despite their differing views, the EU Commission president and the Swiss president parted on good terms. It had been important to meet in person at the highest political level, *Guy Parmelin* said. They had agreed to remain in contact and to continue negotiations at the technical level (*Livia Leu*, State Secretary/ *Stéphane Riso*, Deputy Head of Cabinet of *Ursula von der Leyen*). That’s right, parting in peace and no stress – a way to get along will be found even without an EU fence.

**Parliament’s
foreign policy committees intervene**

On 26 April, President Parmelin and FDFA head *Ignazio Cassis* informed the Foreign Affairs Committees of the National Council (FAC-N) and the Council of States (FAC-S) about the status of clarifications with the EU.

The National Council’s FAC – which includes some of the fiercest EU turbos in parliament – rejected a breakdown in negotiations by 17 votes to 8 – something the president of the Swiss Confederation had not even called for in Brussels – and called on the Federal Council to intensify talks with Brussels and to submit proposals to parliament on the outstanding points “in a timely manner.” “The majority is of the opinion that a satisfactory result can still be achieved,” FAC-N President *Tiana Angelina Moser* (GLP/ZH) said after the meeting with the Federal Councilors. However, she also mentioned that a minority of the committee had “fundamental concerns about the agreement.” She also said that some committee members had pointed out that the Federal Council, not the parliamentary committees, was responsible for conducting negotiations and assessing the situation.²

The mood in the Council of States committee was quite different. It did not explicitly call on the Federal Council to continue negotiating, but left it up to it to decide how to proceed. Committee



The Ticino Sunday newspaper «il Mattino della domenica» speaks plainly. (Picture Urs Graf)

President *Damian Müller* (FDP/LU) was pleased with the Federal Council’s new determination: “Until now, Switzerland was always on the defensive because we only said what we didn’t want.” Now, he said, it was time to make clear demands of Brussels. The statement of committee member *Christian Levrat* (SP/FR), the

former SP party president, is noteworthy. He stated that without the EU changing its position, the agreement would not come about. From his point of view, this would by no means be a disaster.³

It is encouraging that more and more Swiss people from various political quarters are noticing this.

“The Swiss ‘interpretation’ is based on the *Agreement on the Free Movement of Persons*, one of the treaties of the Bilateral Agreements I of 1999 between the EU and Switzerland, which was approved by the sovereign at the ballot box. On the other hand, the ‘interpretation’ of the EU is based on the *Citizens’ Rights Directive*, which has no legal force for Switzerland because neither parliament nor the people have approved it.”

“The crucial point of the differences with the EU is the different interpretation of the free movement of persons”

On the evening of 26 April, a joint media conference of the Federal Council and the Foreign Affairs Committees took place. With the harmonious appearance of the two Federal Councilors, the wild rumours that Ignazio Cassis had been quasi dumped as Foreign Minister because President Parmelin had travelled to Brussels without him were buried in Swiss style. The media conference was all about the matter. Switzer-

continued on page 13

"Accordo quadro: basta! ..."

continued from page 12

land had made many compromises in the course of the negotiations, Parmelin said, but the "differences with the EU are fundamental." Cassis added the reason: "The crucial point of the differences with the EU is the different interpretation of the free movement of persons."⁴

An excellent analysis of the situation in shorthand – the differences are indeed fundamental because the understanding of the law and the state structure of Switzerland and the EU (which is not a state, but has state-like structures) differ fundamentally. This applies not only to the interpretation of the free movement of persons, but in principle. With regard to the free movement of persons, Federal Councillor Cassis explained the different points of view as follows: For Switzerland, the free movement of persons refers to the employed and their families, whereas the EU demands the free movement of persons for all citizens of the Union.

Stop! The Swiss "interpretation" is based on the *Agreement on the Free Movement of Persons*, one of the treaties of the Bilateral Agreements I of 1999 between the EU and Switzerland, which was approved by the sovereign at the ballot box. On the other hand, the "interpretation" of the EU is based on the *Citizens' Rights Directive*, which has no legal force for Switzerland because neither parliament nor the people have approved it. When the negotiations on the Framework Agreement began in 2013, the Citizens' Rights Directive was not an issue, and in 2017, when Federal Councillor Ignazio Cassis took over as head of the FDFA, he declared the Citizens' Rights Directive to be a "red line" for Switzerland, which was certainly meant honestly. Now, all of a sudden, we are supposed to adopt this directive unseen, which probably hardly any Swiss have ever seen or read, much less have understood in its full implications.

**This is how the adoption
of EU law would work according
to the Framework Agreement**

In the text of the Framework Agreement⁵, there is not a word about the Citizens' Rights Directive – but that is not necessary anyway. According to this agreement, it would no longer be we Swiss, but the EU Commission and the European Court of Justice who would determine which EU law Switzerland has to adopt. According to Article 1(3), the agreement regulates the "procedure for the adoption of legal acts of the European Union" – "only" concerning the five so-called market access agreements and potential future agreements; but that is quite a lot. The Agreement on the Free Movement of Persons alone would already open *Pando-*

ra's box. From the EU Commission's point of view, the Citizens' Rights Directive is part of the free movement of persons and should therefore have to be adopted by Switzerland with all its future developments.

If Switzerland does not agree with this "interpretation", Article 4 of the Framework Agreement would come into play: According to paragraph 1, "the agreements and legal acts of the European Union, [...] will be interpreted and applied uniformly". If "terms relating to EU law" are involved, "the provisions and acts shall be interpreted and applied in accordance with the [...] jurisdiction of the Court of Justice of the European Union". (Article 4(2)). You got it? With the Framework Agreement, Switzerland would leave the decision on these and countless other serious "questions of interpretation" to the European Court of Justice ECJ. According to Carl Baudenbacher, President of the EFTA Court of Justice for many years, who knows EU law better than anyone else, legal acts and agreements drafted by the EU practically always involve "terms relating to EU law". Of course they do.

The court of arbitration, which was probably brought into play by a few clev-

proximately, but not entirely, to the right of Swiss citizens within Swiss territory. It gives people from all EU states a far-reaching right of residence in the other EU states, even in the case of unemployment, a permanent right to stay after five years, the right to social welfare also for family members from outside the EU and considerable protection against expulsion for criminals. The purpose of the Citizens' Rights Directive is a convulsive attempt to "strengthen the feeling of Union citizenship": "Enjoyment of permanent residence by Union citizens who have chosen to settle long term in the host Member State would strengthen the feeling of Union citizenship and is a key element in promoting social cohesion, which is one of the fundamental objectives of the Union." (Recital 17) And for the implementation of this ideology (creeping abolition of the nation states for the purpose of developing an EU unitary state, which no one except the EU bureaucrats wants) such a monster law is being constructed ...

Of course, the rights guaranteed in the Citizens' Rights Directive do not go out as far as the rights of their own citizens enshrined in the constitutions of the individual countries – that would not be feasible

"It would be wiser not to raise expectations too high with regard to policy towards the EU and to understand a longer period without new treaties not as a catastrophe but as an expression of strategic patience. [...] Further treaties and an institutional framework with the EU are not as existential as often claimed." (*Gerhard Schwarz*)

er EU turbos from the federal administration (because we Swiss have a positive attitude towards arbitration courts from our history), is regulated at large in Article 10 of the Framework Agreement. However, according to Carl Baudenbacher it merely serves as a fig leaf for the all-encompassing power of the European Court of Justice. This court would certainly not often rule in favour of Switzerland, because it is the court of the opposite party. Incidentally, even EU member states very rarely win their case at the ECJ in disagreements with the EU Commission.

This is all rather far away from Swiss understanding of the state and the law...

**A word on the content
of the Citizens' Right Directive**

The "Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States" corresponds ap-

with 500 million people from 27 states. Nevertheless, the grafting on of this construct probably also means serious additional financial and social burdens for many member states.

For Switzerland, with its high salaries, prices and social benefits, being forced to adopt the Citizens' Rights Directive would be devastating. Already today it is tempting to immigrate to Switzerland's social welfare system, because everyone knows that its payments are many times higher than those of nearly all EU countries, in some cases tens of times higher. When it comes to the real thing, even some editors of the "Neue Zürcher Zeitung", once unanimously zealous supporters of the Framework Agreement, visibly falter. In the online edition of 28 April, *Fabian Schäfer's* article on the EU citizenship directive was titled: "Two years of work, then social assistance and finally the right to permanent residence – why the Federal Council is refusing to accept the

continued on page 14

"Accordo quadro: basta! ..."

continued from page 13

major point of contention with the EU." Schäfer continues: "The Federal Council's revealed negotiating positions on the Framework Agreement show how fundamental the resistance is against the Citizens' Rights Directive."

With the Citizens' Rights Directive, there would be a danger that the working Swiss population would have to help feed an increasing number of welfare recipients who have never paid contributions to our social services, so that our prosperity would be levelled down to the EU average. For economic reasons, too, it is therefore wiser for a small, direct-democratic and federalist state to go its own way as independently as possible, in collaboration with its neighbours.

Like fire and water

Very briefly on the other two "open points" in the negotiations on the Framework Agreement. We will take up the issue of state aid, which the EU wants to subordinate to its prohibition of state aid in principle in the Framework Agreement and in agreements to be negotiated in the future, again on another occasion – this is about the threat to the public service, which is of great importance to us for all population groups and parts of the country, as part of our basic cooperative values.

On the third point, wage protection, Federal Councillor Cassis noted at the media conference on 26 April: "The accompanying measures would also be assessed differently: For Switzerland, the main issue is wage protection. For the EU, on the other hand, these measures represent a distortion of competition."⁶ The EU recognises the principle of "equal pay for equal work" said "an EU official" in the press. Switzerland should be able to take measures as long as they

are "proportional and non-discriminatory".⁷ Two completely different worlds! In fact, the EU's Directive concerning the posting of workers, with its largely digitalised and wide-meshed monitoring system, is worlds away from the intensive and effective controls on building sites and in the catering industry that are organised jointly by the trade unions and employers' associations in Switzerland – in a federalist and democratically coordinated cooperation.

For the Swiss trade unions and the Social Democrats, the accompanying measures were an indispensable condition in 1999 for consenting to the Agreement on the Free Movement of Persons and thus to the Bilateral Agreements I. And they work! No wonder that the Swiss Social Democratic Party and the trade unions want to keep the accompanying measures as designed by the Swiss social partners.

Outlook

One of the many Swiss who has come to the conclusion that we should "not pay any price" for the Framework Agreement is Dr oec. *Gerhard Schwarz*, for many years head of the NZZ economic editorial department and until 2016 director of the think tank *Avenir Suisse*. The author continues: "It would be wiser not to raise expectations too high with regard to policy towards the EU and to understand a longer period without new treaties not as a catastrophe but as an expression of strategic patience." Gerhard Schwarz comes to the same conclusion as SP Council of States member Christian Levrat: "Further treaties and an institutional framework with the EU are not as existential as often claimed."⁸

Switzerland will continue to succeed in taking its place in the midst of Europe, as a cooperative small state that attaches the greatest importance to freedom and its own approaches to solutions. So far, we

have been very successful in developing a creative and flexible Plan B when necessary. "The Federal Council is always thinking of alternatives," President Parmelin replied to a journalist in Brussels. As long as we are not pestered with illegal and treaty-violating sanctions, we will also continue to be happy to make appropriate contributions to meaningful projects in poorer EU states. It's actually all very simple if you know what you want and what you certainly don't want. •

- ¹ "EU-Rahmenabkommen. Parmelin: 'So können wir das Rahmenabkommen nicht unterzeichnen'". (EU Framework Agreement. Parmelin: "We can't sign the Framework Agreement like this"). *SRF News* of 23 April 2021
- ² *Point de presse* FAC-N: "Schweiz – EU – Nationalratskommission gegen Übungsabbruch beim Rahmenabkommen" (Switzerland – EU – National Council Committee against abandonment of practice on the Framework Agreement) of 26 April 2021
- ³ Burkhardt, Philipp. "Keine Einigung mit der EU. Rahmenabkommen: Jetzt spricht der Bundesrat Klartext". (No agreement with the EU. Framework Agreement: Now the Federal Council is speaking plainly.) *SRF News* of 27 April 2021
- ⁴ Burkhardt, Philipp. "Keine Einigung mit der EU. Rahmenabkommen: Jetzt spricht der Bundesrat Klartext". (No agreement with the EU. Framework Agreement: Now the Federal Council is speaking plainly.) *SRF News* of 27 April 2021
- ⁵ "Abkommen zur Erleichterung der bilateralen Beziehungen zwischen der europäischen Union und der schweizerischen Eidgenossenschaft in den Bereichen des Binnenmarkts, an denen die Schweiz teilnimmt" ("Agreement to facilitate bilateral relations between the European Union and the Swiss Confederation in the areas of the internal market in which Switzerland participates") of 23 November 2018; https://www.eda.admin.ch/dam/europa/de/documents/abkommen/Acccord-inst-Projet-de-texte_de.pdf
- ⁶ Burkhardt, Philipp. "Keine Einigung mit der EU. Rahmenabkommen: Jetzt spricht der Bundesrat Klartext." (No agreement with the EU. Framework Agreement: Now the Federal Council is speaking plainly.) *SRF News* of 27 April 2021
- ⁷ sda report. "Federal Council expects EU to make concessions on Framework Agreement". *Südostschweiz online* of 27 April 2021
- ⁸ Schwarz, Gerhard. *Die Schweiz hat Zukunft. Von der positiven Kraft der Eigenart* (Switzerland has a future. From the positive power of uniqueness). Zurich 2021, p. 84. ISBN 978-3-03810-446-9

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Beautiful-necked paddler with white feathered vest

The mute swan – the noble goose

by Heini Hofmann

Originally the “beautiful-necked paddler” did not belong to the native avifauna. Most probably aesthetes introduced the mute swan with its graceful art nouveau look to our waters (analogous to the pink, high-legged beauty called Flamingo in the zoos). Today, the newcomer swan is assimilated and naturalised.

The swan, the noble goose

When little Hansli from a farming village visited the shores of a lake with his parents for the first time, he said in view of the swans majestically sailing along: “Look father, geese.” Whereupon the family elder corrected little Hansli with a superior smile: “Hansli, those aren’t geese, they’re swans!” The moral of the story? The little boy was also right! Because the proud beauties called swans are – from a zoological point of view and if you will pardon the expression – nothing more than high society geese.

This did not prevent *Heinrich Heine* from commenting zoologically and sarcastically on the fact that *Zeus*, the father of the gods, approached his beloved *Leda* unrecognized in the form of a swan and reprimanded *Leda*: “What a goose you have been that a swan could beguile you!” But what Heine did not consider and that which half-excuses the beautiful *Leda*: the seduction happened on land. What does that mean? *Ferenc Molnar* addresses this in the comedy “The Swan” when he postulates: “Swans should always remain majestically in the middle of the water; for they look like geese on land” ...

Naturalised and feral

The introduction of mute swans from North-eastern Europe and Asia Minor, dates to the 19th century (in England even to the 13th century). The snow-white, shapely, majestically swimming and legendary water birds first served as live ornaments on dreamy ponds in country estates, castles and cities. From here the swan found its way into sluggish watercourses; dammed river stretches and finally onto lakes.

Today, the white longneck can be found on many large and small lakes, mostly up to altitudes of 600 m above sea level, occasionally up to 1000 m above sea level, even in the Alps, when released, up to over 1700 m above sea level (as was formerly the case on the lakes of St. Moritz and Arosa). However, swans at such altitude must migrate or be trapped in winter due to icing.

In short: The swans in the whole of Central Europe are feral offspring of the



Mute swan with offspring. The hump at the upper end of the bill and the unfeathered black parts tapering from the hump to the eyes, the "reins", are clearly visible. Both parents tend to lead the young, but the mother is usually at the head of the swimming stroke. (Picture Heini Hofmann)

park swans. While mute swans are migratory birds in the continental part of their range, they are considered sedentary and flocking birds in Europe. They do roam in spring and autumn to seek nourishment.

From semi-wild to tame

Because they have no natural enemies and are not hunted, because of an abundance of food due to eutrophication caused by civilization, because of their robustness and because people like to feed them, the beautiful long necks thrive to the extent that they present an ecological problem.

Approximately 7500 of these swimming fairy tale creatures’ grace the Swiss waters, while in the middle of the last century there were only 2000 of them. However, there are only about 650 breeding pairs among them; the rest are young animals that are not yet able to reproduce, old loners and pairs that have not been able to establish a breeding ground. The largest mute swan populations are found on Lake Constance (first released in 1917), Lake Neuchâtel and Lake Geneva (since 1837). The species calls Lake Zurich home since 1929. There are currently around 200,000 mute swans living throughout Western and Central Europe.

While semi-wild swans prefer eutrophic waters with shallow banks, lots of underwater plants, an extensive siltation zone and a wide reed belt, the tame long-necks, which are therefore dependent on humans, like to stay on populated shores,

even in cities, where they are not afraid to breed in full view of everyone.

The eponymous hump

The beautifully necked paddlers glide majestically and silently over the water, like white paper ships, their tails slightly raised, their necks gracefully bent. One could almost think that the “proud” fellows know they are beautiful and graceful. The snow-white plumage dominates the overall appearance of the imposing swimming birds, underlined by some striking attributes.

The orange-red beak, equipped with fine horn lamellae that allow food to be filtered out of the water, is a multi-purpose instrument that serves both for feeding and for cleaning and distributing the bristle gland secretion, even for turning eggs. At the base of the bill is a notable, black-coloured hump, which gives the animal its name; it is more pronounced in the male – especially in the breeding season – than in the female, which otherwise, with the possible exception of body size, hardly differs from the male partner.

The “reins” at the head of the white paddlers give the impression of a mask. This does not refer to the reins held in the hands of the hero of the Grail saga in *Richard Wagner’s* opera *Lohengrin* when, at the behest of King *Arthur*, he rushes to the aid of the harassed Duchess *Elsa* of *Brabant* in a swan-drawn yacht, but to the

continued on page 16

"Beautiful-necked paddler ..."

continued from page 15

unfeathered parts on the side of the head, also black like the hump, called reins, which taper backwards to the nut-brown eyes.

The "immutables"

The legs and feet of the adult swans are greyish-black in colour, and the two to four toes are webbed, as is typical of all geese, and the swans belong to the same order as geese, ducks and mergansers. The juvenile plumage is brown, becoming spotty in the transition to adulthood, because the white feather base then becomes visible. For a few decades, individual swans that already exhibit pure white juvenile plumage have occasionally been observed among young semi-domesticated swans.

This is a strictly alternatively inherited mutant, caused by a recessive gene in the sex chromosome. Such animals are called "immutabilis", or, because this gimmick of nature was first seen in Poland, "Polish swans". Their legs and feet remain flesh-coloured throughout their lives. More details are not known. It is assumed that these "immutable" young swans are exposed to a stronger selection pressure because they do not wear a juvenile coat that would trigger more gentle treatment in older members of the species.

Animal hydrofoil

Swans, although we tend to see them mostly during the day, are diurnal as well as nocturnal. While young swans dive in case of danger, older ones do not. Fully mature swans are the alpha animals among the waterfowl, and as such it is not proper to tap the fins ...

On the contrary, they facedown danger with threatening and imposing behaviour: The attack mode or "imposing swim" is recognized by the s-shaped neck, the raised elbows with arching wings over the back like white sails, with irritated hissing and – especially impressive – with foaming bow wave. Thereby the animal hydrofoils forward jerkily, because in such "urgent cases" they row with both feet at the same time.

While they live sociably in winter, swan pairs behave territorially during the breeding season, and non-breeding beaus form groups. Usually, the female swan begins to lay in April: five to seven or even nine large, grey-green eggs, which turn a dirty brownish-yellow in the course of incubation, which lasts 35 days. Breeding success is barely above fifty percent.

25 neck vertebrae

On land, swans rest lying or standing; in the water, they drift. When roosting, the beak is tucked under the shoulder feathers

Discreet swan wedding

hh. The twinning of swans takes place without fuss. But the prelude to love, the courtship, is strictly ritualised: Head turning, beak lowering, beak jerking, mock preening, beak dipping (=mock eating), dipping (=stretching the neck above the water), snoring – and finally the affectionate posture of head touching with ruffled head feathers. Bref: courtship of swans means effort!

When *Friedrich Hölderlin* writes about "fair swans" "... and drunken from kisses they dip their heads into the sacred-sober water", he describes

nothing else than what scientists unromantically and realistically call "double-necked diving during copulation prelude" in a Romantic's exuberant language.

Mating lasts a few seconds, whereby the male holds the female by the nape of her neck. After mating the male drops down sideways. A brief raising of both birds' breast to breast is followed by the normal beak-lowering posture. Then the love-making has an end – and the preening continues. This is how the swan wedding fits into the reality of biomechanical processes ...

rather than under the wing. Often one leg is raised backwards. When preening, the extreme suppleness of the neck is impressive, based on the proud number of 25 vertebrae (no other bird has more).

Their cleaning ritual lasts much longer on land than in the water: tail wagging,

head-neck rubbing, winging, cleaning nibbling, feather smoothing, beak dipping and flinging, head scratching and shaking, stretching shaking, feather pulling, head shaking again, wing waving – and then tail wagging again. One who wears white, cleans longer ...



A swan family: the mother with two youngsters in the nest. The male swan is always ready to defend his family against disturbances.

(Picture Heini Hofmann)