

# Current Concerns

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

English Edition of Zeit-Fragen

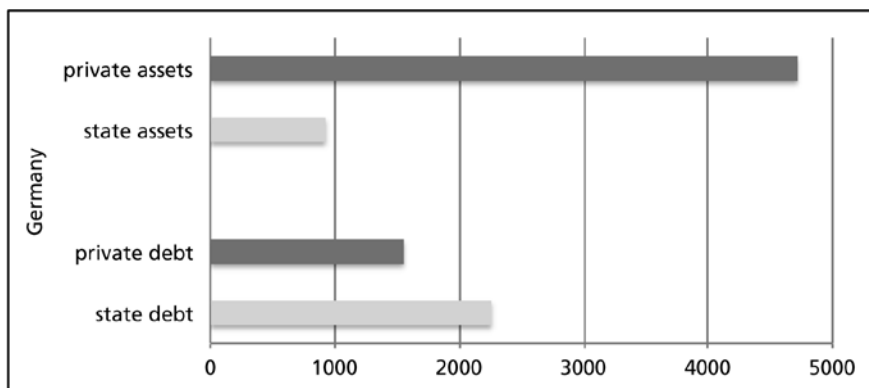
## Germany is rolling in money

cc. For weeks now, the Swiss citizens have been made nervous with the theory Germany was about to go bankrupt and would therefore take a strange and aggressive tone. North Rhine-Westphalia in particular would run out of money in a month's time, so they could "wait out" Finance Minister *Walter-Borjans'* attacks and ignore his "non-sense" easily.

Recently *Focus* published the figures concerning assets and liabilities of the European countries. Surprise, surprise, Germany is rolling in money, France and Italy as well. German lawyers and tax advisers have been saying for months that the whole charade had been reared artifi-

cially and had external origins: American mission that the SPD – seemingly addicted to controllers – likes to take up. The US-UK coalition would thus "blow away" the FRG. It fits perfectly that *Sigmar Gabriel* suggests dealing with the neighboring country Switzerland just like the United States did with the Bank Wegelin. It also fits perfectly that the SPD has their party platform written by *Habermas* and during the last four years could not find the time to develop a constitutive plan for their country together with their party base. Moreover, perhaps it also fits that the *Altmark* military base in Saxony-Anhalt

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Figures in billion euro. (Graphics haro/Current Concerns, Source: *Focus* 33/2012)

## Security – a locational advantage for Switzerland

**"We work well and with great concentration"**

*"Current Concerns" Interview with the Chief of the Armed Forces,  
Lieutenant General André Blattmann*



Chief of the Armed  
Forces André Blattmann  
(picture thk)

thk. In 1991, when the Soviet Union collapsed and the Warsaw Pact dissolved, many a person believed that the era of "perpetual peace" had dawned: peace dividend was the dictum, and it seemed as if the end of the Cold War had heralded the end to all

wars. Today, 20 years later, many people may see things a little more realistically.

Never before has the world been as insecure as today. A glance at the newspapers confirms this view. Apart from the conventional war scenarios that are as relevant as ever (see Afghanistan, Iraq, Libya and Syria), a new form of war action emerges, namely cyber war. An army, which wants to perform its task of national defense, must be prepared for all possible scenarios and therefore our army must be fully and well equipped. Among the Swiss population, there is a high

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## SPD logic: Why don't we dare to do what the Americans dare to do?

*jagr./du.* A year prior to the parliamentary election the SPD intensify their rhetoric towards Swiss banks. The party chairman *Sigmar Gabriel* said on Sunday, that there was "organized crime in Swiss banks in Germany." The banks were committing "organised" tax evasion. This should be sanctioned in Germany with up to ten years in prison, Gabriel said in the German radio channel Deutschlandfunk. The potential SPD candidate for chancellorship therefore called for establishing a public prosecutor's office to investigate against Swiss banks, which assist German citizens in evading taxes. Repeatedly Swiss banks were accused of attracting illegal money and thus assisting tax evasion. Banks rejected this.

The pressure on the banks increased recently in the United States or in European countries like France. A few months ago a Swiss bank (Wegelin) was accused of supporting tax evasion in America for the first time. Investigations are ongoing against the staff members of several other institutes. "This is legitimate", said Gabriel, "why don't we dare doing the same?" Last week, prosecutors in Mannheim had suspended proceedings against UBS employees on suspicion of abetting tax evasion.

This weekend Swiss Finance Minister *Eveline Widmer-Schlumpf* said that she had no evidence that German investors were withdrawing a significant amount of money from the country. The debate had arisen because in connection with the purchase of bank data by North Rhine-Westphalia investigators had discovered "a paper trail to Singapore" in UBS papers and training materials how to transfer black money abroad. The banks were, however, obliged to prevent such transfers for purely fiscal reasons, Widmer-Schlumpf said in interviews with two newspapers. UBS announced on request that the bank had observed no increase in requests for

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**"Germany is rolling ..."**

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is to be transformed into Europe's largest crowd and riot control center (CRC). Does it also fit that three German Federal States operate their own foreign policy with Switzerland?

Does Germany want to claim that it is in decline? Basically a European-decaying version of a "failing state"? Mrs Merkel and her entourage of different coalition partners cannot actually want to perform this circus act to the world. They are too well taken care of by America and the high finance, to stoop to such a level.

So where is the problem? Perhaps some SP party colleagues from Switzerland should tell their SP colleagues in Germany, whom they have been connected with in friendship since their student years, that they are cutting a very poor figure. That for the sake of their old "love" they should choose a constructive approach for grassroots democracy and "understanding" of the needs of the European people in the upcoming elections – but also for the solution of existing problems. With a national debt of 2,257

billion euro for the FRG and accumulated fortune of 4,715 billion euros in private hands (which has certainly not been made by planting potatoes), it would be easy to impose a solid state bond and address the wealthy in their own country if this – their common Germany – would not be worth becoming debt free. Then they could develop something together with the other peoples of Europe which would prove worthy of European natural law, the personal view of man and the Enlightenment as well. That would be something unique, something new, something sustainable, something which they could be proud of. The Swiss would also think things through and make a constructive contribution as sovereign neighboring country. In order to rise as a country, and Germany seemingly wishes to do so, it depended on "whether a political regime gets the connection between good economics and good politics", (p. X, Introduction). This is what Ruchir Sharma, one of the world's largest investors in emerging markets for Morgan Stanley says in his new book "Breakout Nations – In Pursuit of the Next Economic Miracles". According to him, the SPD has chosen quite an old-fashioned way. •

**"SPD logic: Why don't we dare ..."**

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asset transfers since the announcement of the German-Swiss Agreement on the flat-rate tax in the fall of 2011. The bank wrote: "Capital transfers, which short-circuit the purpose of the agreement, will not be effected." On the other hand the former UBS CEO Oswald Grübel had said in April that Switzerland had lost money to Singapore for one and half years. Widmer-Schlumpf, who had negotiated the tax agreement with her German counterpart Wolfgang Schäuble criticized in interviews, the main purpose of the published information in Germany was "to spread insecurity." [...]

Source:

Frankfurter Allgemeine Zeitung,  
13 August 2012.

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Frankfurter Allgemeine Zeitung  
GmbH, Frankfurt.

(Translation Current Concerns)

**"Security – a locational advantage ..."**

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awareness about these issues. For several years – after a naive phase of carelessness – especially the younger generation wants to contribute to the protection of land and people again. This development is extremely gratifying, because Switzerland has to maintain and defend a truly valuable heritage.

In the following interview with the Chief of the Armed Forces, Lieutenant General André Blattmann, these and other important issues of national defense are raised.

*Current Concerns: The more problematic today's world seems to be, the larger grows the need for security, especially among women. But even among the younger generation as a whole a significant change in attitudes towards the army is developing. Years ago, while some went to the doctor to have their unfitness confirmed, family doctors are increasingly consulted by young Swiss people today, because they do not accept unfitness as a result of recruitment examinations and want to be passed fit. That is an encouraging change for our Switzerland, this nation forged by the will of the people.*

*Lieutenant General André Blattmann:* When we look back, the army has often been criticized. However, today it is about security policy, and that is not the same.

The army is now on solid ground; we work well and with great concentration. The important thing is that we can consolidate and provide for the required service. This works quite well. Apart from the consolidation, it is a priority for me to show the citizens how important security is. We currently have an example of a Swiss city, which has received cancellations by foreign companies due to its security situation. The security situation is actually one of the few locational advantages of Switzerland. What happens in the small city or on cantonal level also applies to the Confederation. Next to consolidation my focus is on showing the citizens the significance of security and the role of the army. If that is done in a plausible manner, they will also understand that the army is necessary.

*Where do you set the emphasis concerning security in our country? Is there a realistic awareness among our population about the shape the world is in?*

I believe that this has not yet been widely recognized. In Asia, there are countries that are rearming vehemently. Unlike in Europe, where we observe disarming for financial reasons therewith creating a vacuum that will be filled by someone, sometime. The perpetual peace has certainly not broken out. For these reasons, we must be prepared to protect our critical infrastructure. Your article published in May 2011, "Hacker attack on Zeit-Fragen

(Current Concerns)" is very important in this regard. I strongly support the way you made it transparent, because many people think they are not affected. The critical infrastructure is out of service after such an attack. Who is to inform now? If the control of the trams and the green phase of the traffic lights stop working, the traffic will collapse. Everything always works as usual in Switzerland; we are lulled into a sense of security and think we are not affected. So this is a good example. Most companies do not publicize such events, because they do not want the public to find out that something is wrong. Such examples must make the people understand the dangers. Then they realize that something like this happens far more often than they think.

*A few days ago the "Frankfurter Allgemeine Zeitung" announced that after Stuxnet a fourth malware (malicious software) called "Gauss" is in circulation now. Switzerland could be blackmailed with something similar?*

Computer worms like Stuxnet or Gauss are a reality that does not stop at the borders of Switzerland.

*Shouldn't we establish computer-companies? I am sure, our young ones would join enthusiastically.*

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**"Security – a locational advantage ..."**

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We already have these specialists, in the Command Support of the Army, respectively the Air Force, to which the RS [military training school] for Electronic Warfare belongs. The enthusiasm of the young on this issue is a fact!

*Do we know whether such malware is installed as "sleepers" in our systems? Energy supply, hospitals, transport, banks, etc. – it would have devastating consequences in case of a "blackout".*

As I said, Switzerland's systems can also be affected.

When we look at the overall security situation in Europe, we have to realize that things happen that we could not have im-

**Does Germany want to fight its own people?**

"Germany is getting ready: Do they really want to fight their own people? Secretly on one of Germany's largest military training areas Altmark in Sachsen-Anhalt Europe's largest training center for the training of riot control (CRS) on 232 km<sup>2</sup> is under construction(!). Special focus is on the practice of suppression of people's riots. To achieve the greatest possible simulation of reality, a ghost town with more than 500 buildings covering an area of 6 km<sup>2</sup> for more

than 100 million euro is being built. So industrial plants shall be included in the project as well as a connection to a piece of fictitious highway and an airport with a 1700 m grass runway. The Bundeswehr as the responsible builder wants to begin with the construction of the ghost town later that year."

Source: *Vertraulicher Schweizer Brief* [Swiss confidential letter] no. 1331,

10.8.201

(Translation Current Concerns)

aged four years ago. An example: The economic situation in Europe presents a risk, which also has repercussions on the security situation. When people begin to despair, as we observe in southern Europe,

there is the beginning of a downward spiral that can be very dangerous. We do not have to look far back into the past to see what can happen when people in Europe become dissatisfied. A second example: we can see the emergence of nationalist regimes which blame the others for their own inability. These are all risks for a future development.

It is now nearly three years that Federal Councilor *Maurer* said, we do not buy planes, we have no money. At that time the Army had 3.7 billion francs at its disposal. On 25 September, in contrast, Parliament approved for 5 billion. So you cannot blame Parliament at all, but it took a lot of persuasion. Since last fall we have had a new parliament. We now need to convince them again. That is our job as well. I am sure we will succeed. It is difficult, however, if the requirements are constantly changed: Parliament has decided to fund the army with 5 billion francs. After that the entire Federal Council decides on merely 4.4 billion Swiss francs for an army of 100,000 members. What will finally take effect? One thing is clear: politicians give me the order. So we have to prepare for both possibilities.

*The "Army XXI" reform meant a severe bloodletting for our army. How can the army continue to fulfill its tasks laid down in the constitutional mandate of national defense under these circumstances?*

A mass army is not our goal today. We have a small army, if we consider our 100,000 men. This means that only around 5,000 army members are on duty at the same time. It is a small army, but if it needs to be employed, it is made-to-measure. This is the great advantage when addressing a wide range of risks. I prefer only 100,000 army members, but they need to be properly equipped. For me this is a question of honesty and credibility with the public, but also in the political arena. We save nearly 1.5 million days of service by this reduction. This relieves the economy and is a compromise that I can

Letter to  the Editor

**Why has the Federal Government got no money for the constitutional obligation to ensure security job?**

"The Swiss Confederation shall protect the liberty and rights of the people and safeguard the independence and security of the country." All Federal Councilors and federal parliamentarians pledge allegiance to the Federal Constitution, where these tasks are in the first place.

Thereunto some observations:

The Federal Council wants to weaken the army even more – an army that has already been largely shattered by the political and military leadership since the end of the last century and reduced to 100,000 men – because the Confederation is said to have no money for it.

At the same time the same Federal Council has found 1.75 billion to increase the credit for foreign aid to 11.35 billion Swiss francs, and the National Council has already rubber-stamped it.

There are many governments which rightly consider the external security the state's first duty – as our constitution does. Some of them rearm therefore with nuclear weapons and spend enormous amounts on nuclear warheads and missile systems. As a consequence there is a lack of resources there for the fundamental civilian tasks, such as the fight against poverty.

Here the Swiss foreign aid helps out. Between 2010 and 2012 only it has spent 106.5 million Swiss francs to the nuclear powers India, Pakistan and North Korea. It stands to reason that the governments of these countries are very grateful to Switzerland, because they can thus invest the money saved in their nuclear armament programs.

Isn't it deeply shocking that the Federal Council and the Parliament on the one hand financially support other countries

in the construction of a gigantic nuclear military power through the foreign aid but on the other hand do not provide sufficient funds for a credible, comparatively much more modest fighting strength of the Swiss army to comply with the constitutional order?

Germany also supports nuclear armament. It subsidizes the numerous submarines that it builds for Israel, which then equips them with nuclear weapons. One reason more that Switzerland must help Germany to collect taxes.

Will the current peace in Europe really be eternal; this being the reason why we should not need a credible defense system, as the Federal Council and Parliament believe? The reconstruction of the system would take many years. Will our people only awaken when the house is already on fire?

Support by the foreign aid of Switzerland, of many other countries and of the "world community" has been continuing for more than 50 years now, and many hundred billion francs have been spent. Can the development industry leaders tell us how many more years are needed until the supported countries can stand on their own feet?

And finally, which foreign aid has brought about that China became a leading economic power within 30 years only? Which foreign aid has made Brazil, Japan, Taiwan, and the former poor colonies of Malaysia and Singapore economic heavyweights? Which foreign aid has developed Switzerland or Germany?

*Gotthard Frick, Bottmingen*

(Translation Current Concerns)

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## Contra the anti-historians

**Christian Favre, author of the book “La Suisse avant et pendant la Seconde Guerre Mondiale”, puts Swiss history from the head back on its feet**

ts. While the war rhetoric against Iran by Israel is becoming increasingly strident and the *Obama* administration threatens to bring down Israeli fighter jets by Saudi fighter jets – the threatened war obviously obstructs the larger planning of the remaining superpower and does not fit into the plans of the empire – the EU stumbles from one crisis into the next, always acting increasingly dictatorial and trampling on the will of the people. After the *Rothschild-Rockefeller* wedding we can observe loyal assistants everywhere who want to impose the high finance's plans of mercilessly fleecing the taxpayers on Europe's citizens. The bank tyranny even goes as far as to transform democracies, or what is left of them, in an alarming speed into corporations including shareholder value mentality, following the example of the USA, where *Goldman Sachs* has taken over government tasks such as running a prison, health care, school, etc. To that end – as we can feel every day and everywhere – the protective measures, which the citizens of the various nations in Europe have fought for since the 1648 *Peace of Westphalia* and the Enlightenment, namely the sovereign and inviolable national state, i.e. this protective wall against exploitation is to be demolished by the greed of oligarchic power elites. Be it through the concept of so-called metropolitan areas, natural parks, the alleged support for rural areas and cross-border “Euro-regions”, the planned evacuation of entire regions by the secret repopulating of large predators such as wolves and bears, not least, however, by the commercialization of schools and of education as

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endorse. Less than 100,000 men would no longer be responsible.

*How can 100,000 army members protect our critical spots such as nuclear power plants, dams, airports, train stations, etc.?*

With 100,000 we cannot protect everything across Switzerland. You have to decide what is most at risk. You will more or less draw a circle around the object, which may have gaps at certain points. At these locations, electronic means are used. We do have to find the optimal mixture. Right now we have a balance between our pos-

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## The original history of Switzerland

by Christian Favre

The recent article by *Catherine Cossy* in the newspaper “Le Temps”, on 31 July, has motivated me to a response: For some years we have been experiencing, in fact, a continuous calling into question of the fundamental history of Switzerland, which does no longer refer to the struggles of the founding cantons, but only to the will of the urban citizens, in particular to those revolutionaries who emerged from the French Revolution, and of course to the will of *Napoleon*. Is that true? Do you seriously believe that without this constant battle of Schwyz and its neighbors for their freedom, not only against the Habsburgs, but also against the local, secular and ecclesiastical feudal rule, the urban inhabitants would have acted the same way – without this fight and without these examples? This is completely impossible for a simple and single reason: The urban dwellers, for example, the inhabitants of the city Bern were not united and were dependent on the peasants, who were constantly threatened by the urban dwellers which finally led to the Peasants' War. When the original cantons were successful, it was just because they were united and rarely had charismatic leaders. The Federal Charter of 1291, the *Rütli* or *William Tell* are not decisive in this context. Fact are the many battles, the many won battles. This was a successful war of liberation, full stop. And this is the reason why the Swiss celebrate the 1<sup>st</sup> August without these initial struggles Switzerland would not exist today. That is my position, but

it is not the one of today's historians – really of all historians?

Let us also talk about the role of *Napoleon* who is absolutely being glorified. *Napoleon* was primarily an absolutely imperialist warlord before he presented himself deferential towards the Swiss people – that he had subjugated before. Yes, the result was almost a miracle, that is true, but before – and this is refused to be admitted – Switzerland, particularly the German-speaking part, had been completely looted and suffered from hunger to such an extent that it had to get help from outside. Yes, *Napoleon* wanted autonomous cantons, but why? Because of altruism? Just imagine! In reality, he feared the possibility that the Swiss – and he knew their fighting spirit very well – would unite themselves and create a unified and strong army. That was what he was afraid of, above all. But in the end he unintentionally found the best solution for a country to stand their ground together: dividing it.

Therefore, in Switzerland no German-speaking or French-speaking blocks developed, but small units which are quite capable of arguing in peacetime and of uniting when danger is at hand, as was the case during the Second World War.

Conclusion: History has to be discussed and must never be indoctrinated, this also applies to my own stance.

Source: *Histoire militaire de la Suisse, books 1 to 4, various historians*  
\*current territory/area of Switzerland.  
(Translation Current Concerns)

## Cyber-War

**Contracting entities for the new computer-virus “Gauss”:  
USA and Israel**

Inside the infected computers, “Gauss” collects the browser histories, system settings, cookies and passwords.

Regarding its frame “Gauss” resembles the virus “Rame”, whose designers cooperated – as is well known – with those of the worm “Stuxnet”.

Therefore “Gauss” obviously comes from the same developers and must – as is also indicated by its typical features – emanate from a state authority. For the third time within one year a malicious program has been discovered, which is apparently being used by a state authority for online spying. The Middle East proves to be an “epi-

center” of data espionage. Since “Stuxnet” is now directly linked to the United States and Israel, the statements of the Russian security company *Kaspersky* point inevitably to the conclusion that the contracting entities for “Gauss” are the same as for “Harne” or “Stuxnet”: America and Israel. So “Gauss” appears as the fourth malicious program – after “Stuxnet”, “Flame” and “Duqu” – in the context of an operation of American agencies, which are allegedly code-named “Olympic Games”.

Source: *Frankfurter Allgemeine Zeitung, 10.8.2012*  
(Translation Current Concerns)



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well – and: by the rewriting of the countries' history with the purpose of alienating the younger generation from their own history, so that a faceless uniform mass of subjects with rudimentary "basic knowledge" will not dare to question the EU Moloch by the grace of Rothschild / Rockefeller.

One can always find some pushy persons who – as useful idiots and 5<sup>th</sup> column recruited in the spirit of an "economic hit man" a la *John Perkins* – sell their brain to the monetary elite and let themselves be rewarded with chairs of History. The genuinely serious historians are left behind and do not even get their postdoctoral theses accepted and read, let alone their content that goes unappreciated. In Switzerland, the situation is particularly shameful in this regard because here a troop of homeland-weary and bribed *Bergier* historians have the say, who can give the academic ordinations to young historians: only handpicked empire-dependent Swiss-Basher, i.e. pushy persons who compliantly drag the history of Switzerland through the mud, sorry, "deconstruct" it, are hoisted to the chairs and given broadcasting time for their subversive, shabby waffling in the bribed and streamlined media and the *de Weck* television channels.

One of these infamous and more than embarrassing so-called Swiss history experts, whose book on the history of our country is, unfortunately, offered for sale in an intrusive manner, is a professor at Heidelberg – good old Heidelberg! – *Thomas Maissen*. His lousy piece of work is like a culling, or should we rather say a slaughter of everything which precisely distinguishes Swiss history: We shrink from repeating Maissens' com-

ments which are so stupid, cynical about every historical reality and serve the only goal to weaken Switzerland and make it ready for the integration into the empire. We also dislike to repeat these distortions and innuendo, most recently published in the newspaper "Le Temps" of 31 July. "Switzerland as an artificial construct" – as if the communalist research approach had never existed, the emergence of state structures in Switzerland from the cooperatives had never been researched -, "Napoleon as great savior" – as if his imperial rampage, killing, pillaging and rape had never occurred and the orphans of Stans had ever existed, as if *Anker* and *Pestalozzi* had been tricked by chimeras – pretending that only Zurich and Bern, that is urban Switzerland, had ensured the continued existence of the covenants among the Confederates in the 14<sup>th</sup> century – as if it had not been the unique combination of urban and rural, cooperative communities that had provided the basic substance for the subsequent emergence of direct democracy, which the whole world knows and appreciates and for which it envies us. No, federalism does not fit into Maissen's concept, and therefore he makes the publishers print a picture and commentary entitled "The old cantons under the protection of the empire", the Reich. A classic ahistorical instrumentalization of the past struggle of the cantons against the emperor, which in the Swabian wars de facto and in the Peace of Westphalia de jure brought about the independence from the Holy Roman Empire of the German Nation. But finally here at least Maissen is so clumsy that he reveals the character of his contracted work: Today Switzerland is again to be subjugated to the empire! Not everyone is so open – or how should I put it – clumsy, clueless, crafty, or full of chutzpah to unmask his ideological view of his-

tory by his own doing. Well, according to the motto of *Leo Strauss*, the forefather of imperial maneuverings: Since the people are too stupid, they need lies, they also need exploitation, because they would not be able to bear the truth.

We greatly appreciate that *Christian Favre* has repeatedly opposed those anti-historians' spitting their venom along, beside his excellent book on the real history of Switzerland, in which he corrects the *Bergier* lies. The opposite text of Favre is a response to an interview of *Catherine Cossy* with the aforementioned *Thomas Maissen* in the newspaper "Le Temps" of 31 July, consequently meant for the national holiday – an absurdity by itself. Just think, on the occasion of their national holiday, other nations such as the USA, France, Great Britain, Israel, Russia and so on, would open the columns of the media to some people on foreign payrolls hating their own country. In the United States, which since 9/11 has been in the midst of its self-defined war, this would undoubtedly be more than treason. •



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sible scenarios and our appropriate countermeasures.

*Our army works, although we have experienced a large human and material reduction. How is that possible?* Yesterday I visited the shooting range in Reppischtal in Canton Zurich accompanied by a retired brigadier. He praised the efficiency of this range and found that in his time there have been many parallel side jobs, and only one group who shot.

Today, they have sites with automatic targets, which is much faster. The efficiency has been greatly improved with simulators, with electronic devices. Despite the reduction our soldiers are still very well

trained. And there are no reservations. If our soldiers are sent in, we can be sure that they are very well trained. The simulators we have are certainly some of the best. A few weeks ago I met the German Chief of Staff, and he was impressed with what we have at our disposal. It is interesting to hear from Germany, a country which itself has many soldiers deployed abroad, how they feel about that. We agreed on sharing our experience in training. I assume that we can learn from each other's experience.

The quality of our people is excellent, and I am a consistent advocate of mandatory military service and the militia army. This good quality can only be achieved that way. As the head of the army, I am also the Appeals Board, in case a citizen is not allowed to serve in the army and he appeals to this decision. Every day I sign decisions which deny military service to

willing citizens – there are often citizens for whom this decision is utterly embarrassing.

*Can we say that there are more young people today who want to serve in the army even in the consciousness of what one has to lose or to defend: our unique political system of direct democracy, for example? Can we observe a trend here?* That can definitely be answered positively. This also corresponds to the FIT study, which was published a few weeks ago. In 1999 there was no longer a majority of the 20- to 29-year-olds in favor of the army. Now we are at 63 percent, and last year it was even 69 percent of the younger ones, while the approval is much higher among the older generation. Considering the fact that today two

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# Germany's attacks on Switzerland are counterproductive

## Contemplating (and acting) is essential!

by Karl Müller

What can a German say and what does he have to say, when, for years Switzerland has been under attack from Germany? When prejudice has been fueled and diplomatic decency disregarded, when German behavior has been arrogant and rude? When this has been going on for years?

What does a German citizen think of, when he has to read that more than 60 per cent of Germans continue to be in favor of buying CDs with client data from Swiss banks although acquisition of such data represents a breach of law?

Does the German citizen believe it is quite alright? Does he think that it would be more than a little strange that Swiss citizens are better off, better than most Germans? Whereas he himself was very efficiently working a lot and hard, but nonetheless was to spend more than half of it on taxes and social security contributions so that only a small amount remains? ...

Or is the German citizen contemplating?

Does he reflect on what has been offered to him by German policy and media for years? One lie after another! War lies ("We have to prevent a new Auschwitz in Yugoslavia", "Germany is to be defended at the Hindukush", "We are fighting for democracy and human rights in Northern Africa and the Middle East"...); economic and social lies ("The rich have to become richer and the poor poorer", "We have to reduce the welfare state", "Those who are unemployed are too lazy" ...); financial lies ("We have to rescue the banks

with trillions", "We are the ones who profit from the euro", "There is no alternative to Merkel's policy"...). How many more lies by politicians and the media, by the so-called "elite" and by "experts" can we think of?

### Germany no longer is a state based on the rule of law

The biggest German lie of recent years is that of a state based on the rule of law, pretending law and order were still being obeyed. No! Germany no longer is a state based on the rule of law. In essence, even renowned personalities like former Minister President of Baden-Wuerttemberg, *Erwin Teufel*, the former judge of the Federal Constitutional Court, *Paul Kirchhoff*, and former adviser to Federal Chancellor *Kohl*, *Gertrud Höhler*, do say so. ... *Wilfried Scharnagl*, a political companion of *Franz Josef Strauss* and former chief editor of a Bavarian party organ published a very good and serious book, right now calling for independence of his federal state, Bavaria, arguing that the situation in this Germany and that EU was no longer bearable.

Unfortunately, until now there are only the "former" politicians and others who are alarmed and say so. Today, they are freer in their thinking. But what do we have to think about those who are not as free yet? Why should there be no freedom of thought in Germany for those who are not yet among the "formers"?

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thirds of the young profess their commitment to the army, this is a legitimate scientific answer to your question, to my mind.

*Let's switch to the current issue of the "Tiger"-replacement or in other words, purchase of the "Gripen". There is an offer from Sweden that the Swiss Army will get a substitute aircraft until the latest Gripen will be available. Is this a feasible option?*

We have to consider this question in the general context. We now have 33 FA/18, a very good airplane, one of the best in Europe. Now the question is: Can we bridge the time until the new *Gripen* is available with the interim version that was used in Libya with great success? To that I agree. Anything that is better than the tiger is an advantage. Even Federal Councilor Maurer, who recently discussed this concept with the Swedish Minister of Defense, says that we ought to consider this proposal. Of course we have to consider

the costs. But anything that improves safety is basically good for me. Something that is quickly forgotten: Three to four years ago, we made clear that the new aircraft should be in operation between 2015 and 2020. We are therefore within the timeframe. An interim version would give us time to get our pilots trained. First we need to select the pilots; then they must get to know the system. The same also applies to the ground crew. The transmission has to work; the electronic sensors need to be adjusted, etc.

*When the Federal Department of Defense, Civil Protection and Sport (DDPS) chose the "Gripen", it was initially well accepted, but of course less by the competitors. Then the leading media launched a veritable campaign against the Federal Council's decision. This includes an article in the "SonntagsZeitung" that reported about 99 defects. This was serious criticism claiming that the "Gripen" would not be able to meet the requirements. He was only a Volkswagen but no Rolls-Royce and the like. The DDPS, it seemed, opposed this*

### The duty to remonstrate: Civil Servants have to protest when their superiors are violating the law

German state officials are taught their duty of remonstration during their education and training. Officials have to protest when superiors are violating the law. Where are the German officials who are doing so today? The duty of remonstration resulted from Nazi dictatorship. No one should be capable of hiding behind superiors any longer.

Germany has changed. Civil courage in the office has died away, more or less. Germany is infiltrated by Merkel's utilitarianism which parallels the American zeitgeist. It might be of disadvantage to reflect and have one's own mind. This attitude even rubs off on citizens.

If, however, a German citizen is reflecting on this, if he is truly reflecting, he should in fact become more cautious, considerate, and attentive and not only parrot nor give in too easily to what is offered from above. And perhaps he questions anyhow why does «above» and «below» exist in Germany.

So, Switzerland is under attack now! What kind of game is this? What kind of lies do we have to encounter now? Why above all has it been Switzerland in recent years? Are truth and law all of a sudden at stake to the known liars?

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*criticism too little in that situation. The allegations are still present and have not been clearly eliminated so far.*

With my communications officer I visited the editorial team of the *SonntagsZeitung*. There, the research chief of the *SonntagsZeitung*, Dr *Zihlmann*, said, "If you like, I can write a commentary in the *SonntagsZeitung* saying that the *Gripen* is a good choice. However, and with the following he said the same as you did: "There were and there are risks. Why don't you communicate that?" This has really been a lesson to us. Federal Councilor Maurer addressed that matter and clearly stated that it wouldn't do. Requests are submitted and there are no answers. We then decided that we need to invite journalists from time to time. We can tell them what improvement measures have been implemented and which ones we are still working on. Transparency is necessary. I find it very unfortunate that this happened. I am confident that the *Gripen* is the only reasonable so-

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**"Germany's attacks ..."**

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Or, is something entirely different at stake? Are these the liars' tricks wanting, by referendum, to gain advantage in dictatorship authorization for the EU? With the blessings of the intellectual and big-mouthed Gurus of the old school like *Daniel Cohn-Bendit*, *Joseph Fischer* or *Jürgen Habermas*.

They want to make people believe, only the mighty and powerful may survive the "worldwide competition in the era of globalization", i.e. the one who is willing to wage wars all over the world against the "small" ones and other "big" ones for raw materials, trade routes ... or the one who makes himself available to the US empire as a vassal state.

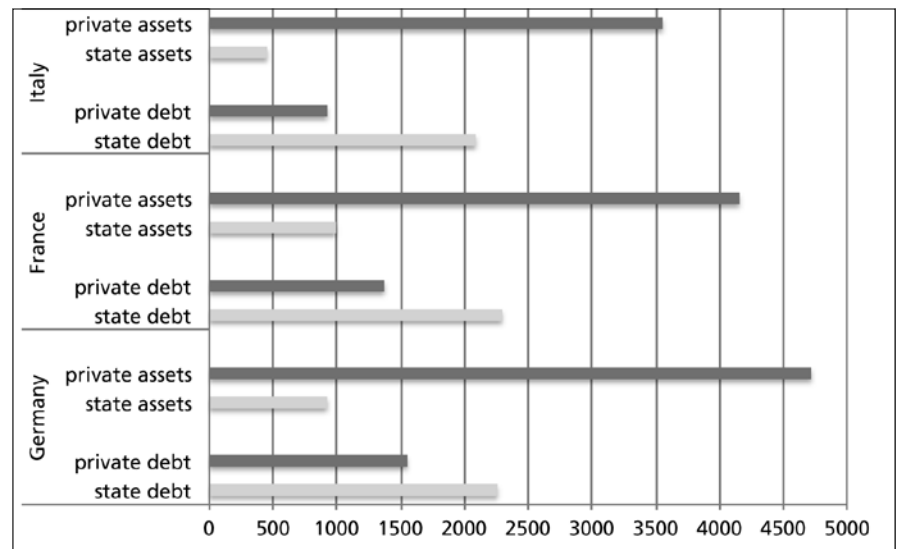
Joseph Fischer wrote again and this was quoted by *Spiegel-online* on 18 August, Merkel shall present a master plan for the path toward a European super state, viz. "Anyone believing Germany could become a large Switzerland behaves like a dreaming ox standing in front of the locked door until it is led to the butcher."

A German citizen, who reflects on matters, reads a book once in a while. This could i.e. be the book "Operation Balkan – Werbung für Krieg und Tod" (Operation Balkans – Promoting war and death) by *Jörg Becker* and *Mira Beham*. How PR propaganda was used in the nineties of the last century, after decades of peace, to make people call for war again, is shown in this book. It is also shown, how PR

agents champagne-toasted when they successfully turned the truth upside down. Repeatedly, one could read about the poor knowledge of history of many German students. But the adults of today really ought to know more. Is there no one in school who has dealt with the «Sportpalast speech» in depth and across time?

There is Article 26 of the Basic German Law. It has to be quoted time and again, viz. "Acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression, shall

be unconstitutional. They shall be made a criminal offense." What we can hear in Germany about Switzerland today is certainly no contribution for peaceful relations between nations. The attack on Switzerland gets in line with German attack on other European countries and other countries in the world, whereby the archaic propaganda box is opened. The purpose, though, is not to influence the different attitudes. Again, power and money are uncompromisingly at stake. Every contemplating German citizen must want to put a halt to this. •

**Enough capital to pay back all national debts twice**

Figures in billion euro. (Graphic: haro/Current Concerns; Source: Focus 33/2012)  
(Translation Current Concerns)

**"Security – a locational advantage ..."**

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lution for us. It fulfills our needs and costs as much as we can afford. One more thing about the article in the *SonntagsZeitung*: It obviously published fragments of the committee meeting's minutes, stating that the aircraft in the version of 2008 was a dull knife. It was reported, however, that the measures taken were likely to lift the aircraft at a level, where we want it to be. All in all, we would have had to say that we wanted an aircraft that is still in development, but the risk was acceptable. It was wrong to convey the impression that the aircraft in this form already existed. That was our mistake. We developed a list of actions, but in the meantime, progress has been made, for example with the new radar. It will be installed in the new aircraft, being the best that is currently available.

*The engine was also a point of discussion ...*

Yes, exactly. Again it is a *Boeing* engine. It is the same as in the recent *FA/18*. This

has also been a complaint. The *Gripen* was slower than the *FA/18*, they say. But the *FA/18* is also slower than the *Mirage III*, which flew twice the speed of sound. But that is unnecessary today. The missiles are faster, and the radar has a larger radius. That's something we have to explain to the citizens, it is our communication task.

*What about the collaboration with Sweden in military affairs? Does Sweden still have the neutral autonomous position? How far has Sweden been already involved?*

Sweden sees itself as still "non-aligned". A NATO membership is definitely not an option for Sweden. The Swedish Chief of the Army was here in spring has made it clear that it is definitely out of discussion. Sweden is a member of the EU. This grants them access to other states. Sweden is comparable to Switzerland, not as far as the country is concerned, but as far as the army is concerned. The Swedish Army has many systems that we have, too. They have problems with the renewal of their artillery. They are currently working on improving

it. Sweden takes part in deployments for peace. There is already a cooperation we can benefit from. It also gives us the opportunity, if policy wants us to do so, to perform a common deployment. We can learn a lot. Sweden behaves in a very clever way in the Nordic-Battle-Group. Sweden, Finland and Norway – the latter being indeed a NATO state, but no EU country – cooperate well on bilateral or trilateral level and can complement each other well in their assignments. This is also a cost factor, if you focus on one thing and jointly execute orders.

*According to the FIT study 95 percent of the population is in favor of maintaining neutrality and 93 percent want Switzerland to take over mediation tasks in case of conflicts due to its neutrality. Somewhere that neutrality represented by the people opposes the membership in the NATO sub-organization Partnership for Peace (PfP). In the mid-90s, the Federal Councillors Cotti and Ogi led our country into this organization, without asking the Parliament let*

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**"Security – a locational advantage ..."**

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*alone the people, and thus there is in fact a link to NATO. As a neutral state, it would be advisable to stay away from NATO and hence PfP. How is it that being discussed in the army leadership?*

We really play only a modest role in PfP. There is no deployment of our army without a decision in principle of the UN or the OSCE, which is very important. Neither can we get involved in NATO operations. So this is impossible. We benefit a lot as we can participate in information, without being forced to participate in the activities of NATO. For me it is impossible that we join NATO. That's no option for me. We are responsible for security and freedom in our own country, and there is the additional task of peace-building, in which we make a contribution at international level, but we do not have to join NATO to do so. But I cannot approve of completely closing our minds to the mutual exchange.

When I look at what we are doing with the FIT or with the Geneva Centre for Security Policy and its Conflict and Peace-building Programme, how officers from around the world come to do schooling and training with us, I can say that Switzerland has a very good reputation in this area. When that is done in our country, we have representatives of other countries sitting next to each other that otherwise would never speak a word to each other. Here they have to. This is a contribution to security, at a rational level. Politics will ultimately decide what to do, and if an objection is raised from that side, we will comply.

*And with respect to neutrality you do not see a problem?*

What does neutrality mean? In a conflict, we do not side with one or the other party, and we do not comment on that either. Once there is a conflict, we withdraw. So far there has been no deployment of Switzerland in connection with PfP.

*The NATO operations in Libya, for example, have yet gone far beyond. The establishment of a no-fly zone was permitted, but not a regime change.*

Yes, there were quite different interests involved. I talked to the Russian General Makarov about the situation in Syria; Russia on the one hand, has of course great concern as for the Mediterranean, and on the other for who and what will follow, if

there is a change. We share the concern. We condemn what is happening there at the expense of the civilian population and say so, but we cannot conceive of the solution. The view that there will be elections next year and then in the following year the country will be a democratic state is probably very optimistic. But I am not defending anyone here. There is an enormous bloodshed borne by the civilian population.

As for NATO, we are very cautious. Bilateral links to other NATO countries are no problem for me. We cannot bypass NATO, if we want information; you have to be very clear about that. But for anything beyond we have established so many obstacles that I do not see any danger. I support our involvement in peace-building and humanitarian issues; there are pragmatic approaches for co-operation.

*What is our army leadership's attitude towards the militia army, which excellently combines the diverse professional skills of civil life with the needs of national defense? On the other hand, the different classes of society, the different languages and different regional mentalities get to know and understand each other better in the militia army and – which is essential for democracy – they learn to co-operate at the same time. Where else will the next generation have this opportunity and provide the cohesion for the nation of will Switzerland?*

For me it is absolutely clear: Either Switzerland has a militia army with mandatory service or it has no army. Everything else is not honest. There is the popular initiative "Yes to the abandonment of mandatory military service". This is a normal procedure in Switzerland, if you want to change something. I am confident that we will win the vote, but we need to do something about it. From our understanding of the state – and it starts here, if you have a liberal attitude – there are tasks required by the state. This is for example the security of citizens. This includes the army. What is more credible in this regard than the citizen in uniform who makes a contribution? For me, there is the overall national political thought behind that. It includes of course the quality of the soldiers. I must say I am pleased to see how committed the young people are. The quality of our soldiers is very good. In the ABC Laboratory

*Spiez many militia members with PhDs are on duty. When I asked them whether they found useful what they were doing there, they answered, of course, who else should do it. They were physicists, chemists, high school teachers etc. These people are ready if something occurs within their special area of knowledge. Our militia army performs very well. The quality of the army is the one thing, the team spirit that you mentioned before, is the other. I live in western Switzerland on the linguistic border, and I often wonder who else than the army is still bringing the people together. Recently I visited the Ticino. It is crucial for me that the army deliberately integrates the Ticino people. That is what the Ticino government also supports. I discussed the matter with the responsible government official, and there is an exchange that is very important. What are we to do with a professional army? Apart from that it would be far too small to meet the constitutional mandate. Trying to defend a country with 30,000 army members, who all could be seated in the "Stade de Suisse", is an absolute absurdity. Someone who really deals with this issue seriously will never achieve at such a solution. The costs for the staff play a role, as well. 10,000 soldiers cost a billion francs in wages. Our 4.4 billion Swiss francs would be consumed fairly quickly. The Belgian Chief of the Army – Belgium has a professional army – told me that he cannot ensure the necessary number of 1,500 new recruits each year. And he added, "Nous avons totalement perdu la rencontre avec la population." But who are we for if not for the people?*

From my point of view you have to demonstrate this to the people, and then they will not approve of such a development. It is dangerous: With the end of the mandatory service and the militia, the army will be abolished and thus the security of the country and people.

The militia army is not just a military issue. It is also a matter of existence and ultimately a matter of our state sovereignty. So for me this is by far the most important issue when it comes to setting the course in modern times. We only have a positive connection between our population and our national defense through our militia army. And this is what it takes.

*Lieutenant General Blattmann, many thanks for the detailed discussion.* •



# Referendum: “Try before you trust!”

## ESM and Fiscal Pact: The trick with “democratic legitimacy”

by Felix Staratschek

It is with great concern that I observe the efforts to abrogate the guidelines for European and foreign policy of our “Grundgesetz” (Basic Law) by voting for a new constitution in a referendum under Article 46 of the German Grundgesetz. Once the association “Mehr Demokratie” started its campaign “Volksentscheid, sonst klagen wir!” (Referendum now, or we go to court) by the end of March 2012, more and more politicians jump on the bandwagon. After Schäuble made known in *Der Spiegel*, that such a referendum could come sooner than expected, and after reading in the “Rheinische Post” on 2 July 2012, that Steinbrück (SPD) considers it possible to win such a referendum by an alliance of government, business and media, I can now read in the newspapers or hear in news reports that more and more politicians are speaking in favor of a referendum.

I am an advocate of direct democracy in the sense of the statement of Constitutional Judge *Papier* that referenda must be possible on all issues decided upon in the Bundestag. But that is not the case here. The politicians are now calling for a one-time referendum – once and then probably never again. It is not a matter of improving democracy, but it is about depriving constitutional claimants, who address the Federal Constitutional Court in questions of international cooperation, of their means to file a suit by introducing a new constitution. What the politicians want is a revolution. They do no longer want to be disturbed in their activities, because currently all citizens have the right to file complaints if they see the core identity of the Grundgesetz violated, says Constitutional Judge *Voskuhle* (“Rheinische Post” of 5 March, 2012).

In the Lisbon judgment the judges at the German Constitutional Court have made clear statements of what is possible with the Grundgesetz and what is not:

In marginal number 244 of the Lisbon judgment, the judges write: “Neither may the European integration lead to the erosion of the democratic system of government in Germany nor may the supranational public authority in itself fail to meet basic democratic requirements.”

From marginal number 233: “The Grundgesetz does not authorize the German state authorities to transfer sovereign powers in such a way that exercising them can justify other competences for the European Union. [...] Even a far-reaching autonomy of the political authority in the European Union, by granting steadily increasing responsibilities and a gradual overcom-

ing of remaining unanimity requirements or previously formative regulations concerning the equality of states, can, from the perspective of constitutional law, solely be granted out of the freedom of the independent people. Such integration steps must constitutionally be limited by the act of transfer and be revocable in principle.”

Since ESM and Fiscal Pact are neither revocable nor limited in the scope of their effect and variability, these things should – according to the Lisbon judgment – not be decided upon or implemented as long as the Grundgesetz applies. And that is why more and more politicians actually want to do away with the Grundgesetz! However no one literally says so.

And in marginal number 228 we read: “The Grundgesetz does not enable the bodies acting on behalf of Germany to give up the self-determination of the German people in the form of international legal sovereignty of Germany by entering into a federal state. This step is reserved only to the directly expressed will of the German people because of its related irrevocable transfer of sovereignty onto a new legitimacy subject.”

It is amazing what “Mehr Demokratie” writes in its constitutional complaint. After they have laid down on more than 100 pages why the ESM and Fiscal Pact are to be rejected, we can read the following sentence: “V. The procedure: Only in this way democratic legitimacy associated with ESM, Fiscal Treaty and Article 136 paragraph 3 TFEU can be conveyed for integration steps, for system change in the Economic and Monetary Union and the abandonment of sovereignty in one, if not the central policy field of the Union.” While in the advertising texts for participating in this lawsuit they always claim that they are against the ESM and Fiscal Pact, they explain here how these two agreements are provided with “democratic legitimacy”. How to do so can be read in the preceding lines – by voting for a new constitution via Article 146! Does this not mean that they are they cheating the more than 37,000 co-plaintiffs? It is said here you can participate in an action against ESM and Fiscal Pact, while towards the end it is explained, how both can still be legally enforced!

### The eternity clause in the Grundgesetz: Article 79, paragraph 3

What is the reason laid down in the Grundgesetz that hinders the politicians in the Bundestag and Bundesrat to simply wave through ESM and Fiscal Pact? The main obstacle is Article 79, paragraph 3, of the Grundgesetz: “Amendments to this

Grundgesetz affecting [...] the principles laid down in Articles 1 and 20 shall be inadmissible.” This is the eternity clause in the Grundgesetz, which names the articles dealing with the inviolability of human dignity, the respect of the Grundgesetz for UN human rights “as the basis of every community, of peace and of justice” and to bind the legislature to the following basic rights. Article 20 contains important information about how the state is constituted: All state authority in a democratic and social state is derived from the people and shall be exercised through elections and other votes, and we have a right to resist, if this order is to be eliminated. It is not compatible with this article that the state power should emanate from ESM and Fiscal Pact actors in future.

*Our Grundgesetz was adopted after the major disaster of World War II. Under the impression of what they had experienced the fathers of the Grundgesetz wanted to do everything that never again someone may be authorized to push his policy through while passing by the Parliament and the people. A law had transferred the state power to the Nazis in 1933 thereby authorizing the Hitler government, to govern without Parliament and the people’s will.*

On 11 January 1949 at the meeting of the *General Editorial Committee* (ARA) of the Parliamentary Council Dr *Thomas Dehler* (FDP) is quoted as saying that a revolutionary should not be given the opportunity to claim that the Grundgesetz had been abrogated by legal means. In the Main Committee meeting of 12 January 1949 he said, “In any case I think it is essential that we create a barrier, not in the belief that we can come up with a revolution, but in the will to take the mask of legality off a revolution.”

Shockingly, the judge at the Federal Constitutional Court and ESM process participant Prof *Peter Michael Huber* speculated on “a supranational economic government” in an interview entitled “No European economic government without amending the Grundgesetz”, published by the “Süddeutsche Zeitung” on 19 September 2011. He imagined this in the form of a new constitution for Germany approved by plebiscite along the lines of Article 146 of the Grundgesetz, which would require only a few changes of Article 23 of the Grundgesetz and of the eternity guarantee (Article 79, paragraph 3, of the Grundgesetz) in the form that it would be put under reserve of a European economic govern-

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**"Referendum: "Try before ..."**

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ment. He also noted that "in substance" such procedure would mean a "revolution".

It is interesting what happened in Karlsruhe on 10 July 2012. In addressing the urgent motions filed by the plaintiffs, the comprehensive urgent motions and the presence of the applicant *Sarah Luzia Hassel Reusing* were not even mentioned. Even in the "Süddeutsche Zeitung" of Friday 29 June 2012, the suit of Mrs Reusing, who was given a proper case number and has not been dismissed, was not mentioned. The article says that "All suits are available to the Süddeutsche Zeitung". "All actions have been developed by luminaries in their field". "All constitutional challenges against the ESM and Fiscal Pact, therefore, culminate in the statement: Now the constituent power of the sovereign, i.e. the state people, is challenged". Whether the "Süddeutsche Zeitung" has been victim of withheld information or whether it deliberately told untruths, I do not know. The fact is that the human rights activist Sarah Luzia Hassel Reusing intends

to check by means of her lawsuit whether ESM and Fiscal Pact are compatible with the basic values of our Grundgesetz. Mrs Hassel Reusing also favors referenda, but not laws, whose compatibility with the Grundgesetz have to be scrutinized.

I have great doubts whether a society based on the ideas of Christian social teaching will still be possible if human rights and solidarity, personality, subsidiarity and the common good must be subordinated to the interests of big capital. The husband of Mrs Reusing can be heard on YouTube in some videos. The lawsuit is supported by *Netzwerk Volksentscheid*, and everyone can express his solidarity with this action there: <http://netzwerkvolksentscheid.de/esm-klage/>. On my *Viertürmeblog* I justify in detail why I withdrew from the lawsuit of the Association "Mehr Demokratie" and I also report on news related to the Reusing lawsuit. It would be a good sign if many Democrats and Christians showed solidarity with the Reusing law suit because I believe this is the only action that can result in a Europe which will still deserve the name "Christian occident". It would be nice if many readers contacted the members of the *Freie*

*Wähler* (independent voters), the *ÖDP* (ecological party) and the *Piratenpartei*, with the request that these groups withdraw from the *Mehr Demokratie* law suit and defend our Grundgesetz. You can also contact your local MPs on [www.abgeordnetenwatch.de](http://www.abgeordnetenwatch.de) and ask them for their views on the eternity clause in our Grundgesetz. •

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Constitutional Complaint of "Mehr Demokratie" •

## ***The present discussions about a one-time plebiscite on the ESM are dangerous and not honest***

*km./rr. The contribution of Felix Staratschek touches basic constitutional matters. In fact, it is not about the question, whether the German people may disintegrate and be assimilated by a European state, even if it wanted. However, it is about the fact, that presently there is neither reason nor possibility to do so, because there is no such thing as a European people.*

*And certainly the ESM represents no reason for the German people to disintegrate. That much is clear: Within the framework of the German Basic Law and thus within the framework of a sovereign German state an ESM is not possible under constitutional law.*

*Furthermore it is true that the ESM would not be compatible with the social fundamental values of the Basic Law (Germany is a social state under the rule of law according to article 20) as has been repeatedly explained by Professor Karl Albrecht Schachtschneider and others. Without its own national economy a state cannot ensure social justice for its citizens because it is deprived of the corresponding means, for example its own monetary policy.*

*Therefore the present discussions about a one-time plebiscite on the ESM are dangerous and above all not honest.*

*As the "legitimation crisis of late capitalism" (Jürgen Habermas, 1973) urge to deception and the proponents of "postdemocracy" (Colin Crouch, 2008, who was allowed on 15 August in a major German daily newspaper to explain why the EU is necessary for his postdemocratic plans) and financial fascism will not fight out in the open they try to cheat the citizens. It is grotesque that an association named "Mehr Demokratie" (More Democracy) collaborates in this process.*

*However, the citizens do not cooperate. They do not allow anyone to incapacitate them for ever through a one-time plebiscite. In the German constitution it does not read: "All state authority is derived from experts." but "All state authority is derived from the people." (Article 20, paragraph 2, sentence 1, GG; unalterable according to article 79, paragraph 3, GG). The President of the Federal Constitutional Court has repeatedly emphasized the importance of these civil rights, that some constitutional law experts rightly call civil duties. This cannot be eliminated by the approval to the fiscal incapacitation.*

*The individual is endowed at birth with the rights that the constitution grants him*

*as a citizen. They include social justice. These rights that are codified in the German Basic Law – as in other constitutions – are antecedent to the state, i.e. they exist because of the human nature. No power can take these rights from men. In fact each state and each constitution has to grant them. Especially concerning the social justice this is only possible in small units, the nation states. Hence the euro, the EU and particularly the ESM are inhuman; they represent a violation of the dignity of man and are unconstitutional. The citizens stand up against this, and this is why a plebiscite on the ESM would fail.*

*But why shall a plebiscite be granted only here and only once, whereas the citizens have long been demanding it in general and for each issue concerning them? The appropriate law of implementation has already been adopted and it only lacked the two-thirds majority because of the refusal of CDU/CSU and parts of the FDP? Germany is full of citizens that have been thinking independently for a long time and finally want to decide how they want to live in their elected political communities and how they want to live together in their state and with the people of other states. •*



# We will not yield to the principle of violence

by Dr iur Marianne Wüthrich

The EU bureaucrats themselves would have grounds to take Switzerland as an example – with its strongly emphasized federalism and its direct democracy, with its orderly household, its political and economic stability and its low unemployment rate. Instead, they pull their own cart further in the rut at the expense of the people, and blackguard other countries, which are handling their affairs much better, in the worst conceivable way. Why do the SPD and EU bureaucrats not make an issue of their own inability? Germany, France and Italy have so much property in private hands that they could easily pay back their national debts twice (see *Focus*, 13 August 2012, p. 38f.). Yet, unable to talk with their own citizens, they blast out of all barrels, not only slandering their prospering neighbours but taking their money by using the law of the jungle, according to the principle: “And if thou’rt unwilling, then force I’ll employ.”

*How did we Swiss come to giving away our money to foreign countries and allow them to bash us as a way of saying thank you – verbally and financially, or threatening to send in the cavalry, should the men with the whip deem it necessary.*

*How did we Swiss come to accepting our financial centre being called a criminal gang, while German federal governments send their tax investigators out on a tour in Switzerland and lavishly pay thieves for pinched bank customers’ dates? We are dealing with the offence of receiving stolen goods! Who are actually the criminals here?*

Fact is that Switzerland is regulating its public finances – like all other juridical areas – at the usual high level, respecting the democratic principles of a state based on the rule of law and – like no other country – abiding by its negotiated international treaties and the principles of the international law. Any detected shortcomings are dealt with by all available means in order to remedy them.

## Why holding a bank account in Switzerland?

The first lie of the slanderers goes like this: The numerous people from all over the world who deposit a part of their savings in a Swiss bank are doing this just to divert tax payments from their own state in order to harm it. – It is high time that our German neighbours defended themselves not only against the outrageous imputations towards Switzerland (that their prosperity was based on theft), but also against their denigration as cold-blooded tax dodgers. For a century people from many countries have had quite different reasons to take their hard-earned money to a safe har-

bour. The Swiss banks, despite their mostly low interest rates, have been recommended thanks to their safe political and economic situation and their stable currency, the Swiss Franc. It was like this during the First World War, then during the big worldwide economic crisis of the thirties and also in the years before and after the Second World War. Today’s situation is similar, because the major Western powers, the US and the EU, are more than wobbly on their feet with their currencies. Everybody who is able to add two and two understands this context. And those who shout the loudest have certainly transferred their own capitals to a safe haven long ago – maybe to the Channel Islands or to Delaware? Surely not to Switzerland.

## The Swiss financial centre has not been made by UBS, CS and Julius Bär

The «Swiss Bank Corporation» and the «Union Bank of Switzerland» were what we call genuine Swiss enterprises, they differ from their successor UBS, who carries Switzerland in its denomination and is based in Switzerland, but does not really care about the preservation of the Swiss model. 87% of the equity capital is *not* in Swiss hands. The giant global companies UBS and CS do not depend on the Swiss judicial system, they do business everywhere in the world, in the City of London as well as in Wall Street. They can earn their billions regardless of bank-client confidentiality and the sovereignty of Switzerland.

The situation is quite different for the numerous SME, which have their firm place and are of great importance to the Swiss industry in all economic areas, also in the financial industry. They generate a great number of working places and apprenticeship places and contribute considerably to the gross domestic product and to the inland revenue. The fact that they should be destroyed like the *Wegelin Bank* with its rich tradition, we Swiss cannot accept. It hits the core of both our business location and sovereignty.

## “The 1934 Swiss Federal Law on Banks and Savings Banks” – a protection against fascist infringements of Hitler-Germany

### Federal Constitution Art. 13 Right to privacy

*<sup>1</sup>Everyone has the right to privacy in their private and family life and in their home, and in relation to their mail and telecommunications.*

*<sup>2</sup>Everyone has the right to be protected against the misuse of their personal data.*

Already during the worldwide economic crisis of the thirties, France and Germany attacked Switzerland and claimed the disclosure of their citizens’ Swiss bank accounts. The federal parliament took a stand and issued the «Federal law about the banks and savings banks» in 1934. *Article 47 of the bank law prohibited the bankers and cashiers under threat of punishment from publishing customers’ data.* With it the bank-client confidentiality was legally fixed in Switzerland for the first time. In the business policy of the financial companies of Switzerland and many other states the bank-client confidentiality has nevertheless had its place a long time ago, since it is based on a long-standing tradition of discretion with commercial transactions of private banks. Before the introduction of the bank law the bank-client confidentiality had been based on the general right of personality in the civil code, which protects the financial circumstances as part of privacy (article ZGB 27/28), analogous with the medical secrecy or the lawyer’s secrecy. Furthermore, in economic life, mutual trust between company and customer is by and large the Alpha and Omega of every business activity.

*“Bank-client confidentiality protects privacy in accordance with the constitution and laws of Switzerland. Article 13 of the Swiss Federal Constitution confers on every person “the right to receive respect for his/her private and family life”. This includes privacy in relation to financial income and assets.*

*However, this does not cover abuses, particularly of a criminal nature. Bank-client confidentiality has always been waived for criminal investigators, to whom banks are required to pass client information. The addition of new crimes to the statute books has led to the creation of new duties of disclosure, for example regarding insider trading (1988) and money laundering (1990). This also applies to foreign prosecuting authorities, through the medium of international administrative and judicial assistance.”*

*(from the homepage of Schweizer Bankvereinigung)*

**Limits of the bank-client confidentiality: Exemplary criminal prosecution of money laundering since 1990**



**"We will not yield to ..."**

continued from page 11

The second lie of the slanderers goes like this: In Switzerland every criminal and every criminal ring can accommodate their money without prosecution. Also this lie is to be rejected clearly. This claim may apply to the tax havens of the Anglo-American area, certainly not to Switzerland, which observes the constitutional basis abiding to international law to the best of its knowledge and belief.

In the eighties of the 20<sup>th</sup> century the Swiss population was startled by reports in the media that dictators like *Jean-Claude Duvalier* (Haïti) and *Ferdinand Marcos* (Philippines) had deposited hundreds of million dollars squeezed out illegally from their indigent people on Swiss bank accounts. As a reaction to this *the federal national initiative "against the abuse of the banking secrecy and bank power"* came to vote on 20 May 1984. Because the initi wanted to throw out the baby with the

bathwater, that is to abolish the bank-client confidentiality more or less completely, it was massively rejected by the population with 73% of no-votes and by all cantons: The Swiss wanted to maintain the bank-client confidentiality as a basis.

Despite the clear results of the poll the Federal council and the parliament took the justified concern of the initiators to clamp down on the investment of illegally acquired potestate money and other capitals of criminal origin in Swiss banks very seriously, as it was a matter of fighting crime: The potestate accounts of Duvalier, Marcos, and later also other dictatorial regimes, were blocked and the money was refunded to the democratically elected succession governments.

Already in 1990s, the national council and state council incorporated a new criminal offence in the Criminal Code:

**Swiss Criminal Code article 305bis  
Money laundering  
from 1 August 1990**

[present version, revised several times]

1. Any person who carries out an act that is aimed at frustrating the identification of the origin, the tracing or the forfeiture of assets which he knows or must believe originate from a felony, shall be liable to a custodial sentence not exceeding three years or to a monetary penalty.

2. In serious cases, the penalty shall be a custodial sentence not exceeding five years or a monetary penalty. A custodial sentence shall be combined with a monetary penalty not exceeding 500 daily penalty units.

A serious case is constituted, in particular, where the offender:

a. acts as a member of a criminal organization;

b. acts as a member of a group that has been formed for the purpose of the continued conduct of money laundering activities; or

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## Another interesting aspect of the EU

### The Sweet Spot: Poland and the Czech Republic

cc. For months we have been told that also the EU was a financial tragedy and ardent measures had to be taken. A Swiss lady who had returned to her home country Spain to spend her third phase of life there said that money was available everywhere as usual, and serious discussions were not taking place. She wondered whether the economic crisis was really taking place or merely in the newspapers or on TV, and what was intended by all this.

#### "Sweet Spots": Poland and the Czech Republic

And hence there are "Sweet Spots" in the EU, too, Ruchir Sharma says:

"These two nations now occupy a unique sweet spot in the global economy: the period after a nation joins the EU but before it joins the Eurozone. It is the point at which the nation has created the stable banking and financial institutions required for membership, attracting huge new flows of investment from its fellow EU members, and becoming eligible for generous EU transfer payments to help it catch up to the average per capita income level of EU economies. The assumption always was that once a nation joined the EU, taking the next step to adopt the common currency would provide yet another boost. Eurozone membership and the budget discipline that membership encourages (but cannot enforce) would make these small, post-Communist states look more stable and reliable, better able

to repay loans, and therefore eligible for lower interest rates. [...]

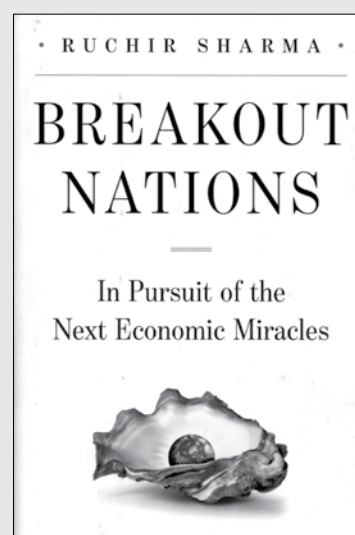
In the case of Portugal and Spain, it now looks as if the euro (and the low interest rates that came with it) set them up for the real estate bubbles that burst in the 2008 crisis. Among Slovaks, who embraced the euro in 2009 just before the Greek crisis, a public backlash has broken out against the fact, that Slovakia must now stand alongside far richer Eurozone members like Germany and bail out somewhat richer Eurozone members like Greece.

Meanwhile Poland and the Czech Republic are enjoying the sweet spot, and could continue to do so for many years to come. They are taking full advantage of their EU right to free movement of people and goods within the union: Polish and Czech exports to the rest of the EU have risen rapidly, and both benefit from EU subsidies and transfers ranging from income support for individuals to funds for building roads or buying machinery for private firms. [...]

Most of the new EU nations are now happy to stay in the union but are not sure about becoming part of the Eurozone. Far from rushing to go all the way and adopt the euro, they are delaying that day of reckoning in any way they can. The Czechs have already postponed their entry date numerous times as public sentiment turns against joining early. Czech President *Vaclav Klaus* has called

the euro «a failure» and said his country would seek to opt out. In Poland recent opinion surveys show that for the first time, a solid majority (60 percent) is against adopting the euro. It's an open secret that in December 2010, Chancellor *Angela Merkel* of Germany called Poland and the Czech Republic and invited them to join the Eurozone early because she wanted more fiscally conservative allies in the running European battle over how to handle spendthrift members. The Poles and the Czechs both said thanks but no thanks."

Source: Ruchir Sharma, *Breakout Nations. In Pursuit of the Next Economic Miracles*. New York 2012. ISBN 978-0-393-08026-1





**"We will not yield to ..."**

continued from page 12

*c. achieves a large turnover or substantial profit through commercial money laundering.*

3. *The offender shall also be liable to the foregoing penalties where the main offence was committed abroad, provided such an offence is also liable to prosecution at the place of commission.*

In addition to this regulation of criminal law, a *law against money laundering* was passed on 10 October 1997, which calls for a high standard of due diligence requirements with regard to both the identification of customers and the kind and purpose of their transactions, and it imposes mandatory obligation to report on suspected money laundering, under threat of punishment.

**The Capital Gains Tax (CGT)**

Of course the protection of the bank client confidentiality has its limit at *tax fraud*: *Who manipulates his tax documents with the intention to save taxes is liable to prosecution and will be judged. In this case the bank is obliged to provide information to the authorities and to the courts.* The condition is the presence of a concrete suspicion against a concrete person.

In contrast the bank client confidentiality must not be broken in case a Swiss does not declare an asset when filling out his tax return declaration. This relates to the direct democratic model of Switzerland in the sense that the citizen is autonomous and independent when declaring his revenue and his property assets; in that he may forget something or he may make a mistake. If this comes to the light, he has to reckon with a penalty tax or a supplementary tax but in Switzerland there is a basic distinction between tax evasion and tax fraud. The neighboring countries that are less accustomed to having a democracy do not understand this distinction.

In order to make it non-profitable for the Swiss tax payer not to declare an asset (bank accounts, bonds, shares) in his tax declaration, *since 1<sup>st</sup> January 1944 there has been Capital Gains Tax* that is collected inside the country, at first by the emergency law during the Second World War (Decision of the Federal Council of 1<sup>st</sup> September 1943 on the Capital Gains Tax). In 1958, in article 132 al. 2 Federal Constitution the Capital Gains Tax was enshrined in the Federal Constitution by the people and by the "Stände". On 13<sup>th</sup> October 1965 the councils of the Confederation installed the Capital Gains Tax based on that; since 1st January 1967 the Capital Gains Tax law entered into force.

The principle of Capital Gains Tax is quite simple: It is collected annually from all property assets and since 1976 it amounts to 35% of these assets. This tax is deducted directly from all the interests and dividends and it is transferred to the finance department of the Confederation. The bank's client receives only 65, 5 % of his revenues. Who declares his fortune in the tax declaration, gets back the Capital Gains Tax from the Federation and instead pays a tax on his property to his canton he lives in and to his community. The Capital Gains Tax has been figured highly so that tax evasion does not pay off. The taxes on the property are quite more advantageous at any rate.

Remarkable for foreign readers: It is with a great responsibility that the Swiss population observe their direct democratic rights towards the state: Any tax in the Federation, in the cantons, and in the communes has been introduced via a public vote. The consequence of this system are citizens who are satisfied: There are no protest demonstrations against unjust taxes or against arbitrariness of authorities because the Swiss remain at the helm themselves: Thus the majority of the Swiss have imposed the Capital Gains Tax on themselves because they think that any taxable person should pay tax on his fortune.

**Why does Switzerland not suit US and EU globalisers?**

For some years now the regimes pretending to be Switzerland's "friends" have been getting at our country with a force that you might think you were on the eve of a war attack. The Federal Council is put under pressure in a manner that sovereign Switzerland mustn't take once again.

The behavior of Swiss authorities and banks is by no means the cause of these massive attacks. Switzerland has always granted administrative assistance at the demand of foreign judicial or administrative authorities in case there was a well-founded suspicion of a criminal act (for example according to art. 32 of the Money Laundering Law). But for many years there has been hardly any application from abroad.

**American order – miserable execution by EU and SPD**

As in other areas too, America deploys proxy warriors. EU and SPD are not above taking on such illogical and in no way "sustainable" jobs. Europe would have enough professionals to initiate sustainable developments, respecting the sovereignty of the countries and safeguarding our countries' common interests - in friendly cooperation with Switzerland. Imposing orders on our continent from overseas is a dead end, which will have dire consequences. A Germany that wants to do the US-UK financial empire such a

"favour" will be brought to its knees on its part: This lesson from the last century does certainly not have to be repeated.

**The SPD's insipidness ...  
A true crime story**

It's hard to believe how thoughtless the SPD act to let themselves be driven into a criminal position. The party that could, historically, act as an economic guardian for the peoples of Europe and that should be very much in favour of direct democracy – according to its former postulate of basic democracy – has its new party manifesto written by people such as *Habermas* and threatens its neighbouring country with a shield consisting of nothing but lies. The newly-wed couple's *Rothschild-Rockefeller* grotesque tune, conveyed by the OECD, the EU and their puppets, the German Greens and the SPD sounds like this:

**• OECD – His Master's Voice**

The Swiss are due to stop being so stubborn. Their banks should better hand over customer data even on the suspicion of tax evasion ... Switzerland refers to its bank client confidentiality. So the deputy sheriff OECD is deployed to hastily put Switzerland on a grey list of countries with an allegedly 'illegal' tax practice (against which law?) at the command of Washington. Although Switzerland is probably the most punctual country in terms of paying its contribution to the OECD, it is not even heard as a "near-rogue state". Now the Federal Council bows to the snarling wolves and hastily produces the required double taxation agreements in accordance with the "OECD Standard." Contrary to their own law, Swiss banks are encouraged to disclose foreign accounts on request, also for tax evasion. Switzerland was not involved in the conclusion of these "standards" that are highly detrimental for it, it was however forced to accept them under disregard of its sovereignty. We already know the OECD: a willing puppet imposing – as "His Master's Voice" – American standards on the countries of the world, also in the fields of health and education, standards which the "master" himself utterly fails to observe.

**• Submit your client data but snappy!**

Meanwhile, the IRS (the US tax agency, CC) is going for the UBS and ultimately demands from Switzerland the release of a few thousand U.S. citizens bank client data. Federal Councillor *Merz*, who up to recently firmly stuck to the following: "Bank client confidentiality is not negotiable," now submits to the pressure – what was it that he was probably threatened with? (Some of the American UBS branches had some real skeletons in the closet, so the only clean solution for UBS would have

continued on page 14



**"We do not bow to ..."**

continued from page 13

been to sell off their US business and let them clean up their mess themselves. But the US government preferred to cap Switzerland.)

- *Taxation of savings interest agreement with the EU – who picks the raisins here?*

As early as in 2004 Switzerland concluded an agreement on taxation of savings interests with the EU, as part of the Bilateral Agreements II, and thus adapted "rules which are equivalent to the policy determined in the Council Directive 2003/48/EC on taxation of savings interest". Frankly speaking: The EU had imposed its taxation of savings interest regulations on Switzerland. Since 2005 the Swiss banks have had to tax, with the usual EU bureaucracy, the interests of foreign customers, with an ascending percentage to 35%, and deliver the money into the EU coffers. At that time this agreement was hardly spoken about in Switzerland, the discussion back then was focused on Schengen/Dublin. However, instead of the tens of billions of Euros which the EU were expecting in their fantasy, because they desperately needed money for their bottomless pit, it was "only" a few hundred million a year – this is why the wailing started again.

- *Next attack by the OECD deputy sheriff*

The "automatic exchange of information" is what the finance multi corporations try to obtain in fact: This means the Swiss banks are to reveal every client residing in the US or the EU to its tax authority. These are business practices inconsistent with the reputation of a reliable bank and, by the way, a thing the US-UK tax havens strongly resist to as far as soon as it concerns themselves.

When the ink was hardly dry on Switzerland's double taxation agreements with x states blackmailed by the OECD, the next attack of the bared teeth displaying wolves is happening: Suddenly the deputy office OECD pulls a new "standard" out of the hat, the so-called "group requests": bank A is to make known to State B all its account holders who buy "certain financial products" which could indicate tax evasion ... That would be the end of the bank client confidentiality: It is expected that the foreign tax office can name names of suspects and not only try a shot in the dark.

- *German local governments as thieves and receivers of stolen goods*

In the meantime some federal States of our northern neighbor raise the urgently

needed money for their ailing budgets by other means: It is leaked to the media that one is willing to pay lavishly the stolen data of German account holders in Swiss banks. Thus the local governments come out as criminals: They openly instigate to theft and receipt of stolen goods; according to the Swiss penal code these crimes are to be punished with imprisonment and we assume that also in Germany theft and receiving stolen goods are prohibited. By the way, the Swiss Federal Prosecution's request for legal assistance at interrogation of the tax investigator who was deployed for this purpose is answered with scorn and derision by the North Rhine-Westphalian government. Now it is resting in the drawer of the Berlin Ministry of Justice for ever and a day.

- *Tax agreements with Great-Britain, with Germany and Austria – we Swiss may as well say No!*

And voila! the next agreements are on the table, with which Switzerland is to be profitably milked: Our banks should pay 25% of all interest, dividends and capital gains that arise from the accounts of the British, Austrians and Germans in Switzerland. Why the City of London and the numerous British tax islands never appear on a gray or black list of the deputy sheriff OECD – remains the great mystery of world history. But that the British government has the nerve to demand money from the Swiss banks, because some British prefer to invest in Swiss Francs instead of into the pound – that takes some impertinence, don't you agree? In addition to the 25% Germany wants a solidarity tax contribution, according to the "German solidarity tax law". How can that be? And in case somebody had believed that the Germans had at least politely thanked for the generous gift from Switzerland for which in fact there is no reason – not a bit of it! We are insulted and slandered, so that one could think in fact Switzerland was to blame for the Euro-misery. And anyone who thought that – if we were willing to pay repeatedly and increasingly – at least the business of criminally obtained data-CDs would stop, is once more mistaken. "Now more than ever!" the governments in Hamburg and Düsseldorf announce. Since by means of the withholding tax Switzerland would be sucked out far too little, they would say No to it in the German Federal Council. And in the case that the agreement was accepted, they would continue to get hold of bank data in a criminal way. In this situation the declaration of the German Federal Government on the occasion of signing the agreement on 21<sup>st</sup> September 2011, "that the German fiscal authority would not strive actively for the acquisition of client data sto-

The Julius Baer bank is buying the international wealth management business of the Bank of America in a multistage process. Funds of "US persons" are explicitly excluded from this transaction, which is presumably worth 860 million Swiss francs. The acquisition allows Julius Baer to expect an *accrual of customers' money between 57 and 72 billion Swiss francs*. After the integration, which will take 2 ½ years, the bank will be able to increase the net new money by 4 to 6 percent annually [...].

Source: *Neue Zürcher Zeitung*,  
14 August 2012

*len from banks in Switzerland." is of precious little use for us.*

And already the next message appears in the media: France will immediately impose a new regime of inheritance tax on Switzerland: Deviating from every normal practice the tax office in Paris will force the heirs living in France to pay, even if the testator lives in Switzerland. In case Switzerland did not agree to this unilateral dictation, they would collect the taxes anyway. "And if thou art unwilling, then force I'll employ."

Do go on presenting yourselves from your worst sides! In any case, in our country not only some executive members are responsible for the decision on the tax agreements, but the whole Swiss people. The referenda against the tax agreements with Great Britain, Germany and Austria have been called for by parties and civil groups of the whole political spectrum, ranging from the young SVP to the young Socialists. The time for collecting signatures ends on 27 September 2012, these 50,000 signatures will be easily collected. And the public vote is scheduled on 25<sup>th</sup> November.



## Letter to the Editor

### The German state – a conspiratorial partner?

For about four years Germany urges Switzerland to relax its banking secrecy in order to make it easier for German tax authorities to search for possible tax evaders. This culminated in assuming an incredible arrogance of power. A great country (80 million inhabitants) threatens a sovereign neighboring state with about 8 million people, “with the marching in of its cavalry” to force it to yield.

This at first glance harmless-sounding public disparagement of the Swiss nation with the cavalry threat of the then Minister *Steinbrück* actually constitutes a serious and unparalleled defamation of a friendly, peaceful neighboring state. In this expression, I also see an in-

sult of a really friendly neighbour, whom one is also trying to ridicule. An urgently required excuse for having discredited Switzerland has been submitted to my knowledge. I as a German feel deeply ashamed.

A further escalation was carried out by a criminal act: Some states of Germany bought stolen CDs with names of bank customers in Switzerland and their personal information and paid millions of Euros to unknown people who enriched themselves with these dubious machinations and the violation of international law. Thus the German government makes itself a handmaiden and a client for conspiratorial, criminal deeds.

It is unacceptable that a state wants to force another sovereign state to adopt its legislation, and that way interferes with the latter's sovereignty. And here to another thought about this sad topic: How can one justify – especially vis-a-vis our younger generation ... what is happening on behalf of some German state governments in their tax authorities? And now at the latest we face the question about the political class' relation to ethics – morality – right.

*Dr Hans-Hermann Kaiser,  
Freiburg im Breisgau, D*

(Translation Current Concerns)

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# Why Switzerland must be our model

## The “Idée Suisse”: the first multicultural nation in the world

by Hildegard Stausberg

*On 1 August, the Swiss Confederates celebrate their national holiday. They are still condescendingly smiled at – but the crisis-ridden countries in Europe would do well to study the Swiss success model.*

A map of Europe of the early forties of the last century: In the heart there is neutral Switzerland, surrounded by not very well disposed states. Nazi Germany in the North, Fascist Italy in the South, Vichy France, that is devoted to the Nazis, in the West, Austria, the old historic neighborhood, now subordinated to Berlin as “Ostmark”.

The adjacent Duchy of Liechtenstein – a constitutional monarchy with an area of just 160 square kilometers, without an army – remained Bern’s only faithful ally associated by a customs union.

Today everyone in Germany who speaks disparagingly about Switzerland should realize what Switzerland accomplished during that time. In those years, Switzerland developed an absolute determination to defend itself. The plan was to surrender the Central Plateau and to retreat in the Alps which should be defended to the last man in the event of a German invasion.

Those who blame Switzerland for its – partially necessary – cooperation with the Nazis often do so willingly and with the know-all arrogance of later generations. There is hardly any other country in Europe which ravaged postwar Germany owes so much than Switzerland: At all levels Bern tried to reintegrate the young Federal Republic in the old continent.

### Attacked and robbed

Economically, the decades after the Second World War brought Switzerland a sustainable revival that it had never experienced before. Switzerland itself is actually not rich; it subsists on the industriousness and ingenuity of its citizens and on its unique strategic position in the heart of Europe.

Therefore, its territory repeatedly became a bone of contention between European great powers, and therefore, it had been attacked and robbed repeatedly before the 20<sup>th</sup> century.

It could only survive as a nation because it managed to develop an “Idée Sui-

sse”, a basic consensus on the Swiss identity with its special Swiss canon of values. This includes the fine balance between the different groups in the Alemannic (not German!) part of Switzerland and those in the French, Italian and Romansh-speaking cantons: Switzerland is the first multicultural nation in the world.

This includes a firmly anchored minority protection, an – unwritten – proportional representation of languages in the major Federal authorities, a decentralized administration based on the rule of law, and especially a decentralized economy.

### The “Greeks of Switzerland”

In his book “Der Röstigraben” (meaning the language divide between the German-speaking and French-speaking Swiss) the publicist *Christophe Büchi* describes the relationship between the “German” and “Latin” parts of the country. The last few years have shown that particularly the voting behavior of the French-speaking minority, formerly considered as especially “rebellious”, has approached that of the Alemannic parts of the country.

However, the recent federal referendum on the question of whether there should be two weeks more holidays has shown certain differences: The majority of Swiss voters rejected this, but in the French speaking part of the country the vote almost turned out in favor of the holiday.

Nevertheless, the striking differences in earlier votes are decreasing. One reason is that not only the “Germanic” but also the “Romanesque” parts of the country have seen good years.

Already in 2001, Switzerland invented the debt limit and introduced it by a referendum. In recent years, the Swiss Confederates have earned fiscal surpluses by an average of 0.7 percent of the GDP. There has been no such thing in Germany since 1969.

### A veritable industrial power

People often ignore that Switzerland is a veritable industrial power: With a value of about 100 billion Swiss francs, industrial production in absolute numbers is twice as high as that of Singapore or Norway. The liberal think tank *avenir suisse* emphasizes that the high value of the indus-

trial production adds to a consistent brand management.

This (together with intensively pursued automation) makes production in Switzerland still possible despite extremely high labor costs.

It is also remarkable that Switzerland in terms of value per capita exports about 80 percent more than Germany, the alleged “export world champion”. By contrast, the financial center generated only about 15 percent of the GDP in the first decade of the new century. The up to 17 billion Swiss francs that the financial sector annually pays in taxes only correspond with 12 to 16 percent of the total Swiss tax revenue.

### Stable conditions

Nevertheless, the criticism, especially in Germany, focuses more and more on the Swiss financial center: It is said to operate opaquely and to offer itself as “illicit funds paradise”. This excludes the key question from the debate: Why do foreigners want to invest their assets in Switzerland? Are there secret gnomes creating a golden treasure deep in the Alps?

Not at all: foreigners even came to Switzerland, when, a few decades ago, they did not get any money for their deposits but had to reckon with negative interest rates.

The driving force for a commitment has always been the political and economic uncertainty in many countries of the world – coupled with inflation, nationalization and expropriation. In Switzerland however, the situation remained stable. Can we blame it for that?

Long since, the German tax authorities have benefitted from the assets the German citizens have invested in Switzerland – via the so-called capital gains compensation tax that also covers the “illicit funds”. Precisely for this reason the current hunt might be counterproductive in the long term: Will the justified fear of a state, which obtains data by breaking the law, not motivate many investors to move on to new pastures? Anyhow, trust in the Federal Republic of Germany cannot be created this way. •

Source: *World Online* from 08/14/2012  
(Translation *Current Concerns*)



## The model Switzerland – The cooperative principle versus the imperial principle

### Learning from Switzerland means to resist the arrogance of the empire

#### Federal attitude – a peace model and model of reconciliation

"This federal attitude [...] overcame the distrust between urban and rural areas, it placed the small communes at the same level as the large ones; it enabled the people to tolerate religious tensions and to overcome internal dissent. It imposed moderate behavior on the winner of the six civil wars that

Switzerland experienced which hindered him from abusing his power. The subjects' existence and characteristic features were never touched. The conditions for peace were not measured by the successes of weapons but built on legal maxims, which were in agreement with the sense of the Fed-

eral Agreements. The victories in the civil wars were accepted to a certain extent as God's judgments which had had to decide between two different legal concepts."

*Source: Wolfgang von Wartburg: Geschichte der Schweiz. München 1951 (Translation Current Concerns)*

#### Natural communities as irreplaceable schools for citizens

"Only in an assessable, natural community the normal citizen is able to acquire what we use to call political sense of proportion, a feeling for the human proportions. It is the only place where he can learn to understand and consider the justified requests of his neighbors and their different ideas

and interests in the daily discussion; it is the only place where the necessary minimum of communal structure develops on the ground of freedom, which is able to effectively impede the tendency to authoritarianism as well as to anarchy. In this sense autonomous small areas remain irreplaceable

schools for citizenship, without which the free democratic state would wither from the roots."

*Source: Adolf Gasser: Gemeindefreiheit als Rettung Europas. Grundlinien einer ethischen Geschichtsauffassung. Verlag Bücherfreunde Basel 1947, (Translation Current Concerns)*

### Policy is not tainted by corruption – What was true in 1921 is still valid today – quite differently from the EU

"The merits which such observers discover in the government of Switzerland as compared with other full-fledged democracies, ancient and modern, may be stated as follows: Its stability, remarkable in the Confederation, not so complete, yet pretty general, in the cantons also. [...] An administration, economical beyond all comparison, and generally effi-

cient. [...] Ample provision is made, except in a very few cantons, for all branches of education. [...] The roads are excellent, considering the difficulties of a mountainous country, liable to landslips and to floods from melting snows. [...] The liberty of the individual is respected. The tone of public life is maintained at a high standard, and politics is not tainted by corrup-

tion. The strong sense of civic duty is seen in the large amount of unpaid public service rendered in cantons and communes."

*Source: James Bryce, Scottish political philosopher, on Swiss Democracy prior to the First World War, in: Peter Dürrenmatt, Schweizer Geschichte, Verlag Hallwag AG, Bern 1957 (Translation Current Concerns)*

## German attacks against Switzerland – a nasty déjà vu

During the entire war Berne had to endure an uninterrupted fire of protests from Berlin. All Swiss newspapers were banned in Germany. As far as the German press was concerned, it did not mince its words. Without feeling ashamed it presented the Swiss as parasites in Europe and as ridiculous dwarfs. Or like the following: "Even if you are unable to understand our language due to your feeble minds, your insolence, your polluted brains by serv-

ing on the altars of the synagogues, we tell you frankly and honestly: you have already broken too much china. Your debt account is immeasurably great. It does not help you to hide and play the innocents. In the new Europe, which will be born from the ruins caused by the war and the sacrifices of our heroic soldiers, there will be no trash heap for emigrants and the Jews' servants." This commentary was published on 4 July 1940, shortly after the French de-

feat. You must know that Nazi Germany had its own definition of neutrality according to which not only the government and the army had to be neutral, but also the rest of the country and especially the newspapers and the radio. The Germans went so far as to demand some editors to resign.

*Source: Christian Favre, La Suisse avant et pendant la Seconde Guerre Mondiale.*

*Editions Baudelaire, 2011, pp. 71f. (Translation Current Concerns)*

### Hitler: Eradicating the enemy "from inside"

But let us return to the intentions of the empire against Switzerland. They were far from being benevolent; in plain language, Switzerland infuriated Hitler. He knew that the army and Guisan were clearly on the side of the Allies; he denounced this repeatedly and even went so far as to put pressure on Swiss politicians in order to divide Guisan and them.

Hitler had declared that the strategy of the Nazis was to destroy the enemy

"from inside" by letting him defeat himself. The adversarial people had to be demoralized and made willing to surrender. That was precisely what Hitler had intended for Switzerland. Moreover, he said: *In the middle of the enemy's territory we have friends in many places and we will know how to use them.* Thus, he did not speak necessarily about members of the movement New Front

or the Swiss Nazis but about people who held important positions in various areas, such as banking or industry. Before the war Hitler had already established contact to these people in Zurich and therefore he knew that he could subsequently count on them.

*Source: Christian Favre, La Suisse avant et pendant la Seconde Guerre Mondiale. Editions Baudelaire, 2011, pp. 70 (Translation Current Concerns)*



## The Hague

## Switzerland vs. Germany

Völkerrechtliche Vereinigung – Association for the Advancement of the Proceedings  
Switzerland against Germany

ts. In his open letter to the Zurich FDP National Councilor Doris Fiala the German lawyer René Schneider encouraged the honest Swiss politician to bring the affair about stolen bank data purchased by German authorities before the International Court of Justice ICJ (see Current Concerns No 33). In the following article Schneider has another go and classifies the illegal and criminal activities of the German authorities in the context of the general political climate, i.e. the German superpower plans, which treat with contempt the sovereignty of the neighboring nation-states, the inestimable heritage of the 1648 Peace of Westphalia: In reality, Schneider says, the present "tax dispute" is about "bringing the white spots on the EU map under control". And about "the question where the state competencies end: Do they end at the borders of sovereign Switzerland or do they end in the quagmire of German state and government crime, foreign felony and crimes against international law?" A lawsuit at the ICJ, he asserts, is absolutely imperative, especially when we realize that "the defense of Swiss sovereignty and the defense of German democracy does not mean being in cahoots with tax evaders, whose protection need however be paid as a cheap price for sovereignty and the rule of law." Neither is it about "balancing the German tax crime against the German government crime". Schneider

points to the principles: Switzerland shall again be pressured to sacrifice its sovereignty and its model of direct democracy, which has given hope to subdued EU subjects. This however has to be opposed categorically. Schneider stresses that there is "a claim under international law of Switzerland against Germany [...] to make the Swiss banking and tax law a sovereign matter and neither give in to economic blackmail nor allow criminal activities and government crimes to ruin the sovereignty of Switzerland and its traditional values." We warmly recommend the article to anyone who has lost the clear sight of the situation due to the EU media manipulation and the pamphlets of the internal Switzerland-EU Anschluss troop; however, our country is also not alone. Schneider's bottom line: "The illegitimate attacks of Germany against Liechtenstein and Switzerland are illegal under international law and may lead to high reparations".

## Content:

- A. Facts.
- B. Political and psychological problems.
- C. Proceedings of states.

## A. Facts.

On 14 February 2008, the prosecutor in Bochum visited the former CEO of Deutsche Post AG, Dr Klaus Zumwinkel, accompa-

nied by high media attention in front of running camera, in his home in Cologne and arrested him there. Through this spectacular lawsuit the public learned about a "data theft" in Liechtenstein and the sale of the stolen data to the "land" (federal state) North Rhine-Westphalia. "Data Theft" is an offense under § 131a of the Criminal Code (CC) of Liechtenstein; the data obtained can be an object of accepting stolen property in accordance with § 164 of the Criminal Code of Liechtenstein.

In early 2010 the first data of German bank customers in Switzerland were illegally obtained and sold to the State of North Rhine-Westphalia. Article 143 of the Swiss Penal Code reads as follows:

## Article 143

## Unauthorized obtaining of data

*Any person who for his own or for another's unlawful gain obtains for himself or another data that is stored or transmitted electronically or in some similar manner and which is not intended for him and has been specially secured to prevent his access shall be liable to a custodial sentence not exceeding five years or to a monetary penalty.*



**"Switzerland vs. Germany"**

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*<sup>2</sup>The unauthorized obtaining of data to the detriment of a relative or family member is prosecuted only on complaint.*

"Since 2008, a total of eleven records on German tax evaders in Switzerland and Liechtenstein have come into the possession of local tax agents – upon payment of lush million fees to the informants".<sup>1</sup>

1) Source/URL: "FINANCIAL TIMES GERMAN" of 10.08.2012, 08:50, <http://www.ftd.de/politik/deutschland/streit-um-schweizer-bankdaten-schaeuble-steigt-steuer-cd-handel-aus/70074900.html>

An "Agreement between the Swiss Confederation and the Federal Republic of Germany on cooperation in the areas of taxation and financial markets", which was signed on 21 September 2011 in Berlin and is still not in force, could produce no consensus concerning the issue of the obtaining "client data embezzled in banks in Switzerland"<sup>2</sup>, but only enlarge the dissent.

2) Source/URL: advance copy of the Agreement of 21 September 2011, <http://www.news.admin.ch/NSBSubscriber/message/attachments/24360.pdf>

The agreement of 21 September 2011 includes a "final act" of the same day with a "statement concerning the Federal Republic of Germany's acquisition of stolen data of Swiss bank clients" which reads as follows:

"The Government of the Federal Republic of Germany on the occasion of the signing of the agreement between the Swiss Confederation and the Federal Republic of Germany about the cooperation in the fields of taxation and financial markets agrees **that the German tax authorities will not actively seek to acquire stolen client data from banks in Switzerland.**"<sup>3</sup>

3) Source / URL: advance copy of the Agreement of 21 September 2011 (page 44), <http://www.news.admin.ch/NSBSubscriber/message/attachments/24360.pdf> [Emphasis added]

### **B. Political and psychological problems.**

The state under the rule of law and its officials require a legal basis for each of their actions: "The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice".<sup>3</sup>

3) Article 20 § 3 of the Basic Law for the Federal Republic of Germany (GG), the so-called rule of law principle.

Otherwise, the officials act illegally and lawlessly (read: "criminally"), the state acts "unlawfully". Due to the significance of the rule of law as a constitutional principle requires a formal law or an equivalent

and tangible right for the "acquisition of [...] stolen client data" is therefore required, whether the predicate offense was committed at home, abroad, at a bank or anywhere else. The details and different minority views are not to be discussed at this point.

Whereas there are no ifs and buts about that legal position, the "acquisition of stolen client data from banks in Switzerland" especially for party-political and psychological reasons is discussed differently.

The party-political and psychological problems divide in 4 main groups:

- 1) Swiss people IN FAVOR of Germany prosecuting its tax evaders by all means.
- 2) Swiss people AGAINST Germany prosecuting its tax evaders by all means.
- 3) German people IN FAVOR of Germany prosecuting its tax evaders by all means.
- 4) German people AGAINST Germany prosecuting its tax evaders by all means.

- 1) Swiss people IN FAVOR of Germany prosecuting its tax evaders by all means.

Those who honestly and decently pay their taxes – and abide by all other laws – usually have little sympathy for criminals who break the laws.

On the other hand it could be irrelevant to the Swiss people whether a German tax evader violates any German laws in Germany, as long as he does not violate Swiss laws in Switzerland.

In the present situation, however, the illegal acquisition of data and the mentioned taxation agreements are not clearly separated. This creates a confusing conflict situation in the party-political considerations, and psychological factors (including the "jealousy factor") form a diffuse mixture that can hardly be kept apart.

- 2) Swiss people AGAINST Germany prosecuting its tax evaders by all means.
  - a) Those who are responsible for the tax agreement want to prevent unauthorized data acquisition, and "create a clean financial center by introducing the capital gains compensation tax [flat tax - sic] in the interest of the country and the economy".<sup>4</sup>

4) Source/URL: NR Philipp Müller, in "SonntagsZeitung.ch" of 22/07/2012, <http://www.sonntagszeitung.ch/home/artikel-detailseite/?newsid=224884>

"Moreover, the opponents of the agreement will be branded as accomplices of foreign tax evaders: 'We will show that those, who reject the agreement, protect foreign tax delinquents and also harm the economy'. The economy relies on Switzerland finally getting out of the international line of

fire. According to a survey, this strategy is promising. For the voting citizens the prosecution of tax offenses is apparently more important than the protection of Switzerland against foreign intrusion."<sup>5</sup>

5) *ibid.*

"One thing is clear: The heads of the big banks have an image problem – both as super-earners as well as those responsible for the ongoing dispute with other countries. [...] *SonntagsBlick* knows that the FDP leadership demanded from UBS bankers to abstain from both subjects in the next few months. Interviews and statements were counter-productive, they said: they would help the advocates of the "Abzocker" (scamster) initiative as well as the opponents of the flat tax, the party feared. UBS itself is apparently aware of that: "*Economiesuisse* and *Bankers Association*, however, will publicly take comment on the initiative and the flat tax agreement," said UBS Switzerland Head of Communications, *Peter Hartmeier*. This creates an odd situation. The tax agreements are of greatest importance for UBS and Credit Suisse; however they are unlikely to turn up in the voting campaign, although both big banks are likely to be exposed to violent attacks in the coming months."<sup>6</sup>

6) Source/URL: "Blick.ch" of 22.07.2012, <http://www.blick.ch/news/politik/fdp-fordert-banker-einfach-mal-die-klappe-halten-id1971196.html>

b) On the other hand, the "Aktion für eine unabhängige und neutrale Schweiz" (Action for Independent and Neutral Switzerland – AUNS) argues against the tax agreement for good reasons:

"The tax deals with Germany, UK and Austria oblige Switzerland to collect taxes for other countries. This is unique in the world and represents **a clear intrusion into the sovereignty of our country**. It will lead to our economic and banking center losing confidence and attractiveness. Foreigners will deduct their funds; multinational corporations will move their corporate sites. And the economic and working place Switzerland will lose significance and prestige. Workers and employees will pay the price. It can not at all continue like this."<sup>7</sup>

7) Source/URL: [http://www.auns.ch/meldungen/120615\\_referendum\\_gegen\\_schaedliche\\_steuer\\_vertraege.php](http://www.auns.ch/meldungen/120615_referendum_gegen_schaedliche_steuer_vertraege.php) and [http://www.referendum.ch/](http://www.referendum.ch/emphasis added) [emphasis added]

"The hasty action, allegedly on behalf of the Swiss economy and the financial center, represents blackmail by the Federal Council. The agreements are internationally obstructive. No country collects taxes for a foreign government. The agreements are contrary to international standards of taxation law. They are in conflict with the bilateral agreements with the EU.

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**"Switzerland vs. Germany"**

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They contradict Swiss taxation rules. They lead to a bad difference in treatment between nationals and foreigners. They neither protect the clients of the financial center nor the interests of Switzerland and the majority of Swiss banks.

The harmful tax agreements

- weaken the financial and workplace Switzerland
- threaten thousands of jobs
- weaken small and medium-sized banks versus the major banks
- damage Swiss sovereignty
- commit us to billions of payments without secure return favor
- make us the tax collector for EU countries
- promote the attacks on solid Switzerland by indebted EU states
- allow foreign officials to control Swiss banks on Swiss soil
- allow the trade with stolen bank client data
- undermine the banking secrecy instead of securing it
- break off the citizens' privacy
- create the transparent citizen"<sup>8</sup>

8) Source/URL: <http://www.referendum.ch/argumentarium.php>

3) German people IN FAVOR of Germany prosecuting its tax evaders by all means.

In principle, the same argument applies that has already been mentioned in No.1: Those who honestly and decently pay their taxes – and abide by all other laws – usually have little sympathy for criminals who break the laws.

However, there seem to be some inglorious peculiarities for German politicians, because a politician who is really honest has to abide by the constitutional rule of law first of all!

Even this clear violation of the "Grundgesetz" (Basic Law) shows that the German politicians act from different motives. Originally it was about a great amount of money and the conformity among the small European states, that are no "European Union" (EU) members.

With this in mind, the North Rhine-Westphalian Minister of Finance *Norbert Walter-Borjans* (SPD), who plays a leading role in the refusal of the above-mentioned tax agreements, commented as follows:

**"It's definitely not the case that with the agreement the purchase of CDs will become dispensable. This is shown just by the fact that the agreement includes a respective passage. In an emergency we will acquire more data.** We have evidence that there may be new constructs into which the cash flows and which are not covered by the agreement. I consider the Swiss banks to be highly efficient in that respect. In Germany we would be soon disappointed

how small the amount for the supplementary taxation will ultimately be. Moreover, Germans would continue to even bring more black money into Switzerland and they would only have to pay taxes on interest incomes. Therefore, we will not allow the agreement to come into effect.

**I am convinced that in the [German] Federal Council there will be no majority in favor of this agreement.** We cannot afford being against fiscal justice. Apart from this, the present state is not worse for the Federal Republic than it would be in case of an agreement. Winners would be the German tax evaders and the Swiss banks that assist them.

Rather, I believe that Swiss banks have an economic interest not to lose 150 billion euro in flight capital. They will therefore develop tools that allow the tax evaders to leave their money in Swiss banks. **We will then continue to investigate until Switzerland and its banks begin to think about whether it wouldn't serve them better to come to a solution that is also acceptable for us.**

**I consider the information exchange important. But in case we find another solution that does not prevent a pan-European solution** and does not oppose our legitimate interests, I could also imagine a bilateral agreement."<sup>9</sup>

9) Source/URL: "SonntagsZeitung.ch" of 12 August 2012, <http://www.sonntagszeitung.ch/home/artikel-detailseite/?newsid=226543> [Emphasis added]

Finance Minister Norbert Walter-Borjans has a very personal relationship with anti-constitutional bills: As City Treasurer of the City of Cologne, he invented a local tax in 2009, which became known as the "bed tax" or "tourist tax", and was deemed partly unconstitutional by the Federal Administrative Court with two final judgments of 11 July 2012 (Federal Administrative Court 9 CN 1.11 and 2.11):

"The [community] statutes are not only partly but also fully invalid, because they are not divisible. There is a lack of any mechanism, such as how to distinguish work-related overnight stays from private stays and how relevant details are to be checked. This leads to uncertainty about the tax requirements, which cannot be tolerated even for a transitional period."<sup>10</sup>

10) Source/URL: Federal Administrative Court, Press Release No. 71/2012 of 11 July 2012 <http://www.bverwg.de/>

4) German people AGAINST Germany prosecuting its tax evaders by all means.

Basically the same argument, which has already been mentioned under No. 1 and No. 3, applies here: Those who honestly and decently pay their taxes – and abide by all other laws – usually have little sympathy for criminals who violate

the laws and the "political criminals" (i.e. the perpetrators of so-called government crime) are of course on top of the list: Those who violate the Basic Law and damage the state based on the rule of law are worse than all tax evaders together!

This follows from the particular importance of the rule of law in Germany after the Second World War. We cannot teach constitutional values such as the rule of law to the children of the war and postwar generations at home, at school and at university, and then trust in the mature citizen to look away in the crucial moment, or "turn a blind eye" on events for party-political reasons!

As early as in 2008 in the case of *Heinrich Kieber* (Liechtenstein) Merkel, Steinbrück and Schäuble knew very well that they had no statutory legal basis for their actions, hence violated Article 20 paragraph 3 of the German Grundgesetz; but they were part of a grand coalition (CDU/CSU and SPD), while today, the Prime Minister of North Rhine-Westphalia *Kraft* and her Minister of Finance *Walter Borjans* have long started to herald the next federal election campaign and expressed their desire to replace the current government coalition of CDU / CSU and FDP. This also explains why Mr Schäuble told the "Bild" newspaper that it was "hypocritical that an SPD Minister of Finance [...] cooperated with criminals"<sup>11</sup> although in 2010 he himself was "desperately [seeking] a federal state, that would buy the tax evaders CD from Baden-Württemberg".<sup>12</sup>

11) Source/URL: "Bild" of 23/07/2012, <http://www.bild.de/politik/inland/wolfgang-schaeuble/warum-muessen-wir-fuer-spaniens-banken-blechen-25284794.bild.html>

12) Source/URL: "Der Spiegel" No. 12/2012, of 22/03/2010, <http://www.spiegel.de/spiegel/print/d-69628949.html>

While Merkel (CDU), Steinbrück (SPD), Schäuble (CDU) and Walter-Borjans (SPD) and many other leading German politicians act unconstitutionally – and when it comes to the interests of the EU, even anti-constitutionally – they must simultaneously try to establish a positive image of themselves. In the pursuit of tax evaders they can score twice: on the one hand, the person who pursues the offender is not the bad guy, but the good guy, and on the other hand a few million euro will flow into the empty treasury, while at the same time x billion euros are poured into the European money sink.

This only superficially deals with the prosecution of tax sinners across Germany's borders: In reality, it is about how to bring the white spots on the EU map under control. The question of who is "criminal" – either the Federal Minister of Finance (CDU) or the North-Rhine Westphalian Minister of Finance (SPD) – can be an-

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**"Switzerland vs. Germany"**

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swered quite easily: Both are far more criminal than the simple tax evaders, who are pursued only for opportunistic reasons and in violation of our constitutional principle of the rule of law.

In fact, a political climate has been created in Germany and in Switzerland, in whose misty clouds the view of the essentials has become blurred:

"Anyone who advocates the rule of law runs the risk of being accused in public to make common cause with tax evaders."<sup>13</sup>

13) Source/URL: lawyer and notary Dr Gerd Niebaum, in the newspaper "Sonntag" of 18.07.2010, <http://www.muenster-seminare.de/24657.pdf>

**C. Proceedings of states.**

The idea of a lawsuit submitted by Switzerland against Germany was enforced by National Councilor *Doris Fiala* and legally by the lawyer Dr *Vera Delnon*:

DELNON AND RÜDY  
LAWYERS

**"Obtaining Swiss bank data of German clients"**

URL: <http://www.delnon.com/-warum-wir-staatsklage/einleitung-staatsklage/einleitung-staatsklage.html>

**"Cause of action of Switzerland against Germany before the International Court of Justice"**

URL: [http://www.delnon.com/dokumente/upload/e4d4d\\_klagegruende.pdf](http://www.delnon.com/dokumente/upload/e4d4d_klagegruende.pdf)

**"International law or law of the jungle? Proceedings of state against Germany"**

Media conference of 2 March 2010, URL: <http://www.news.admin.ch/dienstleistungen/00009/index.html?lang=en&event-id=2670>

The Federal Assembly

**10.3023 – Interpellation: "International law instead of law of the jungle. Proceedings against Germany"**

submitted by NC Doris Fiala, FDP –  
Submission Date: 02 March 2010

URL: [http://www.parlament.ch/d/suche/seiten/geschaefte.aspx?gesch\\_id=20103023](http://www.parlament.ch/d/suche/seiten/geschaefte.aspx?gesch_id=20103023)

"The reactions of *Tagesanzeiger.ch/News-net* readers have rarely been so unambiguous. The demand for 'proceedings by the state against Germany' triggers incomprehension, anger, laughter – and arouses pity for the FDP."<sup>14</sup>

14) Source / URL: "Tages-Anzeiger" of 03/03/2010, 16:18, <http://www.tagesanzeiger.ch/schweiz/standard/Ach-Frau-Fiala/story/30477271>

Even today, the situation does not seem different: "The prosecution of tax offenses is apparently more important to the voters than the protection of Switzerland against foreign assault, an argument that was especially invoked by the right-wing conservative AUNS. **The demand to submit proceedings by the state against Germany for the purchase of stolen bank data does not meet with wide support among the interviewed.**"<sup>15</sup>

15) see footnotes 4 and 5. How can that be changed?

What conditions must be created that the demand for a lawsuit before the International Court of Justice (ICJ) will fall on fertile ground everywhere?

This calls for a clear look at the disputed matter: The relationship between Switzerland and Germany is not about supporting or prosecuting tax evaders; it is not even about the German constitutional law (Article 20 § 3 of the Basic Law including the rule of law), but about the question where the state competences end: Do they end at the borders of sovereign Switzerland or do they end in the quagmire of German state and government crime, foreign felony and crimes against international law?

It is, as Dr *Niebaum* said already two years ago: "Anyone who advocates the rule of law runs the risk of being accused in public to be in cahoot with tax evaders."<sup>16</sup>

16) see footnote 13

So we must bring about a change of attitude, which will empower the Swiss government to file a suit prohibiting Germany by court order to buy illegally obtained data.

This change in mood is possible if the relevant groups realize that the defense of Swiss sovereignty and the defense of German democracy does not mean to "be in cahoot with tax evaders", but that the protection of those evaders will have to be paid as a cheap price for sovereignty and the rule of law.

It must be made clear to everyone that it is not about the crime of tax evaders at all – below constitutional law and beyond international law – and not even about balancing German tax crime against German government crime, both committed at the expense of Switzerland, but that there is a

claim under international law of Switzerland against Germany to make the Swiss banking and taxation laws a sovereign matter, and neither give in to economic blackmail nor let the sovereignty of Switzerland and its traditional values be ruined by crime and criminal government activities.

The illegitimate attacks of Germany against Liechtenstein and Switzerland are illegal under international law and may lead to high reparations.

In any event, the proceedings – combined with the request for precautionary measures – would be an appropriate means of preventing further data purchases and protecting Switzerland's financial center against these attacks. •

URL: <http://www.Staatsklage.de/>

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## How to arouse children's and adolescents' interest in real life

### A visit to the "Weisswasser Station of Young Naturalists and Technicians"

ds. Parents, head teachers, municipal presidents and others who deal with children and young people are looking for opportunities of meaningful leisure activities for young people. This involves intriguing children's and young peoples' interest in real life and developing practical skills that allow them to introduce themselves constructively in family and society and to contribute to the success of a beneficial living together. Children and young people love and need such tasks. The following conversation with two representatives of the «Station of Young Naturalist and Technicians Weisswasser» in Germany, near the German Polish border shows, how meaningful youth employment can be.



(picture ma)

*Current Concerns: Mr Speer, you are Chairman of the Association "Station of Young Naturalist and Technicians Weisswasser". Can you tell us about the history of the "Young Technicians"?*

**Frank Spreer:** Since my school days I have been with the Young Technicians. In the 9<sup>th</sup> grade I started to lead a working group, and once you have started you can't leave it. Since 2002 I have been Honorary Chairman of the association, *Kinder und Jugendfreizeit e.V.* founded in 1991. After school I did my apprenticeship at the lignite based power plant and worked there until 1995. Today, I am still working at the power plant Boxberg, but for a company that processes gypsum. We get the gypsum from the power plant and process it to anhydrite, calcium sulphate, which is then processed to screed and gypsum plaster in the construction industry.

Opinions may be divided on the history of the institution of *Young Naturalist and Technicians* as on the whole educational system of the GDR especially with regards to the central steering and the ideology. Let's put it this way: There is not much difference at the facilities of the Federal Republic now, there is just a different ideology being spread: money and consumption.

In the GDR era there was a station of the *Young Naturalists and Technicians* in every town. The idea was to promote extracurricular scientific technical education. There were full-time employees, who were paid, but many worked voluntarily already at that time. We kept the honorary part of the working groups alive to the present day. We have one permanent post that we can pay for regularly, and several employees, who work in externally financed projects, the rest of

the team work voluntarily. Most employees convey their own hobby to the children with the aim to provide a bit more scientific technical knowledge than the schools are currently doing.

*You are talking about an important issue here. In Switzerland, too few young people choose a scientific technical profession; the Government initiated even a study which examines the causes and searches solutions.*

**Frank Spreer:** In Germany we have this problem, as well; young technical talents are missing. In addition there is a very strong anti-technology movement, others may say environmental movement. They want to make us believe that we don't need this whole technology stuff. But if I want to take the train, it takes tracks, a reasonable signal securing system and everything that goes with it. The environmental ideologues say: for God's sake, not for me. The wind farm is so controversial, no one wants to have the masts, but everybody wants the power. Germany wants to abandon nuclear power, but around us there are countries planning the construction of new nuclear power stations, in Poland, in France, in the Czech Republic and in other countries. A sound technical common sense would tell them that they have no choice. But if politics is guided by ideology...

*Stuttgart 21* is the best example for me: planning has taken around 15 years. Three, four engineering firms submitted technical solutions, how to do it, and when it started off, all those involved were blamed of being corrupted by the State of Baden-Württemberg. What the heck was that for anyway? This is how I make people leap onto the barricades. If I run out

of arguments, which in fact are not substantial, I pretend to be a democrat, but in fact I only stick to my opinion and work against what I have chosen to be the evil of the world by all means.

At a free school, which was founded by an initiative of parents, I'm setting up a day on environmental technique every two weeks. I don't have a highly scientific approach.

My concern is to look at the relationship between environment and technology, and to take the children along, to make them sensitive. As the disaster happened in Japan, I looked into the matter with the children two days later. If one investigates the causes and asks how something like this could happen, what effects does this have, and why has it such effects, one takes the supernatural touch away from this disaster and starts to objectively examine it; and this is the goal of our work: students are to obtain some expertise before they form an opinion, and to achieve this goal, one must begin to work with the very young ones. Mrs Marschner is responsible to work with the little ones.

*How do you do that, Mrs Marschner?*

**Manuela Marschner:** It is about arousing the children's interest for everything that is around us. In the preschool group I often start with the topic "air", just with a bottle. The children believe there's nothing more in it, if one has poured out the liquid. More so they are amazed when making it visible that there is still something in it, namely air, which bubbles, once we turn the bottle upside down in the water.

Or simple experiments with magnets. There are simple things, where the children learn something about physics, harder or easier than other things which they can try out on their own. We are pretty well able to arouse curiosity especially with the little ones. Once in a month, I go to kindergarten or other town institutions and work on such projects with preschool children. Our colleagues are quite happy that they can cooperate with us, because they can't do it themselves with so many children at hand.

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**"How to arouse children's ..."**

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Recently, we had a project "energy thought against the tide; kW". At first the children should seize the idea: what is energy, where is energy around us? They are to discover energy in many things, also through experiments that they can partly develop themselves. I am a certified child care worker for all kinds of handicraft work and sports. As a non-scientist I learn to deeply understand by the projects themselves what I perhaps already knew, but had not really internalized yet.

If we go with the children into the local lignite mine and find out how coal is formed and how electricity is made from coal, the children will learn things which an ordinary citizen often doesn't deal with.

*Such work imparts a different kind of connection to reality.*

**Manuela Marschner:** But it needn't be natural science. We have a new project now, that is "time jumper". Here we follow the track of history. A theme was "art treasures Weisswasser". This sounds pontificating, but we have found that the kids pass by many things in Weisswasser and do know nothing about them and that they no longer relate to their city.

We have about 53 monuments, we have chosen around 20 and wondered: who made them, why were they made, what were they used for formerly. Was it intended, as it is now? For example the glass-blower fountain at the train station: Once it was very different. We took pictures of these objects, which the children had to search for with eyes wide open. They were to get involved deal with their city a bit more. The older girls from my creative group, 5–8 class, turned their noses up at the topic in the beginning: Well, history, mmh, monuments. But later they became really hot on this. They spoke with eye-witnesses who had been there when the things were built, and our Mr Becker from the monument protection authority could tell us a lot. Interest came up; one had just to arouse it.

*Yes, it is very important that the children can relate to their home country. Many*

*live somewhere in the clouds between internet and fantasy stories and have lost touch with real life.*

**Frank Spreer:** In the villages it is still a little different. In former times they said: a proper village includes a church, a pub, a school and a fire department. Well, there hasn't been a pub for a long time now, the schools that were so important as the center have been closed, and the churches are empty. Most important is still the fire brigade, the voluntary fire brigade. If it disappeared, some villages would be poor; they organize a lot.

*I heard that they returned to solid teaching in East German schools.*

**Frank Spreer:** This is true, for quite a while already. But many people are very insecure. The Western system was forced on us. Dresden was annexed by Bavaria or Baden-Württemberg or both.

We are four brothers, two are surveyors, one is a teacher and I learnt my profession at the power plant. In discussions, I sometimes have the impression that the generation of teachers who were educated in East Germany, is still highly uncertain, today after 20 years.

*But the West could learn a lot from this generation.*

**Manuela Marschner:** We have working groups for automotive engineering in our institution, ship model construction, electronics, computer technology – to correctly assemble and screw apart – computer courses for adults, courses for painture and drawing – a lively exchange with Poland has existed for over 20 years. Since 2004 I have been leading a creative group, where things are made and used in the association, at Easter, Christmas and other occasions. We do pottery and ceramics. But we want to get away from tinkering and do more practical works.

When the coal mine was exhausted, Vattenfall approached us: we want to re-afforest again and need so and so many nesting boxes for starlings, so many for tits, and so many for old breeders. Next we built the boxes with the help of naturalists. We went out, put the boxes up and checked whether there were traces? We wrote everything down, drew up maps of

bushes, shrubs and trees, and observed, what animals settled again.

On our site we are just building a large rabbit outdoor enclosure, where the children get more into contact with the animals. Last year, we renovated the garden area and built a herbs corner with the children. The habitat must be taken care of. We collect rainwater from our buildings, and the project "cycle of water" was created based on the conversion of the cistern. To do this, we are inviting schools. The kids should be able to do something on their own: freeze, thaw, evaporate, condense, tamper with old Bunsen burners, when does it come to the freezing point, when does it come to the boiling point, this way they understand the matter. If we renew something on the site, we always look that we can make an opportunity to working out of it. Also with regards to the solar power, we want to develop a set up; there is something new added this way all the time. In the summer, we also offer holiday events.

*The youth needs tasks, real tasks, and we must consider how we want to live together, so that we do not lose a large part to the senseless party industry with alcohol and drugs; a work like yours is a valuable model. You have a wonderful site here. How is it financed?*

**Frank Spreer:** We needn't pay for buildings and grounds, which are provided by the city. We do not have to pay leasing nor rental fees. For the operating costs such as electricity, water and maintenance we must pay ourselves, we earn it by our work. The association is a non-profit one, a registered association. Few things are funded by the *Foundation of Veolia*, some projects of the *German Environment Foundation*. Some money comes in when we let parts of the buildings or our cottage houses on our estate. The fund-raising is quite expensive, because each project must be accounted for individually.

*Thank you for sharing your impressive work with us and good luck for the future.*

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# Matthias Schlubeck – an example of the courage to face life

On the concert with organist Ludger Janning and the well-known panpipe player Matthias Schlubeck in the Protestant Church in Aadorf TG

by Urs Knoblauch, cultural journalist, Fruthwilen TG



Matthias Schlubeck  
(picture ma)

In the Protestant Church of Aadorf TG, visitors could witness a great concert with the two musicians, the panpipe player *Matthias Schlubeck* and the organist *Ludger Janning*. Once before they had been here as guests ten years ago. In the beautiful harmony of panpipe and piano or organ accompaniment worlds opened up to the enthusiastic audience. In a diverse and challenging programme, by the virtuosity of Matthias Schlubeck, the panpipe became a magnificent, classical concert instrument. The panpipe is one of the oldest instruments in the world and can be found in various shapes, sizes and materials. It has a strong connection to the respective tradition of folk music in different countries. In Romania and Latin America there is a rich panpipe- musical culture. The organist and pianist Ludger Janning (1965) from Dortmund has studied church music with the instrumental topics organ, piano and oboe; he is occupied as a lecturer and is very successful in the field of church music. From his longstanding concert cooperation with Matthias Schlubeck also record productions were realized.

## Developing the will to live and confidence in one's own strengths

Matthias Schlubeck, born in Wuppertal in 1973, is among Europe's most respected and best-panpipe players, today. He has also made a name for himself all over the world with his concerts in the field of interpretation of classical works. Matthias Schlubeck has a physical disability: He has been born without forearms, hands and feet. His humane, positive aura, his music and his natural contact are so impressive that one hardly notices his handicap. With his admirable courage to face life, his sense of learning and discovery, he has achieved incredible things. He is a symbol of our time, which will require a lot of this will to live. At an early age he set an example and worked for and achieved great competences. As a child, he learned from his parents and his teachers, that new things and tasks are not to be considered as impossible ab initio. By confiding in his own strengths and in his

fellow human beings, and by the capability to realistically assess new situations and to find his own ways, his capacity to take decisions and to act in interpersonal interaction was developed. The parents realized early that their bright son was able to easily compensate his disability and by no means did they want him to attend a school for handicapped children. The natural integration into the normal school with expert guidance is fortunately widespread nowadays, and in very many cases, these children develop excellently.

## Developing the panpipe into a concert instrument

By this attitude towards life many meaningful ways for his development opened up to Matthias Schlubeck as a child and an adolescent. He was very lucky to have such caring and realistic parents, a couple of teachers and renowned panpipe teacher personalities, empathetically allowing the early development of the young musician with the traditional woodwind instrument. With excellent grades Matthias Schlubeck completed his studies in "instrumental pedagogy" and "concert exam" at the University of Wuppertal and he was the first musician in Germany to acquire the "Bachelor of Music" with the panpipe. Since 2010 he has been teaching panpipe as the main subject at the Institute of Music at the University of Osnabrück. Receiving great support by his parents Matthias Schlubeck succeeded in combining demanding competitive sports and music, even as a child. At an early age, he started swimming as a sport of rehabilitation in the disabled sports club and later on he was multiple champion in international swimming competitions and won numerous gold medals, as well as Paralympics winner. In London these amazing competitions will take place again soon.

After his first concert in 1990 Matthias Schlubeck expanded his concert activities. So far over 1000 concerts in Europe, South America and the USA new orchestral combinations with harp, organ, piano and full orchestras have been realized in major concert halls of the world. Since 2008 he has taught at his own music academy "Alte Mühle Bellersen" (Old Mill Bellersen) in beautiful surroundings with guest rooms, where music school, seminars, events and concerts are being organized. ([www-musikakademie-bellersen.de](http://www-musikakademie-bellersen.de) or [www.schlubeck.com](http://www.schlubeck.com)). His classes are very well attended, and Matthias Schlubeck also commits himself to

teaching high-quality and easy panpipes for children and panpipe lessons. Attending a concert or enjoying a CD (for example, "The Magic Pan Flute by W.A. Mozart with M. Schlubeck and the Romanian State Philharmonic of Transylvania" or "Panpipe, violin and baroque orchestra with M. Schlubeck") represents a great experience, an encouragement and a symbol and example of optimism for all.

*Current Concerns: Looking at your great musical and sporting work and influence and at your biography one is very impressed by your exemplary optimism, your spirit of research and your dynamism, your whole development. How did it really begin, Mr. Schlubeck, with your parents, what have been the first steps?*

*Matthias Schlubeck:* My parents have played a major role. They encouraged me and at the same time they let me do things on my own, that means, that they allowed me to test and try out many things myself and they didn't immediately say: "This is wrong!" This is certainly very important, especially if you have a certain handicap. Of course, this requires a sort of zest for action. I think that a natural spirit of adventure quickly dies away, if it is repeatedly restricted and if pathways are blocked off. Therefore it has certainly played a major role that I was allowed to experience a lot, not only in the musical field. As a child I was always allowed to play outside with the other kids, I was allowed to climb trees, even if my parents were sometimes afraid, but they let me experience things. So I think, it's very important to see for yourself, which paths can be gone, which paths you can open up for yourself, where others perhaps do not think outside the box, thinking "that you have to do things in this and not in any other way." Right from the beginning I had to find different ways, concerning different areas of life, and of course music was included.

*It struck me that there was no one in your childhood who said "That's impossible!", right from the beginning, but that there was an openness and joy of discovery to try and develop things yourself. Obviously your parents were both caring and realistic and encouraging. Thus you could discover your instrument, the panpipes. Parents are often overconscientious and over-cautious and cut off paths quickly*

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**"Matthias Schlubeck – an example ..."**

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*that would be valuable for the development of the child. Your teachers have certainly played a significant role, indeed one teacher couple was very important for you.*

Yes, fact is that at the age of four I attended the music school, a branch of the School of Music Wuppertal, that was run by this couple of teachers and they also taught there. I started my early musical education there and I have participated regularly in any activity offered for six years. Actually, it's the age to start with the recorder, which is standard for the early musical education, but for me the recorder was not possible. Here it was necessary to have the openness to find a way and an instrument for me. That was very important. This teacher couple had a large private collection of musical instruments with the musical instruments of the peoples, that is folk instruments from around the world. Together with my parents I visited this museum collection again and again and tried all possible instruments. With the panpipes, I immediately could produce a sound. They were small panpipes with three tubes from New-Guinea, and that was the beginning. Previously, I had tried a few percussion instruments, but gave up quickly. It was not easy with the panpipes, but being taught by *Erich zur Eck* I developed some pleasure. At that time there wasn't any information about panpipes, nor any instruments or teaching material. It was very hard from the beginning, but with the help of the teacher couple's and my parents' commitment we succeeded over the years. The teacher was always a few lessons ahead to teach me then, later he had to use the recorder. That was the beginning.

*This is very impressive. Later several internationally famous pan flutists were your teachers. How did you find your special and own way of the classical music or the interaction with the organ here?*

I grew up with the classical style. My mother played the violin and classical music, our string quartets and house concerts took place regularly. My music lessons concentrated on classical music and baroque. Anyway, from the very start I have grown into this music and not so much by way of the traditional panpipes. That was certainly an advantage because then you were not specified to the traditional style of music of the panpipes from the beginning. That's how I could find my own way, and I was not the only one who played classical music. But it is still a very big development, which started 30 or 40

years ago, and I find it exciting to have with one of the oldest instruments actually a very young instrument in classical music. There are no original works for the panpipes in classical music, neither with regard to literature and technique. Right here you can discover new things, and generally you have a lot of incredible possibilities in all areas of music, it is a very fascinating instrument.

*Your music is emotionally expressive, direct and bringing people together. By the diverse cultural backgrounds of the instrument and the respect for the other cultures your music has an effect on humanity worldwide and contributes to peace especially nowadays in times of wars and injustice.*

Yes, I think music unifies different cultures in general, this does not only refer to the panpipes. The type of the panpipes and how it is played even here in Switzerland traditionally comes from Romania, where it is very much imbedded in the music. I find it exciting to take the music and the instrument into a different cultural context. It certainly is a great strength of the panpipes to appeal to people very directly. It is similar to singing and has a great directness in the production of the sound. This is certainly also a reason that it appeals to people from all cultures and is very successful in popular music here

in Western Europe, for example, with the shepherds' melodies and the connection with Latin America. You must realize the strengths of the panpipes, and in school education many new possibilities and interpretations are opening up.

*Which advice would you give children and young people nowadays for their future? How can they develop courage to face life, the necessary learning and research spirit that you embody? This confidence: "It is possible to achieve something that was unimaginable"; a contribution to the welfare of mankind, as well. Developing this meaning of life and courage to face life is so crucial, especially for our time.*

I think it is very important to find one's own strengths and become aware of them. As far as this is possible you can make a professional career, as well. I think that many possible ways are prescribed in a too detailed way and thus many prospects get lost. I've been lucky that I was always supported in that direction. This is not self-evident. I have been doing this profession for a relatively long time and I'm still enjoying it very much, and it's a privilege to be allowed to work in this field.

*Mr Schlubeck, thank you very much for the interview, and I wish you all the best. •*

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Further information can be found on the homepage of Matthias Schlubeck:  
[www.schlubeck.com](http://www.schlubeck.com)