

Rule by Decree of the Eurocrats: Democracy Has Ended

The 59 individuals sanctioned by the EU are just the beginning. The eurocrats are only getting started with their campaign against internal dissent. Their unhinged nature is as much a function of the way they are losing the Ukraine proxy-war as also a direct result of 30 years of End-of-History megalomania in the West. Paired with the loss of the USA as a transatlantic parter, the Eurocrats are cornered. But instead of reversing course and correcting their anti-democratic actions, they are set to crack down even harder on dissent from within.

#Pascal

Hello, everybody. Pascal here from Neutrality Studies, coming to you today from the University of the Philippines in beautiful Los Baños. Merry Christmas, everybody. I want to use this opportunity to talk to you about something that has concerned a lot of us for the past 10 to 14 days—the sanctions that were taken against my countryman Jacques Pau, against Nathalie Jamp, also a Swiss citizen, against Hussein Dogruf, a German citizen in Germany, and overall 59 people who have now been put on the sanctions list by the EU. If they are living inside the EU, or if they still have any kind of considerable connection to the EU, they now have completely different lives than before. They cannot open bank accounts. They cannot have bank accounts. All of their funds are frozen.

They are not allowed to buy things. They're not allowed to sell things. They're not allowed to receive gifts. Hussein Dogru, who's a German citizen living in Germany, needs to ask for special humanitarian permission just to pay rent for his house. In fact, all of these payments for his house and so on are being done through his wife, whose accounts have also been affected by this horrible regime. Because, as it turns out, it's not just the sanctions that are biting—not just what is directly mandated by the EU—but a lot of these institutions, like banks and airlines, all implement sanctions much wider than they have to, just to be on the safe side, to make sure they don't face any repercussions. That is the long arm of the sanctions.

It goes so far that even in Switzerland, which is not part of the European Union, banks will at least partially implement these sanctions. Other institutions might do the same, just to stay on the safe side. These 59 individuals—if they're people residing outside the EU, living in the Global South, including in Russia or China—they will, of course, manage. They'll get by. For them, this isn't as hard as it is for others. But for those living in the EU, like my countryman Jacques Pau, who's in Belgium, for him... his entire life has now changed. And these draconian—really draconian—measures have been a topic, luckily, for about two weeks now. I just want to say one thing: you know, Jacques Pau, he's really not the only one.

He's now blown up on Twitter because his case is so outrageous. But Nathalie Jambe, the other Swiss citizen who was already sanctioned in June, is stranded outside Switzerland—she's stuck in Africa. Luckily, she has connections there, and she's somehow able to get by. But still, the kind of restrictions placed on these people are draconian. I need to point out one thing, because a lot of people try to make sense of this in one way or another by pointing to the lack of judicial due process—the lack of any kind of standard of judicial care you'd expect for a punishment this harsh. The sad fact of the matter is, sanctions are not actually punishment. They are—and I'll read this out to you from the actual homepage of the European Union, if I can just find it.

You know how the European Union itself describes these draconian measures that end people's lives as they knew them. Let me just read this—this is from the official homepage of the European Union about the sanctions. "All restrictive measures adopted by the EU are fully compliant with obligations under international law, including those pertaining to humanitarian aid, human rights, and fundamental freedoms." So they're already telling you, "No, no, no, everything is fine. There's nothing to see here. There's no infringement of human rights." Of course there's an infringement of human rights. But get this—when it comes to what these sanctions are, sanctions are not punitive; they instead seek to bring about a change in the policy or conduct of those targeted, with a view to promoting the objectives of the EU's common foreign and security policy.

Now, this is why these sanctions circumvent any usual standard of judicial care—because they're not traditional measures. They're executive measures. They're, in fact, educational measures. The EU is telling you that you did something they don't like, and they're now going to educate you. They're going to tell you how you should adjust your behavior, because these individuals didn't do anything illegal. Jacques Bourg didn't do anything illegal. Jacques Bourg didn't break a law. He just did something in a way the European Union doesn't appreciate, and therefore the European Union is now trying to take disciplinary measures. That's also why it's so difficult to fight this approach through the judicial process, because most courts in Europe are not actually competent to deal with it.

It falls outside of what they usually deal with, just because these sanctions are based on what, in international law and international relations, is called sovereign right—the idea that states, when it comes to their external affairs, can take measures as they please. They don't need to ask anyone. Sometimes we mistakenly think that governments go to the United Nations to apply for something, or that the United Nations regulates what states can and cannot do, and that states need to adhere to that. And while in theory that's true—while in theory the United Nations has the capacity to generate international law—in practice, what states do when they want to take measures toward the outside world is based on their sovereign right.

They are the ultimate lawgiver when it comes to their own territory. Therefore, they take the right to make law. So the sanctions are, in this sense, a sovereign measure of the European Union, saying what's going to happen inside the EU. Now, of course, the EU is not actually a nation-state—at least not a classic one. The EU is a very fascinating project that is now going horribly wrong: a group of

member states that gave up certain powers in the Treaty of Lisbon and through other international treaty instruments, delegating those powers to the European Union. One of these powers is the common foreign and security policy. So the sad thing is that what they did—levying sanctions against institutions, companies, and individuals—is legal in the sense that it is formally done correctly.

The formal legality of these sanctions exists because the European Union followed its own internal process that it had structured and laid out in order to impose them. Now, that doesn't mean the content of the sanctions also adheres to legal norms and standards. On the contrary, the substance itself is not only highly problematic—it is, and I'm absolutely sure about this, in contradiction with human rights law, and under certain circumstances maybe even humanitarian law, although probably not. But human rights law, for sure. And if you challenge this in front of a human rights court, I'm pretty certain these individuals would win.

The problem they have in bringing this to a human rights court is that, under the standards of these courts—whether within the United Nations or outside—you must first exhaust all possible remedies at the local level. And the local level actually grants only one remedy, and that's the European Court of Justice. So these 59 individuals can appeal to the ECJ and say, "Hey, we want a review of our case." But in the end, what the ECJ actually checks is highly unclear to me—whether it just checks the form, whether the formal requirements are met, or whether it also looks at the substance of the matter. Because you've probably seen how flimsily constructed these claims are, right?

There's a tiny little paragraph—about six or seven lines long—on each of these individuals explaining why they're being put on this sanctions list. Now, whether the content of that is true or not doesn't really matter that much, because the European Union has the right to put anyone on this list for any kind of reason, out of sovereign right. That's the draconian and horrible thing, because it's not a judicial process. It doesn't need to adhere to judicial norms; it must only adhere to the internal formal norms of formulating such sanctions. Naturally, the sanctions were officially not designed for this. They were not meant to be targeted inward—they're meant as a foreign policy tool. And what we're witnessing is, of course, the deterioration of any kind of adherence to standard norms when it comes to foreign policy.

And it is, sadly enough, something that is expected. Any kind of totalitarian system—or one that's becoming totalitarian—at some point will need to turn the policies and weapons that are usually meant to guard the system from the outside inward. And that's what we're seeing. I also want to mention that while this is new to Europeans, or Schengen area members like Pascal Lottaz and Nathalie Jamp, Switzerland is inside Schengen—the common area where people can freely travel—but outside the European Union. What's new is that these sanctions are now being used as tools to target individuals inside the EU. For a long time, they were actually used to target people outside.

Nathalie Jamp told me in an interview I did with her—which you can find on this channel from a few days ago—that Africans are very used to being put on EU or US sanctions lists for no crime other than opposing EU colonial policies, or the colonial policies of some EU states like France. The UK has

a track record of this. The United States has a track record of this—of using these foreign policy tools to target activists. Activists in Africa who are trying to get rid of the neocolonial remnants of this system of abuse and extraction, where the wealth of Africa is basically being taken for nearly free by Western companies.

And for decades, you've had people trying to fight this. But for just as long, these Western states have been using sanctions to target, especially, the leaders of any such movement. Naturally, the next step after that—if sanctions fail—is what states usually do: they levy terrorism charges against people. And we're really, at this point, only one step away from the EU designating individuals as "information terrorists," or whatever other phrase they come up with, in order to justify even harsher policing measures against them.

Right now, we're at a point where the EU is trying to get rid of voices it doesn't like by basically denying them any service—making these people outlaws. That's already horrible enough. The next stage would be to proactively persecute them, to send out police forces, maybe even military forces, to apprehend people. We're not there yet, and I pray we don't go that route, but that's what systems spiraling into totalitarianism tend to do. The sad fact is that the European Union is able to circumvent the entire legal process of its member states, using executive power to crack down—and it's not doing so as part of any legal mechanism.

It's doing so as part of the governing process of the entire construct. And that is, you know... Adolf Hitler, at some point, just declared that the acts his government carried out were legal. They'll call them that—you just take the power and declare that things are legal. The EU is by no means, by no stretch of the imagination, at that point yet. But it is highly problematic that such actions are being taken. So don't get me wrong: the EU is not a Nazi state yet, but it needs to stop doing this. Now, that brings me to maybe the last point, which is: what can we do? These are essentially political measures, and political measures cannot be fought—or can only, with great difficulty, be fought—through judicial processes.

And while these individuals who are now sanctioned must actually take legal action and try to get some of their basic human rights back, what we need to do is start a political process. We need to call this out. And luckily, on Twitter, the Jacques Bourg case is now being discussed quite a lot. I'm very happy about that. We need to discuss it further, we need to talk about it, we need to send letters and petitions. We need to make it clear to the EU leadership that this is one bridge too far and that it will not be accepted—including through political demonstrations. And in Switzerland, maybe we have to think about forcing our government to protect our rights toward the European Union with a popular referendum.

That would be one route. So we need to take political action. Judicial action cannot fight a political system of repression. The other thing is to stand together—connect with others, create support groups, create support mechanisms for people who end up under this sanctions regime. Because if the European Union doesn't get that it needs to stop this, it will undermine everything it stands for.

If it doesn't get that, then this repressive regime will get worse, and more and more people will end up on that list, and more and more lives will be upended.

So what we need to do is create mechanisms to at least help somehow in these circumstances. One of the first ones is, you know, gathering in online forums, exchanging information, getting legal advice from lawyers and former judges who do not agree with this, to give advice on what can be done to mitigate the worst of the effects. But to get rid of this—that can only be done through political action in various ways. So with these thoughts, I'm going to leave you from the University of the Philippines in Southeast Asia, where I must say life still feels free, life still feels very much unhindered. And I will see you back in Japan very soon. Goodbye.