

Prominent European Jurists Expose EU

by Claudio Celani

Dec. 7—Prominent warnings of the dire consequences of the Eurozone policies have recently been voiced in Germany by Prof. Karl Albrecht Schachtschneider, and in Italy by the well-known jurist Giuseppe Guarino.

The latter exposed the infamous Fiscal Pact of the European Union as being not only illegal, but null and void. His article, which he contributed to the Nov. 24-25 Schiller Institute conference in Flörsheim, Germany, was published by the Milan daily *Milano Finanza* on Nov. 28. According to the daily, it has “immediately generated many reactions in the academic world and in the Senate, where the Stability Act [an austerity measure—ed.] is being approved.”

Guarino demonstrates that the European Commission, and not Germany, is the driving force behind all the budget-balancing absurdities, and that the infamous “zero deficit” regime imposed by the Fiscal Pact is not valid. Guarino points to the text of the pact itself, which provides, in Art. 2 and 2.1, that: “This Treaty shall apply insofar as it is compatible with the Treaties on which the European Union is founded and with European Union law.” Since the European law expressed in Art. 126 of the Lisbon Treaty, which says that the original 3% rule of the Maastricht Treaty is valid,¹ the zero-deficit rule of the Fiscal Pact has never been valid.

Guarino also demonstrates that even the 3% rule has never been enforced; instead, the EU Commission has imposed more drastic “convergence” regimes on member-states such as Italy, which are not only brutal, but in violation of the rule of law.

To those who think that a legal challenge to the Fiscal Pact, which forces Italy to cut EU45 billion from the state budget, would be unsuccessful, Guarino says: “I have received opinions from independent ex-

perts of law confirming the correctness of my conclusions.” He refers also to the challenge to the European Stability Mechanism (ESM) brought by Irish parliamentarian Thomas Pringle to the European Court of Justice, which was rejected on Nov. 27. That ruling, Guarino states, does not affect his case: “From what I have read in media reports about the Irish challenge, I deduce that the Court spoke on grounds which have nothing to do with the issue of lawfulness I raised.” Guarino’s judgment “does not yet open up scenarios of reviewing European agreements for Italy, but it certainly unleashes a debate,” wrote *Milano Finanza*.

In the wake of this coverage, Dr. Guarino was also interviewed in the *Financial Times Deutschland*.

A Call for Resistance

In Germany, international law Professor Schachtschneider called for “peaceful resistance” to the euro regime, in an interview with Michael Mross, the author of a book titled *The Currency Crash Is Coming*. Schachtschneider, who has co-initiated several complaints at the Constitutional Court against the euro system, stated unequivocally that the single currency has failed economically and cannot be rescued. But that failure is being used by politicians to impose an EU superstate, which will not be democratic. On the contrary, for Schachtschneider, Europe is being turned into a “huge bureaucratic dictatorship resembling the former Soviet Union,” with a lot of propaganda, but no free speech.

Therefore, he urged, the citizens have to intervene. “The replacement of the present political powers is indispensable, if we want to return to freedom, democracy, and the rule of law. The Constitution prescribes the right to resist to anyone who attempts to eliminate the democratic order, which means concretely: voting for other parties, taking court action, protests in the streets, peaceful resistance.”

“We have a dictatorship of money, ‘unbridled capitalism,’” Schachtschneider said. “I never thought it would be possible for the law to be broken to such an extent as it has been since the outbreak of the debt crisis; it is time for resistance.”

At the Schiller Institute conference on Nov. 25, a plaintiff with Schachtschneider, Prof. Wilhelm Hankel, also warned that the euro has zero chance to survive, but that social chaos will continue to grow, along with the danger of dictatorship.

1. The original Stability and Growth Pact of the Treaty stated that all countries in the Eurozone should aim to keep their annual budget deficits below 3% of GDP.