

THE AFTERMATH
OF SEPTEMBER 11:
NEW CHALLENGES
FOR A EUROPEAN
COMMON FOREIGN
AND SECURITY
POLICY



Aftermath 09/11

 HEINRICH
BÖLL
FOUNDATION

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FOREWORD

The events of September 11, 2001 have dramatically accelerated the development of a European Common Foreign and Security Policy (CFSP). Between April 2002 and January 2003, the Brussels office of the Heinrich Böll Foundation invited experts from European institutions, international organizations, the academic world, think tanks, and NGOs to a series of discussions on the challenges that the terrorist attacks on the United States present to the development of CFSP. We selected 10 topics we considered crucial both for understanding the events of 9/11 and for dealing with their consequences from a European point of view. We asked our experts: What changed exactly on that fateful day in September 2001? What should Europe do about its military capacity as a result? What consequences arise from differences in U.S. and EU foreign and security policy? We also reflected on the possibilities of achieving a new global security order, the roles of Russia and China in such a concept, and the responsibility of the international community towards failing and failed states. In addition, we analyzed the events of 9/11 and their consequences from a gender perspective, discussed the possibilities of achieving a modern and peaceful Islam (and the role of the Western world in such a development), and examined how human rights issues affect foreign and security policy. In the final discussion featuring experts from Europe, the U.S., and Israel, we explored connections between foreign and security policy on one hand, and domestic (security) policy on the other, by focusing on the question: How much security can a democracy take?

Since we asked all our experts to speak freely and guaranteed the anonymity of their individual contributions, this brochure cannot provide a direct account of the discussions. The author has tried to integrate all valuable ideas and suggestions raised by the experts who participated in the debates without disclosing their identity. All of the credit for these ideas therefore goes to the participants. It should be pointed out, however, that the arguments and analyses presented in this publication are not necessarily identical with those of any particular speaker or with those of the author; furthermore, they do not reflect the position of the Heinrich Böll Foundation. The author is, however, solely responsible for any flaws in lines of argumentation. This publication seeks to reconstruct the historical background of the development of the EU's Common Foreign and Security Policy and to reflect on the challenges confronting the CFSP after September 11. It also tries to evaluate the possibility of consolidating CFSP against the background of EU enlargement, the European convention, and the recent transatlantic and intra-European discord over Iraq. This document should therefore be seen as a contribution to a debate that is crucial for the future of Europe.

The Heinrich Böll Foundation would like to thank all participants and especially the following experts (listed in alphabetical order) for their contributions to our discussions:

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I. INTRODUCTION

1. THE LONG AND BUMPY ROAD TO A EUROPEAN COMMON FOREIGN AND SECURITY POLICY (CFSP)

Keeping a balance of power has been the major principle of European states' foreign policy ever since the Peace of Westphalia in 1648. It has proven to be a fragile balance that, in the end, led to two world wars. The peace made by the five great powers (Austria, England, France, Prussia, and Russia) at the Congress of Vienna in 1815, which was based on this principle, lasted almost a century before Europe turned into an inferno. When in 1916 U.S. president Woodrow Wilson made his country enter World War I, he spoke of it as "the war to end all wars." Unfortunately, the new order he helped to establish, one based on national self-determination, imploded after only 21 years. The League of Nations, the first international institution for collective security, remained powerless due to the fierce nationalism of its European members and the U.S.' refusal to join. After the disaster of World War II, other American presidents, Franklin Roosevelt and Harry Truman, together with Truman's Secretary of State, George Catlett Marshall, created new institutions of global governance (UN, NATO, IMF, World Bank) and provided an enormous contribution to the reconstruction and revitalization of Europe (and East Asia).

At the same time, the European idea — as developed by French businessman and statesman Jean Monnet and his compatriot Robert Schumann — aimed to substitute the highly vulnerable balance-of-power principle with a structure in which the interests of individual states became increasingly interdependent and national governments

ceded certain sovereign rights to supranational European institutions.

Jean Monnet was also the driving force behind the first European attempt to form a European Defense Community (EDC), the Pleven Plan, named after French Defense Minister René Pleven. The Pleven Plan proposed the establishment of a European army that would include a rearmed Germany. After the U.K. refused to participate, the Plan was rejected in 1954 by the French National Assembly as being too dangerous. Then in 1962, negotiations on the Fouchet Plan, which envisaged a union of European states with common foreign and defense policies, also collapsed. In the following years, efforts to promote European unification concentrated on economic aspects, as had been the case since the signing of the Treaties of Rome in 1957. In October 1970, the Luxembourg Summit informally launched a process of "European Political Cooperation" (EPC) in response to the Davignon Report. In 1987, the Single European Act (SEA) provided the EPC with a legal basis that, however, did not really change much about its intergovernmental character.

The **Treaty of Maastricht** (Treaty on the European Union, TEU), which came into force in 1993, for the first time introduced a Common Foreign and Security Policy (Title V) as part of the second (intergovernmental) pillar of the European Union. In Article 11, the following principal aims were defined for CFSP:

- to safeguard the common values and fundamental interests of the Union,
- to strengthen the security of the Union,
- to preserve peace and strengthen international security,

- to promote international cooperation, and
- to develop democracy and the rule of law, including human rights.

As put forward in the TEU, the CFSP has two key instruments at its disposal: common positions and joint actions. Common positions oblige the member states to implement national policies that are in accordance with the position defined by the Union on a particular issue. Joint actions are operational actions by member states under the auspices of the CFSP.

CFSP as defined under Title V did not exactly function smoothly during the first years. General frustration over the lack of progress in this area led to endeavors at the next Intergovernmental Conference to introduce more coherent instruments into the new Treaty in order to improve the efficiency of CFSP.

The provisions of the CFSP were revised in Articles 11 to 28 of the **Treaty of Amsterdam**, which entered into force on May 1, 1999. The Amsterdam Treaty added a new foreign policy instrument — common strategies — to the two existing ones. Common strategies are defined by consensus by the European Council in areas where the member states share important interests. A common strategy specifies the objectives, duration, and means to be made available by the Union and member states.

It is now possible to adopt CFSP measures by a qualified majority vote in two cases:

- decisions applying a common strategy defined by the European Council, and
- decisions implementing a joint action or common position already adopted by the Council.

However, with regard to decisions taken by a qualified majority, there is a safeguard clause enabling member states to block majority decisions with a veto for important reasons of national policy. In such cases, when the member state concerned has

stated its reasons, the Council may decide by a qualified majority to refer the matter to the European Council for a unanimous decision by the heads of state and government. Member states can also make use of “constructive abstention,” i.e., an abstention that does not block the adoption of a decision. This mechanism does not apply if the member states abstaining in this way account for more than one third of the weighted Council votes.

The Treaty of Amsterdam also established the position of High Representative (HR) for CFSP which is fused with that of Council Secretary General. The first person to occupy this position is Javier Solana Madariaga, former Spanish Foreign Minister and Secretary-General of NATO, who took office on October 18, 1999 for a period of five years.

A policy planning and early warning unit was set up within the General Secretariat of the Council and under the authority of the HR. This unit is supposed to facilitate the cooperation of member states on a logistical level, thus enabling the EU to play a more prominent international role. The main tasks of this unit are:

- monitoring and analyzing developments in areas relevant to the CFSP,
- providing assessments of the Union’s interests in relation to the CFSP,
- providing timely assessments of events, potential political crises, and situations that might have significant repercussions on the CFSP, and
- producing policy option papers for the Council.

European security and defense policy (ESDP), an integral part of CFSP, has made significant progress since the Treaty of Amsterdam entered into force in 1999. It is now divided into three components. The first two, military crisis management and civilian crisis management, are known as the Petersberg Tasks and have been incorporated into Title V of the Treaty on European

Union. The third component is conflict prevention. In June 1999, the Cologne European Council placed crisis management at the core of efforts to strengthen the CFSP. Two years later at the Gothenburg Summit, priority was given to conflict prevention. Since 1999, practically every European Council has tried to develop the Union’s capacity for autonomous action under ESDP. The goal was set to make ESDP operational by 2003.

The success of crisis management efforts depends on collaboration with NATO. Such efforts will require the EU to use NATO resources, including military and operational planning capabilities. Therefore, a strategic partnership has been set up that should help to avoid unnecessary duplication and to target specific gaps in the field of crisis management.

Crisis management efforts include both a military component as well as a civilian component. The **military component** was developed at the European Councils in Helsinki and Nice. First, the **Helsinki Summit** (December 1999) established the so-called “headline goal.” This refers to the goal of developing an EU military capacity of up to 60,000 troops that can deploy within 60 days and be maintained for at least one year. The **Nice Council** introduced new military structures, the most important being the Political and Security Committee (PSC). The PSC, which is composed primarily of national representatives of the member states, plays a key role in crisis management activities. It monitors international developments, helps to develop policies, and keeps an eye on the implementation of agreed policies.

The **civilian component** was introduced at the European Councils in Feira (1999) and Gothenburg (2001). This component seeks to effectively address crisis-related problems that tend to be neglected by the international community. The EU committed itself to the establishment of four important, mutually dependent instruments:

- police cooperation (the capacity to provide up to 5,000 police officers — 1,000 within 30 days if necessary — for tasks ranging from restoring order in cooperation with military forces to the training of local police),
- strengthening of the rule of law (the capacity to provide up to 200 judges, prosecutors, and other legal experts),
- civilian administration (the capacity to provide a team to establish or guarantee elections, taxation, education, water provision, etc.),
- civil protection (the capacity to assist humanitarian actors in emergency operations — if necessary, by providing two to three assessment teams consisting of 10 experts as well as intervention teams consisting of 2,000 people within three hours).

The Commission plays an important role in **conflict prevention**, the third component of ESDP. A new, integrated strategy has been developed that aims to ensure long-term structural stability in the regions concerned. Its four main objectives are:

- to make more systematic and coordinated use of the Community’s instruments,
- to identify and combat causes of conflict,
- to improve the capacity to react to conflicts in their initial stages,
- to promote international cooperation in this area.

In February 2001 a rapid reaction mechanism was created that seeks to provide rapid financing for crisis management efforts. This mechanism should come into action whenever there is a threat to public order or public safety, or in similar circumstances that might destabilize a country. It is thanks to this mechanism that the EU was able to launch the political, economic, and social rebuilding of Afghanistan.

Article 17 of the Treaty of Amsterdam states that the CFSP covers all questions relating to the security of the Union. These include the develop-

ment of a common defense policy, which might even lead to a common defense, should the European Council so decide. This article introduced a transfer of competencies from the WEU to the EU: almost all of the Petersberg Tasks have been incorporated into new structures of the Union.

The Treaty of Amsterdam allows CFSP operations to be financed by the Community budget, except where the operations have military or defense implications or if the Council unanimously decides otherwise. In this case, member states that abstain and issue a formal declaration are not obliged to contribute to the financing of the operation. However, since crisis management operations generally encompass both civilian as well as military aspects, ultimate responsibility for costs remains more or less unclear.

The **Nice Treaty**, which entered into force on February 1, 2003, allows "enhanced cooperation" in the field of CFSP. This means that, when EU foreign and security policy objectives cannot be agreed upon unanimously, member states (at least eight) may establish "enhanced cooperation" among themselves. This type of cooperation relates solely to the implementation of a joint action or common position, to arms initiatives, or to security and defense issues contributing to the enhancement of crisis management capabilities. In other words, it is another step forward in the direction of a more efficient CFSP, but it is hardly the giant leap that seems to be necessary in light of recent international developments.

2. EVENTS THAT ACCELERATED THE DEVELOPMENT OF CFSP

When the Cold War came to an abrupt end in the late 1980s, it appeared for a moment as if Europe no longer needed to worry about its security. However, the conflict in Yugoslavia put a sudden end to this illusion. The Yugoslavian crisis

showed that regional conflicts resulting from the disintegration of the former Eastern bloc can pose a serious threat to peace and stability in neighboring countries and to international security in general. But this turned out not to be the only danger: the proliferation and manufacture of weapons of mass destruction; arms trafficking including chemical and biological weapons as well as contraband nuclear material; and the growing number of failing and failed states pose risks and threats at least as great as those of the Cold War. And whereas the old ideological confrontation between communism and democracy/capitalism is essentially over, a new ideological challenge has developed in the form of Islamist fundamentalism and extremism.

The western Balkans remain the test case for the EU's ability to carry out successful crisis management operations. So far it looks as if the EU has succeeded in stabilizing a region that was at the brink of disintegration and bringing it back into line with European development elsewhere. This was realized through a successful combination of economic aid under the Cards Program, political mediation, and NATO military presence (SFOR/KFOR/AMBER FOX). CFSP is currently facing its first real tests with the dispatch of a police task force to Bosnia-Herzegovina and the take-over of the NATO operation "Task Force Fox" in Macedonia. It is the first time that civil and military elements of crisis management are all in the hands of the European Union.

The terrorist attacks of September 11, 2001 forced Europe to take responsibility and to speak with one voice on a diplomatic and political level. The EU organized the conference on Afghanistan in Bonn in December 2001 and appointed an EU special envoy, Klaus Klaiber, to coordinate humanitarian and reconstruction aid. It also sent a high-ranking troika delegation to Pakistan, Iran, Saudi Arabia, Egypt, Jordan, and Syria in September 2001 and to Central Asia a month later. Last but not least it contributed at the economic

level: as the largest donor, the EU provided 25% of total international aid to Afghanistan.

On the military level, however, neither the EU nor NATO played a role. Although NATO's Article V assistance clause was invoked for the first time (not by the U.S., but by NATO Secretary-General Lord Robertson), the U.S. and the U.K. refused to call upon NATO to organize and lead the International Security Assistance Force for Afghanistan (ISAF). When the Belgian Presidency proposed at the Laeken Summit in December 2001 that the matter should be treated as a European action, the heads of state and government concluded that the EU was not able to establish a common presence for crisis management purposes. The EU as such was not yet ready for such a task, either politically or in terms of its military command structures. Moreover, the fact that German troops took two months to get to Kabul due to the lack of adequate transport facilities provided embarrassing proof of the deficiencies in operational readiness and mobility of European troops.

It is obvious that the events of September 11 have accelerated the development of CFSP and ESDP. These events destroyed the illusion that the EU can focus on being a civilian power and avoid military commitments. They have shown how important it is to take responsibility towards failing and failed states. They have confirmed that crisis prevention and crisis management are much more than simply military matters. And they have shown that Europe has to pool its resources and speak with one voice if it wants to be a player in the international arena. Another reason to seriously consider undertaking collective efforts is provided by the fact that, in a recent public opinion survey, 71% of EU citizens expressed support for a European defense policy.

II. NEW CHALLENGES CONFRONTING CFSP AFTER SEPTEMBER 11

1. RETHINKING FROM (GROUND) ZERO

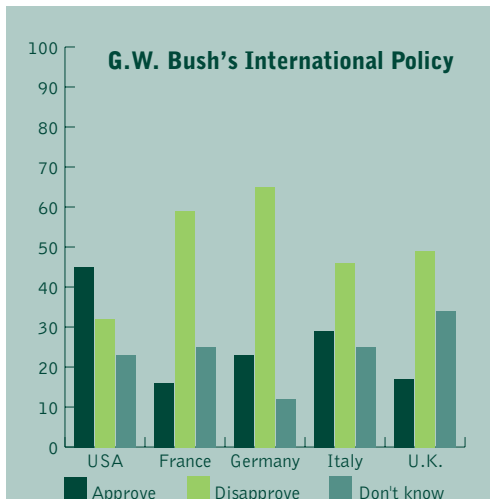
“Every nation in every region has a decision to make: either you are with us or you are with the terrorists.”

George W. Bush, June 7, 2002

“In the struggle of Good against Evil, it’s always the people who get killed.”

Eduardo Galeano

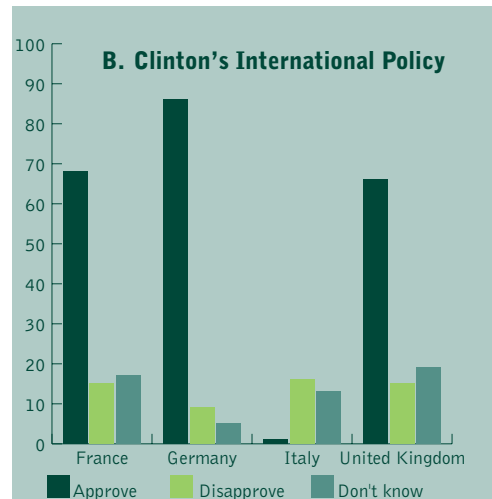
An opinion poll by the International Herald Tribune, the Pew Research Center, and the Council on Foreign Relations conducted just a few weeks before the tragic events of September 11, 2001¹ showed that Europeans held very negative opinions of the Bush administration and were convinced that the U.S. was pursuing its own interests without taking the interests of other states and institutions into account. European govern-



ments were concerned about the unilateral tendencies of the U.S. government, revealed by its abandonment of the Kyoto process and its plans to construct a missile defense system, to terminate the ABM Treaty, and to proceed with NATO enlargement without taking Russian complaints seriously.

For a moment, the terrible events of September 11, 2001 seemed to change everything, including the perception of Americans by Europeans and vice versa. For a moment “we were all Americans,” as was proudly declared on Le Monde’s title page. Joschka Fischer was not the only one who expected a “new era of cooperation and partnership.”

Unfortunately, that period of apparent transatlantic harmony did not last very long. Bush and his crusade against the “axis of evil,” which for



now has culminated in the war against Iraq, has estranged the vast majority of Europeans — governments and people alike — in an unprecedented way. On the other side of the ocean, a majority of U.S. citizens feel let down by Europeans whom they perceive as ungrateful for American sacrifices in two World Wars. Whereas 9/11 seems to have changed the (perception of) the world for Americans, in the eyes of many Europeans 9/11 only changed America. Where Americans have started to feel vulnerable and worried about their security, most Europeans don’t seem to take the attacks on U.S. targets “personally.” Though Europeans are aware of the fact that similar attacks could happen in Europe, and some have been thwarted just in time, most Europeans appear to be rather untouched by direct fear.

An opinion poll in March 2003 revealed that, according to European public opinion, George W. Bush is considered a greater threat to security than the terrorism he claims to be fighting. With the war against Iraq, negative feelings towards the U.S. have increased. A poll conducted in May 2003 by the Pew Center² revealed an alarming rift between the U.S. and the rest of the world as well as a severe loss of faith in the UN and NATO. While anti-American feelings have become almost ubiquitous in the Arab and Islamic world, public opinion in Europe toward the U.S. government also remains negative. According to the survey, animosity among U.S. citizens toward Europe is even stronger. The support for the U.S. war on terror is declining all over Europe as well as the rest of the world.

So far, the terrorist threat has failed to provide a reliable foundation for a new transatlantic partnership. In fact, it appears that the opposite has

occurred. For a moment, Europeans believed that 9/11 would motivate the Bush administration to rethink its recent unilateral policies and return to the multilateral approach of the Clinton administration. In fact, after the terrorist attacks, the U.S. paid their UN dues, turned to the Security Council for a mandate, and even asked their allies to invoke Article 5 of the NATO Treaty.³ But things turned sour very rapidly. U.S. efforts to build an international coalition against terrorism were nothing else but a multilateralism à la carte, in which the U.S. dictated the agenda and then chose those states and institutions whom they wanted to participate. The one-sided decision to wage war against Iraq without a UN resolution has proven this point very clearly.

While Europe appreciated the Bush administration's initially moderate approach to the war on terrorism and his new apparent interest in nation-building, Europe's hope for a new U.S. commitment to international challenges such as global warming, the International Criminal Court, arms control, or AIDS in Africa⁴ dissolved into thin air very quickly. At the same time, U.S. hopes were disappointed that 9/11 would make Europe understand the need to expand and modernize European defense capabilities under ESDP.

From the European point of view, however, important steps were taken in this direction. Within days of the terrorist attacks, the EU introduced new measures to fight terrorism across Europe, including an agreed definition of what constitutes a terrorist act; a European arrest warrant to replace the difficult system of extradition between member states; tighter money laundering rules; and new legislation to permit the rapid freezing of assets across Europe as soon as a particular individual or organization has been identified as a potential source of terrorist financing.

The one-sided step of the U.S. to wage war on Iraq caused significant estrangement not only between the U.S. and the EU, but also within the EU

(and its candidate states) itself. It has propelled CFSP into a serious crisis even before it has been properly launched. With EU enlargement looming, and with many candidate countries, especially those from Central Europe, favoring the U.S. position, CSFP looks more remote than ever.

New challenges for CFSP as a result of September 11 include:

- the clarification of the EU's relationship with the U.S.
- the strengthening of the EU's commitment towards and position within multilateral institutions like NATO and the UN
- the need to address poverty in a new way
- the promotion of a democratic global security order
- the identification of new openings within the Arab/Islamic world

1 <http://people-press.org/reports/display.php3?ReportID=5>

2 <http://people-press.org/reports/display.php3?ReportID=185>

3 <http://www.nato.int/docu/basic/txt/treaty.htm>

4 For's Bush "new commitment" see: <http://monkeyfist.com/articles/838>

2. THE MILITARY CAPACITY OF THE EUROPEAN UNION

"Europe will only have a wholly credible foreign policy when the political will exists to create one."

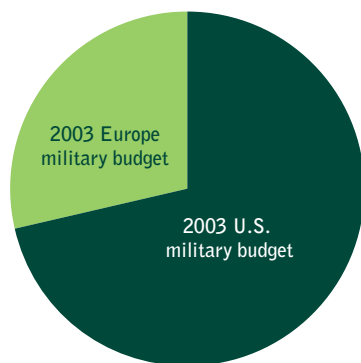
Christopher Patten, External Relations Commissioner

"The EU is a very important player internationally. With the enlargement of the EU, we are going to be a big number of countries, with a population double that of the U.S., and therefore we will have a very important responsibility in the world. We have to be prepared to act as an entity of peace, of stability, and of prosperity. We are not in the business of war; we are in the business of constructing peace and stability."

Javier Solana, High Representative for Common Foreign and Security Policy

The U.S. has been pointing out for more than a decade that Europe must close its military interoperability and technology gaps if it wants to take burden-sharing in security operations seriously. While the Kosovo crisis demonstrated that this American demand was not unreasonable, the problems that arose in deploying European troops to Afghanistan made this fact even more obvious. The Capability Improvement Conference in November 2001 identified serious deficits, especially with regard to mobility and communications. Until the events of September 11, most European countries claimed that the money necessary for bridging various military and technology gaps was simply not available. Since then, various proposals have been made to optimize Europe's financial resources and to establish a common European military budget for research and procurement.

At \$379 billion, the 2003 U.S. military budget was 2.5 times that of all 15 EU Member States put together. U.S. military expenses were \$1 billion a day in 2002 and have increased drastically



since the Iraq war. The U.S. today spends 40% of the total global budget on defense. Europe cannot possibly compete with these figures. Does this mean that the U.S. and the EU should divide tasks, with the U.S. assuming the "hard" military tasks and the EU taking responsibility for "softer" tasks such as peacekeeping? Will the future really take on the characteristics of what has often been described sarcastically as: the U.S. bombs, Europe rebuilds, and the UN feeds? Discussions concerning the military involvement of the U.S. and U.K. in Iraq and controversies over who will rebuild the country have rendered such a division of tasks obsolete.

What is most alarming about new developments in U.S. foreign policy is the way in which this policy seems to be aggressively militarized and almost completely unilateral. Unilateralism in American eyes is a consequence of Europe's military weakness. Indirectly, this conclusion leads to a growing technological gap between the U.S. and Europe, since it seems pointless for Europe to "catch up" if the U.S. prefers to act on its own anyway. The point is that the U.S. does not seem to be remotely interested in a European CFSP. U.S. Secretary of Defense Donald Rumsfeld never liked the idea of a European Union and has never given the impression that he is truly interested in improving cooperation with Europe within the structure of NATO.

As much as Europeans keep pressing their point that purely military politics lead to a political/foreign policy impasse, Americans hold what they view as the deplorable state of Europe's defense system in disregard. Still, it should be clear even to Europeans that the ESDP must change as it confronts three major challenges: operational, institutional, and financial. On the operational level, the EU has to be prepared for a greater crisis management role in the entire Balkan region. On the institutional level, ESDP needs to be effectively redefined by the Convention. Finally, on the financial level, the means must be found to close the capability gap that became obvious in the wake of the Kosovo war in 1999.

One of the problems confronting ESDP reform is the fact that the scope of the Petersberg Tasks in Article 17 of the TEU is not interpreted in the same way throughout the Union. There is a broad consensus over the "low end:" the European Commission's Rapid Reaction Mechanism, the European Community Humanitarian Organization, the Europe-Aid Agency, and the more inter-governmental European Council Secretariat. At the "high end," however, problems such as budgetary constraints due to the Growth and Stability Pact, political difficulties in overhauling public expenditures, the duplication of assets, and the sheer lack of a perceived threat in Europe impede fundamental progress.

In order for member states to agree on the further development of ESDP, common European strategic interests must first be defined. Within ESDP itself, member states must develop a common concept for military intervention, a mechanism for common defense spending, and an ESDP budget line at the level of the HR. Some thought should be given to General Morillon's idea of creating a "Eurozone for defense" within the EU which would involve collective commitments to mutual defense and the pooling of capabilities. This "defense zone," which would also include a shared defense budget, common research, and a

common armaments agency, would ultimately lead to a common project for the entire Union.

The further development of ESDP will be strongly interlinked with NATO's operational future, especially once an agreement is reached concerning the use of NATO assets for EU-led operations. In the long term, it would appear logical to develop a common European army rather than maintaining 25 separate national armies in an enlarged Europe, even if such a development seems unrealistic at this time. Steps toward this vision, such as a European Procurement Agency, have recently been proposed by Germany and France. Europe must modernize parts of its military equipment, such as its air transport and reconnaissance capabilities. An increase in military spending seems inevitable, but increased spending cannot be the only answer.

Most of all, the EU must invest politically as well as financially in international multilateral security and governance structures. It must reinforce the capacity of the United Nations and help turn the UN into the principal forum for decisions on global security issues as well as for operational tasks in conflict prevention, crisis management, and nation-building.

New challenges for CFSP:

- to speak with one voice in the UN and NATO and to strengthen the roles of these institutions
- to modernize European military forces so that the EU can take care of its own responsibilities in Europe and share responsibility world-wide
- to establish a "Eurozone for defense"
- to create a single European army in the long term
- to integrate CFSP and development policy in a coherent way

3. U.S. AND EUROPEAN FOREIGN AND SECURITY POLICY: DIFFERENCES AND CONSEQUENCES

“While part of the history has been written by others, the rest of the history will be written by the United States.”

George W. Bush

“Treat your friends like allies and they will behave like allies.”

Javier Solana, High Representative for Common Foreign and Security Policy

In the recent past, the UN has not been very successful in fulfilling its role as a decisive instrument of the new global order. The Security Council has not really been able to fulfill its responsibilities during recent decades (according to Article 24 of the UN Charter, these responsibilities include the maintenance of world peace and international security). It can be argued, however, that the failure of many member states to fulfill their financial obligations to the UN (the U.S. is the worst offender here) represents the primary cause for the UN's institutional weakness. The EU must demonstrate strong commitment to all international institutions; with particular regard to the UN, it remains crucial to (re)involve the U.S. In a way it makes sense that, as the only remaining superpower, the U.S. is naturally not interested in multilateralism. In contrast to the U.S., the EU does have an interest in strengthening the UN and using it to establish an international and legitimate monopoly of force.

If the U.S. accuses the UN of failing to fulfill its responsibilities, one could also argue that it is not the UN that has failed, but rather the Security Council, which is dominated by the U.S. The U.S. claims that the UN has neither the resources nor the competence to take on serious questions of peacemaking or providing security anywhere in the world. The reason for this is, they claim, that the UN insists on being neutral, whereas in many

conflicts there is a victim and an aggressor, and the aggressor should be stopped and brought to justice. In addition, critical voices from the U.S. often state that the UN is made up of members possessing different levels of legitimacy. This seems to be a strange line of reasoning given the fact that the U.S. does not question the democratic legitimacy of those governments that form part of the “coalition against terror” or the coalition backing the U.S. war against Iraq.

It was obvious long before September 11 that transatlantic institutions were no longer up to their new tasks. NATO lost its original reason for existence the moment the Berlin Wall came tumbling down. The future of NATO is seen differently in Europe and the U.S. In the U.S., there appear to be three different directions of thinking:

1. a Europeanization of NATO, which would allow the U.S. to withdraw from the European continent and which would turn NATO into an organization of collective security similar to OSCE;
2. a strengthening of European defense efforts, but within the structure of NATO. The basic principle here is the assumption of equal risks (no division of labor between EU and NATO) and the integration of ESDP within NATO structures and processes;
3. a belief that NATO has a future only if Europeans are prepared to become involved in greater efforts.

Regardless of the path that will ultimately be taken, it is clear that the U.S. does not intend to subsidize Europe forever, and this is quite understandable. After September 11, the American view seems to be that if Europe wants to be of any value, it will need to act globally. The U.S. wants Europe to focus on military capacities rather than other methods of security. As pointed out above, due simply to financial reasons, Europe cannot keep up with the U.S. in military capability. It would even be too costly for Europe to devel-

op certain capacities and to operate within a U.S. framework. Europe must accept its limited capabilities and then develop its own strengths, which can be used to prevent crises and the proliferation of weapons.

It is necessary for Europe and the U.S. to discuss burden-sharing in terms that go beyond a purely military context. If we include crisis management, public capabilities, humanitarian aid, and non-proliferation initiatives in discussions of burden-sharing, Europe would not have to press its case that it shoulders its share of responsibilities. For example, most European countries have deployed more peacekeepers per million inhabitants than the U.S. The 25 (future) Member States of the EU together employ 45,000 diplomats. They are collectively the world's largest provider of development aid, providing approximately 80 billion Euros annually. Twice this sum is spent on defense.

The question does not revolve around whether Europe should be a partner or a counterweight to the U.S. in security matters. However, following the U.S.-European rift over Iraq and the Bush administration's attempt to turn European countries against each other (“old Europe” vs. “new Europe”), the transatlantic security relationship needs to be redefined. It is about time that Europe defines its own security interests and strategies — including the different interests of member states with their different historical experiences and perspectives — and (re)builds international governance structures in a manner that allows Europe to have a decisive say.

The future of transatlantic relations depends on the will of both sides to discuss their differences concerning threat analysis and strategy. It also depends on the readiness of the U.S. to operate within a multilateral context. Recent comments by U.S. officials that the U.S. neither needs nor particularly wants allies do not help to improve the atmosphere of hostility created by the Ameri-

can strike against Iraq. Transatlantic understanding also depends on whether the U.S. administration continues to act on its doctrine of “pre-emptive strikes.” Finally, transatlantic relations depend on whether the U.S. intends to continue bullying nations into becoming part of their “coalitions of the willing” simply because they possess the power to do so. The rather harsh reactions from Washington to plans for the creation of a European defense union, based on the fear that this might undermine NATO (and therefore U.S. influence), have already made it clear that the U.S. is not interested in CFSP if it were to be implemented as a “counterweight” to U.S. policy.

This, however, does not have to be the case. One could imagine a “division of labor” between NATO and a European defense union, with the former defending its members against an external threat and the latter concentrating on intra-European security.

New challenges for CFSP:

- to define Europe’s own security interests and strategy
- to pursue and revive multilateralism and try to keep/get the U.S. “on board”
- to negotiate with the U.S. with regard to “burden sharing”
- to redefine the mission of NATO in a way that restricts unilateral U.S. action

4. PROSPECTS FOR A GLOBAL SECURITY ORDER

“No nation’s security and well-being can be lastingly achieved in isolation but only in effective cooperation with fellow nations.”

Dwight D. Eisenhower

“The power of the U.S. is a very decisive factor when it comes to peace and stability in the world. There is no need to argue with me about that; I have experienced this often enough in the most diverse regional conflicts, but also in connection with global security. But a world order cannot function when the national interest of the strongest power is the definitive criterion for the use of that country’s military power. In the end the same rules must apply to the big, the medium-sized, and the small nations.”

Joschka Fischer

The greater security challenges of the 21st century are all consequences of phenomena that involve change at a global level. Climate change, resource depletion, and migratory movements from economic and ecological disaster zones are some of the more pressing examples of these types of new threats. Most of today’s threats and conflicts are of an asymmetric character. Increased military capabilities do not always provide an answer to these problems. What is needed is the development of instruments and capabilities for civil and policy-based intervention. Strengthening international law and working toward a more just economic globalization will provide the framework for countering today’s asymmetric threats with a new set of mainly non-military instruments.

Increasing globalization and greater global interdependence necessitate a global security system. The events of 9/11 have shown that military means alone do not eliminate insecurities. They have demonstrated the problems with asymmetric warfare. It is therefore necessary to develop a new paradigm. The process of enhancing global security should seek to:

- reverse socio-economic polarization,
- enhance the sustainability of economic development,
- pursue policies against arms proliferation, and
- pay more attention to prevention and reconstruction as part of peacekeeping.

Since 9/11 and certainly since the war against Iraq, a vehement debate is taking place regarding the characteristics of a new global security order. Will this order be one that is unilaterally dictated and dominated by the only remaining superpower, the United States, or one that, as Europeans hope, will be multilateral?

The relationship between the EU and the U.S. is not and has never been a relationship of equals. The EU is different from the U.S. (and it should be), and CFSP is only beginning to develop. The EU’s strength lies in negotiating. It often has delivered an effective mix of talking, compromises, delivering money, and sending in peacekeepers. It is important that the EU should develop its strong points: diplomatic skills and conflict prevention. The EU’s involvement in Macedonia has proven successful so far, although it should be said that this was/is a relatively easy task

The EU should mainstream conflict prevention within its overall policy: conflict prevention should be part of general policy areas such as trade policy or agricultural policy. The EU should also keep concentrating on nation-building, something the U.S. has so far tended to resist. Still, conflict prevention is not always an alternative to military power. In light of the fact that EU member states together spend 50% as much as the U.S. on their military budgets yet have an output only 10% as large, the need for greater efficiency and cooperation is obvious. In a way, a certain division of labor between U.S. and EU seems inevitable. But this can only function when decisions are embedded in a multilateral security order — unless we want to end up with another Iraq scenario in which the U.S. engages in military ac-

tion without an international resolution, and Europe or the international community is left to pay for the reconstruction of a destroyed country.

A global security order has to take into account the necessity of:

- overcoming the fundamental split between the world's poor and rich;
- the development of real prospects for economic and social development in the South; and
- the development of democratic political and social structures;

In this sense, a policy of global security should mean:

- A broad definition of security that includes a multi-dimensional understanding of both the causes of crises and conflicts as well as their solutions;
- A policy that concentrates equally on long-term structural changes as well as effective peacekeeping policies;
- A policy that combines global thinking and global action with the necessity of pursuing regional stability policies.

New challenges for CFSP:

- to improve prevention policy and crisis management
- to strengthen regional cooperation
- to strengthen international organizations and their cooperation
- to strengthen global disarmament and non-proliferation policies

5. THE ROLES OF RUSSIA AND CHINA IN A GLOBAL SECURITY ORDER

"The new world system is also bipolar, but instead of being divided between East and West (as in the Cold War) it is divided between the World of Order and the World of Disorder. The World of Order is built on four pillars: the United States, European Union-Russia, India and China, along with all the smaller powers around them. The World of Disorder comprises failed states (such as Liberia), rogue states (Iraq and North Korea), messy states — states that are too big to fail but too messy to work (Pakistan, Colombia, Indonesia, many Arab and African states) — and finally the terrorist and Mafia networks that feed off the World of Disorder."

Thomas L. Friedman, Pulitzer Prize winning columnist for the New York Times

"We often hear statements to the effect that the United States must secure for itself absolute leadership in the world and dictate its vision of the world order to other nations, and to do so relying constantly and increasingly on military potential. I will say, frankly, that such an approach is met with concern throughout the world, including in our country."

Igor Ivanov, Russian Foreign Minister

With the emergence of international terrorism as a new threat, it has become obvious that there can be no such thing as a global security order without the participation of Russia and China.

The destabilization of the situation in Asia and the Middle East has confronted Russia with new security challenges. Most of the regimes in the former republics of the Soviet Union are unstable and can develop into failing or failed states. The tensions in nuclearized southern Asia are growing, and Russia is worried about the long-term geopolitical consequences from the growth of China.

To a certain extent, the Taliban regime also served to destabilize the southern regions of the CIS. Bin Laden has allegedly supported Islamist extremists in the Northern Caucasus and Central Asia, and Chechen rebels have received technical and financial support. Al Qaeda was also the brain behind the failed assault on the Uzbek president in 1999. Neither Russia nor the economically, militarily, and politically weak states in the Caucasus region have thus far been able to stop the invasion of Islamist extremists.

Since the events of September 11, Russia, for the first time in history, shares a strategic interest with the West. As much as Russia still would like to keep up its strategic parity with the U.S., it simply lacks the financial capacity, with an economy about the size of Switzerland's and a \$143 billion debt. Russia's assistance in Afghanistan, its approval of a nuclear arms reduction deal with the U.S. in May 2002, its acceptance of NATO enlargement, and its tolerance of a U.S. military presence in the former Soviet Republics of Uzbekistan and Kyrgyzstan all demonstrate the extent to which Russia is willing to cooperate with the West. It is clear that, beyond Russia's security interests, there are deeper economic interests behind this willingness to cooperate. Putin knows that without the economic integration with the West and without WTO membership, Russia will never again be strong enough to defend its own interests.

Despite recent gestures of rapprochement, Russia is still worried about China's development. For example, Russia feared that the United States' withdrawal from the Anti-Ballistic Missile Treaty might give the Chinese leadership a pretense to accelerate its nuclear development and thereby drag the whole region — India, Pakistan, Taiwan, South Korea, Japan, and Iran — into a nuclear arms race. Russia's proposal to NATO and Western Europe to develop a Non-strategic European Missile Defense System did not meet with the enthusiasm it hoped for. Russia's worries in this re-



- 1 Chechnya
- 2 Georgia
- 3 Azerbaijan
- 4 Armenia
- 5 Uzbekistan
- 6 Tajikistan
- 7 Kyrgyzstan

spect should be taken seriously, however. If missiles from rogue states can be considered a threat, then Russia is geographically more at risk as a potential target than any other state, since it shares a long border with some of the most explosive regions in Europe and Asia.

Considering the fact that at this moment in history Russia is no longer a threat to the West, Europe should be sensitive to its interests and its potential. After all, Russia can be viewed as an important partner with a significant influence on the security situation in both Europe and Asia. Russia still has more arms, technology, and experts to proliferate than any other country, together with an extensive knowledge of biological and chemical weapons. Europe has already succeeded (at least, partly) in cooperating with Russia on the Balkan peninsula. Russia has also found its place in the Organization for Security and Cooperation in Europe as well as the Council of Europe. Another step in the right direction is the permanent

joint NATO–Russia Council established on May 28, 2002. The purpose of this joint council is to cooperate in efforts involving terrorism, crisis management, the nonproliferation of weapons of mass destruction and their carrier systems, arms control, military cooperation, defense reform, and civilian protection.

All this does not mean, however, that Russia should be given “carte blanche” to fight the Chechen opposition anyway it likes under the pretense of anti-terrorism. The hasty reactions from EU Member States (including Germany and Italy) that Russia’s actions in Chechnya needed to be “reassessed” sent out the wrong signals in this respect. Such generosity justifies not only military atrocities but also anti-democratic tendencies within Russian domestic policy (e.g., restrictions on the freedom of the press). The Russian government must be convinced of the necessity of finding a political solution to the Chechen conflict. The brutal methods of the Russian army (that

caused the deaths of 1,314 civilians in 2002) will only exacerbate the political and social destabilization of the entire region and thereby have serious repercussions on Russian society as well.

There is a lot the EU could do to integrate Russia into a global security system and at the same time to integrate Russia into Europe both economically and socially. The EU could start by prioritizing the situation in the Caucasus region and by sharing responsibility for crisis prevention in this tense region. The EU must also find a suitable solution to the problem of Kaliningrad after Poland and Lithuania join the EU. The EU and Russia should concentrate on the real problems that lie behind technical problems such as visas. They will have to undertake common efforts to help this economically and socially underprivileged area and make it part of the potentially dynamic Baltic Sea region.

The events of September 11 also changed China’s position on the stage of international politics. At the same time, George W. Bush’s position toward China changed as well. When he was elected, Bush seemed keen on turning China into one of his main enemies. After 9/11, he suddenly offered China a central role in the anti-terror coalition if they agreed to cooperate immediately. This change was signaled by the encounter between Bush and Jiang on the margins of the APC Summit in October 2001. Both Washington and Beijing are interested in a controlled change of the security order in Southwest Asia.

China has a serious self-interest in being part of the international anti-terror alliance: for example, China fears that similar things could happen in China itself, though the perception of a direct threat seems to be rather limited in spite of terrorist assaults by separatists. China was also concerned that the war in Afghanistan would cause both a refugee problem in Northwestern China as well as infiltration by Islamist extremists. It explicitly supported the military attacks on

Afghanistan by the U.S. and the U.K. China has experienced problems with Islamic fundamentalists in the autonomous region of Xinjiang-Uighur in the northwest, where half of China's Muslim population lives. Since the 1990s there have been regular revolts by Uighur separatists striving for an independent "East Turkestan."

The Chinese leadership tends to label any form of politically inconvenient opposition as "terrorism," be it religious extremists, political activists for an autonomous Xinjiang or Tibet, or the Falun Gong movement. Since 9/11, the Chinese authorities have not introduced any new security measures but rather appear to be implementing existing measures with higher intensity. The threat of global terrorism has been used by the Chinese authorities to justify crackdowns in Tibet and Xinjiang. Since the beginning of 2002, Chinese authorities can base their actions on new anti-terror legislation.

Since the disintegration of the Soviet Union, there is no longer a real need for a strategic alliance between China and the United States. Whereas the U.S. seems to have reached some sort of agreement with Russia regarding its NMD project, China could interpret U.S. plans as an affront against its own security. Beijing does not wholly buy the theory of potential attacks by rogue states and therefore does not believe that the U.S. is willing to spend \$60-100 billion simply to prevent attacks by rogue states. The U.S. plans undermine China's policy of deterrence towards Taiwan.

On the other hand, the U.S. NMD project seems to have forced some sort of understanding between Russia and China. Russia is apparently willing not only to accept the establishment of China as the main power in continental East Asia, but also to support China's rise as a superpower. In practical terms, Russia provides the Chinese army with hypermodern weapon systems. China has a 3,000-mile frontier with Central Asia and is very

much aware of the fact that, due to its oil and gas resources, this area will play a much more important international role in the future than in the recent past.

As far as Xinjiang is concerned, Beijing wants to develop this region economically and thereby assimilate the Uighurs in this process. In this endeavor, the Chinese state is proceeding with few scruples. As a result, some separatists have taken refuge in the neighboring states of Kazakhstan and Kyrgyzstan. In the summer of 1999, Uzbek Islamist extremists invaded Kyrgyzstan and took hostages.

In order to prevent similar events, Russia and China — together with the Central Asian states Kazakhstan, Tajikistan and Kyrgyzstan — have founded the Shanghai Cooperation Organization, lately also joined by Uzbekistan. Together these states are trying to form an intervention force in case of attacks by Islamist extremists.

Eight million Russians and 120 million Chinese live in the border regions between Russia and China. So far, however, the SCO has not succeeded in its main task of finding a solution to the border questions between China and the follow-up states of the Soviet Union: Russia, Kazakhstan, Kyrgyzstan, and Tajikistan.

China is concerned about the destabilization of the Xinjiang region in Western China. For the new Central Asian states that have been independent for only 10 years, the new global political crisis is a threat to their identities. Islamic fundamentalism finds a favorable breeding ground here; as a result, this may be a part of the world where a "clash of civilizations" occurs.

The European Commission has developed a wide range of cooperative efforts with China. These efforts seek to support the Chinese reform process, to assist the integration of China within international financial and trade structures, and thereby

to promote the development of civil society, democracy, sustainable growth, and environmentally friendly energy sources in China. These activities are motivated by more than just the market potential of China, the attempt to improve the EU's image in China, and common regional and international interests. Rather, the EU also hopes — in the words of Chris Patten, Commissioner for External Affairs — to "support China's transition to an open society based upon the rule of law and respect for human rights." So far, the problem remains that China does not view the EU's CFSP as a serious reality. Recent European disagreements over policy toward Iraq will have done little to change China's opinion.

New challenges for CFSP:

- to develop a concept for the Baltic Sea region
- to develop a concept for Kaliningrad as part of the Baltic region
- to develop a Stability Pact for the Caucasus Region
- to strengthen NATO's relationship with Russia
- to support Russia's admission into the WTO
- to improve the image of CFSP in China

6. THE RESPONSIBILITY OF THE INTERNATIONAL COMMUNITY TOWARDS FAILING AND FAILED STATES

"If Afghanistan once again becomes a failed state, it will be America's failure."

The Boston Globe

"Investments in peace are now more essential than ever in light of the threat from a murderous international terrorist network. This means greater commitment to... the construction of civil societies."

Joschka Fischer

There are about 30 armed conflicts occurring throughout the world every year. We live in a fractured world in which there are 30 intact states with 50 fragile states surrounding them. Some have already collapsed: Afghanistan, Burundi, Nigeria, and Liberia, while other states are at the point of collapsing. There are many reasons for state collapse: failures of national revolutions and reforms; liberalization or failure to integrate in the economic global process; or criminalization of the state. In some states we see a transition from failed states to post-states. What we find there is a partial or total destruction of parliamentary structures, corruption, and the absence of free media. Almost the entire African continent falls into this category. Societies suffer from fragmentation, and the concomitant privatization of armed actors results in a violation of the principle of the state's monopoly over the use of force. Another characteristic of fragile states is the ascendancy of illegal economies over legal economies. This means that millions of people have no other choice than to become involved in illegal activity or to emigrate. This is accompanied by an escalation of inflation, corruption, and a declining level of per capita income. Social groups revert to national, linguistic, ethnic, or religious identities. Leaders of various identity groups often rewrite history, as on the Balkans.

The political and social pact between citizens and the state breaks down because the state lacks accountability and legitimacy.

Such societies are modified in a way that leaves them fundamentally altered. These societies turn into societies of fear characterized by social polarization, social exclusion, increasing violence as an instrument to acquire goods and resources, the absence of law, massive violations of human rights, criminalization and the growing illegalization of the economy, and the disappearance of the central state. Externally, these countries are often labeled as forgotten states. This is true to some extent. On the other hand, such a description is misleading, because such states are linked to the international economic system through legal and illegal investments, alliances with local élites, money laundering, debt, and illegal arms trade.

Failed states are the key problem of international security and have been for some time. The events of 9/11 have drawn attention to these states. Al Qaeda was able to benefit from this situation by taking refuge in a failed state. The problem of rogue states is closely related to that of failed and failing states in the sense that, like Saddam Hussein's Iraq, they can held together only through dictatorship and heavy doses of intimidation and military power. A state fails when the government no longer controls all of its territory and the state breaks down into a proto-state, feudal-like system of rival clans controlling their own territory. As a result, there is no longer a separation of powers. We can speak of failed states when political parties take over the economy, organized crime takes over political parties, and/or political institutions commit the human rights abuses they are supposed to prevent. There is no internal, domestic self-correction. Failed states either ransack their own natural resources or their resources are ransacked by others. In this situation it is the civilians who suffer most. They are blown to pieces by landmines or forced into the army or

killed by it. Women are systematically raped in order to engineer a balance among ethnic groups.

Dealing with these states has become a crucial aspect of foreign and security policy. The international community hesitated over Rwanda and decided to get involved only when the worst part of the crisis appeared to be over. The situation in Yugoslavia was different: a crisis was being played out close to Europe's borders. There was self-interest involved, e.g., preventing floods of refugees like the 400,000 Yugoslavs who emigrated to Germany in the early phase of the collapse of Yugoslavia. When we fear spillover effects, when we fear the problem could suddenly reach our territory, when we fear that the failed state is proliferating drugs (as was the case with Colombia), or when humanitarian aspects can be linked to the old-fashioned sentiment of self-preservation, we are less reluctant to become involved. Then the situation turns into a case of: let's export stability to them, let's intervene before they export their instability to our society. This means that some crises and conflicts are dealt with while others are left to fester and rot, especially in Africa, e.g., Somalia. One of the key problems is selectivity: what do we do with failed states when we don't see initially any contamination effect for our own security? There is also a certain "CNN factor:" we tend to intervene in those conflicts where cameras are present, like Rwanda. But over one million people have died in Zaire in recent years. The media are hardly present there, and no corresponding policy debates have taken place in transatlantic circles. We have not yet developed effective overall concepts and strategies of how to respond to failed and failing states.

There is a difference whether failed states are the result of civil wars or wars of international aggression. This was the problem with the Balkans: some countries were convinced that this was a civil war. There is also another old principle that states: let wars burn, since the side that is losing blames you for intervening because it prevents

them from winning, while the winning side blames you for intervening because it stops them from achieving total victory. According to this line of argumentation, intervening parties become the source of the problem rather than the source of the solution. Until recently, the UN was still basically restricted to the traditional role of peacekeeping under Chapter 6. It took the UN a considerable period of time to shift toward more Chapter 7 actions or to delegate actions to organizations such as NATO, or to individual countries as was the case during the first Gulf War. NATO also took some time to accept the fact that it has a role to play in these kinds of conflicts. It is still an open question for NATO whether it should become involved in regions beyond Europe. Since 9/11, Western states have been increasingly willing to become involved in failing states. Afghanistan, Georgia, the Philippines, Bosnia, Kosovo, Macedonia, and Iraq are/were under discussion as possible sites of intervention.

A key issue in this respect is early warning. By the time the shooting starts, it's too late. So far there is one success story: Macedonia. Fulfilling the set goals in Macedonia was relatively easy, because NATO troops were already in the region and were aware of what was going on in the Balkans. Increasingly, the world looks to international organizations to take over peacekeeping activities from individual states. Is this the paradigm of the future? The U.S. is retreating from, rather than becoming more involved in, peacekeeping activities. The Brahmani report (UN) made good recommendations, but they have not been fully implemented. NATO too is going through some soul searching. Are the Europeans ready to spend more money for this kind of crisis management? The EU seems to have aspirations in this direction, with their police reaction force, election monitoring staff, judicial specialists, and economic experts. As far as the underdevelopment of regional structures is concerned, the question remains concerning the degree to which the Americans or Europeans are prepared to help.

The Clinton administration set up an African crisis intervention unit which, apparently, does not figure too highly on Bush's agenda.⁵ This leads to the problem that if the U.S. does not commit itself to nation-building, then it is difficult to see how others can do the job alone. It is almost impossible to reconstruct failed states after they have collapsed. If people do not want to live together anymore (e.g., the Balkans and possibly Afghanistan and Iraq), other solutions such as independence or autonomy will have to be found.

New challenges for CFSP:

- to become more involved in crisis management and crisis prevention efforts
- to support the establishment of regional crisis intervention structures
- to strengthen its early warning capabilities
- to overcome competitive and conflicting national policies, especially toward Africa

⁵ <http://usinfo.state.gov/regional/af/acri/homepage.htm>

7. THE EVENTS OF SEPTEMBER 11 FROM A GENDER PERSPECTIVE

"Perhaps our collective neglect of the treatment of women in Afghanistan was a missed opportunity to foresee or even prevent the events of September 11, 2001."

Amy Caiazza, Institute for Women's Policy Research

"So, while I do not see terrorist networks and global capitalism as equivalents or the same, I do see some striking and disturbing parallels between them. I picture them as the phantom Twin Towers arising in the smoke clouds of the old-fraternal twins, not identical, locked in a battle over wealth, imperial aggrandizement and the meanings of masculinity. It is a battle that could well end in a stalemate, an interminable cycle of violence that neither can win because of their failure to see the Other clearly."

Rosalind P. Petchesky, Professor of Political Science, Hunter College, New York

In modern times there has been no regime that restricted women's human rights as brutally as the Taliban. Violations of dress code (chadari) could result in public beatings, women were not allowed to work outside the house except in the area of health care, and girls over eight years of age were not permitted to go to school. The latter caused an illiteracy level among women of more than 90 percent. Nevertheless, it seemed ironic when the Bush administration underscored the need to defend Afghan women as a rallying point in his war against terror. Not only had Afghan women suffered this treatment for a long time without causing much concern in the White House (though Hillary Clinton and former U.S. Secretary of State Madeleine Albright had both condemned the Taliban's treatment of women in the mid-1990s), the U.S. administration also allowed other governments with bad track records concerning women's human rights, e.g., Saudi Arabia or Kuwait, to take part in the "anti-terror

coalition." In addition, the U.S.-led coalition installed a government in Afghanistan that is dominated by warlords whose reputation regarding women's rights is poor.⁶ It should also be mentioned that the U.S. is the only Western state that has not ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); it has shared this "honor" with Afghanistan for several years. It also remains the only country that has not signed the Children's Convention.

In what way was the articulation of terror on 9/11 gender-specific? The events unleashed on that day were gender-specific first of all in the sense that the perpetrators were a group of men. All hijackers were young, well-educated males from Arab countries, a fact that raises the question concerning the situation of young men in the region and their lack of prospects in a society where large numbers of young men are unemployed. Second, it also raises the question of what (radical) Islamism has to offer women apart from discrimination and oppression, as seems to be the case. After all, the spokespersons for both radical Islamism as well as moderate Islamism are all men. In both the Arab and Muslim worlds, most of the spokespersons for any political discourse are men. Women's issues do not seem to matter to them. So, what is in it for women?

At first sight it appears as if women do not play an active role in any form of fundamentalist or political Islam. As a result, it seems they would have nothing to win by adhering to its ideology. However, if one has a close look at the history of political Islam, one will find that the situation is far more complicated than it seems. When the first political Islamic movement, the Muslim Brotherhood, emerged in Egypt in the late 1920s, its driving force was its opposition to the colonial regime. One of the movements chief goals was to re-educate people in the spirit of Islam. Others argued for more physical resistance. The situation changed with Nasir's regime in the 1950s. Mem-

bers of the Muslim Brotherhood were thrown into prison. Due to their experiences of prison and torture, movement members underwent a shift in thinking, arguing that waiting and educating people did not really help. The colonial oppressors had left, but they had been replaced by local oppressors. The ends started to justify the means. This line of thought gained ground in the 1960s. In the 1970s, radical groups like Jihad emerged. This continuum of political Islam ranging from moderates to radicals must be kept in mind.

Women have always participated in this Islamist movement. In the 1960s, when most members of the Muslim Brotherhood were in prison, one woman almost single-handedly maintained the movement's infrastructure, primarily by looking after families and keeping up the dissemination of information. Even on the more radical side of Islamism, women have been active partners. They have borne arms and participated in meetings and discussions despite the perception that these groups are anti-women. There is an active minority of women, who are active primarily in the more moderate part of Islamism, who push for women's rights and thereby maintain a "feminist" discourse: that women are not getting a very fair deal, that they have been granted rights in the Koran by God. In other words there is an awareness of women's oppression and there is active work to combat this oppression within an Islamist framework.

It would therefore be wrong to identify Islamist extremism or even terrorism as a purely "male thing," however much it appears this way from a secular point of view. The first female suicide bomber was identified last year in Israel; others have already followed this example, such as in Chechnya and Russia. Women as such are not less prone to violence than men, and what radical Islam offers them is hard to judge from the outside. After all, women in the Western world are Christian fundamentalists (violent or non-violent) as well, a fact that is just as hard to understand from

a non-Christian and non-fundamentalist point of view. There doesn't seem to be anything "in it for them" in such movements either. Those women who participate in or support acts of terrorism might see such behavior as the only way left to protect their homes, families, and communities.

If one looks at the impact of the 9/11 attacks on Arab and Islamic women, it is obvious that, in spite of their (temporary?) liberation from the Taliban regime, they will "pay the bill" in many respects. As long as their governments are on the side of the anti-terror coalition, no Western power will liberate them from their government's oppression. If they live in countries considered part of the apparently ever-expanding "axis of evil," they will pay the price in the form of growing polarization, militarization, and poverty; furthermore, in the event of armed conflict, they will get hurt, raped, and injured without being able to do very much about it. Since the end of World War II, more than 6.5 million people have died in wars and armed conflicts, most of them civilians, among them a majority of women. Despite this fact, women remain more or less excluded from peace processes. Their involvement simply does not seem to matter from a military point of view. But, as a recent study commissioned by the United Nations Development Fund for Women (UNIFEM) has shown, women have explored new ways to reconstruct post-war communities in many countries.

Women in the Islamic world, especially in Arab regions, still suffer from serious forms of institutional and societal discrimination. Through the attacks of September 11, their human rights situation may deteriorate, because the political agenda has changed on all sides. One way for the EU to tackle this problem is to forcefully adhere to the agreements contained in the Euro-Mediterranean Partnership (EMP), which includes a commitment to the Universal Declaration of Human Rights. If countries do not implement proper policies to prevent and punish vio-

lence against women, they are not complying with their obligations, and measures must be taken in response. Post-war Iraq offers another chance to “get things right.” Iraqi women are among the most educated in the Middle East. The international community, including the EU, must make sure that Iraqi women participate in the reconstruction (political and otherwise) of their country.

New challenges for CFSP:

- to strengthen cooperative efforts with women’s organizations in Arabic and Islamic countries
- to support projects that give young men and women in the region new perspectives in terms of education and employment
- to involve more women in crisis prevention, crisis management, peace-building and peacekeeping activities, in accordance with Resolution 1325 of the UN Security Council
- to analyze the gender constructions and gender dynamics underlying social and political conflicts in the region
- to define and defend women’s human rights in the region and develop concepts of empowerment

6 The Bonn agreement optimistically described the interim authority as “a first step towards the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government.”

8. PROSPECTS FOR A MODERN AND PEACEFUL ISLAM

“Anti-Americanism (in the Muslim world) has deepened, but it has also widened. You now find it in the far reaches of Africa — in Nigeria, among Muslims — and in Indonesia. People see America as a real threat. They think we’re going to invade them.”

Andrew Kohut, Director, Pew Research Center

“This battle is a decisive battle between atheism and faith.”

Abu Ghaith, Al Qaeda Spokesperson

In the attempt to understand the roots of Islamist terrorism as it has manifested itself in events on and after September 11, two main schools of thought have emerged in the Western world. One, based on Samuel Huntington’s theory of a “clash of civilizations,” explains Islamist terrorism in terms of an underlying conflict between Islam and Western civilization. The second school of thought argues that the anger and contempt expressed in terrorist acts are directed toward the “principles and values” of the West, at “modernity” as such. In the case that the latter theory is correct, what are the prospects for a (re)conciliation between Islam and modernity? Where does the resentment against the West come from?

Since the events of September 11, an automatic link seems to have been made between Islam and terrorism, the general assumption being that Islamic culture is somehow conducive to violence. In addition, since there are very few examples of democracies in the Islamic world, the question is often asked whether Islam allows for participatory democracy or whether there is something inherent in Islam that prevents the expression of pluralism. Less popular is the question of how the West might have contributed to a certain development of Islam, be it through colonialism, the maintenance of brutal and corrupt regimes, the support of extremist tendencies out of political

expedience, or a lack of commitment to help solve the Israeli–Palestinian conflict. The war against Iraq seems to have deepened the rift between the Islamic and Western worlds. It has led to massive and often violent (and violently oppressed) protests in Arabic and other Muslim countries whose governments support the U.S. and to more acts of terrorism, such as the recent bombings in Riyadh. It has complicated the relationship between the EU and candidate country Turkey in a way that will probably postpone Turkey’s accession to the EU for some time.

Throughout history, Islam has not demonstrated more violent or oppressive tendencies than other major religions, including Christianity. There is nothing inherent in Christianity that serves to promote democracy or human rights. Still, as part of a secularized world, modern Christianity has ended up embracing both, though we should not forget that there are still fundamentalist Christians who have a problematic attitude towards certain aspects of democracy and human rights and who sometimes resort to violence.

We can find the same sort of liberalism in Islam that we find in Christianity. This means that, as such, there is no reason why Islam could not undergo the same development as Christianity. Unfortunately, not many reformist ideas are currently emerging from the Muslim world. Most well-known reformists of Islam live in non-Muslim countries. Many of them are essentially banned from their home countries.

Many aggressive interpretations of Islam were written by scholars who were persecuted or lived under occupation. One of them was Ibn Taymeyah, one of the “Godfathers” of modern Islamic extremism. Born in 1236 during the Mongol invasions, he grew up in a society full of hatred for Eastern and Western invaders who were defeated by religiously mobilized Islamic armies. Still, almost all main Islamic schools of theology rejected Ibn Taymeyah’s extremist views; conse-

quently, he was imprisoned several times in many places. One could claim that there are certain similarities between Ibn Taymeyah's experience and that of the present Muslim generation.

Though extremist interpretations by Islamic scholars can be found in all periods of Arab history, it should be emphasized that only a very small and wealthy minority of Muslims have adopted such interpretations in the 20th century. Interestingly enough, these ideas have often been supported by Western governments. Ibn Taymeyah's ideas were central to Wahhabism, a small radical movement brought to power by the British in Saudi Arabia after the Turkish governor of Egypt, Mohamed Ali, had crushed it.

In the 1970s, a U.S.-backed Egyptian government under Sadat encouraged extremist Islamic groups in order to counter the influence of pan-Arabism as well as the remnants of Nasir's (Soviet-backed) socialist movement. Also in the 1970s, the U.S., Europe, and Arab actively supported regimes in Iran and Afghanistan. Pluralism and tolerance within Islam were systematically eroded. One could say that in a sense Europe, the U.S., and Arab regimes are equally responsible for "jihadizing" Muslim societies.

Islamist terrorism as we currently know it has emerged primarily from Arab societies. It is not related to poverty and illiteracy. Rather, it reflects the grievances of Arab intellectuals. Moreover, the fact that it has emerged largely from countries whose governments are backed by Europe and the U.S. demonstrates the failure of Europe and the U.S. to support democratic developments. Islamist terrorism is not a religion; rather, it is a political problem to which the West's Arab allies are the largest contributors. The main causes of Islamist terrorism are the decades-long denial of citizens' rights to Arab citizens by their Western-backed rulers and the deteriorating human rights situation in most Arab countries.

Still, the observation that democratic tendencies are weaker in Arabic countries than in the rest of the world comes from Arabs themselves. This may have a lot to do with the principle of kinship that is still prominent in many societies. It may also have to do with a general distrust of parliamentary systems in many Arab countries, a distrust based partially on bad experiences in the past. What the West has to keep in mind is that democracy is not only about free elections. Democracy also involves asking questions such as: What kind of order do I want to have that allows for a certain amount of human dignity, and what kind of order is most conducive to development? The answer is that transparent systems are more conducive to development for the simple reason that the more democratic a society is, the more resistant it is to corruption. Democracy has to be seen as a prerequisite for development. This has been an important component of EU policy since the 1990s and should play an even more prominent role in the new millennium.

When the EU initiated the Barcelona process in 1995, the goal was to contribute to the economic welfare of the EU's southern neighbors and thereby to automatically stimulate democratic developments. The line of reasoning was that economic development would promote the development of a middle class that would demand democratic rights and thereby become the proponents of participatory processes. This is the reason why the EU has always worked with NGOs, women, and trade unions, but almost never with parties — parties in the region are simply not representative.

When the Barcelona Declaration was signed, all 27 partners committed themselves to respect the following principles:

- to uphold the United Nations Charter and the Universal Declaration of Human Rights;
- to develop a political system in accordance with international, commonly accepted

norms in the area of human rights and democracy;

- to take concrete measures for the effective application of fundamental freedoms;
- to respect diversity and pluralism, and to fight intolerance, particularly racism and xenophobia, and discrimination based on race, religion and sex.

So far the Barcelona process has failed in these respects. The events of September 11 are hard to imagine against a backdrop of peace and stability in the Mediterranean region. The EU has to take greater responsibility and pull the Barcelona process out of its present impasse. It should also undertake efforts to convince governments in the region to ratify the International Criminal Court Treaty most of them have signed.

New challenges for CFSP:

- to seriously re-evaluate the EU's ties with corrupt and undemocratic regimes and to strengthen dialogue processes with civil society and oppositional forces in the Islamic and especially Arab worlds;
- to integrate crisis prevention efforts and ESDP into the Barcelona process and to re-evaluate the EU's commitment to democratic and human rights;
- to reinforce efforts to solve the Israeli-Palestinian conflict (Roadmap for Peace);
- to help rebuild post-war Iraq together with the UN and the Iraqi people;
- to maintain dialogue and negotiations with Turkey as an EU candidate country

9. THE ROLE OF HUMAN RIGHTS IN FOREIGN AND SECURITY POLICY

“The argument to make is that human rights is the best guarantor of national security. The United States, to encourage the building of secure states that do not harbor or export terror, will have to do more than secure base agreements. It will have to pressure these countries to provide basic political rights and due process. As the Cold War should have taught us, cozying up to friendly authoritarians is a poor bet in the long term. America is still paying a price for its backing of the Shah of Iran. In the Arab world today, the United States looks as if it is on the side of Louis XVI in 1789; come the revolution in Egypt or Saudi Arabia, American influence may be swept away.”

Michael Ignatieff, Professor of Human Rights Policy, Kennedy School of Government, Harvard University, Massachusetts

“There is a real risk that Iraq will go the way of Afghanistan if no genuine effort is made to heed the call of the Iraqi people for law and order and full respect of human rights.”

Irene Khan, Amnesty International

The attacks of September 11 were attacks on human rights and humanity. The essential point behind this human rights argument is that no one, neither governments nor armed groups, has the right to slaughter civilians deliberately for whatever purpose. This also means that governments who fight Al Qaeda in order to defend humanity and human rights lose credibility when they ignore, abuse, and undermine human rights in the course of this struggle. Unfortunately, this is exactly what is happening. If the anti-terror coalition increasingly operates according to the ideology of “the ends justify the means,” and if human rights abuses in anti-terror coalition countries continue to be ignored for strategic reasons, a vicious circle will be completed that well deserves its name.

The perpetrators involved in the 9/11 attacks were young men originating from a region in which governments systematically abuse human rights every day, thereby providing the perfect breeding ground for terrorism. Western powers first violated human rights in the region through colonialism; thereafter, they contributed very little to the defense of human rights by backing corrupt and brutal governments and applying double standards.

Fifteen of the September 11 hijackers, together with Osama bin Laden himself, came from Saudi Arabia, a country with a particularly bad track record as far as human and civil rights are concerned. This did not prevent Western states from buying Saudi oil and going into business with the Saudi state. It has not kept the U.S. government from integrating Saudi Arabia into the anti-terror coalition. A similar argument could be made about Egypt. In these and many other Arab countries, the only choice citizens have is to remain silent or to leave, to tolerate violence or to resort to violence.

The West has accepted this situation because it is interested in regional stability. With the support of Western states, the governments in the region have created a political landscape where the only alternative to the existing regimes appears to be Islamic extremism, a movement that does not respect democratic rules. As a result, the West helps to keep dictators in power who present themselves as opponents of extremism and — certainly since September 11 — even as fighters against terrorism. This vicious circle has to be broken, and the sooner the better. The West should have learned faster from its mistakes in Iran, where its support of the Shah contributed to the establishment of a repressive fundamentalist Islamic state.

The fear of “destabilization” and its global consequences should not keep Western governments

from putting pressure on governments in the region to respect democratic and human rights. There have been some positive developments in the Middle East and North Africa (Morocco, Jordan, Qatar, Bahrain, and even Iran). Even though these changes have been gradual, one can conclude that greater political opening will diminish the appeal of violence and radicalism.

The “war on terrorism” has been and is being abused by many governments in order to fight their own battles. Russia and China were among the first to offer their sympathies to the victims of 9/11 and subsequently to justify atrocities in Chechnya and Xinjiang as part of the fight against terrorism. Other leaders joined the chorus: Sharon described Yasir Arafat as Israel’s “own bin Laden;” his Egyptian counterpart, Atef Abeid, suggested to the West that Egypt’s fight against terror should be considered a model; and even Zimbabwean President Robert Mugabe did not want to be left out as he justified a crackdown on critical journalists as an attack on “supporters of terrorism.”

The coalition against terror does not seem to uphold a principle of defending innocent citizens from attacks, but rather of protecting certain citizens from certain attacks. This selectivity seriously undermines its credibility. Unfortunately, the war against Iraq confirms the selective tendency of the Bush administration’s decisions on who should be attacked or defended and why.

The U.S. has always resisted subjecting itself to international human rights legislation. It has often refused to ratify essential human rights treaties, those on women’s rights and children’s rights being the best examples. Furthermore, the U.S. has not ratified the First Additional Protocol of 1977 to the Geneva Conventions of 1949, which defines standards on the use of air power. The recent U.S. resistance against the ICC is well known.

After September 11, the U.S. had the chance to change direction, but instead the Bush administration intensified U.S. resistance to the ICC, a forum where crimes against humanity like the terrorist attacks of 9/11 could be prosecuted in the future. In fact, just two weeks before the Bush administration launched its bombing campaign in Afghanistan, it endorsed legislation that would authorize sanctions against governments (other than NATO members and other key allies) that ratify the treaty establishing the ICC. The U.S. then proceeded to use cluster bombs in Afghanistan (the use of which had caused a quarter of the bomb-related deaths in Yugoslavia). It is this continuing resistance to accountability, as well as its selectivity with regard to human rights issues and abuses (i.e., depending on whether or not particular governments support the U.S. "war against terror") that causes world-wide resentment against the U.S. government.

New challenges for CFSP:

- to apply strict human rights criteria in all CFSP-related actions
- to strengthen world-wide commitment to international human rights legislation
- to maintain and intensify efforts to garner U.S. support for international human rights legislation

10. THE IMPACT OF FOREIGN AND SECURITY POLICY ON DOMESTIC POLICY AND DEMOCRACY

"We make no apologies for finding every legal way possible to protect the American public from further terrorist attacks."

Barbara Comstock, Justice Department Spokesperson

"Immigrants weren't the enemy, but the war on terror quickly became a war on immigrants."

Anthony Romero, Executive Director, American Civil Liberties Union

In the aftermath of the attacks of September 11, the Bush administration's commitment to the safeguarding of basic civil and human rights appeared to be considerably weaker than its whole-hearted dedication to the national security agenda. New laws permitting the indefinite detention of non-citizens (accompanied by the detention of more than 1,200 people — most of them Arab or Muslim men — in the seven weeks following the terrorist attacks), the abrogation of attorney-client confidentiality for certain detainees, and the establishment of special military commissions to try suspected terrorists all eroded the basic values and principles they claimed to protect. But American citizens seemed perfectly willing to sacrifice their liberties in exchange for greater security, because they felt vulnerable for the first time in their history.

A year after the attacks of September 11, only 20% of Americans claimed that they had lost any of their civil liberties, and only 7% stated that they had lost any important liberties. For the most part, they are right. The strategy of the Bush administration was to tell the American people that it was not their rights that were at stake, but rather those of foreigners. In a sense, American citizens did not have to decide which of their liberties they had to give up. They decided to compro-

mise the civil liberties of foreign nationals for the sake of their own security.

In November 2001, President Bush issued Military Order No. 1, which permitted the establishment of military tribunals to try non-citizens accused of terrorist acts. There is no U.S. law that allows U.S. citizens to be tried by military tribunals for committing acts of terrorism. Prior to 9/11, the FBI was limited in its ability to spy on people in the U.S. (not only U.S. citizens), due to revelations regarding abuses in the 1970s when the FBI spied on the anti-war movement, the women's movement, and other protest movements. These restrictions were eased after September 11. The principle of "guilt by association" has been resurrected.

The distinction between citizens and non-citizens as it is applied in the post-9/11 context is wrong as a normative measure, counter-productive as a strategic measure, and likely to come back to haunt U.S. citizens. Under U.S. law, basic rights are not rights of citizens, but rather rights of persons. The right to vote is limited to citizens, but the other rights are accorded to all people. Post-9/11 legislative developments are counterproductive because such measures undermine the legitimacy of the "war on terror." Finally, U.S. history shows that restrictions on the rights of foreign nationals are ultimately almost invariably extended to U.S. citizens. For reasons of self-protection and reasons of principle, it is therefore objectionable to mediate the tension between liberty and security by employing double standards.

The **U.S. PATRIOT ACT OF 2001** grants the U.S. Attorney General unprecedented powers to detain non-citizens for reasons of national security. Under this law, the Attorney General can hold a non-citizen in custody indefinitely until he determines that the person in question no longer presents a threat to national security. Indefinite administrative detention of non-citizens is also possible un-

der a new Immigration and Naturalization Service (INS) rule issued on September 17, 2001.

There is a five-year “sunset provision” attached to these new legislative measures. However, it will be difficult to assess the application and necessity of these measures during the coming five years, since no information about their implementation is provided to Congress. In the U.S., emergency legislation usually dies off after the emergency recedes. According to the Immigration Act of 1903, immigrants could be deported for their ideas. This law was used very vigorously in 1919 and 1920 and during the Cold War. In 1990 it was amended. After 9/11, it was basically reenacted. In April 2003, Attorney General John Ashcroft even decided that illegal immigrants who have no known links to terrorist groups can be detained indefinitely in the interest of national security. When asked about the situation of the prisoners in Guantanamo, U.S. Secretary of Defense Donald Rumsfeld answered that the regime would be upheld “as long as the war on terror exists.” This sounds like a permanent condition.

In the meantime, an internal report of the U.S. Justice Department has shown that the FBI has done little to distinguish between illegal immigrants who had possible ties to terrorism and those who got swept up in the investigation by chance. The report states that of the 760 illegal immigrants were imprisoned after 9/11 — most of whom were deported — none have been charged as terrorists. In many cases, the legal rights of the prisoners were disregarded and they suffered physical and verbal abuse.

Not only the U.S. but also the **European Union** and its Member States hurried to adopt antiterrorist measures in the aftermath of September 11. The EU responded quickly with a package of measures that had been in the pipeline for some time. The Treaty of Amsterdam already refers to terrorism among other serious forms of crime. The new anti-terrorist measures do not, in fact,

have anything to do with Al Qaeda, which might lead one to argue that such measures may therefore be of little use in fighting this particular terrorist network. One cannot avoid the impression that 9/11 served in some cases as a pretense for adopting a series of measures, without much debate, which had been prepared previously with other purposes in mind. The measures ultimately have significant effects on national sovereignty as well as the legal culture of member states.

The Justice and Home Affairs Council of September 20, 2001 adopted a series of measures that included closer cooperation with the U.S. In October, a roadmap was adopted for the implementation of these measures. The Council framework decision on combating terrorism included a common definition of terrorism for the first time; the definition contained both objective and subjective elements. The original draft definition contained elements that were clearly aimed against anti-globalists and trade unionists; these elements were partially removed from the definition that was ultimately adopted. Nevertheless, the current definition is so broad that it could include anti-globalists or animal rights activists and thereby risks undermining the freedom of assembly and association in general.

Similar reservations can be expressed about the **European Arrest Warrant** that was adopted on June 13, 2002. It is supposed to facilitate extradition between Member States, applying mutual recognition of court judgments based on mutual trust and, consequently, abolishing the dual system. The European Arrest Warrant will, indeed, facilitate the expulsion of citizens of Member States. However, the philosophy behind the warrant — that it does not matter where persons are subject to trial, because the justice systems in all Member States are purportedly more or less the same — is dubious. A note of the Belgian presidency at the Laeken Summit conceded that member states’ confidence in their respective justice systems is not always especially high.

The new measures also include a **freezing order** (for assets), a **common list of terrorist organizations**, and **joint investigation teams** whose task is to develop mechanisms to combat terrorism. Already before September 11, the EU had taken action to freeze the assets of Al Qaeda and the Taliban. But problems remain regarding the freezing of assets and the definition of terrorism. There is a proposal in the making to store all traffic data (computers, telephone communications, etc.) for a period of about two years. The problem is that the proposal is based on the idea that less privacy leads to more security. While privacy has always been limited, such limitations must be kept in proportion to the needs addressed. There is no contradiction between privacy and security as such. The current list of European terrorists does not contain Al Qaeda members; rather, 90% of the listed persons are Basques. There are no clearly defined rules as to how people get on or off this list. There are even people on the list who are members of groups that the Spanish government does not view as being closely affiliated with ETA.

The powers of **Europol** have not really changed, but there are negotiations with the United States on facilitating the transfer of personal data. This has been temporarily blocked by a Dutch veto. The biggest problem with Europol is that they do not function efficiently with the powers they have, and it is therefore dangerous to increase these powers. The primary reason for the suboptimal functioning of Europol is competition among member state police forces.

The EU has started working on **terrorist profiles** (common features of potential terrorists or people recruited by them) as well as the possibility of cooperating with third countries. According to the Commission, profiling is useful in some police work such as the fight against drug trafficking, in which it is easier to focus on certain characteristics. However, this is less possible in combating terrorism. The Commission Recommendation speaks of “strategic profiles” that have to be

carefully defined and limited, otherwise they are useless. However, this plan has been criticized by civil liberties experts for being discriminatory.

There is a difference between profiling based on conduct and profiling based on group membership (race, gender, and political association), though the usefulness of either type of profile is doubtful as demonstrated by the example of U.S. drug courier profiles, which were implemented in order to detain suspects at airports. The DEA profile included: arriving early in the morning, in the middle of the day, late at night, etc. It thus gave law enforcement officials a handy checklist to stop just about everyone. Needless to say, approximately 95% of those persons detained were African-Americans.

The important word to use in connection with profiling is "specific." Profiling is basically a typical form of police work in which specific, fact-based profiles are used in order to find one particular person. This is different from broader, less specific profiling for preventive reasons. The Mohammed Atta look-alike profile is in fact based on religion and is therefore discriminatory. The experience in Israel with **ethnic profiling** has revealed two problems. First, it may not work at all, considering the fact that one of the most serious terrorist attacks in Israel (a 1972 airport attack) was carried out by the Japanese Red Army. Second, ethnic profiling is damaging to multicultural societies. There is a disproportionately damaged minority, and such procedures may thereby lead to a vicious circle. There is something fundamentally wrong with profiling based on generalizations about someone's racial or ethnic identity, even if that generalization is based on the truth, because it is still untrue for the vast majority. Also, terrorist organizations might adapt to the situation, as has been demonstrated in the past by drug crime syndicates.

There is another danger in the European framework that has been more or less overlooked. Arti-

cle 6 refers practically to a **crown witness regulation**, something considered problematic in almost all countries.

Anti-terrorism legislation is always dangerous for civil rights. Such legislation creates double standards. In this respect, such measures can be considered the beginning of the end of the constitutional state. In fact, one could argue that there is no need for special legislation, and that everything can be dealt with through normal criminal law. The three greatest dangers are: that the principle of fair trials will be undermined, that non-citizens and refugees will face disproportionate risk (visa and extradition regulations), and that political opposition will be silenced. Also, such measures tend to focus on repressive reaction, neglecting preventive efforts that have become an important element in police legislation.

The European framework guideline states that Member States are obliged to create anti-terrorism legislation on a national level, and it sets minimum criteria for offenses and penalties. This has the greatest bearing on countries that have no anti-terrorism legislation as yet. Anti-terrorism legislation already exists in **Germany, France, the United Kingdom, Italy, Spain, and Portugal**. All other countries had no reason to enact such legislation.

The **U.K.** had a tradition of quite draconian anti-terrorist legislation due to decades of terrorism arising from the conflict in Northern Ireland. In the aftermath of the events of September 11, the Home Office proposed anti-terrorism legislation that would deny some asylum seekers an individual determination procedure, classify as "terrorist" any foreigner with ill-defined "links" to terrorist organizations, and allow authorities to indefinitely detain them. New security measures were proposed to enhance police powers; to deny judicial review for decisions made by the Special Immigration Appeals Commission, which deals with asylum claims of persons suspected of terrorism; and provides for the indefinite adminis-

trative detention of those suspected of terrorist activity or associated with terrorist groups or their members.

The Home Office introduced the **Anti-Terrorism, Crime and Security Bill** on November 13, 2001. This bill includes a definition of "international terrorist suspects" that (a) includes persons who "have links with a person who is a member of or belongs to an international terrorist group," thus giving rise to the concern that individuals may be found guilty by association; (b) provides for indefinite detention with limited judicial review for foreigners certified by the Home Secretary as suspected terrorists; and (c) undermines the 1951 Refugee Convention by denying those considered suspects the fundamental right to seek asylum and potentially excluding them from the U.K., or allowing them to be detained indefinitely without adequate safeguards.

In **Germany**, the most dangerous aspect of anti-terrorist legislation is the "exceptional offense" (Ausnahmetatbestand) of a "terrorist association," a provision that has existed since 1976. This implies that acts of preparation, which are normally not liable to punishment, become punishable. There is an objective and a subjective element: the objective element is the offense, and the subjective element is the terrorist intent. The latter leaves the door open for political judgments. In Germany, ever since the introduction of this article, there is a tendency to move away from Schuldstrafrecht (criminal law based on guilt) to Täterstrafrecht (criminal law based on the offender). This means that what counts is not the guilt, but the offender, his intention, and his environment. In the judicial process, it is stated that a person does not need to be proven guilty individually, but rather belonging to a particular group is sufficient grounds for the attribution of an offense. This has led to an increase of competencies for police and secret service forces. Sometimes investigations have been conducted against certain groups for years without ever coming to trial. The most important change in recent years is the

concept of “disturbance of a public company,” e.g., train services. This concept is aimed directly at the anti-nuclear movement, whose regular activities include blocking railroad tracks.

On the international level, there is no such thing as a binding definition of terrorism, not even at the academic level. The UN failed to agree on such a definition. Ultimately, definitions of terrorism depend largely on the political point of view of those who formulate such definitions.

The German experience with anti-terrorist measures is that such measures do not disappear themselves. The RAF (Rote Armee Fraktion), for whom these measures were designed in the 1970s, ceased to exist long ago. The “exceptional offenses” (Sondertatbestände) provisions nevertheless still exist. Sometimes they are applied to “normal” crimes, e.g., in legislation against football hooligans. In 2001, these provisions were used against anti-globalists in order to limit their right to demonstrate Europe-wide. Another example is the genetic fingerprint that originally was meant to be used for sexual and capital offenses but in the meantime is applied to almost all prisoners.

The Israeli situation, where the society has been used to heavy anti-terrorist, security, and emergency measures for years, has shown that there is a dilemma concerning civilian supervision of military and security authorities. How can civilians supervise acts and misconduct in times of emergency? There is a dilemma concerning transparency and accountability. How can institutions be transparent to citizens whilst they are engaged in secretive actions that are a necessary component in the war against terrorism? To whom and under which conditions should security authori-

ties report? In Israel, there is no balance between these two things. There is no transparency and accountability for the general public. In the Israeli context, there are three main problems. Firstly, there is the question of **torture**. Torture is prohibited. But there are certain types of interrogations that could be defined as torture. The court has adjudicated all cases of torture, as it is a security issue. In 1999, the high court of justice for the first time decided, in the case of a Palestinian, that certain methods of interrogation are illegal even in cases where a ticking bomb is visible. Thus there are problems between the administration of justice and the political administration of security. Secondly, there are **administrative detentions**. Human beings can be detained without any executive or parliamentary supervision. Thirdly, there are **targeted killings** or political assassinations. We should not forget that states are killing organizations. In the 1950s, the U.S. State Department used tactical political assassinations in Latin America, e.g., Nicaragua. In Colombia alone, 15,000 people considered part of the political opposition were killed between 1985-1995. In a way, “targeted killings” can be an alternative to much more severe military action. On the other hand, targeted killing is assassination and is against international law, the point being that the enemy has no respect for international law either. The problem with targeted killing is that the government can use it for political assassination, which means that targeted killing should be under very tight civilian control. The condition is that there is a clear danger that the “target” is coming to kill you. But that would be the only exception. One could argue that most Israeli targeted killings are against terrorists, but there are also cases where Israel has executed political activists. Even under warfare conditions, human

rights should be protected. Some NGOs in Israel are doing that very well.

Another question is the role of the **courts and justices**. Courts in democratic states often do not intervene in matters involving the discretion of military experts. Courts do not tend to interfere on behalf of human rights under conditions of war and emergency. National security nearly always holds the upper hand in such situations. One reason for this is that justices operate under conditions of uncertainty. In addition, legislation to prevent terrorism is often influenced by nationalism. Under such conditions, judges feel that they are in a legal and political culture that does not favor rulings in favor of human rights.

The Israeli case underscores the dilemma of “who is a terrorist?” This dilemma is especially strong in multicultural societies with non-liberal communities, such as Muslim minorities. One might therefore cross the line between fighting pockets of terrorism and fighting non-liberal, but completely legitimate, minority communities. There is a difference between a terrorist and a patriot. The question here is: How much democracy can national security take? This is a very serious issue. The example of Israel shows that democracy can survive during protracted challenges to national security, but at a very high price.

New challenges for a democratic Europe:

- to safeguard suspects’ rights in anti-terrorist legislation
- to carefully monitor the application of anti-terrorist legislation
- to regularly examine the necessity of continuing legislation introduced to combat terrorism

III. CONCLUSIONS

“Europe will only exist when it will be able to say ‘No’ to the United States.”

Jacques Delors, former President of the European Commission

“The attempt to build European institutions based on opposition to the United States will in the end wreck both European unity and Atlantic cohesion. On the other hand, the United States need not fear an enhanced European identity within NATO because it is difficult to imagine autonomous European military action on any scale and in any area without American political and logistics support. In the end, it is not the integrated command that generates unity but a sense of shared political and security interests.”

Henry Kissinger

The current differences of opinion within the EU on the United States’ “preemptive strike” against Iraq have undermined the development of CFSP. This has to be considered a serious setback, but at the same time it has underscored the necessity of a common position. If a CFSP had existed, the situation would never have arisen in which “eight Community member states, whose number subsequently increased when future members joined, [took] a position not based on the promptings of the Commission, nor of the Council, nor the European Parliament, but on those of a newspaper not even belonging to the European Union – The Wall Street Journal” (in the words of EU Competition Commissioner Mario Monti).

In this light, the Belgian government’s initiative to create a “defense union within the Union” with Germany, France, and Luxembourg should be interpreted neither as attempted damage control

nor as an act of provocation towards the U.S. However, against a background where the U.S. is threatening to leave the “old Europe” behind and look for support in the “new Europe,” i.e., the future member states of the EU from Central and Eastern Europe, it should be clear that an EU without a CFSP has no basis for existence. The “defense mini-summit” of April 29, 2003, though often criticized for its timing, has, with the exception of a proposal for a European collective planning capability and a European Defense College, not delivered any radical ideas. Most of its proposals have, indeed, been integrated into the Convention proposals. The proposal most criticized by the U.S. and other EU Member States, especially the U.K., was the proposal for a European HQ (collective planning capability) to be installed at Tervuren by summer 2004. The U.S. and the U.K. have always opposed the establishment of an EU planning capability which, in their eyes, could be interpreted as competing with NATO. On the other hand, the U.S. failed to reintegrate France into the NATO joint command in 1997, due primarily to the fact that Washington did not want to agree to the main French condition, which was to surrender control of NATO’s southern military command to a European officer, a step that would have meant giving the Europeans more real power in the Alliance.⁷

In order to implement an effective Common Foreign and Security Policy, the EU needs to acquire the same efficiency and consistency it has already built up in other areas. Most of all it needs a strategy. When on May 1, 2004, the EU will consist of 25 instead of 15 member states, it will be even more complicated for the EU to speak with one voice on a territory where historical experiences and traditions differ greatly. This means that

rather than go ahead with a “core Europe” or “coalitions of the willing” in CFSP matters, it remains essential to convince the new Member States, together with the reluctant “old” ones, to come on board. It is just as essential to remain clearly aware that there will be no CFSP without the U.K. Sometimes the example of Monetary Union is used to further the idea of a “core Europe” in CFSP matters. One should keep in mind, however, that even a Monetary Union without the U.K. is only temporarily feasible, and while the U.K. will probably be drawn into the Monetary Union for pragmatic reasons, this might not automatically be the case in matters of CFSP. Also, independent steps of one EU Member State in this field can hurt the EU’s cause very directly.

The European Summit in Thessaloniki on June 20-21, 2003 delivered progress in two respects: the presentation of a European Security Strategy by Javier Solana and the chapter on CFSP in the draft constitution. The new EU constitution, if adopted in this form at the next Intergovernmental Conference in 2004, will strengthen both the institutional base and the decision-making mechanisms of CFSP. It is a slow process that has been harshly criticized by ardent advocates of common action, such as Luxembourg’s Prime Minister Jean-Claude Juncker, according to whom the Convention’s failure to abolish the veto in CFSP matters will lead to Europe’s perdition. Acknowledging that Europe is not yet ready to let go of the principle of unanimity right now, he wanted the Convention to introduce a procedure to introduce qualified majority voting in CFSP matters at some point in the future. “Keeping unanimity on CFSP and on the common defense policy and claiming that this treaty will be in force for 50 years is equivalent to giving up on Europe’s international ambitions,” he concluded in an interview with the European Voice.

Still, the new constitutional treaty will provide more coherence in EU actions across policy areas, including CFSP. As stated in the new title V;

chapter 1; arti. III-193,3: "the Union shall ensure consistency between areas of its external action."⁸ The main innovation is to create the new position of a European "foreign minister" who will bring together the current functions of High Representative for CFSP and Commissioner for External Relations. The new minister would be appointed by the Council in agreement with the President of the Commission. S/he will draft proposals for CFSP actions on which the Council of Ministers have the final decision. CFSP decisions would still be adopted by unanimity as a general rule, but qualified majority in the Council would be enough if the Commission backed the proposal. This could be a way to avoid an excessive use of vetoes. The draft also proposes that the EU foreign minister be allowed to use the seat of one of the EU member states on the UN Security Council as an instrument to represent and disseminate the EU's message. Opposition to this proposal can be expected from many member states.

Other important innovations are proposed in the area of defense. The Petersberg Tasks now include "joint disarmament operations, humanitarian and rescue tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilization"⁹ The Treaty also gives room for "enhanced co-operation."¹⁰ Another innovation is the "solidarity clause" which commits EU member states to come to each other's assistance if a member

state has been attacked by terrorists and asks for assistance. Finally, there are proposals for the establishment of an Agency for Armaments and Strategic Research, a "European Voluntary Humanitarian Aid Corps," and the transformation of Commission delegations into Union delegations, i.e., turning them into a "diplomatic service" of the Union.

Solana's strategic paper "A Secure Europe in a Better World"¹¹ provides a useful analysis of the new threats in a new security environment (international terrorism, proliferation of weapons of mass destruction, failed states, and organized crime), defines strategic objectives for the EU (contributing to stability and good governance in Europe's immediate neighborhood, strengthening an international order based on effective multilateralism, countering threats), and delineates their policy implications (more active policies, greater coherence, increased capability, and strategic partnerships).

Whether the Thessaloniki summit can be judged a step forward towards a Common Foreign and Security Policy will depend on the way Solana's strategic proposals are taken up and put into practice by the governments of the member states. The Iraq war has not only damaged transatlantic relationships and relationships among European countries. It has also severed the relationship between populations and their governments in several European countries and undermined international organizations like the

UN and NATO. This does not mean we have to start from scratch. The Solana paper has described the threats not only Europe but rather the whole world must face up to. It has also suggested ways to fight these threats. The new European constitution offers new institutional possibilities to tackle these threats together.

The transatlantic relationship is indeed, as Solana puts it, irreplaceable. This could not have been proven more tragically than by the events of September 11. On that day we all became "Americans" at least for a moment. The fact that we now want to be Europeans again does not mean that we stopped caring. It means that we care enough to want to take responsibility. Solana concludes that "acting together, the European Union and the United States can be a formidable force for good in the world." That may be so, but it will depend very much on Washington's willingness to accept the fact that Europe has entered adulthood. It will also depend on the European Union's ability to leave its growing pains behind as quickly as possible.

7 <http://www.rferl.org/nca/features/1997/07/F.R.U.970703125700.html>

8 <http://european-convention.eu-int/docs/Treaty/cv00850.en03.pdf>

9 title V, chapter II, paragraph 1, art. III-210

10 part I, title 1, article 43

11 <http://ue.eu.int/pressdata/EN/reports/76255.pdf>

APPENDIX

RECOMMENDED WEBSITES

FOREWORD

- Böll Foundation Brussels: www.boell.be

INTRODUCTION

- Council of the European Union:
<http://ue.eu.int/en/summ.htm>
- European Commission/DG External Relations: www.europa.eu.int/comm/external_relations/index.htm
- European Parliament/Committee on Foreign Affairs, Human Rights, Common Security and Defense Policy:
www.europarl.eu.int/committees/afet_home.htm
- European Union: www.europa.eu.int/pol/cfsp/index_en.htm

CHAPTER 1

- Heinrich Böll Foundation Washington:
www.boell.org
- NATO Review:
www.nato.int/docu/review.htm
- Spiked: www.spiked-online.com/Sections/Politics/AttackOnUSA/Index.htm
- White House: www.whitehouse.gov

CHAPTER 2

- ISIS/European Security Review:
www.isis-europe.org
- European Union: Institute for Security Studies: www.iss-eu.org
- North Atlantic Treaty Organization: www.nato.int
- Organization for Security and Co-operation in Europe: www.osce.org
- Western European Union: www.weu.int

CHAPTER 3

- Aspen Institute Berlin: www.aspenberlin.org
- Berlin Information Center for Transatlantic Security: www.bits.de
- Center for Defense Information: www.cdi.org

CHAPTER 4

- www.globalsecurity.com
- Transnational Institute: www.tni.org
- Greens in the European Parliament: www.europeangreens.org

CHAPTER 5

- The Center for European Policy Studies:
www.ceps.be
- German Green Party: www.gruene.de
- European Commission/Relations with Eastern Europe and Central Asia:
www.europa.eu.int/comm/external_relations/ceeca/index.htm
- European Commission/Relations with China: www.europa.eu.int/comm/external_relations/china/intro/index.htm
- The National Institute for Public Policy:
www.nipp.org

CHAPTER 6

- Failed States Research Center:
www.cdi.org/issues/failedstates
- Center for Strategic and International Studies (CSIS): www.csis.org

CHAPTER 7

- Feminist Majority: www.feminist.org
- Feminist Majority's Campaign to Stop Gender Apartheid in Afghanistan: www.HelpAfghanWomen.com
- Institute for Women's Policy Research:
www.iwpr.org

- Reaching Critical Will:
www.reachingcriticalwill.org
- Religions for Peace:
www.religionsforpeace.org
- Revolutionary Association of the Women of Afghanistan: www.rawa.org
- Women Living under Muslim Laws: www.wl-uml.org

CHAPTER 8

- Center for the Study of Islam and Democracy:
www.islam-democracy.org/index.asp
- Journal of Democracy: www.journalofdemocracy.org/Boroumand.pdf

CHAPTER 9

- Amnesty International: www.amnesty.org
- Cato Institute: www.cato.org
- Human Rights Watch: www.hrw.org
- United Nations Human Rights Commission: www.unhrc.ch

CHAPTER 10

- Barzilai, Gad: www.tau.ac.il/~gbarzil
- Cohn-Bendit, Daniel: www.cohn-bendit.de
- Deutsche Vereinigung für Datenschutz:
www.aktiv.org/DVD
- European Commission/Freedom, Security and Justice: www.europa.eu.int/comm/justice_home/index_en.htm
- European Parliament/Committee on Citizens' Freedoms and Rights, Justice and Home Affairs: www.europarl.eu.int/committees/libe_home.htm
- Republikanischer Anwältinnen- und Anwaltverein: www.rav.de
- Statewatch: www.statewatch.org

CONCLUSIONS

- European Convention:
www.european-convention.eu.int

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